

CHAPTER 151: SUBDIVISIONS

Section

General Provisions

- 151.001 Purpose
- 151.002 Authority
- 151.003 Establishment of subdivision regulation jurisdiction
- 151.004 Definitions

Subdivision Application Procedure and Approval Process

- 151.015 Procedure
- 151.016 Sketch plan requirement
- 151.017 Design criteria to be designated on sketch plan
- 151.018 Submission of and municipal review of sketch plan
- 151.019 Construction plat requirement
- 151.020 Specifications of a construction plat
- 151.021 Submission of and municipal review of a construction plat
- 151.022 Submission of the final plat for approval
- 151.023 Specifications of a final plat
- 151.024 Minor subdivisions

Minimum Design and Improvement Requirements

- 151.035 Basic subdivision principles
- 151.036 Land subdivision
- 151.037 Street requirements
- 151.038 Storm drainage
- 151.039 Water and sewer service required
- 151.040 Water utilities
- 151.041 Sanitary sewer
- 151.042 Electric and telephone utilities
- 151.043 Street lighting
- 151.044 Sites for community facilities
- 151.045 Bonus density design

Assurance of Completion of Improvements and Inspection Procedures

151.060 Improvement completion
151.061 Modification of design of improvements
151.062 Inspection of construction

Variances

151.075 Variances
151.076 Granting variances

151.999 Penalty

Statutory reference:

Control corners in real estate developments, see G.S. §§ 39-32.1 through 39-32.4
Municipal authority relative to subdivisions and for territory outside municipal jurisdiction, see G.S. §§ 160A-360 et seq.

GENERAL PROVISIONS

§ 151.001 PURPOSE.

The Board of Commissioners finds it is essential to regulate the subdivision and development of land in order to achieve the following objectives:

- (A) Provide for the orderly growth and development of the town;
 - (B) Provide for coordination of street alignment, community facilities and utilities within future subdivisions;
 - (C) Assure the provisions of streets, utilities, recreation and public school facilities;
 - (D) Locate population in a spatial distribution that will decrease the potential of congestion and overcrowding and will establish physical conditions essential to public health, safety and general welfare;
 - (E) Provide for proper legal description, monumentation and recordation of land that will facilitate identification and permanent location of real estate boundaries; and
 - (F) Encourage the wise, productive and beneficial use of the natural resources of the city without damage to the environment; maintain a healthy and pleasant environment; and preserve the utility of the land within the town's planning jurisdiction.
- (Prior Code, § 151.01) (Ord. passed 5-10-1994)

§ 151.002 AUTHORITY.

(A) The Board of Commissioners enacts the regulations contained herein pursuant to the authority granted by G.S. Chapters 160A, 39 and 47.

(B) The regulations contained herein shall be applicable to property within the extraterritorial jurisdiction boundary of the town, as adopted on 5-10-1994, as subsequently amended.

(Prior Code, § 151.02) (Ord. passed 5-10-1994)

§ 151.003 ESTABLISHMENT OF SUBDIVISION REGULATION JURISDICTION.

The provisions of this chapter shall apply within the corporate limits of the town and within the extraterritorial boundary as shown on the official zoning map of the town.

(Prior Code, § 151.03) (Ord. passed 5-10-1994)

§ 151.004 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALLEY. A roadway easement which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

BOARD OF COMMISSIONERS. The Board of Commissioners of the Town of Grifton, North Carolina.

BUILDING SETBACK LINE. A line located a minimum horizontal distance from the right-of-way line of a street or property line parallel thereto, between which and the street right-of-way line or property line, no main building or part thereof may be erected, altered or maintained.

COMMUNITY FACILITY. Any parcel of land, whether improved or unimproved, which renders a public service and which is owned and maintained by the town or any other public or quasi-public organization with authority to condemn property for use under right of eminent domain, including, but not limited to, parks and open spaces, school sites, fire station sites and utility substations or main stations.

CUL-DE-SAC. A short local public street having one end open to traffic and the other end permanently terminated by an appropriate terminal for the safe and convenient reversal of traffic movement.

DEDICATION. A grant by the owner of his or her property to another party, without any consideration being given for the transfer; the transfer is conveyed by written instrument and is completed with an acceptance.

