

ARTICLE 11: SUBDIVISION DESIGN, CLUSTER SUBDIVISION AND PLANNED VILLAGE DEVELOPMENT

Section 11.1 General Subdivision Requirements

Section 11.1.1 Purpose

The primary purpose of this Ordinance is to establish procedures and standards for the development and subdivision of land within the territorial jurisdiction of the Town of Elm City and its extraterritorial jurisdiction. It is further designed:

- A. To provide for the orderly growth and development of the Town and its extraterritorial jurisdiction in accordance with current plans and policies;
- B. For the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities;
- C. For the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and of right-of-ways or easements for street and utility purposes;
- D. For the distribution of population and traffic in a manner which will avoid congestion and overcrowding and will create conditions essential to the public health, safety and the general welfare;
- E. This Ordinance is designed to further facilitate adequate provision of water supply, sanitary sewer disposal systems, parks, schools and playgrounds, etc.;
- F. To facilitate the further subdivision of larger tracts into smaller parcels of land and provide for proper land records and ensure identification of current location of real property boundaries;
- G. Encourage efficient development design that is protective of environmental quality; and,
- H. To preserve the natural beauty and topography of the Town and to ensure that development is consistent with the indigenous natural features.

Section 11.1.2 Authority

This Ordinance is hereby adopted under the authority and provisions of the N.C. General Statutes, Chapter 160A, Article 19, as amended.

Section 11.1.3 Jurisdiction

The regulations contained herein, as provided in N.C. General Statutes 160A, Article 19, shall govern each and every subdivision within the Town of Elm City and its Extraterritorial Jurisdiction as shown on the official extraterritorial boundary map.

Section 11.1.4 Subdivision Defined and Application

- A. For the purposes of this Ordinance, "subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future), and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to any regulations enacted pursuant to this Ordinance:
1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality as shown in this Ordinance;
 2. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
 3. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors;
 4. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality as shown in this Ordinance;
- B. Plats deemed to be an exception to the provisions of this Ordinance may be recorded provided the owner desiring to record such plats shall place on the plat the Certificate of Exception, as shown in Section 703 of this Ordinance, and obtain from the Town of Elm City Subdivision Administrator approval of said exemption. Said plats with such certificate shall be presented to the Wilson County Register of Deeds as proof that the exception condition is present.
- C. Exemption of a partition of land from the definition of 'subdivision' shall not exempt any resulting lots, tracts or parcels from meeting the requirements necessary for the granting of zoning, building, or health department permits.

Section 11.1.5 Prerequisite to Plat Recordation

After the effective date of this Ordinance, each individual subdivision plat of land within the town's jurisdiction (town and extraterritorial jurisdiction) shall be approved by the appropriate Town authority. Pursuant to N.C. General Statutes 160A-372, a final plat shall be prepared, approved and recorded pursuant to the provisions of this Ordinance

whenever any subdivision of land takes place. Pursuant to N.C. General Statutes 160A-373, no final plat of a subdivision within the jurisdiction of the Town of Elm City, shall be recorded by the Register of Deeds of Wilson County until it has been approved by the Elm City Board of Commissioners as provided herein. To secure such approval of a final plat, the subdivider shall follow the procedures established in this article.

Section 11.1.6 Acceptance of Streets

- A. No street shall be maintained by the town or state nor street dedication accepted for ownership and maintenance in any subdivision for which a plat is required to be approved unless and until the Town of Elm City has approved such final plat. Pursuant to N.C. General Statutes 160A-374, the approval of a plat shall not be deemed to constitute or effect the acceptance by the Town or N.C. Department of Transportation of the dedication of any street or other ground, public utility line, or other public facility shown on the plat.
- B. However, the Town Board of Commissioners of the Town of Elm City may by resolution accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision regulations jurisdiction. Acceptance of dedication of lands or facilities located within the subdivision regulation jurisdiction but outside the corporate limits of the Town of Elm City shall not place on the town any duty to open, operate, repair, or maintain any street, utility line, or other land or facility, and the Town of the Town of Elm City shall in no event be held to answer in any civil action or proceeding for failure to open, repair or maintain any street located outside its corporate limits.
- C. Acceptance by the Town of Elm City for streets within the corporate limits shall be governed by Article 3, Section 3.2.9.B.

Section 11.1.7 Zoning Compliance

Similarly, proposed subdivisions must comply in all respects with the requirements of the applicable zoning and other requirements in the Town of Elm City Unified Development Ordinance in effect in the area to be subdivided.

Section 11.1.8 Thoroughfare Plan

Where a proposed subdivision includes any part of a thoroughfare, which has been designated as such upon the officially adopted thoroughfare plan of the town or that part of the Wilson County or N.C. Department of Transportation's which apply to the Town's jurisdiction and has been adopted by the Town Board of Commissioners, such part of said thoroughfare shall be platted by the subdivider in the location shown on the plan and at the width specified in this Ordinance to the extent that the intent of said plans are met. However, upon the recommendation of the Planning Board, the Town Board of

Commissioners may waive the requirement if it determines, upon research and notice from appropriate authorities, that the related portion of a thoroughfare plan is outdated.

Section 11.1.9 Coordination of Administration

All plans, plats and supporting documents to be submitted in connection with the procedures set forth in this Ordinance shall be submitted first to the Subdivision Administrator. The standards to serve as the basis for the size, graphic media, number of copies, information to be shown and other such matters in regards to the maps and documents as required by this Ordinance shall be administered by said Administrator. However, it is recognized that each development is unique, and therefore, the Subdivision Administrator may exercise flexible judgment in requiring less or more information and submittals according to the needs of the particular case.

Section 11.1.9 Administrative Fee

The Town Board of Commissioners shall set a fee schedule to defray the costs for the administration of this Ordinance. The Subdivision Administrator shall be responsible for collecting such fee.

Section 11.1.10 Statement by Owner

The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, authorized in writing, shall sign a statement on the plat, prior to approval, stating whether or not any land shown thereon is within the subdivision regulation jurisdiction of the Town of Elm City

Section 11.2 Subdivision Standards and Specific Requirements

Section 11.2.1 General

Each subdivision shall contain the improvements specified in this article, which shall be installed in accordance with the requirements of this Ordinance and paid for by the subdivider, unless other means of financing is specifically stated in this Ordinance. Land shall be dedicated and reserved in each subdivision as specified in this Article. Each subdivision shall adhere to the minimum standards of design established by this article.

Section 11.2.2 Suitability of Land

- A. Land, which has been determined by the Town Board of Commissioners on the basis of engineering or other expert reports or documents to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed, shall not be platted for that purpose, unless and until the subdivider has taken the necessary measures to correct said conditions and to eliminate said dangers.

- B. Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Wilson County Health Department, a structural engineer and a soils expert determine that the land is suitable for the purpose proposed.

Section 11.2.3 Name Duplication

The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision within the town or Wilson County. Proposed names of new subdivisions shall be submitted to Wilson County (E-911 Coordinator) for review and approval. Proof of name approval shall be submitted to the Subdivision Administrator.

Section 11.2.4 Subdivision Design

A. Blocks.

1. The lengths, widths, and shapes of blocks shall be determined with due regard to provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements; needs for vehicular and pedestrian circulation; control and safety of street traffic; limitations and opportunities of topography; convenient access to water areas and the requirements of Section 7.2.2 in Article 7.
2. Blocks shall not be less than four hundred (400) feet nor more than twelve hundred (1200) feet in length.
3. Blocks shall have sufficient width to allow two (2) tiers of lots of minimum depth except where single tier lots are required to separate residential development from through vehicular traffic or another type of use, in nonresidential subdivisions, or where abutting a water area.
4. Where deemed necessary by the Town Board of Commissioners, a pedestrian crosswalk at least fifteen (15) feet in width may be required to provide convenient public access to a public area such as a park or school, to a water area, or to areas such as shopping centers, religious or transportation facilities.

B. Lots.

1. All lots in new subdivisions shall conform to the zoning requirements of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision shall meet all dimensional requirements of the Zoning Ordinance. It is not sufficient merely for the average lot to meet zoning requirements.
2. The minimum required frontage for each lot shall be 150 feet measured at the road right-of-way. However, lots located at the end of a cul-de-sac shall maintain a minimum of 40 feet at the street right-of-way. The minimum lot width shall be

120 feet measured at the front yard (building) setback for the zoning district in which said lot is located.

3. Lots located in areas without public water and/or sewer service must meet any applicable Wilson County Health Department requirements. If the lot(s) lie within a state designated water supply watershed where said lot(s) do not have access to public sewerage disposal, the minimum size of the lot shall meet the requirement established by the state where they exceed the Town's minimum.
4. Double frontage lots shall be avoided wherever possible.
5. Side lot lines shall be substantially at right angles to or radial to street lines.

