

ARTICLE I. - SUBDIVISIONS

DIVISION 1. - GENERALLY

Sec. 1-1. - 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 *including those residents residing in the Town's extraterritorial planning jurisdiction (ETJ)*, 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. 1-2. - Authority and jurisdiction.

- a) The regulations of this Article are adopted under the authority of N.C.G.S. § 160D, Article 8, 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, and beyond the corporate limits within the Town's extraterritorial planning jurisdiction.

Sec. 2-2. - 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. The subdivision of land by use of metes and bounds descriptions in instruments of transfer is prohibited. No lot or parcel resulting from a division of land excluded from the definition of subdivision in section 2-3 shall be sold, offered for sale, used, or occupied until the Zoning Administrator or Subdivision Administrator certifies *and the Town of Bunn Planning and Zoning Board approves* 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 planning jurisdiction shall be filed or recorded by the Franklin County Register of Deeds unless it contains the Town Zoning Administrator's or Subdivision Administrator's certification that the division of land has been approved under, or is not subject to, this Article.

Sec. 2-3. - 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.

Family exception/exemption. Family exception regulations allow family members to subdivide property without having to comply with the approval process of Section 2 of this Article. Approval is provided by the Zoning Administrator or Subdivision Administrator at a fee as stated in the fee schedule. Linear family members consist of parents, their children, their grandchildren their brothers and sisters. This does not include aunts, uncles, and cousins.

The *family exemption subdivision* must meet the current subdivision and zoning regulations, with the exception of the road standards. Lots created off a state maintained road must meet the following requirements:

- 1) Ten lots or less must meet the minimum design and construction criteria for subdivision roads as set forth in the latest edition of the North Carolina Department of Transportation

(NCDOT) Subdivision Roads Minimum Construction Standards, with the exception of pavement surfacing.

- 2) Eleven or more lots, with the exception of pavement surfacing, road standards must meet minimum design and construction criteria for subdivision roads as set forth in the latest edition of the NCDOT Subdivision Roads Minimum Construction Standards.
- 3) All family exceptions shall be required to have a family exception certificate. The following certificate shall be placed on the plat: *If certifications differ in the North Carolina General Statutes from that listed below, the language in the General Statute prevails.*

We hereby certify that the grantee of each lot shown hereon is the parent, child, grandchild or brother or sister of the owner of said land; that no consideration shall be paid for any of the lots, that the purpose of this family exception is not to circumvent the provisions of current Town Ordinances and that none of the lots shown here on shall be conveyed to third parties for a period of not less than six years.

- 4) The owner and grantee certify that no consideration shall be paid for any of the lots.
- 5) The owner and grantee certify that the purpose of the exception is not to circumvent the provisions of this Article and that none of the lots shall be conveyed to third parties for a period of not less than six (6) years, and that the recorded plat shall indicate same. The grantee for all subdivided parcels shall present proper identification *as required by the Register of Deed's Office.*
- 6) All roads must have a recorded road maintenance agreement signed by all property owners.

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.

Official plans mean any plans officially adopted by the Board of Commissioners 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; or
- 3) Historic or scenic purposes.

Passive open space or recreation areas include scenic resources, any undeveloped or predominately undeveloped land used for informal walking trails, picnic areas or similar uses. Active recreation areas include playfields, tot lots, tennis courts, swimming pools and similar active play 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.

Public sewer system means any sewer system whether operated publicly or privately unless the sewer source is located on a lot and serves only that lot in accordance with N.C.G.S. § 130A-311 through N.C.G.S. § 130A-343.

Public water system means any water system whether operated publicly or privately unless that water source is located on a lot and serves only that lot in accordance with N.C.G.S. §130A-311 through N.C.G.S. § 130A-343.

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 (10) 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.

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 an approved existing street (public or private) provides adequate access to such lot.

- 5) Estate Exclusion. The Town of Bunn chooses to exclude a voluntary partition of land made for the purpose of dividing up the estate of a decedent among his/her heirs, whether, the decedent died *testate* or intestate, provided no new roads are created and/or dedicated for public or private ingress or egress. In the event of a transfer or division of an estate in which interior parcels do not abut a public road, all such parcels must have an approved completed street of at least forty-five (45) feet in width as access to public road prior to the issuance of any improvement permits issued by the Town for such parcels. All road standards otherwise set forth in this Ordinance shall remain in full force and effect. If an estate settlement, which does not have adequate public road access, is approved, before any improvement permit is issued, the party seeking the improvements permit will be required to build a road to the standard that would serve all lots or parcels in the estate settlement. *The road will be built at the owner's expense.*
- 6) Lots of Record/Not Platted. Lots of record which were recorded by a deed in the Franklin County Courthouse prior to the adoption of the Subdivision Ordinance may have a plat prepared and recorded.
- 7) Family Exception. Family exception regulations allow linear family member to subdivide property as defined in Section 2-3 of this Ordinance.

Subdivision, Commercial, means the subdivision of an existing development on a parcel/lot or recorded parcel that consists of 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
- 4) The individual lots within a commercial subdivision shall not be required to meet the lot design standards of this Article, providing the parcel/lot containing the commercial subdivision meets such standards.

Subdivision, Major, means any subdivision creating five or more lots. There are two types of major subdivisions:

- 1) **Category 1.** The creation of five (5) to 20 lots. This is a two-step procedure involving Planning Board and Board of Commissioners approval of preliminary plat approval and final plat.
- 2) **Category 2.** The creation of 21 lots or more. This is a two-step procedure involving Planning Board and Board of Commissioners approval of preliminary plat and final plat.

Subdivision, Minor, means a subdivision of a parent parcel, creating four lots or less, since the adoption of this Ordinance, in which:

- 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 administrative head of the Town department. All references in this Article to Zoning Administrator shall mean the Zoning Administrator or a designated Town of Bunn Board of Commissioners' appointee (such as a Subdivision Administrator).