DESIGN, BONUS DENSITY. A development for single-family housing that consists of

smaller than normally required lots, leaving the remainder of the land undeveloped for recreation, open space, floodway or thoroughfare buffer purposes.

EASEMENT. A grant by the property owner, for use by the public, a corporation, or person(s), of any designated part of his property for a specific purpose(s).

FLOODPLAIN MAPS, OFFICIAL GRIFTON. The flood map series proposed under the National Flood Insurance Program by the Federal Emergency Management Agency.

LOT. Land area of defined boundaries in single ownership set aside for separate use or occupancy and recorded as such in the office of Pitt County and Lenoir County Register of Deeds.

STREET, COLLECTOR. A public street which carries traffic from local streets to a minor or major arterial. The term **COLLECTOR STREET** is synonymous with **FEEDER STREET**.

STREET, PUBLIC. A public road which affords access to abutting property and is recorded as such in the office of the Pitt or Lenoir County Register of Deeds.

STREET, LOCAL. A public street primarily designed to serve as access to abutting properties.

SERVICE DRIVE. A public street, generally paralleling and contiguous to a thoroughfare, designed to promote safe ingress and egress to the thoroughfare and to provide access to abutting properties.

SUBDIVISION. All divisions 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; **SUBDIVISION** shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized herein:

- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the town as shown in the subdivision regulations;
- (2) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets; and
- (4) The division of a tract in single ownership whose entire 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 of the town.

THOROUGHFARE. A public street, designated as such on a thoroughfare plan adopted by the Board of Commissioners and having controlled or prohibited direct access to abutting property. The function of this street is to facilitate the movement of traffic.

TOWN PLANNING BOARD. A commission appointed by the Board of Commissioners and County Commissioners (Pitt and Lenoir Counties) for the following purposes:

- (1) To develop and recommend long-range development plans and policies; and
- (2) To advise the Board of Commissioners in matters pertaining to current physical development and zoning for the town's planning jurisdiction.

ZONING ORDINANCE. A regulatory ordinance adopted by the Board of Commissioners governing the use of land, size of lots, building development and open space within the extraterritorial jurisdictional planning boundary as described in § 151.003. (Prior Code, § 151.04) (Ord. passed 5-10-1994)

SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS

§ 151.015 PROCEDURE.

(A) *Recordation of final plat.* No final plat of a subdivision within the jurisdiction of this chapter shall be filed or recorded by the Register of Deeds unless and until it has been signed by the Planning Chairperson and the Town Manager.

(B) *Conveyance of the lots.* No lot in any subdivision shall be offered for sale or conveyed until the final plat of the subdivision has been recorded in the Register of Deeds of the county in which the subdivision is located. (Prior Code, § 151.15) (Ord. passed 5-10-1994)

§ 151.016 SKETCH PLAN REQUIREMENT.

(A) Before preparing the sketch plat (plan) for a subdivision as hereby required, the developer and/or engineer shall discuss the proposed subdivision with the Town Manager relative to appropriate zoning, conformance with comprehensive plans, availability of utilities and municipal policies regarding subdivision development.

(B) The sketch plan shall include the proposed subdivision and physical development of all of the property which will ultimately constitute the development of the entire tract of land. (Prior Code, § 151.16) (Ord. passed 5-10-1994)

§ 151.017 DESIGN CRITERIA TO BE DESIGNATED ON SKETCH PLAN.

The following criteria shall be designated on the sketch plan:

(A) Tentative arrangement of streets, blocks, lots, recreation sites, storm drainage and utilities in relation to the existing conditions of the site and its surroundings;

(B) Existing site conditions on and surrounding the tract, including general topography, vegetation cover, soil conditions, areas within the floodplain and other environmental conditions;

(C) Name of subdivision, name and address of owner and project engineer; and

(D) General economic and physical description of proposed subdivision.
(Prior Code, § 151.17) (Ord. passed 5-10-1994)

§ 151.018 SUBMISSION OF AND MUNICIPAL REVIEW OF SKETCH PLAN.

(A) (1) There is no formal petition required for the submission of a sketch plan. The aforementioned discussion between the developer and/or engineer and the Town Manager serves as notice of intent to submit a sketch plan. The sketch plan, which must be prepared in accordance with town standards, may be submitted to the town at any time and reviewed as a portion of the customary town workloads; however, the town shall review the sketch plan within three weeks from its date of submission.