C. Access requirements

Every lot shall front or abut on a dedicated and publicly maintained street/road meeting the requirements of this Ordinance and the Zoning Ordinance. No unusable lots shall be created, except for special purpose lots (utility uses, cemeteries, etc.) as provided by the Zoning Ordinance. The following are exceptions to the public street access requirement:

1. Lots and units located in developments with Owners' Associations or in group developments in which permanent access is guaranteed by means of approved private roads and/or drives designed in accordance with the requirements of Section 11.2.19.
2. Lots of record provided there is recorded access easement of at least 20 feet in width and the use is limited to only one single-family dwelling and its unhabitable accessory structures.
3. Lots served by an Access Easements meeting the following criteria and approved by the Town Board of Commissioners through the minor subdivision process:
 - i. An Access Easement shall serve one (1) residential lot through property that is all under one common ownership;
 - ii. The minimum easement width shall be fifty (50) feet and shall connect to a public road;
 - iii. There shall be, within the Access Easement, a minimum passable travel way of at least twenty (20) feet in width stabilized and maintained with a minimum of 4 inches of crush and run if it is in lieu of paving;
 - iv. The location of the easement must be recorded on the plat;

- v. The Access Easement shall permit ingress, egress, and regress and necessary utilities required to serve the lot;
 - vi. A notation shall be on the face of the plat which states that no additional lots, beyond the maximum of one lot, including re-subdivision of the lots served by the Access Easement, shall be permitted unless the Access Easement is upgraded by the property owner(s) to a private road or public road status and meets or exceeds the Elm City road standards or the NCDOT public road specifications, whichever is applicable; and
 - vii. The subdivision shall be approved by the Subdivision Administrator in accordance with the minor subdivision review and approval process, except that the preparation of a preliminary plat is not required.
4. Special purpose lots, as permitted by the Town of Elm City Unified Development Ordinance, shall be required to have a recorded access easement at least twenty (20) feet in width.
 5. Private Roads shall be permitted in accordance with the criteria outlined in Section 11.2.19 and Section 7.1.3.B.4 of this Ordinance.
 6. Lots on Roads with Capacity Deficiencies.

Subdivisions or portions of subdivisions shall not be approved that propose individual lots with direct vehicular access to roads that have, in the opinion of the NC Department Of Transportation (NCDOT) and the Technical Review Committee, capacity deficiencies that warrant the prohibition of the platting of lots with direct vehicular access. Whenever a proposed subdivision abuts any principal arterial, minor arterial, major collector, or minor collector, as delineated on the latest adopted Thoroughfare Plan or identified as such by NCDOT, the Planning Board may recommend and the Town Board of Commissioners may prohibit the platting of lots with direct vehicular access to such roads. The Town Board of Commissioners' decision to require alternative access shall be based upon the need to provide safe access to proposed lots, reduce interference with the existing traffic pattern and flow, and provide buffering of the proposed lots from adverse effects from traffic noise.

7. Minimum Building Area.

Every lot shall have at least forty percent of its total area, or 3,000 square feet, whichever is less, of contiguous buildable area of a shape sufficient to hold a principal building. Said area shall lie at or above the 100-year flood elevation. This provision will not apply to property subdivided intended not to be sold, transferred, conveyed or represented as a buildable property, which has a net acreage of five (5) acres or greater. A certificate, entitled "Acknowledgement of

Recordation of Nonevaluated/Nonbuildable Lot(s)” as shown in Article VII, shall be placed on plats of property divided for this purpose.

Section 11.2.5 Easements

A. Utility Easements

Easements for underground or above ground utilities shall be provided, where necessary, across lots or centered on rear or side lot lines and shall be at least twenty (20) feet wide for water and sanitary sewer lines, where applicable, and as required by the companies involved for telephone, gas and power lines. The Town Board of Commissioners will determine whether one easement is sufficient or whether several easements are necessary to accommodate the various facilities and the subdivider shall provide the required easements.

B. Drainage Easements.

Where a subdivision is traversed by a stream or drainage way, an easement shall be provided conforming to the lines of such stream and of sufficient width as will be adequate for the purpose.

Section 11.2.6 Type of Street Required

- A. All subdivision lots shall abut on a public street, except those exceptions stated in Section 11.2.4.C, built to the standards of the North Carolina Department of Transportation’s most current standards as set forth in the most current State of North Carolina Division of Highways Board of Transportation Subdivision Roads Minimum Construction Standards, State of North Carolina Division of Highways Board of Transportation Traditional Neighborhood Development (TND) Guidelines, and/or Department of Transportation Standard Specifications for Roads and Structures whichever is applicable.
- B. The type of road that must be built to the standards cited in Section 11.2.6.A above shall be determined as set forth in Section 7.1 in Article 7 to use Section
- C. Local subdivision road types in the State of North Carolina Division of Highways Board of Transportation Subdivision Roads Minimum Construction Standards are classified as Local Residential Subdivision roads or Residential Collector roads by the State of North Carolina Department of Transportation with subcategories of road types underneath each of these main roads categories. Where Section 7.1 in Article 7 allows a road to build according to these standards, the subdivider shall utilize standards set forth in the above mentioned document in planning and designing the road system for a subdivision, depending upon the length and area served. All minimum design criteria, including length, application and dimensions of each type of road of sub categories of roads under these main categories shall be met, and in

addition, the specific street design standards requirements of Section 7.1 in Article 7 and connectivity requirements in Section 7.2 in Article 7 shall be met.

- D. Where the Board of Commissioners upon review of a subdivision plan and recommendations of the TRC determine that Thoroughfare Plan Roads, or Industrial Access or Commercial Complex Roads are needed or requested, the subdivider shall be required to work with the State of North Carolina Department of Transportation to address the needs and specific design criteria for these other street types in addition to the standards set forth in this ordinance.
- E. Where the subdivider desires to develop a Planned Village Development, Planned Residential Development or residential development within the corporate limits or a development or subdivision outside the corporate limits is served with the town's public water and sewer, the most current State of North Carolina Department of Transportation Traditional Neighborhood Development (TND) Guidelines shall be utilized as set forth in Section 7.1.2 of Article 7, unless the Board of Commissioners determines that the Subdivision Roads Minimum Construction Standards is more applicable in a particular subdivision development. The Board of Commissioners may also require other subdivisions or developments meet these guidelines as set forth in Section 7.1.2 of Article 7.
- F. The Board of Commissioners shall require curb and gutter (or equivalent) as part of the street construction within the corporate limits. In addition, the Board of Commissioners shall require sidewalks be constructed on one or both sides of street as part of the street construction, unless waived as set forth in Section 11.2.15 below and Section 7.1.3.F)
- G. All public streets shall be dedicated to the Town of Elm City or the State of North Carolina in accord with Section 3.2.9.B in Article 3
- H. The standards and requirements of Section 7.1 and Section 7.2 in Article 7 shall be met.

Section 11.2.7 Subdivision Streets Disclosure Statement

All streets shown on the final plat shall be designated in accordance with N.C. General Statutes 136-102.6 and designation as public shall be conclusively presumed as 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 (construction and/or maintenance) of the street shall be recorded simultaneously with the final plat and referenced on the final plat as set forth in Article 3, Section 3.2.9.B.

Section 11.2.8 Half-Streets

The dedication of half-streets or any right-of-way of less than the town or NCDOT right-of-way width at the perimeter of a subdivision shall be prohibited.

Section 11.2.9 Marginal Access Streets

Where a tract of land to be subdivided adjoins a principal arterial street, the subdivider may be required to provide a marginal access street parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial. Where reverse frontage is established, private driveways shall be prevented from having direct access to the principal arterial.

Section 11.2.10 Access to Adjacent Properties

- A. Where, in the opinion of the Planning Board and Town Board of Commissioners, it is necessary to provide for street access to an adjoining property, proposed streets within a major subdivision shall be extended by dedication to the boundary of such property and a temporary turnaround provided.
- B. During the review of either the preliminary or final plat of either a minor or major subdivision, if the Planning Board finds that access to residual or other tracts to the rear of the proposed subdivision would be helpful or necessary, the Planning Board may elect to recommend a private or public road right-of-way for future use to be platted in a location best suited to such factors as: location with respect to rear properties, sight distance, topography, and drainage. Consultations with the adjoining property owner(s) will be requested and documentation of the extent of cooperation for future purchase arrangements between the affected adjoining property owners will be reviewed and considered. The block length requirements will be considered. The Subdivision Administrator or Planning Board may consult with appropriate members of the Technical Review Committee on this issue. Following the review of the documentation, the Planning Board's recommendation on this matter will be forwarded along with its overall recommendation on said plat to the Town Board of Commissioners.
- C. If a private road right-of-way access to tracts to the rear of the proposed subdivision is required said right-of-way would be labeled and noted to be reserved for future development. This requirement will be the only exception to the requirements of Section 11.2.19 - Private Road Design Criteria, for construction and maintenance of a roadway. The intent of this provision is to require the subdivider/developer of the rear tract(s) to build a public (paved) road when said rear tracts are proposed for development.

Section 11.2.11 Nonresidential Streets

The subdivider of a non-residential subdivision shall meet the standards of the town streets or for non-residential streets in the North Carolina Department of Transportation's most current standards for such roads.

Section 11.2.12 Intersections

Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle less than sixty (60) degrees. All standards regarding intersections shall conform to NC Department of Transportation's most current standards for subdivision and non-residential roads.

Section 11.2.13 Cul-de-sacs

- A. The minimum block length shall be four hundred (400) feet. The maximum distance from an intersecting through-street to the end of a cul-de-sac shall be twelve hundred (1200) feet, except where, upon the recommendation of the Planning Board and the approval of the Town Board of Commissioners, existing conditions warrant a modification of this requirement.
- B. Cul-de-sacs shall not be used to avoid connection with an existing street or to avoid the extension an important street, unless the Town Board of Commissioners grants exception.

Section 11.2.14 Through Traffic Discouraged

Residential collector and especially local streets shall be laid out to discourage their use by non local through traffic.