Secs. 30-289—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 or Subdivision Administrator. The Planning Board 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 30-419 and 30-420 of this Ordinance. The Zoning Administrator or Subdivision 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. If an application made in accordance with local regulation is submitted for a development approval required pursuant to this ordinance and a development regulation changes between the time the application was submitted and a decision is made, the applicant may choose which version of the development regulation will apply in the application. If the development permit applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the development permit applicant shall not be required to await the outcome of the rule, map, or ordinance prior to acting on the development permit. This section applies to all development approvals issued by the state and by local governments. The duration of vested rights created by development approvals is as set forth in this ordinance.

Sec. 30-311. - Zoning Administrator or Subdivision Administrator Action.

When an application for minor subdivision approval is accepted, the Zoning Administrator or Subdivision Administrator shall determine if the plat and application conform to all applicable regulations. He/she shall take action on an application based solely on the findings as to compliance with applicable regulations and conditions. He/she shall report to Planning Board and Board of Commissioners to approve; or approve subject to conditions; or deny. The Zoning Administrator or Subdivision Administrator may recommend reasonable conditions to the Planning Board and Board of Commissioners to ensure the subdivision complies with the intent and requirements of this division.

Sec. 30-312. - Actions subsequent to decision.

The Zoning Administrator or Subdivision Administrator shall notify the applicant of the 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 or Subdivision Administrator. The Zoning Administrator or Subdivision Administrator shall endorse the Town's approval on a minimum of two (2) 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 Franklin County Register of Deeds returning one to the Town Zoning Administrator or Subdivision Administrator and one blue line copy shall be on file with the Franklin County Department of Environmental Health. Approval of any minor subdivision plat is void if it is not properly recorded within sixty (60) days after the Zoning Administrator's or Subdivision Administrator's endorsement of approval. The Zoning Administrator or Subdivision 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. Plats shall conform to the drawing specifications and certification requirements of Sections 30-419 and 30-420 of this Ordinance.

Sec. 30-313. - Appeal of decision.

The Planning Board's decision on an application for a preliminary plat approval for a minor subdivision may be appealed to the Board of Commissioners under an Appeal of Decision Application provided by the Zoning Administrator or Subdivision Administrator. Appeals shall follow procedures as outlined in G.S. 160D-405.

In accordance with G.S. 160D-405(d), a party with standing has 30 days from receipt of notice to file an appeal.

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

Sec. 30-345. - Preliminary plat approval.

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 Franklin County Register of Deeds.

Sec. 30-346. - Preliminary conference.

Applicants proposing major subdivisions are required to schedule a meeting with the Zoning Administrator or Subdivision Administrator, Bunn Public Utilities, and Franklin County Soil and Water 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 or Subdivision Administrator. The Planning Board shall prescribe the form of applications, as well as any other material it may reasonably require to determine compliance with this division. The Zoning Administrator or Subdivision 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.

The Zoning Administrator or Subdivision Administrator shall have the authority to require a traffic impact analysis (TIA). It is required for high impact developments or subdivisions as, as defined in this section. It shall be required for all developments containing 80 or more dwelling units or where the estimated traffic generated exceeds 800 trips/day, according to the most recent edition of the Institute of Transportation Engineers trip Generation Manual.

The Administrator will review material submitted in support of an exemption and will determine from that material whether or not to grant the exemption. If an exemption is granted, documentation of the exemption will be submitted as part of the staff recommendation or review.

The Administrator may require a TIS when a documented road capacity or safety issue exists. If one is required, the Administrator will notify the applicant of the reason for the requirement prior to engaging the preparation of a TIS.

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

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

Sec. 30-350. - Planning Board review and action.

- a) After receiving the Zoning Administrator's or Subdivision 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. All interested parties shall be given the opportunity to speak and ask 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 is entitled to approval of the application.
- b) The Planning Board shall act on an application for subdivision preliminary plat approval after reviewing the application, the Zoning Administrator's or Subdivision 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 or Subdivision Administrator shall notify the applicant for major or commercial subdivision preliminary plat approval in writing of the Planning Board's decision within ten (10) days and shall file a copy of the decision with the Town's Zoning Administrator or Subdivision Administrator.

Sec. 30-351. - Expiration of preliminary plat approval.

Preliminary plat approval, or re-approval, for a major or commercial subdivision shall be effective for one (1) year from the date of approval with no extension allowed by the Zoning Administrator, Subdivision Administrator, or his/her representative unless it has substantially commenced. An extension may be requested of the Planning Board for an additional six (6) month period. If a final plat for all or a portion of the subdivision has not been recorded within one (1) year 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 of commercial lots in a major subdivision.

- a) Lots created pursuant to these provisions shall meet the following minimum design standards:
 - 1) Minimum land area needed to subdivide a lot is two acres. Lots served by public water allow a 1.5-unit-per-acre density. Lots served by a well allow a one-unit-per-acre density.
 - 2) Lots shall front on an existing public right-of-way, have access to an existing access easement, or have an easement created to serve the lots.
 - 3) Lots or residual lots shall not be created as "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.
- 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 Commissioners under an appeal of decision application provided by the Zoning Administrator or Subdivision Administrator. Appeals must follow procedures as outlined in G.S. 160D-405.

In accordance with G.S. 160D-405(d), a party with standing has 30 days from receipt of notice to file an appeal.

