



**Work Session &
Public Hearing Minutes on
Amending the Code of Ordinances,
Town of Archer Lodge, NC, in
Accordance with State Law
Chapter 30 – Zoning and Subdivisions
Article VI - Subdivisions
Monday, June 15, 2020**

COUNCIL PRESENT:

Mayor Mulhollem
Mayor Pro Tem Castleberry
Council Member Bruton (Remotely)
Council Member Jackson
Council Member Purvis
Council Member Wilson

STAFF PRESENT:

Mike Gordon, Town Administrator
Chip Hewett, Town Attorney
Julie Maybee, Town Planner
Al Benshoff, Special Attorney (Remotely)
Chad Meadows, AICP, Consultant (Remotely)
Kim P. Batten, Finance Officer/Town Clerk

COUNCIL ABSENT:

MEDIA PRESENT:

None

1 WELCOME/CALL TO ORDER:

- a) **Mayor Mulhollem called the meeting to order at 6:32 p.m. in the Jeffrey D. Barnes Council Chambers located at 14094 Buffalo Road, Archer Lodge, NC and declared a quorum present.**

Due to the State of Emergency, State of NC Guidelines and to limit the spread of Coronavirus (COVID-19), Council Member Bruton, Special Attorney Benshoff, and Mr. Meadows attended remotely via Webex Video/Phone Conferencing.

**2 PUBLIC HEARING: (MAXIMUM OF 30 MINUTES ALLOWED, 3 MINUTES PER PERSON)
Text Amendments - Code of Ordinances, Archer Lodge, NC,
Chapter 30 - Zoning and Subdivisions
Article VI - Subdivisions**

- a) **Open Public Hearing**

Mayor Mulhollem opened the Public Hearing at 6:38 p.m.

-
- b) **Staff Report and Planning Board Recommendations**

Ms. Maybee presented the Staff Report as follows:



TOWN OF ARCHER LODGE
14094 Buffalo Road
Archer Lodge, NC 27527
Main: 919-359-9727
Fax: 919-359-3333

Mayor:
Matthew B. Mulhollem

Council Members:
Clyde B. Castleberry
Mayor Pro Tem
Teresa M. Bruton
J. Mark Jackson
James (Jim) Purvis, III
Mark B. Wilson

To: Town Council
From: Julie Maybee, Town Planner
Date: June 15, 2020
Cc: Town Administrator, Finance Officer/Town Clerk, Deputy Clerk, Town Attorney,
Brough Law Firm
Re: Proposed Revision of Chapter 30 - Zoning & Subdivisions, Article VI. – Subdivisions.

Background Information:

North Carolina laws have changed, or in the process of changing, that affect the development of land in Archer Lodge, NC. As referenced at the Council's recent budget retreat, revisions to the Code of Ordinances, Town of Archer Lodge, NC, Chapter 30 - Zoning and Subdivisions, Article VI. – Subdivisions, are proposed.

Please note this is not a re-write of this article in its entirety. Rather revisions are proposed to clarify/supplement existing provisions, comply with current NC General Statutes and address new planning and zoning laws referenced in NCGS 160D. (The effective date of NCGS 160D has been extended to August 1, 2021.) Further revisions (i.e., related to restrictive covenants, etc.) will be presented in the near future.

Planning Board Recommendation:

On May 20, 2020, the Planning Board deliberated and recommended approval of proposed amendments to Chapter 30, Zoning and Subdivisions, Article VI - Subdivisions, upon finding: the proposed amendments are reasonable and in the public interest. The proposed revisions (included) clarify/streamline the process/procedures for the subdivision of land in Archer Lodge in accordance with NC State laws. Furthermore, the proposed amendments follow the *Town of Archer Lodge 2030 Comprehensive Land Use Plan*, aka "*Comprehensive Plan*", and other adopted Town plans having bearing on the matter. The proposed revisions will aid in the implementation of the *Comprehensive Plan - Action Plan* that ensures that new development is consistent with the policies of the Town, and direct and concentrate new development to areas where adequate public infrastructure is available or can be extended without placing excessive burden on the Town's physical or financial resources.

ART. VI. SUBDIVISIONS

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ARTICLE VI. – SUBDIVISIONS

DIVISION 1. - GENERALLY

Sec. 30-285. - Intent.

It is the intent of this article to provide an orderly process for division of land into lots or parcels for the purpose of sale and/or building development by property owners. It is also this article's intent to ensure that subdivided lots or parcels can be used safely to build on without danger to the health, safety, and general welfare of both the prospective or future owners in the Town's community, and that subdivisions are provided with and provide for adequate and efficient access and coordination of streets, water and/or sewage, parks, schools, playgrounds and other public requirements and facilities where appropriate.

Sec. 30-286. - Authority and Jurisdiction.

- (a) The regulations of this article are adopted under the authority of G.S. section 160A-371 which authorizes the Town to regulate the subdivision of land.
- (b) The regulations of this article shall govern each and every subdivision of land within the corporate limits of the Town as now or hereafter established.

Sec. 30-287. - Applicability.

No land shall be subdivided, platted, or recorded, nor shall subdivided lots or parcels be sold, offered for sale, used, or occupied unless and until a final plat of the subdivision has been approved under this article and has been recorded by the county register of deeds. ¹ No lot or parcel resulting from a division of land excluded from the definition of subdivision in section 30-288 shall be sold, offered for sale, used, or occupied until the Zoning Administrator certifies that such division of land falls within one of the exclusions listed in the definition of subdivision. No plat of any division of land within the Town's corporate limits shall be filed or recorded by the county register of deeds unless it contains the Town Zoning Administrator's certification that the division of land has been approved under, or is not subject to, this article.

Sec. 30-288. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Construction plat means a plan with supporting data for a proposed subdivision, developed for the purpose of establishing the layout and provision of roads and utilities.

Flag lot means an irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm, or flagpole, of the lot.

Flood hazard boundary map means the official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk management zones applicable to the Town.

Full service access or No control of access. Connections between streets or streets and driveways where no physical or other restrictions to movement exist. For example, a connection from a residential subdivision

Street to a collector street means a street intersection that is not restricted to emergency vehicles only and allows full turning movements.

¹ Courts can order a subdivision by metes-and-bounds descriptions. Property may pass through an estate by metes-and-bounds descriptions. See update definition of subdivision.

Official plans mean any plans officially adopted by the Town Council as a guide for the development of the Town consisting of maps, charts, and texts.

Open space and *common open space and recreation area* mean any space or area characterized by great natural scenic beauty or whose openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding development, or would maintain or enhance the conservation of natural or scenic resources; or any undeveloped or predominately undeveloped land that has value for one or more of the following purposes:

- (1) Park and recreational uses;
- (2) Conservation of land and other natural resources, including floodplains and wetlands, including protected wetlands, flood plains, water supply watershed stream or water body buffers, but not floodways; or
- (3) Historic or scenic purposes.

Passive open space or recreation areas includes scenic resources, any undeveloped or predominately undeveloped land used for informal walking trails, picnic areas or similar uses. The following land uses, or land areas cannot be used to meet open space requirements of this article:

- (1) Roads, road rights-of-way, driveways, or parking areas.
- (2) Open areas within individual subdivision lots.
- (3) Small, narrow strips of land, or other unusual land configurations that are not consistent with the objectives of this article.

Performance Guarantee shall mean any of the following forms of guarantee:

- (1) Surety bond issued by any company authorized to do business in this State.
- (2) Letter of credit issued by any financial institution licensed to do business in this State.
- (3) Other form of guarantee that provides equivalent security to a surety bond or letter of credit.

The developer/applicant shall select the form of the performance guarantee from the list above.

Public sewer system means any sewer system whether owned and operated publicly or privately unless the sewer source is located on a lot and serves only that lot in accordance with G.S. section 130A-343 Approval of on-site subsurface wastewater systems.

Public water system means any water system whether owned and operated publicly or privately unless that water source is located on a lot and serves only that lot in accordance with G.S. section 130A-343.

Recreation areas, Active include playgrounds, tot lots, tennis courts, swimming pools and similar active play uses.

Shared Use Path also known as a multi-use trail or a greenway, a facility designed to meet ADA standards, which may be used by bicyclists, pedestrians, and other non-motorized users. The path is separated from the roadway by an open-space or a physical barrier or within an independent right-of-way. A rail trail, built within the right-of-way of a former railroad, is a shared use path. (From *Bicycle and Pedestrian Plan* [2020]).

Significant Tree(s) are overstory trees of eight inches or more in diameter at breast height (DBH) and understory trees of two inches or greater DBH are "significant".²

Street Classifications: The five street classifications for the Town are:

- (1) Arterial: Arterial streets function primarily to serve through-traffic movement. Limited land-access service may be accommodated. Traffic controls and street design are intended to provide efficient through-traffic movement. All U.S. and some N.C. numbered highways are examples of arterial streets.
- (2) Collector: Collector streets penetrate areas, neighborhoods, public service areas, and districts. They are intended to provide both through-traffic and land-access services in relatively equal

² To be further defined later.

proportions, often linking the local street system to the arterial street system. Examples of a collector street include some N.C. and S.R. numbered streets.