Section 11.2.15 Sidewalk Standards

Sidewalks shall meet the standards and requirements as set forth in Section 7.1.2.F. In addition, in areas likely to be subject to heavy pedestrian traffic, such as near schools and shopping areas, sidewalks shall be installed on one or both sides of the street as determined by the Board of Commissioners. Such sidewalks shall be constructed to in accord with the current State of North Carolina Department of Transportation standards with a minimum width of five (5) feet and a minimum thickness of four (4) inches of concrete, except at driveway crossings, where the minimum thickness shall be six (6) inches. All sidewalks shall be placed in the right-of-way and maintain the width standard, unless the Town Board of Commissioners approves another arrangement.

Section 11.2.16 Street Names and Name Signs

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 prohibited and in no case shall the proposed name be phonetically similar to existing names in the county irrespective of the use of a suffix such as street, road, drive, place, or court. Street names shall be subject to review and approval by the Wilson County E-911 Coordinator with proof of said review and approval submitted to the Subdivision Administrator. Road name and traffic control signs, which shall meet town, Wilson County and NCDOT specifications, shall be placed at all road intersections. The developer shall purchase all road signs through either the town or County according to a

fee schedule established by the town or Wilson County. The developer shall be responsible for installing all traffic control signs. The maintenance of signs on private roads, drives, or lanes shall be the responsibility of the owner or of an Owners' Association, as applicable.

Section 11.2.17 Permits for Connection to State Roads

An approved permit is required for connection to any existing road. This permit is required from NCDOT prior to any construction on the street or road. Connection to a Town of Elm City road also requires a permit from the Town. The application for a permit for connecting to a Town of Elm City road or DOT road is available at the town's Public Works office or in the case of a DOT road from the office of the nearest district engineer of the N.C. Department of Transportation's Division of Highways, whichever is applicable.

Section 11.2.18 Wheelchair Ramps

In accordance with the N.C. General Statutes, all street curbs in North Carolina being constructed or reconstructed for maintenance procedures, traffic operations, repairs, correction of utilities, or altered for any reason, shall provide wheelchair ramps for the physically handicapped at all intersections where both curb and gutter and sidewalks are provided and at other major points of pedestrian flow.

Section 11.2.19 Private Road Design Criteria

A. Where Permitted

Private roads shall be permitted in developments with Owners' Associations and in group developments.

B. Minimum Design and Construction

The minimum design standards for all private roads will be equivalent to the minimum NCDOT Construction Standards, whichever is applicable. All cul-de-sacs shall have a minimum 45-foot travel surface radius. Block lengths and block design shall comply with the requirements of Section 11.2.4.A.

C. Owners' Associations Required

An Owners' Association is required to own and maintain all private roads allowed under this Ordinance. All private roads will be indicated as such on the plat.

D. Private Through Roads

No through road in a residential area connecting two public streets can be designated as a private road, unless approved by the Town Board of Commissioners.

E. Connections to Public Roads

All private roads, connecting with public roads, require an approved driveway application from the NCDOT.

F. Sidewalks

In the event sidewalks are constructed, the sidewalks shall be constructed to a minimum width of five (5) feet and other requirements as outlined in Section 11.2.15 of this Ordinance.

G. Disclosure Statement

A disclosure statement in accordance with N.C. General Statutes 136-102.6 shall be recorded simultaneously with the plat and referenced on the final plat. The disclosure statement must contain the provision(s) for construction and/or maintenance of the private road. (See, Article 11, Section 11.2.25 Required Information.)

Section 11.2.20 Storm Water Drainage

- A. The subdivider shall provide a surface water drainage system constructed to the most current standards for surface drainage of the North Carolina Department of Transportation. In certain urban situations within the corporate limits, the Town reserves the right to require additional drainage features or techniques. Where feasible, the subdivider shall connect to an existing manmade or natural storm drainage system. Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to protect the proposed development from water damage.
- B. An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water. Under appropriate conditions, the Town may request "closed drainage system". Banks of ditches shall be immediately seeded upon grading and installation of utilities and the ditch itself shall be improved with appropriate vegetative cover to retard erosion.
- C. The storm drainage system shall follow existing topography as nearly as practical, shall divert storm water away from surface waters, and shall incorporate storm water Best Management Practices to minimize adverse water quality impacts.

- D. Proposed subdivision in flood hazard areas shall comply with the Town's Flood Damage Prevention Ordinance. In all areas of special flood hazards, all subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- E. Anyone constructing a dam or impoundment within the subdivision must comply with the most current North Carolina Dam Safety Law and State regulations.
- F. Park Area. Lakes, ponds, creeks, and similar areas will be accepted for maintenance only if sufficient land is dedicated as a public recreation area or park or if such area constitutes a necessary part of the drainage control system. The Town Board of Commissioners must approve the acceptance of such dedicated areas.

Section 11.2.21 Street Lights

The placement of street lights within a subdivision located within the corporate limits is required by the Town. Street lights in subdivisions within the corporate limits shall be installed at the expense of the subdivider. The Town will not be responsible for the maintenance or the power expenses of any street lights erected in areas outside of town limits. Street lights within the corporate limits shall be placed within the rights-of-way a distance of no more than four hundred (400) feet apart with one street light required at all intersections.

Section 11.2.22 Water Supply and Sanitary Sewer Disposal System

The connection to or extension of public water and sewer service within the town limits and town service areas shall be coordinated with the Town's Public Works Department and its policies. Outside the Town's service area, the developer shall coordinate with the Wilson County Public Water System or the Health Department to ensure that each lot will be have sufficient area for a well and septic tank or other means of water and sewerage disposal. The developer is responsible for evaluating each lot and approval of the Wilson County Health Department shall be obtained prior to final plat approval of a minor subdivision and preliminary plat approval of a major subdivision. Every subdivision lot intended for building purposes shall be served by a water supply system and a sewerage disposal system that (a) is adequate to accommodate the reasonable needs of the proposed use of the lot, and (b) complies with all applicable health regulations. This provision will not apply to property subdivided intended not to be sold, transferred, conveyed or represented as a buildable property, which has a net acreage of five (5) acres or greater. A certificate, entitled "Acknowledgement of Recordation of Nonevaluated/Nonbuildable Lot(s)" as shown in Section 11.2.28, shall be placed on plats of property divided for this purpose.

Section 11.2.23 Standards for roads and other utility installation and certification required

All roads and related structures shall be constructed in accord with the current North Carolina Department of Transportation (DOT) Standard Specifications for Road and Structures and amendments thereof, unless varied by the Board of Commissioners. The engineer(s) for a subdivision or development shall work with the Town of Elm City in properly sizing water and sewer lines and other installations to insure that the correct materials and construction methods are utilized if not included in the DOT Standard Specifications for Roads and Structures. The engineer(s) who designs the roads, utilities and related installations for the subdivider shall also insure that the construction or installation is inspected at various stages or construction so as to fully meet the above standards or amendments thereof. In addition, the engineer(s) shall certify on the final plat that the construction and/or installation fully meet these standards or if the infrastructure is bonded the engineer(s) shall provide certification to the Board of Commissioners upon completion of all installations designed and inspected by the engineer or his representative that they fully meet the standards set forth in this ordinance. (See Section 11.2.28)

Section 11.2.24 Other Requirements

A. Placement of Monuments

Unless otherwise specified by this Ordinance, the Standards of Practice for Land Surveying as adopted by the N.C. State Board of Registration for Professional Engineers and Land Surveyors shall apply when conducting surveys for subdivisions and installing monuments.

B. Construction Procedures

No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved, and the appropriate authorities have approved all pertinent plans and specifications.

C. Issuance of other permits

No building, zoning or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this Ordinance until all requirements of this Ordinance have been met. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the administrator of this Ordinance to provide for adequate inspection. The approving authorities having jurisdiction or their representatives shall inspect and approve all completed work prior to release of the sureties.

D. No Airplanes or Helicopters on Residential Subdivisions Streets

Residential subdivision streets used by automobiles shall not be used as passageways for airplanes or helicopters. If a subdivision is used for private planes,

a separate system of passageways shall be designed and constructed for airplanes and helicopters.

Section 11.2.25 Required Information

Information required on the various types of subdivision plans or plats are as follows in the table below:

**Section 11.2.25 Table
Required Information for Plans and Plats**

(X = Indicates that the item is required.)