(2) The review recommendations and comments from the Town Manager will be forwarded to the developer and/or engineer of the proposed subdivision.

(B) The developer and/or engineer should also submit the sketch plan, upon receipt, of the town review comments and recommendations, to the appropriate state and federal agencies.
(Prior Code, § 151.18) (Ord. passed 5-10-1994)

§ 151.019 CONSTRUCTION PLAT REQUIREMENT.

(A) A construction plat shall be drafted pursuant to the sketch plat approved by the Town Manager.

(B) The construction plat shall be drawn to the specifications as designated in § 151.020 and must be approved by the Planning Board prior to initiation of construction. The construction plat shall be presented to the Planning Board for consideration.

(C) Upon consideration by the Planning Board, the construction plat shall be forwarded to the Town Board for consideration with a Planning Board recommendation.
(Prior Code, § 151.19) (Ord. passed 5-10-1994)

§ 151.020 SPECIFICATIONS OF A CONSTRUCTION PLAT.

(A) A construction plat shall be drawn by an engineer or surveyor registered in the state. Any construction plans to accompany or to be part of a construction plat shall be prepared by a registered engineer only or limited to authority granted under G.S. §§ 89C-1 - 89C-28, as amended.

(B) Each construction plat shall be drawn at a scale of one inch equals 100 feet and shall show the following information:

(1) Title block:

- (a) Name of subdivision;
- (b) Registered engineer's or surveyor's name and seal;
- (c) Name of property owners;
- (d) North arrow;
- (e) Scale;
- (f) Date;
- (g) Name of streets;
- (h) Label of "Construction Plat"; and
- (i) Sum of linear feet of streets.

(2) Project information:

- (a) Area of subdivision in square feet or acres;
- (b) Total number of proposed lots;
- (c) Linear feet of streets and area of street right-of-way in square feet; and
- (d) Total boundary of area.

(3) Existing data: Location of existing platted property, street right-of-way lines, existing buildings, water mains, sewers, drain pipes, culverts, bridges, watercourses, railroad tracks, corporate limit lines, parks, public utility easements (both on the land to be subdivided and on the land immediately adjoining), names of existing streets on and adjoining the land to be subdivided, names of all adjoining subdivisions and the names of owners of adjoining unsubdivided tracts of land.

(4) Data relating to proposed subdivision:

- (a) Proposed property lines with all approximate distances shown;
- (b) Proposed street width, location and elevations. Plans shall depict existing centerline and property line grades, proposed street grades, water and sewer mains, drainage pipes, culverts, bridges and watercourses;
- (c) Type, location and purpose of areas to be dedicated or reserved for public use;
- (d) Block letters and lot numbers;
- (e) Location, size and invert elevations of water, sewer and storm drainage systems;
- (f) One hundred year flood fringe and floodway boundary, if applicable;
- (g) Topography in contour intervals of not more than two feet and spot elevations at all breaks in grade along all drainage channels or swales and/or the town may require subsurface soil and groundwater data when deemed necessary;
- (h) Proposed easements for all utility and drainage improvements;
- (i) If the proposed subdivision is designed to have individual septic tanks and/or individual wells for each proposed lot, the construction plat shall have an appropriate certificate of approval from the respective county health department;
- (j) Submission of a comprehensive sedimentation and erosion control plan for the proposed subdivision in compliance with the state's sedimentation and erosion control provisions;
- (k) Other site conditions on and adjacent to the subdivision to show the relationship of conditions on adjacent lands and in the subdivision. The subdivider shall identify watercourses, marshes, wooded areas, structures, railroads and other significant natural and human-made features affecting the tract; and
- (l) On-site and off-site profiles of all easements for drainage courses and utility lines.

(5) Signature blocks:

Certification by the Town Manager that this construction plat was approved by the Town of Grifton on _____ day of _____, 20 _____ .

Town Manager

NOTE: The developer is responsible for providing notice and obtaining the proper certificate, signature block, authorization and the like from the proper County Sanitarian prior to the approval of a construction plat.

(Prior Code, § 151.20) (Ord. passed 5-10-1994)

§ 151.021 SUBMISSION OF AND MUNICIPAL REVIEW OF A CONSTRUCTION PLAT.