- (3) Local: Local streets primarily serve land-access functions. They are intended to accommodate land parcel ingress and egress. Through-traffic movement is difficult and discouraged by traffic controls and street design. Examples of a local street include streets internal to subdivisions and rural areas.
- (4) Public: A street owned by the N.C. Dept. of Transportation or another government.
- (5) Private: A street owned by a non-governmental person, including but not limited to corporations, partnerships, individuals, and homeowner's associations.

Subdivider means any person who subdivides or develops any land deemed to be a subdivision as defined in this section.

Subdivision means any division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development, whether immediate or future. It includes any division of land involving the dedication of a new street or change in existing streets. The following divisions of land are not included in this definition and are not subject to this article:

- (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 set forth in this article, and the minimum gross lot size, minimum lot width and minimum street frontage standards of this article;
- (2) The division of land into parcels greater than ten acres in area, where no public street right-of-way dedication or opening of streets is involved;
- (3) The public acquisition, by purchase, of strips of land for the purpose of widening or opening of streets; or
- (4) The division of a tract in single ownership whose entire land area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards set forth in this article.
- (5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under General Statutes Chapter 29.³

In subsection (1) of this definition, the phrase "previously subdivided and recorded" means under a recorded plat or other instrument of transfer containing a metes and bounds description if lots were created prior to the existence of applicable subdivision regulations, or under a validly approved and recorded plat if such lots were created after the existence of applicable subdivision regulations. In subsection (2) of this definition, the phrase "where no street right-of-way dedication is involved" means that adequate access to such lot is provided by an approved existing street (public or private).

Subdivision, commercial, means the subdivision of an existing development on a parcel/lot or recorded parcel that consists of institutional, industrial, commercial and/or office uses. Such a subdivision would create two or more individual lots plus land developed and designated for the common use and benefit of the occupants/owners of the individual commercial subdivision lots provided:

- (1) That an entity is designated to be legally responsible for maintenance and control of the common land areas;
- (2) That the property has an approved site plan, valid for the development, prior to application for commercial subdivision;
- (3) That all parking areas, drive aisles, and open space if applicable, shall be the common land area; and

³ Added to G.S. 160A-376 Definition [of subdivision] in 2017

- (4) The individual lots within a commercial subdivision shall meet the lot design standards of this article.

Subdivision, major, means any subdivision creating five or more lots.

Subdivision, minor, means a subdivision of a parent parcel, creating four lots or less, that:

- (1) Does not involve any new dedication of public right-of-way to give access to interior lots or parcels;
- (2) Does not involve the extension of public water or sanitary sewage lines;
- (3) Will not adversely affect the development of the remainder of the parcel or of adjoining property; and
- (4) Will not create any new or residual parcels which do not satisfy the requirements of this article or other applicable local and state controls.

Zoning Administrator means the employee designated by the Town Administrator in charge of the Town's planning, zoning and subdivision functions.

Secs. 30-289—Penalties for Transferring Lots in Unapproved Subdivisions⁴

- (a) Any owner or agent of the owner of any land located within the Town's corporate limits who subdivides their land in violation of this Subdivision Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this Subdivision Ordinance and recorded in the office of the county register of deeds, shall be guilty of a Class 1 misdemeanor; and civil penalties described in section 30-25 Penalty.
- (b) The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty.
- (c) The Town may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this Subdivision Ordinance.
- (d) Building permits required may be denied for lots that have been illegally subdivided.
- (e) In addition to other remedies, the Town may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.

Secs. 30-290 - 30-309. - Reserved.

DIVISION 2. - PROCEDURES FOR APPROVAL OF MINOR SUBDIVISIONS

Sec. 30-310. - Application Submittal Requirements.

Applications for minor subdivision approval, along with any required fees, shall be filed with the Zoning Administrator. The Zoning Administrator shall prescribe the form of applications, as well as any other material that may reasonably be required to determine compliance with this division. Minor subdivision plats shall comply with the mapping requirements of sections 30-385 and 30-386. The Zoning Administrator shall not accept an application unless it complies with such requirements. An incomplete application shall be returned to the applicant, with a notation of its deficiencies.

Sec. 30-311. - Zoning Administrator Action.

⁴ Taken from N.C.G.S. § 160A-375, Penalties for transferring lots in unapproved subdivisions.

When an application for minor subdivision approval is accepted, the Zoning Administrator shall determine if the plat and application conform with all applicable regulations. The Zoning Administrator (also known as the "Administrator") shall act on an application based solely on the findings as to compliance with applicable regulations and conditions. The Administrator shall approve; approve subject to conditions; deny; or refer to the major subdivision approval process if he/she finds it to be a major subdivision proposal or if requested by the applicant. If the Zoning Administrator refers the request to a major subdivision review, an amended application shall be submitted as required in Division 3 of this article. The Zoning Administrator may impose reasonable conditions on his/her approval to ensure the subdivision complies with the intent and requirements of this division.

Sec. 30-312. - Actions Subsequent to Decision.

The Zoning Administrator shall notify the applicant of his/her decision on the applicant's application for a minor subdivision approval and shall file a copy of the decision in the office of the Zoning Administrator. The Zoning Administrator shall endorse his/her approval on a minimum of two reproducible Mylar originals of the final plat if he/she approves an application or approves it with conditions. The applicant shall record such plats with the county register of deeds returning one to the Town Zoning Administrator and one blue line copy shall be on file with the county department of environmental health. Approval of any minor subdivision plat is void if it is not properly recorded within 60 days after the Zoning Administrator's endorsement of approval. The Zoning Administrator may extend this deadline provided the applicant has demonstrated a good faith effort to comply with the deadline, but for reasons beyond his/her control, fails to meet the requirements of the register of deeds for recordation within that period. Plats shall conform to the drawing specifications and certification requirements of sections 30-385 and 30-386.

Sec. 30-313. - Appeal of Decision.

The Zoning Administrator's decision on a minor subdivision application may be appealed to the Planning Board under section 2-32.

Secs. 30-314—Exception for Subdivision of Land in Single Ownership Established by NC General Statute, Section 160A-376 (c)⁵

The Zoning Administrator will review a final plat prior to recordation, and sign the required certificates, only if all the following conditions apply:

- (a) The division will not create parcels greater than 10 acres where no street right-of-way dedication is involved.
- (b) No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.
- (c) The entire area of the tract or parcel to be divided is greater than five acres.
- (d) After division, no more than three lots result from the division.
- (e) After division, all resultant lots comply with all of the following:
 - (1) Any lot dimension size requirements of the applicable land-use regulations, if any.
 - (2) The use of the lots is in conformity with the applicable zoning requirements, if any.
 - (3) A permanent means of ingress and egress is recorded for each lot.

Sec. 30-315 - 30-344. - Reserved.

DIVISION 3. - PROCEDURES FOR APPROVAL OF A MAJOR AND/OR COMMERCIAL SUBDIVISION

Sec. 30-345. - Preliminary Plat Approval.

⁵ Required by SL 2017-10 amending G.S. 160A-376 Definition [of Subdivision], effective July 1, 2017

All major and commercial subdivisions must have a preliminary plat approval from the Town Planning Board prior to any final plats being recorded with the county register of deeds.

Sec. 30-346. - Preliminary Conference.

Applicants proposing major subdivisions, including commercial and other non-residential subdivisions, are encouraged to first consult with the Zoning Administrator to ensure that the applicant understands the requirements of this division.

Sec. 30-347. - Application Submittal Requirements.

Applications for major and commercial subdivision preliminary plat approval shall be filed with the Zoning Administrator. The Zoning Administrator shall prescribe the form of applications, as well as any other material it may reasonably require to determine compliance with this division, subject to approval by the Town Council. The Zoning Administrator shall not accept an application unless it complies with such requirements, including written confirmation that the applicant is the owner or agent having a valid ownership interest, or a valid enforceable contract or option for an ownership interest in the property involved. An incomplete application shall be returned to the applicant, with a notation of its deficiencies.

Sec. 30-348. - Traffic Impact Analysis (TIA) Submittal Requirement.

(a) *Purpose:* Archer Lodge is committed to maintaining and improving the quality of life for current and future citizens. A major factor affecting the quality of life has become traffic congestion along the major thoroughfares and local streets within urbanizing areas. By requiring a traffic impact analysis (TIA), the Town can evaluate the effect proposed development will have on the Town's existing traffic system and enable the Town to require specific improvements. The intent of this section is to provide developers with a clear policy as to the Town's TIA expectations and to ensure that all developments are treated equally through the establishment of specific guidelines and improvement requirements.

(b) *Requirement thresholds:*

- (1) Residential subdivision proposing 100 lots/units or more, no matter how many phases are proposed.
- (2) Proposed nonresidential subdivision which generates an average daily traffic count of 1,000+ vehicles per day or 100+ trips during peak hour of generator. This traffic count must be based on the latest version of the Institute of Transportation Engineers (ITE) Trip Generation Manual.
- (3) Any residential or nonresidential development requiring a special use permit or site plan approval which generates an average daily traffic count of 1,000+ vehicles per day or 100+ trips during peak hour of generator. This traffic count must be based on the latest version of the Institute of Transportation Engineers (ITE) Trip Generation Manual.