Information	Type of Subdivision and Plat			
	Minor Final Plat	Major Subdivision		
		Sketch Plan	Preliminary Plat	Final Plat
Plat Size				
Plat submitted shall not exceed as maximum size of 24" by 36"		X	X	
Plat or plans may be drawn on more than one sheet with appropriate match lines	X		X	X
Standard 18" by 24" sheet for plats to be recorded, minimum 1 1/2" border on the left side and a minimum 1/2" border on all other sides; or as required by the Wilson County Register of Deeds; Original drawn on material as required by the Wilson County Register of Deeds	X			X
Title Block Containing:				
Name of Subdivision	X	X	X	X
Type of plat or (minor plat, preliminary plat, etc.)	X	X	X	X
Owner's name with address and daytime phone number	X	X	X	X
Location (including address, township, county, and state)	X	X	X	X
Dates(s) plan(s) prepared or revised	X	X	X	X

Scale of drawing in feet per inch. Drawing shall be at a scale of not less than 1" equal to 100'. If all lots are greater than 5 acres, 1"=200' scale may be used	X	X	X	X
Bar graph	X	X	X	
Name, address, and telephone number of preparer of map (licensed surveyor, engineer, or architect)	X		X	X
Developer's name, address, and daytime phone number (if different from owner's)	X		X	
Zoning district(s) within the property and adjacent properties	X	X	X	X
Existing land use within the property and on adjacent properties	X	X	X	
Plat book or deed book reference	X		X	X
Names of adjoining property owners (or subdivisions or developments of record with plat book reference)	X	X	X	X
Tax map, block, and parcel(s) number	X		X	X
Vicinity map showing location of site relative to surrounding area	X	X	X	X
Corporate limits and other jurisdiction lines, if any, on the tract	X	X	X	X
Registration and seal of land surveyor	X			X
North arrow and orientation (north arrow shall not be oriented towards bottom of map)	X	X	X	X
Source of property boundaries signed or sealed by registered land surveyor, architect, landscape architect, or engineer	X		X	X
Boundaries				
of the tract to be Subdivided or developed: distinctly and accurately Represented and showing all distances	X		X	X
tied to nearest street intersection (within 300') or USGS (within 2000')	X		X	X

showing locations or intersecting boundary lines or adjoining properties	X	X	X	X
Location and descriptions of all monuments, markers, and control corners	X			X
Existing property lines on tract to be subdivided. If existing property lines are to be changed, label as 'old property lines' and show as dashed lines	X		X	X
All additional information required by NCGS 47-30 and 39-32, as amended	X		X	X
Soil type information		X	X	
Dimensions, location and use of all proposed buildings; building setback lines.	X		X	
Dimensions, location and use of all existing buildings. A dashed line should be shown on the plat outlining all known structures, ponds or lakes removed or filled	X	X	X	
The name and location of any property or building on the National Register of Historic Places or locally designated historic property	X	X	X	X
Railroad lines and right-of-ways	X	X	X	X
Water courses, ponds, lakes or streams	X	X	X	X
Marshes, swamp and other wetlands	X	X	X	X
Areas to be dedicated or reserved for the public or a local jurisdiction	X		X	X
Areas designed as common area or open space under control of an Owner's Association, if applicable	X		X	X
Location of designated recreation areas and facilities; if applicable	X		X	X
Areas designated to be developed for non-residential uses	X		X	

Location of floodway and floodway fringe from Flood Hazard Boundary Maps and cross-section elevations, if applicable	X		X	X
Existing and proposed topography of tract and 100' beyond property showing existing contour intervals of no greater than 5' and labeling at least two contours per map and all others at 10' intervals from sea level		X	X	X
Proposed lot lines and dimensions, NCGS 47-30	X	X	X	X
Square footage of all proposed lots under an acre in size and acreage for all lots over an acre in size	X		X	X
Smallest size lot proposed		X		
Site calculations and notes including:				
acreage in total tract and subdivided	X	X	X	X
acreage in public open space (if applicable)	X	X	X	X
total number of lots proposed	X	X	X	X
linear feet in roads			X	X
area in newly dedicated right-of-way			X	X
Lots sequenced or numbered consecutively and block numbers, if applicable	X		X	X
Road address as assigned by Wilson County for each new lot	X			X
Road data illustrating:				
Proposed Road Layout (to meet NCDOT and Town of Elm City standards)		X		
Existing rights-of-way lines within and adjacent to property within 400 ft of property	X	X	X	X
Proposed rights-of-way (shown with a cross-hatch pattern) lines within and adjacent to property within 400 ft of property			X	X
total right-of-way width dimension	X		X	X
right-of-way width dimension from Centerline of existing public roads	X	X	X	X

Existing and proposed roads showing: pavement or curb lines			X	
Pavement width dimension (face-to-face)			X	
cul-de-sac pavement radius			X	
existing and proposed road names	X	X	X	X
Road profiles (Only General sections required for sketch plans)		X	X	
Location, dimension and type of all easements	X		X	X
Utility Layout Plan showing connections to existing systems, line sizes, material of lines, location of fire hydrants, blowoffs, valves, manholes, catch basins, force mains, etc. for the following types of utility lines, if applicable:				
Sanitary sewer			X	
water distribution			X	
natural gas, electric, cable TV, etc.			X	
Existing and proposed signs (location, height and area)			X	
Location, dimensions and details of proposed clubhouses, pools, tennis courts, tot lots or other common area recreation facilities			X	
Certificates and Endorsements (See Section 703 for wording):				
Certificate of Survey Accuracy signed by surveyor and attested by Notary Public	X			X
Certificate of Ownership	X			
Certificate of Ownership and Dedication				X
Certificate of Minor Plat Approval	X			
Certificate of Preliminary Plat Approval			X	
Certificate of Final Plat Approval (one of two as applicable)				X

Certificate of Approval by Division of Highways of the North Carolina Department of Transportation				X
Certificate stating that no approval is required by Division of Highways of the NC Department of Transportation				X
Certificate of Utilities Approval (if applicable)				X
Certificate of Health Department of Approval (one of two as applicable)	X			X
Certificate of Purpose for Plat as required by N.C. General Statutes 47-30	X			X
Private Roads Disclosure Statement				X
Easement Disclosure Statement	X			X
Acknowledgement of Recordation of Unevaluated/Nonbuildable Lot(s) (if applicable)	X			X
Review Officer Certification	X			X

Section 11.2.26 Other Documents and Written Information

In addition to the written application and the plats, whenever the nature of the proposed development makes information such as the following relevant, such documents or information shall be provided. The following is a representative list of the type of information and documents that may be requested as part of the plat submission. Note: an “X” indicates that the item is required.

Section 11.2.26 Table				
Other Documents and Written Information				
Information	Type of Subdivision or Plat			
	Minor Final Plat	Major Subdivision		
		Sketch Plan	Preliminary Plat	Final Plat
Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such person	X	X	X	X
Certification from the appropriate agencies that proposed utility systems are or will be adequate to handle the proposed development and that			X	

all necessary easements have been provided.				
Detailed description of recreation facilities to be provided			X	
Legal documentation establishing Homeowners' Associations or other legal entities responsible for control over required common areas and facilities				X
Bonds, Letters of Credit, or other surety devices				X
A traffic impact study performed and prepared by a qualified transportation or traffic engineer or planner			X	
Time schedule for completion of the phrases in a staged development			X	
The environmental impact of a development, including its effects on historically significant or ecological fragile or important areas and its impact on pedestrian or traffic safety or congestion			X	
Proposed deed restrictions or covenants to be imposed upon the newly created lots			X	
Documentation of submission of an Erosion Control Plan if disturbing more than one (1) acre	X		X	
Documentation of approval of an Erosion Control Plan if disturbing more than one (1) acre	X			X
As applicable: 1. Documentation of submission of an Authority Certificate or that one is not necessary from the NC Department of Environment and Natural Resources regarding proposed uses within a fifty (50) foot wide area of existing vegetated riparian buffers in the Tar-Pamlico River Basin along both sides of intermittent and perennial streams, lakes, ponds, and estuarine waters 2. Documentation in the plans or plats shall also include evidence that the applicant's plans protect and maintain any required existing vegetated riparian buffer	X		X	
Documentation of approval of an Authority Certification from the NC Department of Environment and Natural Resources	X			X
Evidence of notification to by the US Army Corps of Engineers of any earth disturbing activities in wetlands, as applicable	X		X	

Evidence of notification to and/or approval by the US Army Corps of Engineers of any earth disturbing activities in wetlands, as applicable	X			X
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Section 11.2.27 Guarantee of Improvements (Bond Requirements)

A. No subdivision Final Plat shall be granted final approval until the required improvements have been made in accordance with the provisions of this ordinance or until the subdivider or applicant has guaranteed improvements as provided in Section 3.3.8 and Section 11.2.27. B below. Where a guarantee is accepted in lieu of improvements, the guarantee as well as final subdivision approval shall be granted by action of the Board of Commissioners.

B. Guarantee of Improvements

A guarantee of improvements assures the Town of Elm City that all site and infrastructure improvements mandated by the approved Preliminary Plat will be completed, and obligates the landowner or subdivider and surety company to complete such improvements or the bond or other surety will be utilized by the Town to complete the required improvements. Guarantee of improvements standards are set forth in Section 3.2.8.C and generalized summarized as follows:

1. Where required improvements have not been completed, the approval of said plat shall be subject to the subdivider's guaranteeing the installation of said improvements by means of a letter of credit from a bank or lending institution, a performance bond executed by a company duly licensed to do business in North Carolina, or by profit of establishment of an escrow account.
2. The developer's guarantee shall be based upon written estimates by a licensed consulting engineer and/or the Department of Transportation as to the dollar amount necessary to secure to the Town of Elm City the satisfactory construction, installation, and dedication of the incomplete portion of road and street improvements and all other utility or site infrastructure improvements earlier approved by the Board of Commissioners. If there are incomplete lot improvements on the individual lots of the subdivision the owner shall also provide written estimates by a licensed architect or engineer or licensed contractor under contract to the developer as to the amount necessary to complete such lot improvements.
3. Such guarantee of improvements shall comply with applicable statutory requirements and shall be satisfactory to the Town of Elm City Attorney as to form, sufficiency (i.e., factors for inflation and rising construction costs), and manner of execution. The period in which required improvements must be completed shall be specified by the Board of Commissioners in approving the final subdivision plat and in no case shall exceed one (1) years from the date of

final approval. The Board of Commissioners, upon proof of difficulty, may grant an extension for a period not to exceed one (1) additional year.