Sec. 30-354. DEVELOPMENT AGREEMENTS

354.1 PURPOSE

- A. Development Agreements are intended to implement and be consistent with the goals and objectives of the Town of Bunn.
- B. The objective of this Section is accomplished by authorizing Development Agreements in which a developer and the Town of Bunn may ensure the adequacy of public facilities and encourage sound capital improvements planning while providing certainty in the process of obtaining development approval and reducing the economic costs of development by providing greater regulatory certainty.
- C. The purpose of this Section is to establish standards and procedures for entering into Development Agreements for long-term, large-scale developments with the following statements of intent:
 - 1. Large-scale development projects often occur in multiple phases extending over a period of years, requiring long-term commitment of both public and private resources.
 - 2. Such large-scale developments often create potential community impacts that are difficult to accommodate within the traditional zoning process.
 - 3. Because of their scale and duration, such large-scale projects often require careful integration between public capital facilities planning, financing, and construction schedules and the phasing of the private development.

4. Because of their scale and duration, such large-scale projects involve substantial commitments of private capital by private developers, which private developers are unwilling to risk without sufficient assurances that development standards will remain stable through the extended period of the development.
5. Because of their size and duration, such developments often permit communities and developers to experiment with different or nontraditional types of development concepts and standards, while still managing the impacts on surrounding areas.
6. To better structure and manage development approvals for large-scale developments and ensure their proper integration into local capital facilities programs, local governments need the flexibility of negotiating such improvements.
7. In negotiating for these developments, it is in the intent of the Town to remain consistent with the adopted plans, policies, and goals of the Town as they relate to land use and capital improvements.

354.2 APPLICABILITY

- A. The Town of Bunn may enter into a development agreement with a developer, subject to the requirements and procedures set forth in this section. In entering into such an agreement, the Town may not exercise any authority or make any commitment not authorized by general or local act and may not impose any tax or fee not authorized by otherwise applicable law. If more than one local government is made party to an agreement, the agreement must specify which local government is responsible for the overall administration of the development agreement.
- B. The Town may consider requests to participate in development agreements for any development within the land use jurisdiction of the Town or adjoining jurisdictions in which the development impacts the communities or natural resources of the Town.
- C. For consideration of the Town to participate in development agreements, the following standards shall be met:

1. The property in question must be developable property of any size.
2. The duration of the development agreement shall not exceed a reasonable term as specified in the agreement.
3. The development shall demonstrate the impact on existing and future public facilities.

354.3 DEVELOPMENT AGREEMENTS PROCEDURE

- A. Pre-Application Conference: See Sec.30-346, except that it shall be the responsibility of the Town to coordinate this pre-application conference. Additionally, the Town shall notify Franklin County and the Franklin County Board of Education of the proposed Development Agreement and invite participation.
- B. Application Submittal: In addition to the information required in this Section for the applicable process for the proposed development, the following information shall be a part of the Development Agreement application:
 1. A survey and legal description of the property and the tax parcel number(s) of the property;
 2. A signed affidavit by the property owner of record or other person having proprietary interest in the property authorizing the Development Agreement application;
 3. A written description of the proposed development and statement of objectives and reasons for the request;
 4. A copy of the proposed preliminary subdivision plan, site plan, phasing plan, or conceptual plan;

5. An application for rezoning (if applicable);
 6. A draft development agreement that meets the requirements of this Section;
 7. Any other information required to provide a complete understanding of the proposed Development Agreement.
- C. Public Notification: The notice for the public hearing must specify the location of the property subject to the development agreement, the development uses on the property and must specify a place where a copy of the proposed development agreement can be obtained.
- D. Public Hearing: The Zoning Board and Town Board of Commissioners shall hold a public hearing on the proposal. The applicant and other property owners likely to be materially affected by the application shall be given an opportunity to be heard. The information presented at the Public Hearing shall be considered by the Town of Bunn Board of Commissioners in formulating its decision on the approval of an ordinance authorizing approval of said agreement.
- E. Post Action Actions and Limitations:
1. Within 14 days after approving and entering into a development agreement, the Town shall record the agreement with the Franklin County Register of Deeds. The burdens of the development agreement are binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

F. Relationship of Agreement to Other Regulations

1. This section does not preclude or supersede rights and obligations established in accordance with other laws regarding building permits site-specific development plans, phased development plans or other provisions of law. A development agreement shall not exempt the property owner or developer from compliance with the State Building Code or State or local housing codes that are not part of the Town's planning, zoning, or subdivision regulations.
2. Unless the development agreement specifically provides for the application of subsequently enacted laws, the laws applicable to development of the property subject to a development agreement are those in force at the time of execution of the agreement.
3. Except for grounds specified in N.C.G.S. 160D-102 the Town may not apply subsequently adopted ordinances or development policies to a development that is subject to a development agreement. In the event that state or federal law is changed after a development agreement has been entered into and the change prevents or precludes compliance with one or more provisions of the development agreement, the local government may modify the affected provisions, upon a finding that the change in state or federal law has a fundamental effect on the development agreement, by ordinance after notice and a hearing.
4. This section does not abrogate any rights preserved by N.C.G.S. 160D102 or N.C.G.S. 160D-103 or that may vest in accordance with common law or otherwise in the absence of a development agreement.

G. Approval of Debt: In the event that any of the obligations of the Town in the development agreement constitute debt, the Town shall comply, at the time of the obligation to incur the debt and before the debt becomes enforceable against the Town, with any applicable constitutional and statutory procedures for the approval of this debt. The agreement shall be signed by the Town Attorney, Finance Director, and Town Administrator.

H. Periodic Review: During any period of time in which a development permit is active, the Town shall review the development at least once

every 12 months for compliance with the agreement. The Town shall notify the developer in writing of its findings if, in the discretion of the Town Administrator, or designee, a breach of the agreement has occurred. The developer must be required to demonstrate good faith compliance with the terms of the development agreement. If the Town finds and determines that the developer has committed a material breach of the terms or conditions of the agreement, the Town shall serve notice in writing, within a reasonable time after the periodic review, upon the developer setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and providing the developer a reasonable time in which to cure the material breach. If the developer fails to cure the material breach within the time given, then the Town unilaterally may terminate or modify the development agreement. The notice of termination or modification may be appealed to the Board of Adjustment in the manner provided by N.C.G.S. 160D-302 within 30 days of such notice. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator, Town Administrator, or designee certifies to the Board of Adjustment, after notice of appeal has been filed, that the situation would cause imminent peril, to life or property.