(A) A construction plat of a proposed subdivision must be submitted ten work days prior to the date of the Planning Board meeting at which the plat is to be reviewed. Ten copies of the construction plat shall be submitted to the Town Manager for the Planning Board. At its discretion, the Planning Board may approve a construction plat subject to some pending revisions. The Planning Board approval shall also be subject to the receipt of appropriate permits from the state relative to sewer lines being connected to the town's system prior to the approval of the final plat by the town.

(B) Municipal approval of a construction plat shall be valid for a period of two years from the date of approval of the construction plat by the Town Board. All construction specifications as noted and approved with the construction plat shall be applicable for that two-year period of time and shall be applied to any construction conducted in the subdivision in question during that same two-year period of time.

(C) (1) Upon expiration of that two-year period of validity, a revised construction plat may be required by the town to be submitted in the same manner as the initial construction plat for reapproval by the town.

(2) Design changes or construction specification revisions may be invoked in the reapproval of the construction plat.

(3) Any substantial improvement installed as a part of the previously approved construction plat shall be incorporated in the revised plan.

(Prior Code, § 151.21) (Ord. passed 5-10-1994)

§ 151.022 SUBMISSION OF THE FINAL PLAT FOR APPROVAL.

(A) A final plat shall be drafted pursuant to the construction plat which has been approved by the Town Board. The submission shall include the necessary copies properly signed for town review and recordation in the office of the Register of Deeds, along with necessary probate and

recording fees.

(B) A copy of the appropriate permits from the state relative to water and sewer must accompany the final plat before the Planning Board shall consider approving the plat.

(C) If the development is staged, the final plat shall include only that portion of the approved construction plat which the subdivider proposed to record and develop at that time. No final plat shall be approved unless and until the subdivider dedicates all lands and improvements required by this chapter and has guaranteed the installation of improvements as provided for in §§ 151.060 through 151.062. The final plat shall be drawn to specifications as designated in § 151.023, and must be approved by the Planning Board and recorded in the respective County Register of Deeds Office prior to the sale of any of the lots depicted thereon. Approval of the final plat shall become effective upon approval by the Planning Board.

(D) However, if there is any deviation in the subdivision of property shown on the final plat and the approved construction plat, a revised construction plat must be considered by the Planning Board.

(E) (1) The Town Manager shall be responsible for recording a final plat in the appropriate County Register of Deeds within 48 hours of the effective date of the final plat, excluding weekends and legal holidays.

(2) The developer shall be responsible for the cost of recording the final plat. (Prior Code, § 151.22) (Ord. passed 5-10-1994)

§ 151.023 SPECIFICATIONS OF A FINAL PLAT.

(A) A final plat shall be drawn by an engineer or surveyor registered in the state. A final plat shall be drawn in black ink upon a reproducible stable base or other permanent material to a scale of 100 feet to the inch, which shall be shown in bar graph and numerical forms and shall have an outside marginal size of not more than 18 inches by 24 inches. Where size of land areas or suitable scale to assure legibility require, maps may be placed on two or more sheets with appropriate match lines.

(B) Each final plat shall depict the following specifications:

(1) Title block:

(a) Name of subdivision;

(b) Registered engineer's or surveyor's name and seal;

(c) North arrow;

(d) Scale (bar graph mandatory) one inch equals 100 feet;

- (e) Date;
- (f) Number of sheets; and
- (g) Label of "Final Plat".

(2) Certificates and endorsements:

- (a) *Preparation of plat and accuracy certificate.*

I, _____, certify that this plat was drawn under my supervision from (an actual survey made under my supervision); or (deed description recorded in Book _____ page ____, etc.); or (other); that the error of closure as calculated by latitude and departure is 1: _____; that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, page _____, that this plat was prepared in accordance with G.S. § 47-30 as amended.

Witness my original signature, registration number and seal this _____ day of _____ A.D., 20 ____.

Su
Registration N

A notary certificate shall be required and shall read as follows:

North Carolina, _____ County

I, _____, a Notary Public of the County and State of aforesaid, certify that _____ a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this _____ day of _____, 20 ____.