Note #1: The count is cumulative; as a proposed development reaches the threshold, a TIA will be required for the entire development. As new phases are proposed and once a development has reached the threshold, an additional TIA will be conducted for each additional phase.

Note #2: Failure to meet all requirements listed within this section may constitute disapproval of the development request.

(c) *Retention of expert assistance and reimbursement by applicant*

- (1) The Town shall hire a consultant and/or expert necessary to assist the Town in preparing, reviewing, and evaluating the traffic impact analysis, and at the request of the Town may be asked to look at other specific issues.
- (2) An applicant shall deposit with the Town funds sufficient to reimburse the Town for all reasonable costs of consultant and expert evaluation and consultation to the Town in connection with the performance and review of any analysis. The initial deposit shall be established by the Town and may be changed within the discretion of the Town. These funds shall be deposited at the time the subdivision application is submitted and the Town will maintain a separate escrow account for all such funds. The Town's consultants/experts shall bill or invoice the Town no more frequently than monthly for its

services in reviewing the application and performing its duties. The applicant shall immediately, upon notification by the Town, replenish said escrow account so that it has a balance established by the Town and may be changed within the discretion of the Town. Such additional escrow funds shall be deposited with the Town before any further action or consideration is taken on the subdivision application. In the event that the amount held in escrow by the Town is more than the amount of the actual billing or invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant. All invoices submitted by the applicant shall be itemized and be public records available for inspection.

- (3) The total amount of the funds needed as set forth above may vary with the scope and complexity of the project, the completeness of the application and other information as may be needed by the Town or its consultant/expert to complete the necessary review and analysis. Additional escrow funds, as reasonably required and requested by the Town, shall be paid by the applicant. However, notwithstanding any other provisions of this section, if the total amount paid to the consultant exceeds \$7,500.00 for a single application, such amount shall be subject to review and approval by the Town Council at the request of the applicant.
 - (4) The developer may have a TIA conducted by a consultant of his or her choice but will be required to be submitted for review and evaluation by the Town's consultant. Any cost associated with the Town's review shall be paid by the developer as described in subsections (c)(2) and (3).
- (d) *Traffic impact analysis guidelines.* All traffic impact analyses shall be completed in accordance with the guidelines listed in section 3 of the Johnston County Land Design Manual.

(e) *Improvement requirements.*

- (1) Left turn lane, right turn lane, and/or right turn taper. Based on requirements of the NCDOT Driveway Manual or other NCDOT standards.
- (2) *Additional right-of-way.* If a subject development falls along a road projected to be widened by NCDOT or an adopted Town or Johnston County plan, additional right-of-way along the development's road frontage shall be dedicated as deemed acceptable by NCDOT.
- (3) *Offsite improvements.* If a road segment or intersection is currently performing at level of service (LOS) D or better and is projected to perform at LOS E or F at the time of build-out, improvements to maintain the road segment or intersection at LOS D must be included. If a road segment or intersection is currently performing at level of service (LOS) E or F and is projected to continue to perform at LOS E or F at the time of build-out, the TIA shall demonstrate how an LOS D could be achieved and also specify what improvements must be made to ensure that the road segment or intersection is not degraded any further than the current levels.
- (4) *Other necessary improvements.* Additional improvements may be required based on the TIA recommendations related to topographic/environmental conditions, sight distance, street offsets, conflicting movements, existing traffic accident counts, circulation, and other potential traffic issues resulting from the proposed development. Additionally, the Planning Board may determine that additional improvements are necessary to ensure the safety and welfare of the Town's citizens and travelers.⁶

Sec. 30-349. - Zoning Administrator's Report.

The Zoning Administrator shall forward to the Planning Board an analysis of an application for major and commercial subdivision preliminary plat approval with his/her recommendation.

Sec. 30-350. - Planning Board Review and Action.

- (a) After receiving the Zoning Administrator's report on an application for major or commercial subdivision preliminary plat approval, the Planning Board shall consider the application at its next available regularly scheduled meeting. No formal public hearing will be held. The Planning Board may hear comments and

⁶ Adapted from Johnston County ordinances (Amend. of 11-8-2004; Amend. of 02-03-2010(2))

- questions. The Planning Board may place reasonable and fair limitations on comments, arguments, and questions to avoid undue delay. The applicant shall bear the burden of establishing that he/she is entitled to approval of the application.
- (b) The Planning Board shall act on an application for major subdivision preliminary plat approval after reviewing the application, the Zoning Administrator's report and public comment on the application. It shall base its action on its findings as to conformity with all applicable regulations of this article. Its action shall be one of the following: approval, approval subject to conditions, tabled to address deficiencies identified by the Planning Board, or denial. The Planning Board may impose reasonable conditions on its approval to ensure compliance with applicable regulations.
- (c) The Zoning Administrator shall notify the applicant for major or commercial subdivision preliminary plat approval in writing of the Planning Board's decision and shall file a copy of the decision with the Town's Zoning Administrator.

Sec. 30-351. - Expiration of Preliminary Plat Approval.⁷

Preliminary plat approval, or re-approval, for a major or commercial subdivision shall be effective for three years from the date of approval with no extension allowed by the Zoning Administrator or his/her delegee. An extension may be requested of the Planning Board for an additional three-year period. If a final plat for all or a portion of the subdivision has not been recorded within three years of the preliminary plat approval, the applicant must submit a new application. The Planning Board may reapprove the application unless they determine that paramount considerations of health, the general welfare, or public safety exist.

Sec. 30-352. - Standards for Design for Lots in a Subdivision.

- (a) Lots created pursuant to these provisions shall meet the following minimum design standards:
- (1) Minimum residential lot sizes resulting after subdivision shall meet the standards of the following table:

TABLE 1: Minimum Residential Densities or Lot Sizes

	Residential Zoning Districts Max. Densities (except Mobile Home Park) / Not in a Watershed Overlay District	Mobile Home Park	Residential Zoning Districts in a Water Supply Watershed Overlay Zoning District (Except Mobile Home Park)
With ONLY Utility Provided Water	1.5 dwelling units (D/U) per acre	3.0 D/U per acre	1.0 D/U per acre ⁸
Well & Septic System	1.0 D/U per acre	3.0 D/U per acre	1.0 D/U per acre ⁹
Utility Provided Water and Public Sewer	1.5 D/U per acre	4.0 D/U per acre	2.0 D/U per acre ¹⁰

⁷ Same provision as the Johnston County ordinance.
⁸ If approved by Johnston County Environmental Health Department
⁹ If approved by Johnston County Environmental Health Department
¹⁰ If approved by Johnston County Environmental Health Department

- (2) Minimum non-residential lot sizes shall be one-half acre.
- (3) Residential lots shall front on a public or private right-of-way. Non-residential lots shall front on a public right-of-way. Lots may be created that have access to an existing access easement, or have an easement created to serve the lots if one of the two following conditions exist:
- (A)¹¹ ALL of the following criteria are met:
- (i) The tract or parcel to be divided is not to be divided into parcels greater than 10 acres where no street right-of-way dedication is involved.
 - (ii) No part of the tract or parcel to be divided has been divided under this section in the 10 years prior to the proposed division.
 - (iii) The entire area of the tract or parcel to be divided is greater than five acres.
 - (iv) After division, no more than three lots result from the division.
 - (v) After division, all resultant lots comply with all of the following:
 - a. Any lot dimension size requirements of the applicable land-use regulations, if any.
 - b. The use of the lots is in conformity with the applicable zoning requirements, if any.
 - c. A permanent means of ingress and egress is recorded for each lot.
- OR
- (B) The division is made in accordance with the terms of a probated will or in accordance with intestate succession under G.S. Chapter 29.
- (4) Divisions into lots or residual lots shall not be created as non-conforming to this Subdivision Ordinance or "non-buildable." Each lot or residual lot must be reviewed and approved as buildable which must contain a system for wastewater disposal, [and] contain sufficient area for all structures to meet building setbacks.
- (5) The standards of Div. 5, Design of Subdivisions.
- (6) The standards of Article III, Site Plans and Article IV Design Standards, as applicable.
- (7) The street design standards of the NC Dept. of Transportation, as applicable. NC Department of Transportation Subdivision Roads Minimum Construction Requirements, January 2010 (Revised May 2016)
- (8) If a mailbox kiosk is to be provided, it shall be designed and built as required in Section 30-415 (a) 2. D. of this Ordinance.
- (b) Non-buildable lot exception: lots in which no buildable area exists due to scale and extent of hydrological features such as ponds, wetlands, floodway zones, or riparian buffers.

Sec. 30-353. - Appeal of Decision.

The Planning Board's decision on an application for a preliminary plat approval for a major or commercial subdivision may be appealed to the Board of Adjustment under an appeal of decision application provided by the Zoning Administrator.

Secs. 30-354—30-379. - Reserved.

DIVISION 4. - FINAL PLAT APPROVAL

Sec. 30-380. - Application Requirements.