I. Expiration, Termination, or Modification of Agreement: A development agreement may be amended or canceled only by mutual consent of the parties to the agreement or by their successors in interest. Major modification of the agreement shall follow the same procedures as required for initial approval of a Development Agreement. With the mutual consent of the other parties to the agreement, the Zoning Administrator may approve minor modifications of the Development Agreement, without following the same procedures as required for initial approval of the agreement. Before doing so, the Zoning Administrator shall make written findings that the proposed minor modifications would not significantly change the use, intensity, or design of the development, would be consistent with the purposes and goals of the agreement, would comply with this Ordinance, and would not adversely affect the public health, safety, or general welfare. Except as otherwise provided, any development agreement entered into and approved by the Town or other local government jurisdiction before the effective date of a change of jurisdiction shall be valid for the duration of the agreement, or eight (8) years from the effective date of the change in jurisdiction, whichever is earlier. The parties to the development agreement and the local government assuming jurisdiction have the same rights and obligations with respect to each other regarding matters addressed in the development agreement as if the

property had remained in the previous jurisdiction. The Town may modify or suspend the provisions of the development agreement if the Town determines that the failure to do so would place the residents of the territory subject to the development agreement, or the residents of the local government, or both, in a condition dangerous to their health or safety, or both.

354.4 DEVELOPMENT AGREEMENT REVIEW STANDARDS

- A. A development agreement shall meet and be subject to all requirements and provisions in Chapter 160D, Article 10 the N.C.G.S.

- B. A development agreement shall at a minimum include all of the following:
 - 1. A legal description of the property subject to the agreement and the names of its legal and equitable property owners.
 - 2. The duration of the agreement. However, the parties are not precluded from entering into subsequent development agreements that may extend the original duration period.
 - 3. The development uses permitted on the property, including population densities and building types, intensities, placement on the site, and design.
 - 4. A description of public facilities that will service the development, including who provides the facilities, the date any new public facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development.
 - 5. A description, where appropriate, of any reservation or dedication of land for public purposes and any provisions to protect environmentally sensitive land.
 - 6. A description of all local development approvals or permits approved or needed to be approved for the development of the property together with a statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction does not relieve the developer

of the necessity of complying with the law governing their permitting requirements, conditions, terms, or restrictions.

7. A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the local government for the public health, safety, or welfare of its citizens.
8. A description, where appropriate, of any provisions for the preservation and restoration of historic structures.
9. An indemnification and "hold harmless" clause whereby the developer/property owner holds the Town and its agents harmless from liability for damages, injury or death, which may arise from the direct or indirect operations of the owner, developers, contractors and subcontractors, which are related to the project.

- C. A development agreement may provide that the entire development or any phase of it be commenced or completed within a specified period of time. The development agreement must provide a development schedule, including commencement dates and interim completion dates at no greater than five-year intervals; provided, however, the failure to meet a commencement or completion date shall not, in and of itself, constitute a material breach of the development agreement but must be judged based upon the totality of the circumstances. The developer may request a subsequent modification in the dates as set forth in the agreement.

In the event that the development agreement provides that the City shall provide certain public facilities, the development agreement shall provide that the delivery date of such public facilities will be tied to successful performance by the developer in implementing the proposed development (such as meeting defined completion percentages or other performance standards). The development agreement may include other defined performance standards to be met by the developer. The development agreement may contain other matters not inconsistent with law.

DIVISION 4. - FINAL PLAT APPROVAL

Sec. 30-380. - Application requirements.

Applications for final plat approval of subdivisions shall be filed with the Zoning Administrator or Subdivision Administrator. The Planning Board shall prescribe the form of application, as well as any other material it may reasonably require to determine compliance with this division. Final plats shall comply with the mapping requirements of Section 30-419 of the Ordinance and the certification and endorsement requirements of Section 30-420 of this Ordinance. 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;
- 2) That 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. The estimated cost and description of completing installation of the required public infrastructure improvements shall be itemized by improvement type and certified by the subdivider/developer and/or registered engineer and are subject to approval by the administrator.(G.S.160D-405)

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

When the Zoning Administrator or Subdivision Administrator accepts an application for final plat approval of a subdivision, the Zoning Administrator or Subdivision 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 recommend to the Planning Board and Board of Commissioners to approve or deny the application.

Sec. 30-382. - Actions subsequent to decision.

If an application for final plat approval of a subdivision are approved by Planning Board and Board of Commissioners, the Zoning Administrator shall endorse his approval on a reproducible Mylar original of the final plat. The applicant shall record the final plat in the office of the Franklin County Register of Deeds. Approval of any final plat is void if it is not properly recorded within sixty (60) calendar days after the Zoning Administrator's or Subdivision Administrator's endorsement of the approval. The Zoning Administrator or Subdivision 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 30-419 and 30-420 of this Ordinance.

Sec. 30-383. - Appeal of decision.

The Zoning Administrator's or Subdivision Administrator decision on a final plat approval application may be appealed to the Board of Commissioners under an appeal of decision application provided by the Zoning Administrator or Subdivision Administrator. Refer to sections 313 and 353 regarding appeal procedures.

Secs. 30-384—30-409. - Reserved.

DIVISION 5. - DESIGN OF SUBDIVISIONS

Sec. 30-410. - Intent.

Subdivisions should 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. Any trees, shrubs, or vegetation proposed shall consist of native species and able to tolerate the climate of North Carolina. Any land disturbing activities shall be at a minimum.

Sec. 30-411. - Applicability of lot design standards.