Notary
Seal

- (b) *Certificate of ownership and dedication.*

The undersigned hereby acknowledge(s) that (they) (he) (is) (are) owners of the property shown on this plat having acquired title thereto by deed recorded in Book _____, Page ____ of the _____ County Register, and that (they) (he) hereby dedicate(s), unless otherwise noted thereon, to public use as streets, playgrounds, parks, open space, and easements forever all areas so shown or indicated on this plat. The Town of Grifton is authorized to record this plat at the appropriate Register of Deeds.

Signed

Owner(s) and Lienholder(s) Signature(s)

Subscribed and sworn to me this ____ day of _____, 20 ____.

Notary Public

My Commission Expires:

In the event the dedicated property so dedicated is owned by a corporation, the corporation shall include the signature of the corporate officer, attested by the corporate secretary and the corporate seal.

(c) *Certificate of improvements.*

Know all men by these present, that I hereby certify that on this, the _____ day of _____ 20 ____, all required improvements have been installed in this subdivision in an approved manner or that the subdivider has entered into a contract and posted sufficient bond with the Town of Grifton for installation and guaranteeing that all required improvements in this subdivision will be completed on or before the _____ day of _____, 20 ____ .

Town Manager

(d) *Signature blocks.*

Certification by the Planning Board that this final plat conforms to the construction plat approved by the Town Board on _____ day of _____ 20 ____, and meets the standards of the Town Subdivision Regulation Ordinance. This certification is effective upon Planning Board approval this _____ day of _____, 20 ____

Chairperson, Planning Board

(e) *Minor subdivisions.*

Certification by the Town Manager and the Planning Board Chairperson that this plat was approved by the Planning Board on _____ (date) and meets the town standards for minor subdivision.

Town Manager

Planning Board Chairperson

Date

Date

(3) Technical information:

(a) *North arrow.* An accurately positioned north arrow coordination with the bearings shown on the map. Indication shall be made as to whether the north index is true, magnetic or grid;

(b) *Bearings and exact lineal distances.* All property lines, street right-of-way lines and curves shall be noted by precise bearings, lineal distances and curvature data;

(c) *Property corner stakes.* All corners or points which are marked by monuments or natural objects shall be so identified on the plat;

(d) *Floodplain.* If a proposed subdivision is located within or partially within a floodplain, then such boundaries shall be shown on the plat;

(e) *Data necessary to re-establish.* All rights-of-way, watercourses, roadways, crosswalk ways, lots, blocks, boundaries, easements, building and other improvements shall be accurately depicted where crossing or forming any boundary of the property; and

(f) *Names and designations.* The names and property lines of all owners, subdivisions and streets adjoining or crossing the platted area shall be shown. Each block within the subdivision shall be appropriately identified by a block letter and each lot or tract shall be appropriately identified by a lot number. House numbers shall be designated on each individual lot.

(Prior Code, § 151.23) (Ord. passed 5-10-1994)

§ 151.024 MINOR SUBDIVISIONS.

(A) Minor subdivisions of not more than four lots fronting on an existing dedicated public street and meeting all standards of the town codes may be approved by the Planning Board. Upon that approval, the Town Manager and the Planning Board Chairperson shall sign a certificate on the plat stating that the project is a minor subdivision, is in conformance with all town codes, has been approved by the Planning Board, and is authorized to be recorded at the appropriate Register of Deeds. If the subdivision requires the installation of water and/or sewer lines, permits for those lines to be connected to the town's system must be obtained from the

appropriate state agency.

(B) The minor subdivision plat shall be drawn by an engineer or surveyor registered in the state. Any construction plans to accompany or to be part of a construction plat shall be prepared by a registered engineer only or limited to authority granted under G.S. §§ 89C-1 - 89C-28 as amended.

(C) Each minor subdivision plat shall be drawn at a scale of one inch equals 100 feet and shall show the following information:

(1) Title block:

- (a) Name of subdivision;
- (b) Registered engineer's or surveyor's name and seal;
- (c) Name of property owners;
- (d) North arrow;
- (e) Bar scale;
- (f) Date;
- (g) Names of streets; and
- (h) Label of "Minor Construction Plat".

(2) Project information:

- (a) Area of subdivision in square feet or acres; and
- (b) Total number of proposed lots.