¹¹ These exceptions are from G.S. 160A-376 Definition [of subdivision] (2017)

Applications for final plat approval of subdivisions shall be filed with the Zoning Administrator. The Zoning Administrator shall prescribe the form of application, as well as any other material he / she may reasonably require to determine compliance with this division, with the approval of the Town Council. Final plats shall comply with the mapping requirements of section 30-385 and the certification and endorsement requirements of section 30-386. For major subdivisions, a preliminary plat for the lots shown on the proposed final plat must have been approved and not expired before a final plat approval application may be accepted. As part of the application for final plat approval, the applicant shall certify one of the following:

- (1) That all required improvements (streets, utilities, storm drainage facilities, street signs, and facilities for common use, if any) approved as part of the preliminary plat approval and serving lots shown on the final plat have been completed, or sufficient performance guarantee has been posted;
- (2) ¹²That a performance guarantee at a rate of 1.25 of the estimated cost and description thereof, including sufficient means and procedures, to ensure satisfactory completion of any uncompleted improvements have been posted at the time the plat is recorded, or in the case of phased subdivisions at the time a subsequent plat is recorded, provided that the Zoning Administrator shall specify which subsequent final plat requires the performance guarantee.
 - (A) Duration. -- The duration of the performance guarantee shall initially be one year, unless the applicant/developer determines that the scope of work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one year from the date the bond is issued, unless the applicant/developer determines that the scope of work for the required improvements necessitates a longer duration.
 - (B) Extension. -- An applicant/developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension. If the improvements are not completed to the specifications of the city or county, and the current performance guarantee is likely to expire prior to completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period; provided, however, that the extension shall only be for a duration necessary to complete the required improvements. If a new performance guarantee is issued, the amount shall be determined by the procedure provided in subdivision (D) of this subsection and shall include the total cost of all incomplete improvements.
 - (C) Release. -- The performance guarantee shall be returned or released, as appropriate, in a timely manner upon the acknowledgement by the Town that the improvements for which the performance guarantee is being required are complete. The Town shall return letters of credit or escrowed funds upon completion of the required improvements to the specifications of the Town, or upon acceptance of the required improvements, if the required improvements are subject to Town acceptance. When required improvements that are secured by a bond are completed to the specifications of the Town, or are accepted by the Town, if subject to Town acceptance, upon request by the applicant / developer, the Town shall timely provide written acknowledgement that the required improvements have been completed.
 - (D) Amount. -- The amount of the performance guarantee shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued. The Town may determine the amount of the performance guarantee or use a cost estimate determined by the applicant / developer. The reasonably estimated cost of completion shall include one hundred percent (100%) of the costs for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing. The additional twenty-five percent (25%) allowed under this subdivision includes inflation and all costs of administration regardless of how such fees or charges are denominated. The amount of any extension of any performance guarantee shall be determined according to the procedures for determining the initial guarantee and shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.

¹² See N.C. Gen. Stat. § 160A-372 (g) (2017)

- (3) That the development requires only review of the final plat per section 30-314.

Sec. 30-381. - Zoning Administrator's Action.

When the Zoning Administrator accepts an application for final plat approval of a subdivision, the Zoning Administrator shall determine if the final plat conforms to all applicable regulations and to an approved valid preliminary plat if a major subdivision. He/she shall approve or deny the application.

Sec. 30-382. - Actions Subsequent to Decision.

If an application for final plat approval of a subdivision is approved, the Zoning Administrator shall endorse his/her approval on a minimum of two reproducible Mylar originals of the final plat. The applicant shall record the final plat in the office of the county register of deeds. Approval of any final plat is void if it is not properly recorded within 60 calendar days after the Zoning Administrator's endorsement of the approval. The Zoning Administrator may extend this deadline provided the applicant has demonstrated a good faith effort to comply with the deadline, but for reasons beyond his control, fails to meet the requirements of the register of deeds for recordation within that period. Such plat shall conform to the drawing specifications, certifications and endorsement requirements of sections 30-385 and 30-386.

Sec. 30-383. - Appeal of Decision.

The Zoning Administrator's decision on a final plat approval application may be appealed to the Board of Adjustment under an appeal of decision application provided by the Zoning Administrator.

Sec. 30-384. - Required Restrictive Covenants and Review by Town.

Prior to final approval of any residential major subdivision submitted after the effective date of this ordinance, the developer shall include in the restrictive covenants a provision that mandates the discharge of firearms is strictly prohibited anywhere in the subdivision or on any adjoining property owned by the developer or Homeowner Association (HOA). A copy of the recorded restrictive covenants must be submitted to the Town proving compliance with this ordinance section prior to final approval. Discharging of air guns, air pistols and air rifles, not to exceed a caliber of .177, is permitted, as they are not considered firearms within the meaning of this section.

Sec. 30-385. Specifications for Drawings. (Formerly 30-419)

- (a) *Format.* The requirements of this section apply to the format of drawings.
- (b) *Preliminary plat.* The preliminary plat shall be drawn to the standards of G.S. § 47-30 Plats and Subdivision; Mapping Requirements at a scale between 1:100 and 1:20. Under special circumstances, with the Zoning Administrator's approval, a preliminary plat can be drawn to another scale which can clearly and accurately display the necessary information for review. The plat shall show the following:
 - (1) *Title data.* Name of the subdivision, the names and addresses of the owner or owners, name of designer of the plat, scale, date, approximate north point, and in large letters the words "Preliminary Plat."
 - (2) *Existing data.* Property lines, street lines and names, greenways, sidewalks, bicycle facilities, principal buildings, existing utility lines (water, sewer, electric, gas, etc.) watercourses (intermittent and perennial), wetlands, bridges, public/private easements, names of adjacent subdivisions, property owners, zoning districts, land uses, distance to nearest street intersection, voluntary agricultural districts, corporate limits and/or planning district lines; and an inset sketch map showing the subdivision's location in relation to the Town and general area.
 - (3) *Data relating to subdivision.* Names, locations and other dimensions and/or metes and bounds of proposed streets, lots, easements, building lines, gross acreage to be developed, development existing and proposed impervious surfaces, buffers, and recreational/open space areas, if appropriate. A statement describing the water supply and sanitary sewage disposal facilities proposed to be installed in the subdivision.
 - (4) *Floodway data.* The boundaries of both the floodway and floodplain, shown on maps entitled flood hazard boundary map, shall be shown clearly.

- (5) *Dedications for future right-of-way.* Whenever land to be subdivided includes any part of a planned thoroughfare improvement shown on the official plan(s) adopted by the Town, the applicant shall dedicate the right-of-way in the location and to the width specified in the comprehensive plan or roadway project to the DOT or HOA, whichever applies. Land reserved for future right-of-way shall not be counted in satisfying any yard, area, or dimensional requirements.
- (6) *Stormwater Management Statement* as required in the Johnston County Storm Water Management Ordinance and/or Johnston County Stormwater Design.
- (c) *Final plat.* The final plat shall be drawn in black ink on Mylar to a suitable scale to assure legibility. It shall show the following:
 - (1) *Title and documentation data.* Name of subdivision, the Township, the name of the licensed surveyor under whose supervision the plat was prepared; the date of the plat; the scale and north point; and all endorsements and certifications required by in section 30-386.
 - (2) *Data relating to the subdivision.* Lines and names of streets; lines of all lots, easements, areas devoted to common use, with notes stating clearly their proposed use, required landscape buffers, any limitations and the person or entity responsible for continued maintenance; corporate and/or other boundaries; lots numbered consecutively through the subdivision; building lines; metes and bounds survey information sufficient to determine readily on the ground the location of every street, lot line, boundary line, block line, easements line, and building line; the radius central angle, and tangent distance for both street lines of curved streets, the locations and types of all permanent monuments; the names of subdivisions, subdivision entrance sign easement, and streets adjoining the platted subdivision; if applicable, the location of mail kiosk; and designation of all streets and easements within the subdivision as public or private.
 - (3) *State statute.* All data shown on the final plat shall be consistent with the provisions set out in G.S. 47-30.
 - (4) *Easements.* All easements and their function shall be shown on the final plat. Drainage easements shall comply with Johnston County's Storm Water Management Ordinance, Johnston County Stormwater Design Manual and NCDOT Subdivision Road Standards.
 - (5) *Floodway data.* The boundaries of both the floodway and 100-year floodplain zone, as shown on the map entitled "Flood Boundary and Floodway Map," shall be shown. The FIRM panel and its adoption date shall be shown.
 - (6) *Future streets.* All streets intended for future extension either within or beyond the boundaries of the subdivision shall clearly be indicated on the plat, by the words "Reserved for Future Public Access."
 - (7) *Subdivision road disclosure statement.* The subdivision road disclosure statement shall be shown on the final plat. All roads shown on the final plat shall be designated in accordance with G.S. 136-102.6 and designation as a public road shall be conclusively presumed an offer of dedication to the public. Where roads are dedicated to the public but not accepted into a municipal or the state system, before lots are sold, a statement explaining the status of the road shall be noted on the final plat.
 - (8) *Plat Certificates* As required by section 30-386 below.