Section 11.2.28 Wording of Plat Certificates and Statements

Certification Information required on the various types of subdivision plans or plats are as follows:

A. Certificate of Exception.

I (we) hereby certify that I am (we are) the owner (s) of the property shown and described hereon, which was conveyed to me (us) by deed recorded in Book _____, Page _____, and that said property qualifies as an exception to the provisions of the Elm City Unified Development Ordinance. This exception does not exempt said property from the requirements of other Town or County regulations nor states or implies that the property is a buildable site.

Owner	Date
Owner	Date
Subdivision Administrator Town of Elm City, North Carolina	Date

B. Certificate of Ownership (for use with minor plats only)

I (We) hereby certify that I am (we are) the owner(s) of the property described hereon, which was conveyed to me (us) by deed recorded in the Wilson County Register of Deeds Office in Book _____, Page _____, and that I (we) hereby adopt this plan of subdivision with my (our) free consent. Further, I (we) hereby certify that the land as shown hereon is within the Unified Development Ordinance regulation jurisdiction of Elm City, North Carolina.

Date	Owner(s)

C. Certificate of Survey and Accuracy

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____, page _____, etc.(other), that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, page _____; that the

ratio of precision as calculated is 1:____, that this plat was prepared in accordance with N.C. General Statutes 47-30, as amended.

Witness my original signature, registration number and seal this ____ day of _____, A.D., 2____.

 Surveyor

 Registration Number

(seal or stamp)

D. Health Department Certifications

The following two certifications, where applicable, shall be placed on all subdivision plats which include buildable lots that do not have public service available to them.

1. Lots not tested

“Lots within this subdivision have not been tested by the Wilson County Health Department. A Septic Tank Permit Approved by the Wilson County Health Department is Required Prior to Issuing a Building Permit for Construction on These Lots.”

2. Certification of Soils Report

A soils report was prepared by _____ for _____ subdivision. This report has been prepared in accordance with the criteria established by the Wilson County Health Department and that the soils report indicates that the lots shown on the plat appear to be able to accommodate sewage disposal systems. Please note that this does not represent or constitute the evaluation or approval for issuance of an improvement permit for any lot in the subdivision. Final site approval for issuance of improvement permits or authorization for wastewater system construction is based on regulations in force at the time of permitting and is dependent on satisfactory completion of individual site evaluations by the Wilson County Health Department following application for an improvement permit detailing a specific use and its site.

 Subdivider or Owner of Property

 Date

E. Certificate of Minor Plat Approval

I hereby certify that the minor subdivision plat as depicted hereon does not involve the creation of new roads or any change in existing public roads, is in compliance with the Town of Elm City Subdivision Regulations, and has been granted final approval, subject to it being recorded in the Wilson County Register of Deeds within sixty (60) days of the date below.

Subdivision Administrator,
Town of Elm City

Date

F. Wilson County Review Officer Certification

State of North Carolina

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

Review Officer

Date

G. Certificate of Preliminary Plat Approval

I hereby certify that the _____ was approved on the _____ day of _____, _____ as the preliminary plan of the subdivision as shown on this plat. Preliminary approval is valid for a period of 24 months from the above date or as established under the vested rights procedures, if applicable.

Mayor, Town of Elm City

Date

H. Certificate of Ownership and Dedication

I (We) hereby certify that I am (we are) the owner(s) of the property described hereon, which property is located within the subdivision regulation jurisdiction of the Town of Elm City and that I (we) hereby adopt this plan of subdivision with my/our free consent, establish minimum building setback lines and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I (we) will maintain all such areas until the offer of dedication is accepted by the appropriate public authority. All property shown on this plat as dedicated for a public use shall be deemed to be dedicated for any other public use authorized by law when such other use is approved by the Elm City Town Board of Commissioners in the public interest.

Owner(s)

Date

I. Certificate of Final Plat Approval (Major Subdivisions)

I hereby certify that streets, utilities and other improvements have been installed in an acceptable manner and according to Elm City required specifications in the subdivision depicted hereon or that a performance bond or other sufficient surety in the amount of \$_____ has been posted with Town of Elm City to assure completion of required improvements.

Mayor

Date

J. Division of Highways District Engineer Certificate

I hereby certify that the streets as depicted hereon are/are not consistent with the requirements of the North Carolina Department of Transportation.

District Engineer

Date

K. Private Roads Disclosure Statement

The following statement shall be placed on all subdivision plats which include private roads:

The maintenance of roads designated on this plat as private shall be the responsibility of property owners within this development having access to such roads. Private roads as shown hereon were not constructed to the minimum standards required to allow their inclusion, for maintenance purposes, on the North Carolina highway system. Neither the Town of Elm City nor the North Carolina Department of Transportation will maintain a private road.

L. Easement Disclosure Statement

The maintenance of roads designated on this plat as easements shall be the responsibility of the property owners within the development having access to such easement(s). Easements as shown hereon were not constructed to the minimum standards required to allow their inclusion, for maintenance purposes, within the North Carolina highway system. Neither the Town of Elm City nor the North Carolina Department of Transportation will maintain easements.

M. Certificate of Purpose of Plat

The final plat shall contain one of the following statements, signed and sealed by the plat preparer:

1. This survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
2. This survey is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;
3. Any one of the following:
 - a. This survey is of an existing parcel or parcels of land and does not create a new road or change an existing road;
 - b. This survey is of an existing building or other structure, or natural feature, such as a water course;
 - c. This survey is a control survey;
 - d. This survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision; or
 - e. The information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor’s professional ability as to provisions contained in a. through d. above.

Signed: _____
Surveyor

SEAL

Date: _____

N. Utilities Certificate (if applicable)

I hereby certify that the _____ improvements have been installed in an acceptable manner and in accordance with the requirements of the Elm City Subdivision Regulations.

Signature of Authorized Agent

Date

O. Engineering Certification

I _____, being duly sworn depose and say that I am a professional engineer in the state of North Carolina and that I am the engineer on the _____ Subdivision. That in my position as engineer I designed the street and _____ within the subdivision and prepared the specifications for their construction pursuant to my authority under GS 89C. That I have reviewed the construction of the roads and _____ within the subdivision and that in my professional opinion the installations meet minimum standards as required by the NC Department of Transportation, Division of Highways' "Subdivision Roads, Minimum Construction Standards," dated January, 2000 or as hereafter amended as well as any standards required by the Town of Elm City. In my professional opinion the road and _____ construction was conducted in accordance with the design approved by the district engineer for NC DOT and/or the Town of Elm City.

This the _____ day of _____, 20__.

Professional Engineer

P. Certificate of Acknowledgement of Recordation of Nonevaluated/Nonbuildable Lot(s)

I hereby certify that the lots identified as _____ are Nonevaluated/Nonbuildable Lot(s) by virtue of the following reasons improvements:

No building shall be permitted on the above lot(s) and that the following identified entity (or heirs) shall be perpetually responsible for the said lot(s):

Name: _____

Address: _____

Signature of Authorized Agent

Date

Section 11.3.Cluster Subdivision

Section 11.3.1 Purpose

The cluster development allows for buildings to be concentrated together in specific areas to minimize infrastructure and development costs while achieving the allowable density. It allows for the preservation of natural open space for recreation, common open space and the preservation of environmentally sensitive features.

Section 11.3.2 Criteria for Developing a Cluster Subdivision

Cluster developments may be approved by the Board of Commissioners provided the following criteria are met

- A. Availability of public water and sewer facilities is the preferred infrastructure service to serve all cluster subdivisions.
- B. The tract of land devoted to a cluster subdivision shall be a minimum of four (4) contiguous acres;
- C. The total number of lots and dwelling units shall not exceed the number that would be permitted in conformance with the normal minimum lot size requirements for the Residential Districts listed in Article 5, Section 5.2 as follows:
 1. RA Residential Agricultural District
 2. R-40 Residential District
 3. R-20 Residential District
 4. R-30 MH Manufactured Home Residential District
 5. R-15 Residential District
 6. R-10 Residential District
 7. R-7 Residential District
 8. R-7S Residential District Doublewide Manufactured Homes
- D. The original dimensional standards in Article 5 for lots within the Residential districts set forth in Section 11.3.2.C above may be reduced up to thirty five percent (35%) such that the balance of the each original lot acreage shall be preserved as common open space, accessible by all reduced building sites. Up to fifty percent (50%) of the common open space may be streams, ponds, watercourses and floodplain. The open space areas shall meet the requirements of Section 11.3.3 below and Section 8.1 in Article 8. The common open areas may be reserved for public use or dedicated for private use of the residents of the subdivision, provided land for any possible greenway linkage to adjacent areas as determined by the Board of Commissioners is dedicated for public use, either by land donation or easement as set forth in Section 8.1.2.D in Article 8.
- E. In no case shall a reduction in a lot dimension as allowed in Section 11.3.2.D above result in a lot that has less than the following minimum density dimensions:
 1. Minimum lot size shall not be less than 6,000 square feet
 2. Minimum lot width shall not be less than 60 feet
 3. Minimum front yard setback shall not be less than 30 feet
 4. Minimum side yard shall not be less than 10 feet
 5. Minimum rear yard shall not be less than 40 feet
- F. Where public sewer is not available and individual septic tanks are proposed for a cluster subdivision, only the RA and R-40 Residential Districts may be considered

for cluster subdivision development, and any reduction in lot size and/or area shall be in accord with the Wilson County Health Department lot size and/or acreage requirements for lots with septic tanks.

- G. Street construction shall meet all requirements set forth in the in Sections 11.2.6 and 11.2.23 in Article 11. All other infrastructure or utility shall meet the requirements set forth in Article 11 for the particular type of utility or infrastructure.