(3) Existing data:

(a) Location of existing platted property, street right-of-way lines, existing buildings, water mains, fire hydrants, sewers, drainpipes, culverts, bridges, watercourses, electric power lines, gas lines, railroad tracks, corporate limit line, parks, public utility easements (both on the land to be subdivided and on the land immediately adjoining), names of existing streets on and adjoining the land to be subdivided, names of all adjoining subdivisions and the names of owners of adjoining unsubdivided tracts of land; and

(b) Adjacent property owner.

(4) Data relating to proposed subdivision:

- (a) Proposed property line with all approximate distances shown;
- (b) Type, location and purpose of areas to be dedicated or reserved for public use;
- (c) Lot numbers and house numbers (address numbers);
- (d) Floodplain, if applicable;
- (e) Proposed improvements including water, sewer, drainage, fire hydrants and the like, proposed drainage to be shown by arrows indicating direction of surface water flow;
- (f) Proposed easements for all utility and drainage improvements;
- (g) If the proposed subdivision is designed to have individual septic tanks and/or individual wells for each proposed lot, the minor subdivision plat shall have an appropriate certificate of approval from the respective county health department;
- (h) Topographic data if requested by the Planning Board; and
- (i) Sedimentation and erosion control plan if requested by the Planning Board.

(5) Signature blocks:

NOTE: The developer is responsible for providing notice and obtaining the proper certificate, signature block, authorization and the like from the proper County Sanitarian prior to the approval of a minor subdivision.

(a) *Preparation of plat and accuracy certificate.*

I, _____, certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book __, page __); that the error of closure as calculated by latitudes and departure is 1: _____; that the boundaries not surveyed are shown as broken lines plotted from information found in Book __, page __ County Registry; that this map was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal, this _____ day of _____, A.D., 20 ____.

(b) *Notary certificate.* The certificate of the notary shall read as follows:

North Carolina, _____ County.

I, a Notary Public of the County and State aforesaid, certify that _____, a Registered Land Surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this _____, day of _____, 20 ____.

Notary Public

Seal or Stamp

My commission expires

(c) *Certificate of ownership and dedication.*

The undersigned hereby acknowledge(s) that (they) (he) (is) (are) owners of the property shown on his or her plat having acquired title thereto by deed recorded in Book _____, Page _____ of the _____ County Register, and that (they) (he) hereby dedicate(s), unless otherwise noted thereon, to public use, playgrounds, parks, open space and easements forever all areas as shown or indicated on this plat. The Town of Grifton is authorized to record this plat at the appropriate Register of Deeds.

Signed

Owner(s) and Lienholder(s) Signature(s)

Subscribed and sworn to me this _____ day of _____, 20 ____.

My commission expires:

In the event the dedicated property so dedicated is owned by a corporation, the corporation shall include the signature of the corporate officer, attested by the corporate secretary and the corporate seal.

(d) *Minor subdivisions.*

Certification by the Planning Board Chairperson and the Town Manager that this plat was approved by the Planning Board on _____(date) and meets the town standards for minor subdivisions.

Planning Board Chairperson

Town Manager

Date

Date

MINIMUM DESIGN AND IMPROVEMENT REQUIREMENTS

§ 151.035 BASIC SUBDIVISION PRINCIPLES.

(A) The land to be subdivided shall possess the potential to be developed for building purposes without danger to health or peril from fire, flood or other menace.

(B) The general layout of streets, lots, blocks and utilities proposed to serve the subdivision shall be coordinated with its surroundings and with the town's development plans.

(C) All required improvements shall be constructed and/or installed to conform to the town construction specifications which may be obtained from the Town Manager. Permits for construction shall be obtained prior to the beginning of any construction in conformance with the town code. All subdivision proposals shall be consistent with the need to minimize flood damage.

(Prior Code, § 151.35) (Ord. passed 5-10-1994)

§ 151.036 LAND SUBDIVISION.

(A) *Monuments.* Within each subdivision at least two monuments designed and designated as "control corners" shall be installed. All monuments shall be constructed of concrete and be at least four inches in diameter or square and not less than three feet in length. Each monument shall have imbedded in its top or attached by a suitable means a metal plate of noncorrodible material marked plainly with the point. This monument shall be installed flush with the existing ground elevations unless this requirement is impractical because of unusual topographic features.