Sec. 30-386. - Certificates and Endorsements on Final Plat. (Formerly 30-420)

The following certificates and endorsements, where applicable, must be shown on all final plats of subdivisions:

- (1) Certificate of survey and accuracy.
- (2) Professional Land Surveyor's Certification
- (3) Certificate of Floodway Information.
- (4) Certificate of Ownership, Dedication and Maintenance.
- (5) Notice to Homeowners to Connect to Public Utility System.

- (6) Certificate of Public Utilities
- (7) Certification of Approval of Water Supply and Sewage Disposal System.
- (8) NC Department of Transportation Division of Highways Certification
- (9) Road Maintenance Statement of Understanding.
- (10) Zoning Administrator's certification.
- (11) Review Officer's certification.
- (12) Register of Deed's certification.
- (13) Acceptance of offer of dedication
- (14) Subdivision road disclosure statement
- (15) Additional certifications, statements, or notations necessary.

TABLE 2: CERTIFICATES REQUIRED BY PLAT

Type	Reference Numbers (See the list of required certifications immediately above.)
Exempt	(1)– (5), (7) (10), (11), (12)
Minor	(1) – (7), (10-12) As applicable (6) through (9), (13), (14)
Major	(1) – (13)

Secs. 30-387. - Distribution of Recorded Plat and Recorded Covenants. (Formerly 30-421)

When approved by the Zoning Administrator, the Zoning Administrator shall endorse his/her approval on a minimum of two reproducible Mylar originals of the final plat if he/she approves an application or approves it with conditions. The applicant shall record such plats with the county register of deeds returning one to the Town Zoning Administrator, along with a recorded copy of the required covenants in 30 days, and a blue line copy shall be on file with each of the county departments of environmental health and public utilities.

Secs. 30-388—30-409. - Reserved.

DIVISION 5. - DESIGN OF SUBDIVISIONS

Sec. 30-410. - Intent.

Subdivisions shall be designed with a street and pedestrian network which provides safe, adequate access to all lots within the subdivision. Extension of a public access to an adjoining property should be considered in the subdivision design where a compelling public need is deemed necessary for orderly development of these adjoining properties. However, the design of the local street network in a subdivision should not encourage large amounts of through traffic, the origins and destination of which are external to the subdivision, to use local roads in the subdivision. Due consideration should be given to preserving important natural features, such as trees, ponds,

streams, lakes, as well as historical sites which are of value to the Town as a whole. Consideration shall also be given to grading to ensure the adequate flow of stormwater on the site, and the retention of stormwater as required by Johnston County Public Utilities Department.

Sec. 30-411. - Applicability of Lot Design Standards.

Each lot in a subdivision shall comply with the lot design standards contained in this division and in Article IV, Design Standards. Newly created or revised lots shall be designed so that any existing structures continue to meet the requirements of this division or so that any existing nonconformity is not increased, enlarged, or extended. The standards of this section, however, do not apply to recreation areas.

Sec. 30-412. - Lot Size Standards.

- (a) Every subdivided lot shall comply with the minimum lot size, lot width, and street frontage standard as stipulated in this Ordinance, as well as the standards of the Johnston County health department for lots not served by a public water and/or sanitary sewer system.¹³
- (b) Lots laid out for commercial or industrial purposes shall be of a size that is adequate to provide for the structure to be located on the site; off-street parking facilities required by the type and use of the development; and any required landscape buffer or screening areas. Lots for residential use shall comply with the provisions of this division.

Sec. 30-413. - Lot and Block Arrangement.

- (a) *Lots.* The arrangement of lots in a subdivision shall comply with the provisions of this division and the regulations of the Town and shall provide vehicular access to buildings on the lot from an approved street.
- (b) *Blocks.* Blocks shall be arranged with special consideration given to the type of land use proposed within the block.
 - (1) Blocks shall not exceed 1,500 feet in length.
 - (2) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic.
 - (3) A pedestrian access easement not less than ten feet in width may be required near the center and entirely across any block greater than 900 feet in length to provide adequate access to schools, parks, churches, civic facilities, open space, trails, or greenways.
 - (4) A pedestrian access easement not less than ten feet in width may be required from a cul-de-sac to help provide adequate access to schools, parks, churches, civic facilities, open space, trails, or greenways.

Sec. 30-414. - Flag Lots.¹⁴

- (a) Flag lots and easement access lots shall be permitted only if it can be demonstrated by the applicant that the subdivision cannot be physically designed, that no reasonable alternative exists, or it would create an unreasonable hardship without a corresponding public benefit to prohibit flagpole lots. Hardships shall include the following:
 - (1) Topographic constraints or irregularly shaped land in which no alternative exists;
 - (2) Natural features such as ponds, streams, wetlands, or buffers exist which would limit street construction and/or lot design;
 - (3) A long narrow parent parcel which would limit alternative designs;
 - (4) A parent parcel that has limited or no direct road frontage which would require the use of a flagpole or easement with no alternative design available;

¹³ Adapted from Johnston County Ordinance Section 14-227.

¹⁴ Similar to Johnston County Ordinance.

- (5) No alternative access is available or feasible such as a paved subdivision street or cul-de-sac street constructed to NCDOT standards.
- (b) It is the responsibility of the applicant to present evidence to the Zoning Administrator that one or more of the hardships listed in subsection (a) of this section exist.
- (c) Any decision of the waiver described in subsection (a) of this section may be appealed to the Board of Adjustment as described in section 2-46.
- (d) All flag lots or easement access lots within a major subdivision shall meet the following requirements:
 - (1) A flag lot shall serve only one single-family dwelling and its uninhabited accessory structures;
 - (2) The minimum flagpole width shall be 30 feet;
 - (3) The minimum separation between the flagpole portion of the lot and that of another flag lot shall be 100 feet;
 - (4) Where public water is available, the occupied building on the flag lot shall be within 500 feet of a fire hydrant. The hydrant shall not be across a street from a proposed flag lot. This distance shall be measured along the street, then along the flagpole, then from the end of the flagpole in a straight line to the building thereon;
 - (5) Where public sewer is available, the occupied building on the lot shall have a gravity service line, or the sewer pump requirements shall be noted on the recorded plat;
 - (6) Use of a single driveway to serve the flag lot and an adjoining lot is permitted and encouraged. In the case of a shared driveway, the location of the driveway shall be on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole; and
 - (7) Designate the building footprint and orientation of the house on the preliminary plat.
- (e) The flagpole portion of a lot shall not be used to calculate the area, width, or setbacks of the lot for the zoning district in which the lot is located.

Sec. 30-415. – Standards: Access, Circulation and Open Space.

The type and arrangement of streets within a development under this article shall comply with and coordinate with the Town's adopted transportation plan(s); or the decision of the Zoning Administrator. Principal vehicular access points to the subdivision shall be designed to encourage smooth traffic flow and minimize hazard to vehicular traffic, pedestrian and bicycle traffic. Accommodation for controlled turning movements into and out of the subdivision and improvement of the approach street should be considered where existing or anticipated heavy traffic flows indicate need. Safe and convenient vehicular access shall be provided for emergency, service and school bus vehicles.

- (a) *Roads.* The arrangement, character, extent, width, grade, and location of all roads should be designed in relation to existing and proposed transportation patterns, topographical and other natural features, public convenience and safety, and proposed uses of lands to be served by such roads and existing and potential land uses in adjoining areas.
 - (1) *Minimum construction standards.* All roads shall meet the road construction standards as set forth in the latest edition of the NCDOT subdivision roads minimum construction standards, and shall:
 - A. Be dedicated for public use and meet the design and construction standards as required by the NCDOT for the functional classification and projected traffic volumes;
 - B. For all roads not maintained by NCDOT and/or not dedicated for public use, be ensured proper maintenance through the establishment of a homeowners' association or a road maintenance agreement.
 - (2) *Other road requirements.*