Each lot in a subdivision shall comply with the lot design standards contained in this division. 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, lots within approved planned unit developments, townhouse lots or lots created as part of a minor subdivision.

Sec. 30-352. - Standards for design of commercial lots in a major subdivision.

- a) Lots created pursuant to these provisions shall meet the following minimum design standards:
 - 1) Minimum land area needed to subdivide a lot is two acres. Lots served by public water allow a 1.5-unit-per-acre density. Lots served by a well allow a one-unit-per-acre density.
 - 2) Lots shall front on an existing public right-of-way, have access to an existing access easement, or have an easement created to serve the lots.
 - 3) Lots or residual lots shall not be created as "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.
- 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. 30-412. - Lot size standards.

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

- 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;
 - 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 Planning Board 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 Commissioners.
- 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. This distance shall be measured along the street, then along the flagpole, then 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. - Access and circulation.

The type and arrangement of streets within a development under this Article shall be in compliance with and coordinate with the Town's Thoroughfare Plan. 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.

- 1) *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.
- a) *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, with the additional requirement that pavement surface be a minimum of two (2) inches asphalt concrete surface course, and shall:
 - 1) 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;
 - 2) 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 (HOA) or a road maintenance agreement (RMA) to be recorded in the Franklin County Register of Deeds Office.

- b) *Other road requirements.*
- 1) *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.
 - 2) *Offsets to utility poles.* Overhead utility poles shall be break-away or located outside the roadway clear zone.
 - 3) *Wheelchair ramps and curb cuts for disabled persons.* All roads, sidewalks, curbing, crosswalks, and other road improvements shall conform to the requirements of North Carolina General Statutes Chapter 136, Article 2A, Section 136-44.14 (N.C.G.S. §136-44.14) and the Americans with Disabilities Act (ADA) 42 U.S.C. § 12101.
- 2) *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.
 - 3) *Cul-de-sac length.* No residential street cul-de-sac serving lots of 20,000 square feet or greater in size shall exceed 1,000 feet in length. No residential street cul-de-sac serving lots less than 20,000 square feet in size shall exceed 700 feet in length.
 - 4) *Access to streets.* Every subdivided lot shall front on, or have direct driveway access or dedicated easement to, a public or private street meeting the standards of the latest edition of the NCDOT Subdivision Roads Minimum Construction Standards.
 - 5) *Direct residential driveway connections.* Subdivisions located on a collector road shall be designed such that no new subdivided lot shall have a direct driveway connection onto the 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 for the purpose of ingress and egress or an emergency access easement shall meet the requirements of the latest edition of the NCDOT Subdivision Roads Minimum Construction Standards. The second full-service access will be required when meeting or exceeding the following thresholds:
- 1) For subdivisions proposing between 30 and 74 lots, at least two access points shall be included. The second access may consist of an existing or future street connection to an adjacent development. Where no adjacent development exists, the developer has the option of providing a second full-service access 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.
 - 2) For subdivisions proposing between 75 to 249 lots, the developer shall provide a second full-service access for the purpose of ingress and egress.
 - 3) For subdivisions proposing (or which have the potential for) 250 or more lots, three separate access points shall be included. Where three or more access points are required, the Planning Board may waive the requirement for immediate

construction of more than two access points, provided that subdivision phasing and design illustrates the additional required connections.

A waiver of these standards may be allowed by the Planning Board during approval of the preliminary subdivision plat only where limited frontage, natural features (including: slope and topography), or similar circumstances preclude the required connections and there is no substantial impact noted regarding emergency service access.

6) *Subdivision road standards.*

- a) Once a subdivision street has a minimum of four (4) occupied homes or an average of two (2) occupied homes per tenth of a mile, no more zoning compliance permits will be issued for lots on that street until the NCDOT accepts the subject street into the State-Maintained Roadway Network, per the developer's request.
- b) No more than 75% of a subdivision's certificates of occupancy may be issued until the required secondary access has been constructed or bonded for construction.

**Note: For determining when a second access is required, the count will be cumulative.*

7) *Sidewalks.*

- a) *Specifications.* When provided, or required by the Planning Board, sidewalks shall be constructed to a minimum width of five (5) 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.
 - b) *Protection of trees.* Sidewalks shall be meandered as to protect and preserve existing trees. For that purpose, sidewalks may be placed within a minimum 15-foot-wide public access easement located outside the public right-of-way.
 - c) *When required.* At the discretion of the Planning Board, sidewalks may be required on one side or both sides of the street where it is reasonable that the public has access and will use the sidewalks where an existing school, church or other civic facility, such as a park, open space, trail, or greenway, lies within one-quarter mile of the boundaries of the proposed subdivision, in which case a safe pedestrian connection between the subdivision and the off-site facility is desirable.
- 8) *Curb and gutter standards.* When provided, or required by either the Planning Board or Board of Commissioners, curb and gutters shall be constructed in accordance with plans and profiles meeting NCDOT specifications for curb and gutters.
- 9) *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.
- a) *Minimum common open space or recreation area.* Where common open space or recreational area must be provided or dedicated as part of a major subdivision residential development, its total land area shall be at least 15% 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 two acres of open space, the Planning Board shall determine if the location, design, use, and area provide a benefit to the community, require revision, or proposal of fee-in-lieu.
 - 1) 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 major subdivision contains wetlands and/or riparian or

stream buffer areas, or overhead electric utility easements, they must be designated as common open space. However, these areas will not count 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.