Section 11.3.3 Open Space Areas

- A. Access arrangements to open spaces or common areas shall be carefully designed and located to enable perpetual maintenance and accessibility.
- B. Open space or common areas within a cluster development may be offered for dedication to the public at the time of application for subdivision approval. The Board of Commissioners may accept such dedication upon finding that the size, location, or maintenance of such open space or common area or the availability of public open space would make public use desirable or necessary.
- C. Open space not dedicated to the public shall be protected by legal arrangements sufficient, such as a homeowner's association, to assure its maintenance and preservation for whatever purpose it is intended. The provisions for a homeowner's association are meant to ensure that a viable association is established with authority to obtain sufficient resources to maintain the open space and any of its recreational facilities. The homeowner's association is required to incorporate in order to ensure its future existence.
- D. The open space areas shall conform to the standards in Section 8.1 and contain the improvements set froth in Section 8.2 in Article 8.

Section 11.4 Planned Village Development

Section 11.4.1 Definition and Purpose

- A. A Planned Village Development (PVD) is a developed by a single owner or a group of owners that is fully planned and developed as a comprehensive site. A Planned Village Development allows the developer greater flexibility in terms of the arrangement of buildings on the land, type of uses allowed and street design while providing the Town of Elm City with a method to extend the quality characteristics of its village charm by influencing higher density growth within a village setting, providing a continuation of pedestrian circulation within the development, and fostering harmonious variety of uses within a concentrated growth area.
- B. The intent of a Planned Village Development is to promote flexibility that provides developers with site, use and development options not ordinarily allowed through conventional zoning and subdivision regulations while encouraging a mix and

orientation of allowed uses that are compatible within the proposed development and compliment the adjacent town areas. A Planned Village Development is designed to promote shared services and facilities, use of public sewer and water systems, and creation of safe, pedestrian-friendly environments to accommodate residential living, shopping and/or working.

Section 11.4.2 Objectives

The objectives of a Planned Village Development are:

- A. To allow for compatible mixed uses on a site, which are ordinarily not permitted together through conventional zoning
- B. To coordinate architectural styles, building forms and structural/visual relationships in an innovative, aesthetic, and functionally efficient manner.
- C. To provide flexibility of zoning in exchange for creative design and added amenities.
- D. To encourage land development and redevelopment (such as mixed-use developments) within or adjacent to the Town of Elm City that preserves its natural and/or historical features.
- E. To encourage the redevelopment and rehabilitation of deteriorated and/or underutilized historic or nonconforming structures and areas.
- F. To promote pedestrian friendly environments which provide both a safe walking atmosphere and a logical connection of destinations within and adjacent to existing village centers.
- G. To enhance the quality of life for the inhabitants, users, and/or workers who will be utilizing or otherwise benefiting from the provided amenities.
- H. To focus growth within or adjacent to the Town of Elm City.
- I. To provide areas that allow increased density thereby reducing land cost(s) per building site to encourage affordable housing availability.

Section 11.4.3 Types of Planned Village Developments

The following types of Planned Village Developments may be approved by the Board of Commissioners, provided the design concepts in Section 11.4.4 are considered and appropriately incorporated into the overall plan for the development:

A. Residential Development

Residential development is the predominant type of development in a residential

Planned Village Development. The residential development must also include public recreational uses (i.e., playgrounds, community/neighbor commons, and open space areas). The residential development may include age restrictive housing (retirement community) with associated recreational functions and open space. The architectural characteristics and varied housing styles of the residential development should reflect the architectural characteristics and styles of the Town of Elm City.

B. Mixed Use Development

A mixed use development includes a blended mix of residential, commercial, retail, recreational, open space, and/or institutional or municipal uses. Mixed use development should be varied in use with architectural characteristics and housing styles that reflect those within the Town of Elm City. Although not prohibited, large retail spaces should be limited to few in number compared to a predominance of mixed use smaller spaces as approved by the Board of Commissioners.

C. Industrial Development:

An industrial Planned Village Development consists of predominantly light industrial land uses that also include commercial, recreational, governmental, and/or open space uses. This type of development is intended to take advantage of highway or main road access. In any Industrial Planned Village Development retail or business uses (including restaurants) shall be accessory to the main employment use, and thus single retail or restaurant uses should be of appropriate sizes for the overall development such that the total of all retail and restaurant uses shall not exceed 30% of the gross floor area of the entire industrial Planned Village Development. Examples of an Industrial Planned Village Development include:

1. Corporate Park that mixes offices with recreation, restaurants, daycare facilities, and other uses that may be considered accessory to the main employment use.
2. Corporate and light industrial park that mixes offices with light manufacturing and/or research and development, and other uses that may be considered accessory to the main employment use.

Section 11.4.4 Design Concepts

The following overall design, landscaping, parking, access, open space and land use principles shall be used to evaluate a proposed mixed use development and are strongly encouraged to be adhered to where feasible and appropriate in the planning of a Planned Village Development:

- A. Development, including a mixed use, residential or industrial development, is organized around a central open space or community area with recreational, institutional and/or service amenities for residents, employees, and/or shoppers;

- B. Civic uses including churches or governmental functions are located within the central open space area with parking behind the building and/or shared with hidden parking areas behind other buildings;
- C. A mix of commercial shops, variety of businesses, offices and restaurants are brought together in a core of buildings that line the central open space area;
- D. Apartments or condominiums are encouraged above the business uses;
- E. Landscaping compliments the buildings, shade trees adorn the open space areas, parking lots are screened with vegetation and abundant shade trees and landscape plantings provide a continuous "green belt" along the roads and in front of the development;
- F. A main access road loops around the open space serving the mixed use or other development lining the open space;
- G. Many possible routes leading off the main loop road serve other areas of the development including hidden parking areas and side streets with residential uses and the roads can be narrower off the main access routes;
- H. Broad sidewalks line the streets offering ease and safety of pedestrian access;
- I. In a mixed use development, multi-family and single family line the side streets. Residential areas emphasize residences that are close to the road with lots that have large back yards, houses that have front porches and a unified architectural design, and building front set backs using a front built-to-line guide that encourages a continuous architectural streetscape;
- J. Main parking for the businesses and other non residential development is hidden and placed behind the buildings with service and limited short-term parking, including handicapped spaces in the front of the buildings and/or along the open space areas;
- K. Curb cuts are consolidated for shared access, businesses and other uses share driveways and parking spaces, and the various uses can use the parking areas at different times of the day;
- L. Open space areas are integrated into the development and/or surround the development offering pedestrian linked corridors and other recreational amenities, and open space areas should include storm run-off storage ponds, stabilized stream banks and other natural areas;
- M. Architectural controls insure that the building proportions, mass, size, rooflines, window and door treatments, and materials are unified and reflect those elements found in the Town of Elm City;

- N. Larger light industrial or corporate land uses are located along the front of the development and along the main roads, but incorporate central open space areas.

Section 11.4.5 Location and Size Requirements of a Planned Village Development

- A. The location of a Planned Village Development shall be in accord with the policies in the Town of Elm City Community Growth Area Plan
- B. The Planned Village Development shall only be developed in areas where transportation, fire protection, schools, public water and sewer and other public utilities and community facilities are or will be available and adequate for the uses and densities proposed. The applicant may be responsible for providing such facilities, such as water and sewer extensions, fire protection, and other public utilities, which are not presently available.
- C. The minimum size for a Planned Village Development shall be ten (10) acres unless the Board of Commissioners approves a smaller development tract, base upon reasonable justification and accuracy of the land to support the desired development.

Section 11.4.6 Zoning, Master Plan Requirement and Land Use Modifications

- A. A Planned Village Development must first be requested as a PVD (Planned Village Development) zoning district for of a particular property. The requested uses and type of development proposed (residential, mixed-use, or industrial) for the proposed Planned Village Development shall also be submitted along with the zoning application. Once the zoning is approved the required sketch plan shall be submitted for approval within two years otherwise the zoning reverts back to the original zoning prior to approval of a PVD district. A Preliminary Master Plan shall be submitted within three years of the approved PVD other wise the land reverts back to the original zoning. With approval from the Board of Commissioners based upon reasonable justification by the applicant additional time may be provided for submission of the Sketch Plan and Preliminary Master Plan.
- B. A Planned Village Development shall require an approved Sketch Plan, Preliminary Master Plan and Final Master Plan. Once approved the Final Master Plan shall establish the overall pattern of land uses and density/intensity of development within the boundaries of a Planned Village Development.
- C. In establishing the land use pattern of the development, uses allowed in the R-7 Residential District, O&I Office and Institutional District, B-2 Neighborhood Business District and LI Light Industrial District shall form the initial base of permitted uses allowed in the Planned Village Development. The Master Plan for a specific Planned Village Development may propose greater restriction or flexibility regarding this base of land uses, provided such modifications are justified by the applicant in

written and design form and approved by the Board of Commissioners for the Planned Village Development. Additional land uses may be added if the Board of Commissioners finds that such land uses are consistent with the UDO, Community Growth Area Plan, or other applicable plans.