- A. *Permits for connecting to state roads.* An approved permit is required to connect any subdivision street to an existing state road. This permit is required prior to constructing the road. The application is available at the office of the nearest district engineer of the division of highways.
 - B. *Offsets to utility poles.* Overhead utility poles shall be break-away or located outside the roadway clear zone.
 - C. *Wheelchair ramps and curb cuts for disabled persons.* All roads, sidewalks, curbing, crosswalks, and other road improvements shall conform to the requirements of N. C. General Statutes section 136-44.14 and the Americans with Disabilities Act.
 - D. *Mail Box Kiosks:* All mail box kiosks shall meet the USPS Cluster Box Units Concrete Pad Installation – Interim Pad Policy (2/19/2017 or most recent edition) and the NC DOT Policy for Placement of Mail Cluster Box Units (9/1/2015 or most recent edition) and be subject to approval by the N.C. Dept. of Transportation.
- (3) *Relationship to adjoining properties.* New streets or roads shall be appropriately related to, and coordinated with, adjoining properties and existing and proposed roadways. Roadways within a proposed subdivision may be required to connect with adjoining properties where necessary to permit the convenient, efficient and safe movement of traffic. All roads that extend to adjacent properties shall be designated as public roads.
 - (4) *Cul-de-sac length.* No residential street terminating in a cul-de-sac shall exceed 1,500 feet in length.
 - (5) *Access to streets.* Every subdivided lot shall front on, or have direct driveway access or dedicated easement to, a public street meeting the standards of the latest edition of the NCDOT subdivision roads minimum construction standards.
 - (6) *Direct residential driveway connections.* Subdivisions located on an arterial or collector road shall be designed such that no new subdivided lot shall have a direct driveway connection onto the arterial or collector road, unless it can be demonstrated that the proposed subdivision cannot be feasibly designed, or that no reasonable alternative exists, to prohibit driveway access onto the collector street.
 - A. Major subdivisions to be located on a local road shall be so designed that there shall be no more than one direct residential driveway connection per 500 feet along the same side of the local road, unless it can be demonstrated that the proposed subdivision cannot be physically designed, that no reasonable alternative exists, or it would create an unreasonable hardship without a corresponding public benefit to prohibit individual driveway access onto a local road.
 - B. *Subdivision access.* A second full-service access built to the standards of the Johnston County Design manual (as adopted by Town) for the purpose of ingress and egress or emergency access easement will be required when meeting or exceeding the following thresholds:
 - (i) For subdivisions proposing between 100 and 200 lots, the developer has the option of providing a second full-service access built to the standards of the Johnston County Design Standards for the purpose of ingress and egress or a dedicated "emergency vehicle access." This "emergency vehicle access" is to be constructed of any all-weather surface and kept cleared at all times in case the main entrance is blocked, and emergency vehicles need to access the development.
 - (ii) For subdivisions proposing 201 lots or more, a second full-service access built to Johnston County Design Standards for the purpose of ingress and egress will be required. In lieu of installation of a second full service access, a dedicated emergency vehicle access must be approved by the Planning Board and constructed as described above with a full service access approved by the Planning Board planned within the subdivision proposal for future development.
- Note: For determining when a second access is required, the count will be cumulative.
- (7) Subdivision Road Standards.

- A. The applicant/developer shall be responsible for ensuring that all dedicated public subdivision streets are successfully accepted by NCDOT for maintenance. The applicant/developer shall be responsible for maintenance of all streets and protection of rights-of-way until such streets are accepted into the state road system.
 - B. Where streets are dedicated to the public but not accepted into the state system at the time the plat is recorded, a statement explaining the status of the street shall be included on the final plat. Said statements shall explain that the applicant / developer is ultimately responsible for the upkeep and maintenance of all streets until such time that the streets are included in the state system.
 - C. Stub out streets. All stub out streets shall be posted with a sign at least 24 inches X 36 inches in area but no greater than 36 inches X 48 inches with a minimum height of three feet and a maximum height of five feet stating the following: Road subject to future extension for additional lots.
- (b) *Sidewalks.*
 - (1) *Specifications.* Sidewalks or shared use paths (or greenways) will be provided along both sides of new collector and arterial streets as stated in the adopted Bicycle and Pedestrian Plan, Town of Archer Lodge, NC (2020); Sidewalks or shared use paths shall be provided along one side of local streets inside major subdivisions of seven or more lots. Sidewalks and/or greenways will be provided to all required open spaces and public parks, greenways and schools. The Planning Board may adjust the sidewalk requirements to accommodate local conditions. Sidewalks shall be constructed to a minimum width of five feet and in accordance with NCDOT specifications and construction standards. All sidewalks shall be located behind curb and gutter or beyond the clear zone behind a swale or ditch. All sidewalks shall be placed in the street right-of-way or within a public access easement. All shared use paths (or greenways) shall be constructed in accordance with NCDOT specifications and construction standards (Complete Streets) and the most recent edition of the Town's Bike and Pedestrian Plan.
 - (2) *Protection of significant trees.* Sidewalks and shared use paths (or greenways) shall be meandered as to protect and preserve existing significant trees. "Significant trees" depend on the species and health of the trees. Generally healthy overstory trees of eight inches or more in diameter at breast height (DBH) and understory trees of two inches or greater DBH are "significant". For that purpose, sidewalks and shared use paths (or greenways) may be placed within a minimum 15-foot-wide public access easement located outside the public right-of-way. In no case shall more than thirty percent of a tree's roots be disturbed.
 - (c) *Curb and gutter standards.* When provided or required by either the Planning Board or Town Council, curb and gutters shall be constructed in accordance with plans and profiles meeting NCDOT specifications for curb and gutters.
 - (d) *Open space requirements.* All major subdivision residential developments shall provide or dedicate common open space or recreation areas suitable for the residents' common passive or active recreational uses or make a payment in lieu of provision or dedication.
 - (1) *Minimum common open space or recreation area.* Where common open space or recreational area must be provided or dedicated as part of a subdivision residential development, its total land area shall be at least 15 percent of the total gross land area of the development. Where amenities are proposed, a reduction in the required minimum acreage may be approved by the Planning Board. For major subdivisions with less than one acre of open space, the applicant/developer shall provide fee-in-lieu.
 - A. The required open space shall be contiguous, unless it is determined by the Planning Board that the required open space can be split and located at different places in a subdivision. Wherever possible, open space and recreation areas should be located as to abut existing open space in adjacent developments or phases. If a proposed subdivision contains wetlands and/or riparian or stream buffer areas, they must be designated as common open space. Overhead electric utility easements may be designated as common open space if open to the public and approved, in writing, by the electric utility. However, wetlands, riparian or stream buffer areas and overhead electric utility easements will count at fifty percent of their acreage toward the

amount of required open space. No off-site septic areas for the benefit of residential lots can be included within the open space.

- B. Sidewalks and greenways shall count as a part of the required open space.
 - C. Any proposed reduction or change involving previously recorded open space must be approved by the Town Council. The applicant must provide sufficient information on why the change is requested and why no other alternative exists.
- (2) *Method of provision or dedication.* Land provided or dedicated for common open space or recreation purposes shall be designated on a final plat duly recorded with the county register of deeds. Amenities shall be designated on the final plat and shall be specific as to type of amenity/use. Design criteria can be found in article IV of this chapter. Such common open space land shall be dedicated or deeded to an appropriate public body upon their acceptance, land trust, nonprofit established for the purpose of land conservation or recreational purposes; or create a neighborhood or homeowner's association for the continuing maintenance and control of common open space or recreation area; or, held by the owner for the continuing maintenance and control of common open space or recreation area, subject to a binding agreement with financial surety for such maintenance. Any HOA covenants or binding agreement and the proposed financial security shall be reviewed and approved by Town and Town Attorney prior to recording a final plat.
- (3) *Payments in lieu of provision or dedication.* In lieu of providing or dedicating common open space or recreation area required pursuant to this section, an applicant/developer of a subdivision may choose to make a payment to the Town. If the required open space to be provided is less than one acre fee-in-lieu shall be required.
- (4) *Use of Fees-in-Lieu.* The Town shall use such fees only for the acquisition or development of open space, recreation, or park sites to serve residents of the Town. The amount of the payment shall be the product of the total number of proposed dwelling units recorded multiplied by the fee established in the Town's annual schedule of fees. The applicant/developer shall make the payment before approval of a final plat; however, the Zoning Administrator may allow phasing of payments consistent with the approved phasing of the major subdivision.
- (5) *Access to open space.* All open space must be pedestrian accessible. Open space not contiguous to a proposed subdivision street must have a minimum of an improved 20 - foot fee-simple or easement access.
- (e) An incorporated homeowner's association shall be required for all major residential subdivisions. See section 30-384 for a list of the required covenants to be reviewed and approved by the Town.

Sec. 30-416. - Reserved.

Sec. 30-417. - Reverse Frontage Residential Lots.

For residential developments designed to have the dwelling units face an internal subdivision street and the rear of the dwelling units partially or completely facing an arterial or collector road, the following shall be required:

- (1) Landscape area "A" with the use of an eight-foot landscape berm, decorative wall, or opaque fence; excluding a wooden fence (see article IV of this chapter) is required for lots abutting a collector or arterial street.
- (2) Landscape area "B" with the use of only plant material (see article IV of this chapter) is required for lots abutting all other streets.
- (3) The natural existing vegetation may be used if the density meets or exceeds the landscape area "B" requirements and remains undisturbed.

Sec. 30-418. - Public Water, Fire Hydrants, and Sewer Systems.

Subdivisions that incorporate a public water distributions system and/or a public sewage collection system shall require that all future homeowners connect to the public water and/or sewer system prior to the issuance of a

certificate of occupancy for their principal structure. All subdivisions incorporating a public water distribution system and/or a public sewage collection system shall comply with the standards of the State of North Carolina, Johnston County, and any other public utility providers.

Sec. 30-419. - Other Utilities.¹⁵

For all new developments, except residential subdivisions of four lots or less, all utility lines, other than lines used only to transmit electricity between generating stations or substations and three-phase electric power distribution lines, shall be placed underground, and all surface disruptions required for installation shall be rehabilitated to the original or an improved condition.