- 2) Any proposed reduction or change involving previously recorded open space must be approved by the Planning Board. The applicant must provide sufficient information on why the change is requested and why no other alternative exists.
 - b) *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 Franklin 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, or for-profit organization 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.
 - c) *Payments in lieu of provision or dedication.* In lieu of providing or dedicating common open space or recreation area required pursuant to this section, a developer of a subdivision may choose to make a payment to the Town of Bunn. As noted in Subsection (7)a of this Section, if the required open space to be provided is less than two (2) acres the Planning Board shall determine if fee-in-lieu shall be required. The Town shall use such payment 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 dwelling units recorded multiplied by the fee established in the Town's Annual Schedule of Fees. The developer shall make the payment before approval of a final plat; however, the Planning Board may allow phasing of payments consistent with the approved phasing of the major subdivision. In accordance with 160D-804(d), any formula enacted to determine the amount of funds that are to be provided under this section shall be based on the value of the development or subdivision for tax purposes.
 - d) *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 a 20-foot fee-simple access.
- 10) An incorporated Homeowners Association shall be required for Category 2 major residential subdivisions. All subdivisions within the Town of Bunn's ETJ shall have Restrictive Covenants.

Sec. 30-416. - Lot dimensions.

Every subdivided lot shall comply with the minimum lot size, lot width, and street frontage standard as stipulated in this Article and/or Town Zoning Ordinance, as well as other standards of the Franklin County Health Department for lots not served by a public water and/or sanitary sewer system.

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 face the main 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).
- 2) Landscape area "B" with the use of only plant material (see Article IV of this Chapter).

- 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.

- a) Subdivisions that incorporate a public water distribution 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 applicable state, county and local agencies.
- b) Fire hydrants shall be provided in accordance with National Fire Protection Association (NFPA) standards. Adequate flow for firefighting will be available to every lot in the subdivision. This provision will require that the main lines be a minimum six (6) inches in diameter and that a hydrant tee and valve be provided within 500 feet of each lot, unless otherwise approved by the Town/County Fire Marshal.

Sec. 30-419. - Specifications for drawings.

- a) *Format.* The requirements of this section apply to the format of drawings.
- b) *Preliminary plat.* The preliminary plat shall be drawn to a scale between 1:100 and 1:20. Under special circumstances, with the Zoning Administrator's or Subdivision Administrator's approval, a preliminary plat can be drawn to a 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, watercourses, bridges, public easements, names of adjacent subdivisions and/or property owners, 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, 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 adopted by the Town, the applicant shall dedicate the right-of-way in the location and to the width specified in the Zoning Ordinance. Land reserved for future right-of-way shall not be counted in satisfying any yard, area, or dimensional requirements.
- 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 engineer or surveyor under whose supervision the plat was prepared; the date of the plat; the scale and north point; and all endorsements and certifications provided for in Sections 30-420.
 - 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, any limitations and the person or entity responsible for continued maintenance; corporate and/or other

boundaries; 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, easement 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 and streets adjoining the platted subdivision; and designation of all streets 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 N.C.G.S. § 47-30 et seq.
- 4) *Easements.* All easements and their function shall be shown on the final plat.
- 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 most current Flood Insurance Rate Map (FIRM) panel and its adoption date shall be shown and utilized.
- 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 N.C.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.

Sec. 30-420. - Certificates and endorsements on final plat.

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

- 1) Certificate of survey and accuracy.
- 2) Certificate of floodway information.
- 3) Certificate of ownership, dedication and maintenance.
- 4) Notice to homeowners to connect to public utility system.
- 5) Certificate of public utilities, with the exception of minor subdivision.
- 6) Certification of approval of water supply and sewage disposal system.
- 7) Certificate of North Carolina Department of Transportation (NCDOT).
- 8) Road Maintenance Agreement (RMA) of understanding.
- 9) Zoning Administrator's or Subdivision Administrator's Certification.
- 10) Review Officer's Certification.
- 11) Register of Deed's Certification.
- 12) Additional certifications, statements, or notations necessary.

Sec. 30-421. - Distribution of recorded plat.

When approved by the Town of Bunn Board of Commissioners, the Zoning Administrator or Subdivision Administrator shall endorse his 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 Franklin County Register of Deeds Office returning one to the Town Zoning Administrator or Subdivision Administrator, and one blue line copy shall be on file with the Franklin County Department of Environmental Health.

References

County Map and Plat Size Requirements

County	18 x 24	21 x 30	24 x 36	E-Filing	Mylar Accepted	Paper Accepted
Franklin	X				X	X

Source: *North Carolina Association of Registers of Deeds (NCARD) County Map Plat Requirements, March 2019.*

Establishment of Zoning Districts

R-1 Low-Density Residential

This district is defined as low-density residential areas and additional open areas where similar residential development will be a viable land use. The uses permitted in this district are designed to stabilize and protect the essential character of the area and to prohibit all activities of a commercial nature except

certain home occupations controlled by specific limitations. Manufactured homes shall be allowed in this district, subject to regulations in Article X of the Zoning Ordinance. Agricultural uses shall also be permitted in this district.

R-2 Medium Density Residential

This district is established to provide a quiet, medium density living environment consisting of single family detached dwellings, two-family dwellings, medium-density multi-family dwellings and related uses necessary for a sound neighborhood. The regulations for this district are designed to stabilize and encourage a healthful environment for family life.

R-3 High Density Residential

This district is established to accommodate more dense development including single-family homes on smaller lots, two- and multi-family housing, and their accessory uses. This district provides areas in the community for residents desiring smaller residences and multi-family options in higher-density neighborhoods closer to commercial zoning districts. Due to the dense nature of development in this zone, it is expected that municipal water and sewer lines will be available to each lot in this district.

Table 1: Minimum Lot Size Standards

Low-Density Residential (R1)	Medium Density Residential (R2)	High Density Residential (R3)
30,000 sq. ft.	10,000 sq. ft. (single-family) 15,000 sq. ft. (two-family)	8,000 sq. ft.(single-family) 12,000 sq.ft. (two-family or multi-family)

1 acre = 43,560 sq.ft.