- D. In establishing the development intensity of the Planned Village Development, the dimensional requirements in Article 5 (Use and Dimensional Standards) for the zoning districts set forth in Section 11.4.6.B above shall form the basic dimensional requirements for the Planned Village Development. The Master Plan for a specific Planned Village Development may propose greater or lesser restriction or flexibility regarding this base of dimensional requirements, provided such modifications are justified by the applicant in written and design form and approved by the Board of Commissioners for the Planned Village Development.
- E. A Sketch Plan, Preliminary Master Plan and a Final Master Plan shall be submitted for approval.
- F. Where the Board of Commissioners determines that review of a Preliminary Master Plan and/or a Final Master Plan for a Planned Village Development would assist them in proper and thorough evaluation of a development proposal, the applicant and/or owner(s) of the Planned Village Development shall provide funds, not to exceed \$2,500, for the purpose of the Board contracting with an independent expert in the development, planning and/or engineering professions to evaluate the development proposal at the Preliminary Master Plan and/or Final Master Plan stages and make appropriate recommendations to the Board of Commissioners regarding such development in relationship with the ordinance and other Town of Elm City interests.

Section 11.4.7 Sketch Plan

- A. A certified planner, licensed surveyor, architect, landscape architect and/or engineer shall prepare the Sketch Plan.
- B. The Sketch Plan shall show the proposed development in general detail drawn to scale for initial evaluation of the proposal and its potential impact on nearby properties and the community.
- C. The Sketch Plan shall demonstrate how the Design Concepts in Section 11.4.4 are addressed.
- D. The Sketch plan shall show general arrangement of proposed development, type of general uses proposed, approximate number of housing units and type proposed, and general location of roads, parking areas pedestrian ways and open space arrangement.

- E. The Sketch Plan shall include a general statement justifying the proposed development and generally addressing any proposed modifications to the allowable base uses and dimensional requirements, including proposed street widths and public facility needs.
- F. The Sketch Plan shall be submitted for review and approval as set forth in the review procedures in Section 3.2.4.
- G. Approval of the Sketch Plan does not imply approval of the Preliminary or Final Master Plans.

Section 11.4.8 Preliminary Master Plan

- A. A certified planner, licensed surveyor, architect, landscape architect and/or engineer shall prepare the Preliminary Master Plan. All engineering design plans for utilities and infrastructure shall be prepared by a professional engineer licensed in the State of North Carolina.
- B. The Preliminary Master Plan shall show the proposed development in sufficient detail for evaluation of the proposal and its potential impact on nearby properties and the community. In addition to meeting the standards for a preliminary subdivision plat set forth in Section 3.2.6, the Preliminary Master Plan shall also identify the following:
 - 1. A statement of goals and objectives for the Planned Village Development;
 - 2. Statement of explanation of why a Planned Village Development is necessary or justified;
 - 3. General layout the entire development drawn to scale with north arrow and showing boundaries of the entire development, vicinity map and adjacent land uses;
 - 4. General layout of principal circulation routes and access points, including proposed public right-of-way and street widths, pedestrian access corridors and parking areas;
 - 5. General boundaries of proposed zoning use designations (allowable uses) of all land, including the general location of residential, mixed-uses, industrial land uses. open space areas and applicable public facilities;
 - 6. General illustration of development elements that meet the design concepts in Section 11.4.4, including opens apace, landscape features, pedestrian ways and architectural concepts;

7. General statement of number of housing units and type, special regulations or standards for the development, modification to the base zoning district uses and dimensional requirements, and/or design guidelines necessary to establish and implement the objectives of the Master Development Plan;
 8. Other information as may be required for a Major Subdivision - Preliminary Plat as set forth in Section 3.2.6; and,
 9. General impact statement that addresses the following:
 - a. Impact on schools
 - b. Adequacy of existing public facilities and plans to provide public water and wastewater.
 - c. Public improvements both offsite and onsite that are proposed to be dedicated and/or constructed and an estimate for providing these improvements
 - d. Traffic impact study.
 - e. Economic impact of the proposed project.
 - f. Employment opportunities to be created by the development.
 - g. Environmental Impact Analysis, to include:
 - i. Wetlands determination pursuant to the Army Corps of Engineers
 - ii. Topography shown at least at a 5-foot contour interval
 - iii. Predevelopment and post development storm water runoff amounts for a 10-year storm and measures to address the run-off
 - iv. Water areas to be impacted, including ponds, lakes, streams, rivers and how the buffer requirements for the Tar Pamlico River Basin will be met where applicable
 - v. Flood damage areas
 - vi. Significant natural tree lines to be impacted and protection measures
 - vii. Native plant and animal life
- C. An approved Preliminary Master Plan shall show in definitive detail the overall plan for the Planned Village Development as illustrated by the approved Sketch Plan. The approved Preliminary Master Plan shall serve as the plan for the actual infrastructure construction for the Planned Village Development. Once approved the Preliminary Master Plan is used to prepare the engineering work for the infrastructure and the infrastructure (roads, drainage, water and sewer, sidewalks, etc.) can be installed and/or constructed.
- D. Where a phased development approach is desired and approved by the Board of Commissioners, the Preliminary Master Plan must reflect the plan for the entire development project, with the sections to be completed in phases clearly identified for review and approval consideration by the Board of Commissioners.
- E. The Preliminary Master Plan shall be reviewed in accord with the review procedures in Section 3.2.6.

- F. In approving the Preliminary Master Plan the Board of Commissioners shall have the authority to require additional improvements in order to protect the public health, safety, and welfare, if warranted by the characteristics of the land, or if public improvements are to be used by the general public. Any such improvements required shall be shown on a plan certified by a professional engineer, and such plan shall be included in the submission requirements for Final Master Plan approval and recorded with the approved Final Master Plan.

Section 11.4.9 Final Master Plan

- A. The Final Master Plan shall conform to the approved Preliminary Master Plan, meet the Final Plat requirements as set forth in Section 3.2.7, and serve as the instrument to be recorded in the Wilson County Register of Deeds.
- B. A Final Master Plan shall show all the required information for a Preliminary Master Plan at a scale of sufficient size to provide the necessary details of the development, including specific boundaries of each section, land use and proposed density, location of proposed streets and right-of-ways, location of proposed common open space and recreation areas. The Final Master Plan must meet the standards of the Wilson County Register of Deeds Office in order to be recorded.
- C. Each land use section or area of the master plan shall be clearly labeled with the intended use. When mixed uses will be present, the intended mixed-use land uses shall be enumerated and designated on the Final Master Plan in regards to their location.
- D. The Final Master Plan shall also include a table showing, for each section or different land uses, the use, approximate development phasing, density and maximum number of dwelling units for residential areas, maximum area of square feet for commercial or industrial areas, and maximum acreage of each.
- E. Along with the Final Master Plan the following additional elements shall be provided:
1. An open space/landscape plan, to include areas proposed for passive and active recreational uses, natural and undisturbed areas, and proposed landscape and related buffer areas throughout the development, within parking areas, along roads and around the perimeter of the development. Information on the specific design, location and timing of these open space and landscape areas and their ownership and maintenance shall also be included. A landscape plan must denote the major landscape elements and concepts proposed throughout the development.
 2. Descriptive drawings, elevations and/or rendering, as appropriate, depicting the general architectural design of buildings and structures proposed to be constructed and written development standards which detail exterior construction materials and design.

3. A site plan or maps together with supplemental descriptive data that show the location or building envelope of all buildings and structures to be constructed upon the property and such other information as may be needed to fully describe and locate all features of the proposed development. The site plan shall depict the location, elevation and dimensions or building envelopes of all existing and proposed structures, parking areas and other proposed uses on the subject property supplemented by a narrative description of all improvements proposed to be installed and the types of uses on each portion of the property;
 4. The applicant shall include a statement of appropriateness demonstrating that the proposed development is in conformance with the purposes, objectives and intent of the Planned Village Development ordinance and the UDO ordinance in general.
- F. Where phased development is to occur, the Final Master Plan may include separate sections that are recorded at different times during the construction period or stages of development.

Section 11.4.10 Review Requirements and Conditions of Approval

- A. A Planned Village Development shall be subject to review and require approval by the Board of Commissioners.
- B. A Sketch Plan shall first be reviewed and subject to approval considerations as set forth in Section 3.2.4 of Article 3.
- C. A Preliminary Master Plan shall be reviewed and subject to approval considerations as set forth in Section 3.2.6 in Article 3.
- D. The Final Master Plan shall be reviewed and subject to the approval considerations as set forth in Section 3.2.7 in Article 3.
- E. Unless otherwise specified by the resolution of approval for the Preliminary Master Plan, the Final Master Plan shall be reviewed for consistency with the preliminary development plan and completeness of its contents by the Subdivision Administrator. The Administrator may also refer such submittal to the TRC or any responsible TRC related agency, and/or committee of the Town of Elm City for review. Where it is determined that the Final Master Plan is consistent with the Preliminary Master Plan, the Administrator shall submit the Final Master Plan to the Elm City Planning Board for review. The Planning Board shall make recommendations to the Board of Commissioners. The Board of Commissioners shall review and consider approval of the Final Master Plan.
- F. In reviewing a Sketch Plan, Preliminary Master Plan or Final Master Plan for a proposed Planned Village Development, the Planning Board may recommend

reasonable conditions of approval to the Board of Commissioners.