Sec. 30-420. – Outdoor Lighting¹⁶

- (a) In developments contemplating the use of outdoor lighting to ensure the security of property and the safety of persons using such development, streets, sidewalks and facilities, all principal entrances to the development, and internal areas as appropriate, should be sufficiently lighted to ensure the safety of residents and the security of the building.
- (b) All streets within a major subdivision shall incorporate a street lighting system to ensure the security of property and the safety of persons using such development, streets, driveways and facilities.
- (c) Down lighting shall be provided where possible. Overflow lighting shall be prohibited, and all light pollution shall be minimized to the greatest extent practical.

Sec. 30-421. - Reserved.

¹⁵ Duplicate of Sec. 30-203.

¹⁶ Duplicate of Sec. 30-206.

Appendix

Sec. 30.A.4 Plat Certificates

- (1) 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 or positional accuracy as calculated is _____; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this _____ day of _____, A.D., _____.

Seal or Stamp

Professional Land Surveyor
License Number # _____

- (2) Professional Land Surveyor's Certification:
As denoted by an "X" below, I, _____, certify as to the following:
- ☐ a. That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.
 - ☐ b. That the survey is in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land.
 - ☐ c. Any one of the following:
 - ☐ (1) That the survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new street or change an existing street. For the purposes of this subsection, an "existing parcel" or "existing easement" is an area of land described in a single, legal description or legally recorded subdivision that has been or may be legally conveyed to a new owner by deed in its existing configuration.
 - ☐ (2) That the survey is of an existing feature, such as a building or other structure, or natural feature, such as a watercourse.
 - ☐ (3) That the survey is a control survey. For the purposes of this subsection, a "control survey" is a survey that provides horizontal or vertical position data for support or control of other surveys or for mapping. A control survey, by itself, cannot be used to define or convey rights or ownership.
 - ☐ (4) That the survey is of a proposed easement for a public utility as defined in G.S. 62-3.
 - ☐ d. That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exemption or exception to the definition of subdivision.
 - ☐ e. That the information available to the surveyor is such that the surveyor is unable to determine to the best of the surveyor's professional ability as to provisions contained in (a) through (d) above.

- (3) Certificate of Floodway Information:
Property shown hereon _____ is _____ is not located in a FEMA designated flood zone.
FEMA Flood Hazard Panel: _____; Effective Date: _____.

Professional Land Surveyor
License Number # _____

- (4) Certificate of Ownership, Maintenance and Dedication:
I hereby certify that I am the owner (or corporate officer) of the property shown and described hereon, which is located in the zoning and subdivision jurisdiction of Archer Lodge and that I hereby adopt this subdivision plan with my free consent, establish minimum setback lines, and dedicate all streets, alleys, parks and other sites and easements to the public or private as noted. I understand that I am responsible for maintenance of public property shown hereon until it is accepted by the appropriate government entity.

Date Owner/Officer of Corporation

- (5) Notice to Homeowners to Connect to Public Utility System:
Homeowner is required to connect to public water and/or sewer (where available) before a Certificate of Occupancy is issued for the principle structure and/or any structure served by water and/or sewer.

- (6) Certificate of Approval by Public Utilities:
The Director of Public Utilities for County of Johnston, North Carolina, hereby certifies that this plat meets all Johnston County standards and requirements for public utilities required by the Johnston County ordinances. Upon recordation of this plat, Johnston County accepts the owner's offer of dedication for public water and/or sanitary sewer purposes all easements, common areas, and/or rights-of-way shown and delineated on this plat as dedicated for public utility purposes. No structures or fences shall be placed within the public utility easements. Access to the dedicated areas shall not be blocked or obstructed by any fence or structures unless pre-approved access is provided with a 12' minimum opening gate. The County shall have the right to clear and/or remove any vegetation within the public utility easements. Furthermore, the County will not replace any landscaping (other than grass, which will be replaced with seed) within the public utility easement area disturbed for maintenance of the utilities.

THIS THE _____ DAY OF _____, 20____.
COUNTY OF JOHNSTON

By: _____
Director of Public Utilities

- (7) Certification of Approval of Water Supply and Sewage Disposal System:
Certificate of preliminary approval of water supply and sewage disposal systems installed for installation in _____ subdivision meet public health requirements as described in Archer Lodge Subdivision regulations. Final approval for individual lots with this subdivision will be based on detailed lot evaluation upon application and submission of plan for proposed use. This preliminary certification is advisory only and confers no guarantee.

Date Health Representative

Note: Each lot shown hereon may require the use of sewage pumps, low pressure pipe systems, fill systems, innovative systems or any other alternative system type and site modifications specified in the North Carolina Laws and rules for sewage treatment and disposal systems, 15A NCAC 18A Section 1900. The actual system type, design and site modifications will be determined at the time of permitting.

(8) NC Department of Transportation Division of Highways Certification:

Proposed Subdivision Road Construction Standards Certification

Approved: _____
 Date District Engineer

Note: Only North Carolina Department of Transportation approved structures are to be constructed on public right-of-way.

Note: Site triangle takes precedent over any sign easement.

Note: Owner, developer, or contractor shall set the centerline of the existing roadway ditch back to a minimum of 12 feet from the existing/proposed edge of pavement along all road front lots.

Note: All drainage easements shall be dedicated as public and it shall be the responsibility of the property owners to maintain the drainage easements and any drainage structures there in, so as to maintain the integrity of the drainage system and insure positive drainage.

Note: All lots shall be served by the internal street system.

(9) Road Maintenance Statement of Understanding:

I, _____ am responsible for the construction, maintenance and required road improvements of the subdivision streets on this plat until the earlier of the follow occurs:

- (a) Approved and accepted for permanent maintenance by the North Carolina Department of Transportation as public roads; or
- (b) Approved and taken over by the Homeowners Association for private roads permanent maintenance; or
- (c) Private road maintenance agreement is signed and recorded by owners of each lot.

Name of Corporation or Owner

 Date Developer/Owner/Officer of Corporation

(10) Zoning Administrator's Certification:

Certificate of Approval for Recording – Subdivision Plat

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of Archer Lodge, North Carolina, and that this plat has been approved for recording in the Office of the Register of Deeds of Johnston County. This plat is null and void if not recorded at the Johnston County Deed Registry within sixty (60) days of the date written below.

 Date Zoning Administrator

Certificate of Approval for Recording – Exempt Plat

I hereby certify that this plat is exempt from the Subdivision Regulations with the Town of Archer Lodge, North Carolina, and that this plat has been approved for recording in the Office of the Register of Deeds of Johnston County.

 Date Zoning Administrator

(11) Review Officer's Certification:

State of North Carolina
 County of _____

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

 Date Review Officer

(12) Register of Deed Certification:

State of North Carolina, Johnston County

This instrument was presented for registration and recording this ____ day of _____, 20____ at _____.

 by _____

Register of Deeds Asst. Reg of Deeds

Recorded in PB _____ PG _____

(13) Acceptance of Offer of Dedication

NOTE: To be used only if Town Council accepts an offer of dedication.

I hereby certify that all parks and greenways as shown on this plat were accepted, as specified, by the Town Council by a resolution adopted at the meeting held on _____, 2 _____.

 Date Town Clerk

(14) Subdivision Road Disclosure Statement:

Developers are required to give lot purchases a subdivision street disclosure statement pursuant to NC General Statutes section 136-102.6(f)

(15) Additional Certifications, Statements, or Notations necessary.

Notations:

1. Maximum Impervious Surface Per Lot.
2. Designate whether lot is within a protected watershed.

Staff Recommendations:

Staff recommends approval of the proposed provisions and draft Town Council consistency statement.

Town Council Requested Action:

Staff respectfully requests that the Town Council: (1) conduct a public hearing; (2) consider the Planning Board's recommendations; (3) deliberate and make consistency statement findings; and (4) approve the ordinance revisions (see draft Town Council Ordinance# AL2020 - 06-1 Ordinance).

Discussion followed regarding:

- Division 3 – Sec. 30-348. - Traffic Impact Analysis (TIA) Submittal Requirement:
 1. Developer being responsible for the TIA and not the Town, possible conflict of interest
 2. Town always confirms the TIA
 3. Traffic engineer's cost estimates to
 - a. review a TIA - \$5,000 to \$7,500
 - b. prepare a TIA - \$15,000
 4. Town provide a list of TIA engineers to developers to perform the TIA
 5. Town be responsible for TIA and be reimbursed by the developer eliminating having two TIA's, possibility of not being reimbursed
 6. Developer be responsible for the cost of the TIA and require them to submit a list of engineers for the Town to select from for a review
 7. Town would require a contract to solve issues between a developer and TIA engineer
 8. Proposed ordinance states that monies for the TIA would be in an escrow account for the expenses of a TIA
 9. Developers could go bankrupt and Town be responsible for costs of TIA
 10. Recommended Section 30-348. - Traffic Impact Analysis (TIA) Submittal Requirement, (c)(4) be removed
 11. Staff would look at the existing roads and determine if a TIA is necessary before the developer could build in the same area and at the developer's expense

Attorney Hewett suggested that the discussions be continued at the Public Hearing. Mayor Mulhollem concurred. No further discussion.

c) **Public Comments**

No Public Comments.

d) **Close Public Hearing**

Mayor Mulhollem closed the Public Hearing at 7:06 p.m.