Source: *Town of Bunn Zoning Ordinance; Article VII: Table of Yard, Area, and Height Requirements.*

Table 2: Minimum Lot Dimensions and Setbacks

	Low-Density Residential (R1)	Medium Density Residential (R2)	High Density Residential (R3)
Width	75 ft.	60 ft.	50 ft.
Depth	150 ft.	100 ft.	75 ft.
Front Yard Setback	30 ft.	20 ft.	15 ft.
Rear Yard Setback	30 ft.	20 ft.	15 ft.
Side Yard Setback*	25 ft.	10ft.	5 ft.

Max. Building Height	35 ft.	35ft.	35 ft.

Source: *Town of Bunn Zoning Ordinance; Article VII: Table of Yard, Area, and Height Requirements.*

** Note: On corner lots first establish the front yard and then add 10 ft. to each side yard that abuts a street.*

***Note: When a Commercial District or Industrial District abuts a Residential District, add an additional 10 ft. and follow the Buffer Requirements found in Article IX of the Zoning Ordinance entitled: Landscaping, Screening and Buffer Requirements.*

Landscaping

It is the intent of this Section is to encourage the preservation of existing trees and vegetation; to identify landscape standards and plat classification, to reduce radiant heat from surfaces and conserve energy; to provide shade; to reduce wind and air turbulence; to minimize potential nuisances such as the transmission of noise, dust, odor, litter and glare of automobile headlights; to provide visual buffering and to provide for the separation of spaces; to enhance the beautification of the town; to reduce the amount of impervious surface; to reduce stormwater runoff; to safeguard and enhance property values and to protect public and private investment; and to protect the public’s health, safety and general welfare.

Classes of Buffers

- A) Class I Buffer – A buffer which is at least 10 feet in width with at least one (1) shade tree for every 30 feet in length, and one (1) small tree for every 15 feet or 10 shrubs for every 30 feet.
- B) Class II Buffer – A buffer strip that is 20 feet in width with at least two (2) shade trees for every 50 feet of length, 3 small trees for every 50 feet, or 20 shrubs for every 50 feet.
- C) Class III Buffer – A buffer strip that is 30 feet in width with at least three (3) shade trees for every 50 feet in length, five (5) small trees for every 50 feet, or 30 shrubs for every 50 feet in length.
- D) Class IV Buffer – A buffer strip that is 75 feet in width with at least five (5) shade trees for every 50 feet of length, seven (7) small trees for every 50 feet, or 50 shrubs for every 50 feet in length.

Definitions

- a) Access Way means a point of ingress and egress of property or building from street or adjoining property, including parking areas, driveways and pedestrian walkways.
- b) Buffer means a continuous area of land set aside along the perimeter of a lot in which landscaping, along with berms, walls, or decorative fences are used to reduce the environmental, aesthetic, and other impacts of one land use upon another.
- c) Landscaping means any combination of living plants such as grass, groundcover, shrubs, vines, hedges or trees; and nonliving landscape materials such as rocks, pebbles, sand, mulch, walls fences or decorative paving materials.

- d) Tree means any self-supporting wood perennial plant which has a trunk of diameter of two (2) inches or more when measured at a point of four and one-half (4 ½) feet above ground level and which normally attains an overall height of at least 15 feet at maturity, usually with one main stem or trunk and many branches.
- e) Shade Tree means any species of trees that has an expected height at maturity of at least 35 feet and an expected crown spread at maturity of at least 30 feet.
- f) Shrub means a self-supporting woody perennial plant of low to medium height characterized by multiple stems and branches continuous from the base, usually not more than 10 feet in height at maturity.
- g) New Development means any project involving substantial property improvement that involves change in the character of the land use, construction of a new building on a parcel, or any addition to an existing structure that increases the gross floor area of the original structure by 60 percent or more.

Landscape Plan Required

Prior to the issuance of any Certificate of Zoning Compliance, a landscape plan shall be submitted to and approved by the Zoning Administrator or Subdivision Administrator. The landscaping plan shall be drawn to scale and contain sufficient information to determine that the landscaping and buffer requirements will be met. The plan shall include:

- a) The shape and dimension of the lot(s) on which the proposed building or use is to be erected or conducted;
- b) The location of the said lot with respect to adjacent street rights-of-way and adjoining lots;
- c) The use or zoning of all parcels adjacent to the lot that the proposed structure or use is to be erected or conducted;
- d) The location or dimension of off-street parking and loading areas, and the means of ingress and egress to such space;
- e) The location of landscape, screening, and buffer areas;
- f) Number and species of trees to be planted or preserved;
- g) The location and label for all existing and proposed plants and landscaping materials to be provided to meet requirements of this Ordinance;
- h) Plant list with the common name, quantity, and size of all proposed landscaping materials at the time of planting; and
- i) Any additional information determined by the Zoning Administrator or Subdivision Administrator that is reasonable necessary to determine compliance with the provisions of this Ordinance.

Landscaping Requirements for New Development

- I. All new development falling under the requirements of this Article shall provide a landscape buffer along the perimeter of the lot that adjoins another lot except at permitted access ways. The required buffer areas to be installed shall be as provided below for the zoning district the property is located:

		<i>Existing Use</i>								
		R1	R2	R3	C1	C2	C3	I1	I2	VMD
Proposed Use	R1	-	-	-	Class I	Class II	Class II	Class IV	Class IV	Class II
	R2	-	-	-	Class I	Class II	Class II	Class IV	Class IV	Class II
	R3	-	-	-	Class I	Class II	Class II	Class IV	Class IV	Class II
	C1	Class I	Class I	Class I	-	-	-	Class II	Class III	Class I
	C2	Class II	Class II	Class II	-	-	-	Class II	Class III	Class I
	C3	Class III	Class III	Class III	-	-	-	Class II	Class III	Class I
	I1	Class IV	Class IV	Class IV	Class II	Class II	Class II	-	-	Class III
	I2	Class IV	Class IV	Class IV	Class III	Class III	Class III	-	-	Class III
	VMD	Class II	Class II	Class II	Class I	Class I	Class I	Class III	Class III	-

- II. There shall be a landscape area that is a minimum width of four (4) feet between all parking areas and street rights-of-way except at permitted access ways. Nonliving landscape materials shall not comprise more than 50 percent of the total landscaped area.
- III. All dumpster areas shall be screened from public view by an opaque fence or other landscape materials.