- G. In approving a Planned Village Development the Board of Commissioners may apply such reasonable special conditions, or other restrictions or stipulations to any Sketch Plan, Preliminary Master Plan or Final Master Plan. In doing so the Board must make findings of fact, as it may deem necessary to show that the conditions, stipulation or restrictions help maintain consistency with the Planned Village Development ordinance, UDO, and/or maintain harmony with neighboring uses.
- H. When applicable, a development agreement between the Town of Elm City and the applicant for or owner(s) of the Planned Village Development may be entered into as part of the approval of the Preliminary Master Plan setting forth all the conditions of approval and agreements reached over specific items regarding the development. Modification, limitations and restrictions regarding land use dimensional requirements, regulations, limitations and restrictions either more or less restrictive than those specified elsewhere in this ordinance for the Planned Village Development as approved by the Board of Commissioners may be incorporated as part of any condition of approval and included in the development agreement. In addition to modifications, restrictions or other conditions related to land uses and dimensional standards approved by the Board of Commissioners, such conditions, requirements, regulations, limitations and restrictions may also include and relate to the following:
1. The number of the residential dwelling units per acre subject to the restrictions or modification within the Planned Village Development;
 2. Percentage of coverage of land by buildings and structures;
 3. Height and bulk limitations, arrangements and spacing of buildings and other improvements;
 4. Traffic control and arrangement, design and dimensions of streets, alleys, pedestrian ways, parking and loading areas;
 5. Screening of uses from each other and from adjacent areas, including use of fencing, walls and landscaping for those purposes;
 6. Establishment and continuous maintenance of open space and other areas provided for use in common by deed, easement or other form of agreement;
 7. Architectural design and color of buildings and structures, including signs;
 8. Planting and maintenance of trees, shrubs, plants and lawns;
 9. Measures designed to minimize or eliminate noise, dust, odor, fumes, smoke, vibrations, glare or radiation which would have an adverse effect on the present

- or potential development of various portions of the property and surrounding properties;
10. Schedule of time for construction of the proposed buildings and structures, or any stage of development thereof;
 11. Location and installation of utilities, public facilities and easements.
- I. Standards for building coverage, building height, access requirements to a State of North Carolina or Town of Elm City public road, lots containing wetlands, impervious surfaces, loading, signage, site planning design, streets, sidewalks and bicycle paths, blocks, utilities, erosion and sediment control, landscaping, drainage systems, etc., for Planned Village Development shall generally be those as stated in the UDO.
 - J. All parking standards shall be determined by use, and in accordance with the Institute of Transportation Engineers (ITE) Trip Generation Guidelines, as amended, provided the Board of Commissioners approves the parking arrangement and number of spaces as an exemption from the parking space standards in Article 7. Parking spaces may also be shared among uses where such sharing is appropriate and consistent with the time of usage.
 - K. The Final Master Plan approved by the Board of Commissioners and various sections recorded in the Register of Deeds of the Wilson County shall contain the following statement: "These premises are subject to restrictions and conditions that are contained in instruments recorded contemporaneously with this plan and are incorporated herein by reference."
 - L. Upon final approval, the approved Final Master Plan and related conditions, agreements and other information shall be considered the zoning and subdivision plan for the particular tract(s) of land upon which the Planned Village Development will be built. The Planned Village Development shall be identified on the official zoning map as a "PVD" followed by a dash and an abbreviation for the type of development with "R" meaning Residential Development, "MU" meaning Mixed-use Development, and "I" meaning Light Industrial Development.

Section 11.4.11 General Requirements

- A. Each Planned Village Development shall have a primary title on the master plan that identifies its development characteristics, i.e. "Planned Village Development – Residential", "Planned Village Development – Mixed Use" or "Planned Village Development – Industrial". In addition, each Planned Village Development shall have a unique name assigned by the applicant that will be placed as a prefix to the primary title, i.e., "Blueberry Planned Village Development – Residential".
- B. Village Planned Developments shall have a minimum of one hundred (100) feet of frontage along a public road.

- C. Village Residential and Village Mixed-Use Land Development Projects are encouraged adjacent to and within the corporate limits of the Town of Elm City, and shall be linked to existing Town of Elm City areas through the installation of curbing and sidewalks, walking paths, and useable, public open space. The purpose of this requirement is to promote pedestrian friendly environments and a logical connection of destinations within and adjacent to existing Town of Elm City centers. In order to effectuate this requirement and promote a continuation of traditional block and grid street patterns common older areas of the Town of Elm City cul-de-sacs are not encouraged and should be avoided in a Planned Village Development.
- D. Visual connections must be established between the proposed development and housing units and existing recognized historic structures found within the Town of Elm City. Such is accomplished through architectural design and the use of building materials and design characteristics that are compatible with or compliment the older residential homes and structures, including building styles, features, fixtures, and native landscaping, within the Town of Elm City.
- E. Once approved the Planned Village Development shall be shown on the official zoning map under the name set forth in Section 11.4.10.L above.
- F. Unless modifications of dimensional requirements are approved in the proposed Planned Village Development, the total residential density of any Village Planned Development shall be calculated according to the existing R-7 Residential District dimensional standards set forth in Article 5.
- G. The Board of Commissioners with recommendation from the Planning Board shall review and consider approval of all dimensional standards, changes or modifications proposed for a Planned Village Developments, including lot dimensions, internal frontage requirements (if applicable), building setbacks, and buffer zone requirements. In no case shall the modification of the basic standards of the zoning districts set forth as the basis for the Planned Village Development (See Section 11.4.7.C) be modified by more than fifty (50) percent of the dimensional requirements for these districts, provided that the Board of Commissioners approves all modification.
- H. Ten percent (10%) of all proposed housing units are encouraged to be affordable to those residents within the income range of thirty to eighty percent (30 to 80 %) of area median income as determined by Federal Housing And Urban Development Department (HUD) for the area of Elm City. Where such units are provided they shall be maintained and operated according to HUD program requirements for as long as the proposed use is residential. Additional covenants and restrictions may be prescribed as necessary by the Board of Commissioners to ensure affordability. A letter of eligibility in support of the affordable units from either HUD or the North Carolina Housing Finance Agency must be submitted along with any Planned Village Development proposal prior to final approval of a development with proposed

affordable housing units. Affordability restricted units shall be built and occupied prior to, or simultaneously with the construction of any other units in the approved application.

- I. Provisions shall be made for the guaranteed maintenance and ownership of any proposed private infrastructure, including parks, recreation areas, landscaping, housing units, etc. through appropriate legal documentation as may be approved by the Board of Commissioners.
- J. The Planned Village Development shall have direct access to a major public road with at least 100 feet of frontage along the public right-of-way.
- K. The minimum Planned Village Development shall be no less than five (5) acres of contiguous land and shall be designed in a manner to promote the appropriate use and management of available land that will be preserved and protected, to the greatest possible extent, such as the natural features of the land such as topographic features, trees and streams, in the required open space areas.
- L. The amount of open space to be set aside in each Planned Village Development may vary depending upon the type of development in the Planned Village Development, but in no case shall be less than eighteen percent (18%) of the gross land area, excluding bodies of water.

Section 11.4.12 Design and Improvement Standards

- A. Streets and drainage improvements in a Planned Village Development may be either private or public. At the time of approval of the Final Master Plan the Board of Commissioners shall approve the form and content of a document or documents, establishing the method of ownership and providing for the maintenance of the streets and drainage improvements, to be recorded contemporaneously with the Final Master Plat.
- B. Streets and appropriate drainage facilities within a Planned Village Development shall be designed, constructed and inspected in compliance with the Town of Elm City regulations in Section 11.2.23 in Article 11.
- C. The Final Master Plan shall not be approved, nor shall any lot be sold or building construction commenced for any property in the Planned Village Development pursuant to the Final Master Plan until such time all required infrastructure improvements are either completed or bonded. In addition, no building construction shall commence until such time the Final Master Plan is approved and the building construction can be adequately and safely accessed for inspection purposes.
- D. Any street, drainage, and other infrastructure improvements within a Planned Village Development not completed in accord with any approved construction phase as part of the Preliminary Master Plan approval (See Section 11.4.8.D) shall be bonded

pursuant to the Town of Elm City regulations in Section 11.2.27 and Section 3.2.8 prior to consideration of the Final Master Plan by the Board of Commissioners.

- E. The Final Master Plan and all supplemental data thereto shall be filed as a permanent record with the Town of Elm City. After the effective date of the approval of the Final Master Plan no grading shall be commenced for a building lot, nor shall any building or structure be erected, moved, altered, enlarged or rebuilt on such property except in compliance with the Final Master Plan as approved.
- F. Following adoption of the Final Master Plan for the Planned Village Development the plan shall not be changed, amended or altered in any manner except as set forth in this subsection. Minor deviations from the Master Plan that do not involve dimensional changes to platted lots, changes of setbacks, or increase in intensity or density of uses or structures may be permitted. Any substantial change or alteration in the actual physical characteristics of the plan, its configuration or uses shall amount to a new permit and shall only be accomplished pursuant to a new application. Any other changes or alterations may require approval by the Board of Commissioners.
- G. Any approved Preliminary Master Plan under the provisions of this section shall automatically terminate and the affected property shall automatically revert to its prior status if the time period ends for any granted vested right as set forth in Section 3.5 in Article 3 or if the approved Preliminary Master Plan is not vested it shall become null and void at end of three (3) years following the effective date of its approval or amendment thereof if a Final Master Plan has not been submitted for approval in accordance with the approval requirements. The Board of Commissioners may extend the term of a Preliminary Master Plan, but not to exceed a total of five (5) years from the time of initial approval based upon a showing of good cause by the applicant.
- H. The Final Master Plan shall be deemed null and void if after three (3) years of its approval no construction specified in the Final Master Plan has substantially commenced and no necessary infrastructure is in place. The Board of Commissioners may extend the time to commence construction upon a showing of good cause by the applicant or owner(s) of the Planned Village Development.