3 **OLD BUSINESS:**

a) **Nothing to Report**

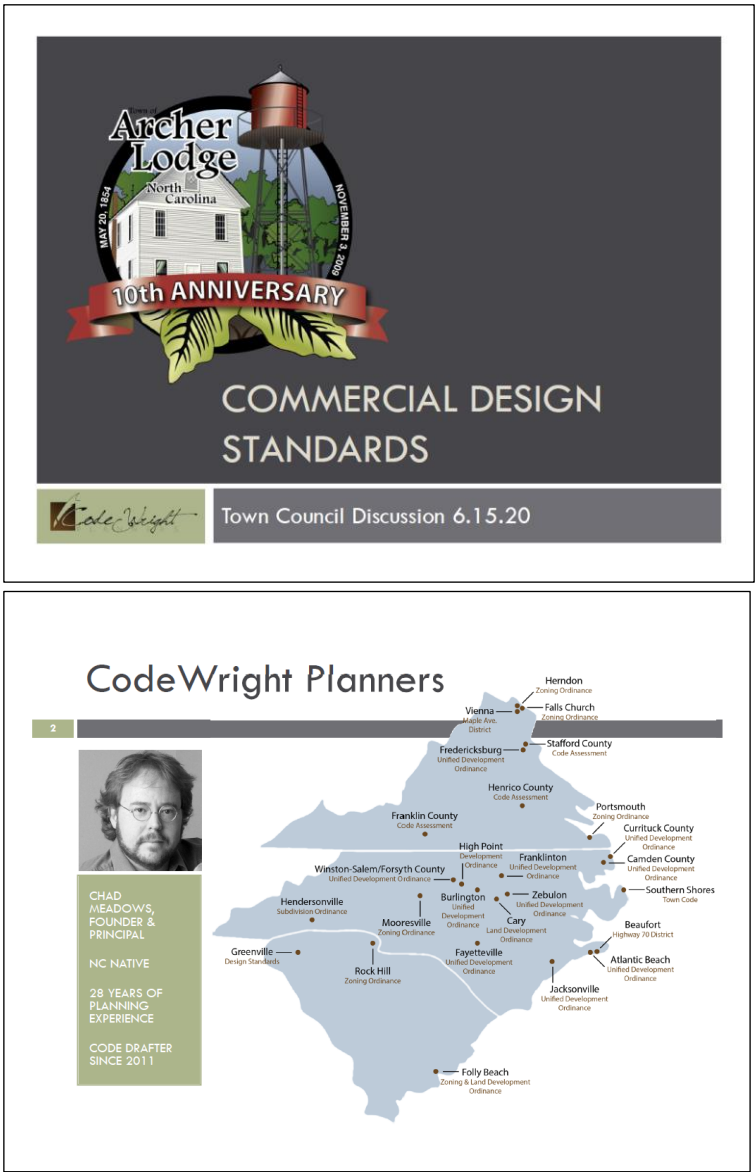
Mayor Mulhollem advised that there was no old business to discuss.

4 **NEW BUSINESS:**

a) **Commercial Design Standards Presentation ~
Chad Meadows, AICP
Principal and Founder**



Mr. Meadows shared a presentation on Commercial Design Standards for Archer Lodge and appears as follows:



Presentation Overview

3

TOPICS FOR DISCUSSION

- Project Details
- Benefits of Design Standards
- Common Pitfalls to Avoid
- Determining Small Town Character
- Applicability
- Aspects to Address
- Incentives?

Project Details

4

PREPARATION OF NEW UDO SECTION 6.7, COMMERCIAL DESIGN STANDARDS

TASK #	DESCRIPTION	TIMING
1. Initial Presentation	This presentation & discussion	June 15
2. Draft Standards	Purpose, applicability, site configuration, building configuration, illustrations, incentives(?), definitions	June 29 +/-
3. Discussion	Address staff comments on draft	July 8 +/-
4. Presentation	To Planning Board	July 15
5. Delivery	Standards and illustrations for inclusion in draft UDO	July 22

Benefits of Design Standards

5

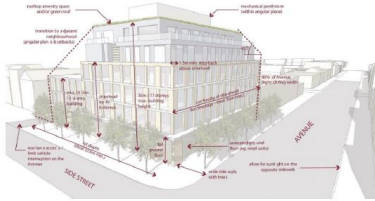
- Protect community character
- Enhance property values
- Encourage desirable development
- Establish/promote a “sense of place”
- Don’t limit development – seek to control its impacts



Pitfalls to Avoid

6

- Use of vague language
- Guidelines, not standards
- Too much detail, prescriptive
- Need for architectural review



Determining Small Town Character

7

TO PRESERVE
AND
PROTECT
SMALL TOWN
CHARACTER
WE MUST:

- Clearly define what we mean by “small town character”
- Establish rules and requirements in support of the definition
- Encourage development that follows the rules and discourage development that doesn’t

Determining Small Town Character

8

COMMON
CHARACTERISTICS

- Small-scale and compact
- Walkability and connection between uses
- Close proximity between residential and commercial uses
- “Everyday” goods and services nearby
- Public buildings form the community core
- A clear “edge” between what is and isn’t “town”
- Proximity to agriculture or undeveloped land

Applicability

9

WHAT KINDS
OF
DEVELOPMENT
ARE SUBJECT
TO THE
DESIGN
STANDARDS?

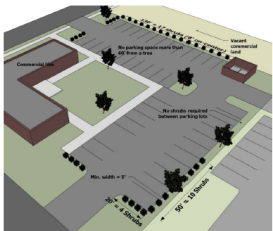
- Could be applied by base zoning district – (NB, CB, etc.)
- Could be applied by overlay district
- Could be applied by use type – (retail, office, etc.)
- Could be a blend
- Any kinds of development that should be exempted? – typical to exempt public or institutional development
- How do we handle renovations/redevelopment?

Aspects to Address

10

Site Configuration

- Building placement (single & multi-building development)
- Parking location
- Signage
- Landscaping/ Screening
- Service area placement



Aspects to Address

11

Building Configuration

- ❑ Height
- ❑ Size
- ❑ Orientation
- ❑ Entrances
- ❑ Façade details (when facing streets)
- ❑ Materials
- ❑ Fenestration



- Central chimney
- Pitched, standing-seam metal roof
- Gable with decorative feature
- Two-story building
- Wooden clapboard siding
- Columns on front facade
- Covered front porch

Incentives

12

INCENTIVE-BASED APPROACH:

Basic Design Standards Applied to All Commercial

Commercial Development that Voluntarily Exceeds Basic Standards

- INCENTIVES:
- Faster review process
 - Decreased application or system fees
 - Increased lot coverage
 - Reduced landscaping requirements
 - Others?

Discussion

13



Points made by Mr. Meadows:

- Professional background:
 - North Carolina native
 - 28 years of experience
 - Drafting codes since 2011 with 17 years in NC
- Early stages of design standards
- Suggested regulating five or six key elements that impact design quality
- For the next couple of weeks, he asked Council to think about if there are any kind of commercial developments that they would like to exempt from commercial design standards, such as civic buildings, fire stations, town halls, religious institutions, or schools.
- Goals of the Commercial Design Standards:
 - Be clear and predictable
 - Provide configurations

- No negative impact on community
- Blend with rural area
- Support ad valorem taxes coming to Town

Developing Commercial Design Standards for Archer Lodge:

1. PowerPoint Presentation shared this evening so Council may discuss their goals.
2. Prepare a draft set of commercial design standards.
3. Discuss with Staff about the draft set of design standards and make revisions.
4. Standards will be presented to the Planning Board at their next meeting.
5. Following the Planning Board meeting, draft standards will be shared with Staff and The Brough Law Firm for revisions and integration.
6. Examples of rural commercial designs will be provided.
7. Encouraged Council to share any thoughts or suggestions with Staff.

No further discussion.

b) May 31, 2020 Interim Financials & Year-to-Date Comparison (FY19 compared to FY20)

Ms. Batten provided an interim report for all funds. She noted that May 31, 2020 completed 92% of the fiscal year ending June 30, 2020. Anticipated revenues exceeded actual expenditures by approximately \$59,000 in the General Fund and the investment earnings in all funds continued to decrease due to the economy and COVID-19. Ms. Batten expressed an overall satisfaction with all funds as of May 31, 2020 and anticipates an increase in all their balances at June 30, 2020.

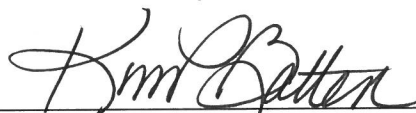
In comparing May 2020 with May 2019, Ms. Batten shared that May 2020 had a net increase of approximately \$9,500. There was no further comments or discussion.

5 ADJOURNMENT:

- a) Having no further business, Mayor Mulhollem adjourned the meeting at 7:30 pm.**
-



Matthew B. Mulhollem, Mayor



Kim P. Batten, Town Clerk