Landscape Requirements for Residential Subdivisions

- a) All new residential subdivisions shall provide a landscaped entrance or median with a minimum area of 200 square feet. The nonliving landscape materials shall not exceed more than 50 percent of the landscaped area.
- b) There shall be a buffer strip provided along the perimeter of the subdivision as required by the zoning designation in which the subdivision is located.
- c) Maintenance of all landscaped areas will be the responsibility of the Homeowners' Association or the property owner(s).

Maintenance

All landscaping areas and screening devices required by this Ordinance shall be properly maintained by the property owner so as to continue its effectiveness. Any required plantings that die or otherwise fail to satisfy the requirements of this Ordinance shall be replaced with equal or similar species and size. Failure to properly maintain landscape areas and materials shall be deemed a violation of this Ordinance.

Landscape Standards

- a) All trees used shall be a minimum of 2-inch diameter measured four (4) feet from the ground at time of planting.
- b) Plant materials used in conformance with the provisions of this Ordinance shall be of specimen quality and conform to the latest version of the American Standard for Nursery Stock (ANSI)

Z 60.1 – 20XX) published by the American Association of Nurserymen.

- c) All trees and vegetation to be planted shall be hardy for North Carolina and the Town of Bunn.
- d) The required landscaping shall be installed prior to the issuance of a certificate of occupancy. An applicant may post a monetary guarantee in an amount that is reasonable necessary to insure satisfactory installation of the required landscaping. If the required landscaping has not been installed within six (6) months of issuance of certificate of occupancy, the Bunn Board of Commissioners may install it at the applicant's expense.
- e) Landscaping and landscaped and buffer areas shall not obstruct the view between streets and access drives or street intersections.

Source: *Town of Bunn Zoning Ordinance; Article IX: Landscaping, Screening, and Buffering Requirements.*

For a complete listing of North Carolina Native Tree and Plant Species, please refer to the following inventory provided by North Carolina State University's Extension Office:

<https://plants.ces.ncsu.edu/plants/category/native-plants/>

Riparian Buffering

The provisions of this Section shall apply to commercial, industrial, multi-family, manufactured home parks, institutional new development, and the development of residential subdivisions within the planning jurisdiction of the Town of Bunn; and have commenced after the effective date of this Ordinance. The State of North Carolina has adopted riparian buffer rules which are in effect in the Tar-Pamlico River basin. These rules apply to 50-foot wide riparian buffers directly adjacent to surface waters in the Tar-Pamlico Basin (intermittent streams, perennial streams, lakes, ponds, and estuaries), excluding wetlands. The public and developers are encouraged to read and understand the buffer rules before beginning any activities within buffers in the basin. In Franklin County, the Raleigh office of the Division of Water Quality enforces the riparian buffer protection rules.

Source: *Town of Bunn Zoning Ordinance; Article IX: Landscaping, Screening, and Buffering Requirements.*

Mailbox Kiosks (Cluster Mailbox Units)

Pursuant to United States Postal Service (USPS) policy, all new subdivisions and new phases of existing subdivisions are required to provide CBU's for regular mail service delivery. The local Post Master will work with builders and developers to determine the best mode for mail delivery for the area, prior to extending or establishing delivery service. If central mail delivery service is the option chosen by the Post Master in the form of Cluster Box Units (CBU's), then the arrangement and location of the CBU(s) shall be in accordance with USPS Guidelines.

Location: CBU's must be located on a lot or area dedicated for open space or public access easement obtained by the developer. CBU's may not be placed in the Right of Way (ROW) of any road. The location of the CBU within the subdivision shall be determined by the Zoning Administrator or Subdivision Administrator; local Post Master; and developer or builder.

Parking/Access: In addition to any requirements for parking specified, off-street parking and loading requirements, or any accessibility guidelines pertaining to the Americans with Disabilities Act (ADA), the following must be met:

Number of Mailboxes	Number of Spaces Provided
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50 or less	2
51-80	3*
80-110	4*
111+	4*

*At least one (1) parking space must be handicap accessible.

Note: The parking area shall allow for adequate turnaround for vehicles entering and exiting.

Maintenance: CBU's are to be maintained by the Homeowners Association (HOA) or managing entity. The developer shall be responsible for confirming the logistics of regular mail delivery to CBU's with the USPS. As such, CBU design shall be subject to final approval by the USPS.

Landscaping/Screening: Every effort should be made to appropriately screen and landscape the CBU's.

Signs: Shall be permitted on CBUs for the sole purpose of official mail delivery to a subdivision. All signs shall be reviewed by the Zoning or Subdivision Administrator with the assistance of the Town of Bunn Planning and Zoning Board.

Lighting: Adequate lighting shall be provided by the HOA or managing entity. Lighting shall be such that it is not directed onto any adjacent properties or right-of-ways.

DISCLAIMER

The information contained in the fee schedule is valid at the time of publication. The Town of Bunn reserves the right to make changes and improvements at any time and without notice, and assumes no legal responsibility for damages incurred directly or indirectly as a result of errors, omissions or discrepancies in this document.

Publications Consulted

Ducker, R. (1998). *Land subdivision control*: In NCAPA Citizen Planner Training Program (pp. 1-23). Chapel Hill, NC: Institute of Government.

Lovelady, A. (2016). *Land subdivision regulation in North Carolina: 2015*. Chapel Hill, NC: UNC School of Government.

National Cooperative Soil Survey. (2004). *Soil Survey of Franklin County, North Carolina*.