(B) *Property markers.* A steel pipe or equivalent, not less than one-half inch in diameter and at least 30 inches in length, shall be set at every point of curvature, point of intersection, property corner, point of tangency and reference point, unless a monument has already been placed at the point.

(C) *Blocks.* Residential blocks should not be more than 1,000 feet in length and shall be wide enough to allow two tiers of lots of appropriate depth, unless extreme physical conditions lend themselves to a deviation from this norm as approved by the Planning Board. A cul-de-sac shall not exceed 900 feet in length.

(D) *Lots.*

(1) Lot size, depth, width and building setbacks shall be in accordance with the requirements of the town zoning ordinance; provided, however, that, lot area and yard requirements may be modified when the dedication of park lands, floodways or thoroughfare buffer lands is exercised according to § 151.045 of this chapter. In subdivisions where septic tanks, private individual wells and/or community water systems are to be employed, in addition

to meeting the minimum lot size of the town, the lots will have to meet the size requirements of the respective county health department for the installation of the aforementioned utility systems.

(2) Each lot shall front on a public street, except as provided in the zoning ordinance. At the locations where the Planning Board deems desirable and necessary, no residential lot or parcel shall be designated to front on a major thoroughfare. The lots or parcels shall have sufficient depth for the provision of a landscape screening being a minimum of 50 feet in width so that those areas will not be unnecessarily subjected to unacceptable noise levels and visual deterrents.

(3) Lots shall be of the configuration and location to provide adequate building sites which do not encroach in the floodway zone.

(4) All lot sizes shall meet or exceed the minimum width and area requirements as specified in the zoning ordinance for the district in which they are located.
(Prior Code, § 151.36) (Ord. passed 5-10-1994)

§ 151.037 STREET REQUIREMENTS.

(A) *Street pattern.* Streets shall be arranged to fit the contour of the land, to create usable lots and blocks and to discourage through traffic in residential neighborhoods.

(B) *Coordination of streets.* Street access may be provided to adjoining undeveloped tracts of land and shall be coordinated with existing and planned streets as required by the town. Access shall be provided to adjacent property at locations deemed necessary and desirable by the town.

(C) *Street construction standards.* Streets shall be constructed according to NCDOT standards.

(D) *Streets and alleys.* Proposed streets shall be adjusted to the contours of the land so as to produce usable lots and streets of reasonable gradient.

(E) *Street intersections.* Street intersections shall be as nearly at right angles as possible, and no intersections shall be at an angle of less than 85 degrees. Intersections of two different street right-of-way lines shall have rounded corners having a minimum radius of 20 feet.

(F) *Street name.* Proposed streets in alignment with existing named streets shall bear the names of such existing streets. In no other cases shall the name of proposed street duplicate or closely resemble an existing street name.

(G) *Traffic control signs.* Traffic control signs, including street name signs, of a type and number approved by the Town Manager shall be installed at all intersections of proposed and existing streets within the subdivision according to town specifications.
(Prior Code, § 151.37) (Ord. passed 5-10-1994)

§ 151.038 STORM DRAINAGE.

(A) *Design.* The storm drainage system shall be designed to conform with the existing topography and shall not be rearranged to fit a designed lot pattern. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards. The town may allow a minor ditch relocation; provided that, the modifications are designed in conformance with the town specifications, standards and designs, latest edition. Storm frequencies required to be used for the capacity design of the draining system shall be as follows:

- (1) Undeveloped collectors: ten-year storm;
- (2) Undeveloped cross-drainage: 25-year storm;
- (3) Residential collectors: ten-year storm;
- (4) Residential cross-drainage: 25-year storm;
- (5) Commercial: 25-year storm; and
- (6) Industrial: 25-year storm.

(B) *Open watercourse.* All open watercourses shall be graded to a minimum three-foot bottom width with side slopes of three feet horizontal to one foot vertical and grassed to prevent erosion. Erosion-control devices such as matting or straw may be required by the Town Manager to protect the side slopes during the seed germination period. The maximum velocity within these open ditches shall not exceed three feet per second unless ditch liners of plain class I, as described by NCDOT standard specifications, concrete, asphalt liners are provided. Soil ditches shall maintain a minimum grade of five-tenths of 1%. The town may waive the three to one (3:1) side slope in cases where the slopes are neither desirable or necessary.

(C) *Drainage easements.*

(1) Easements shall be provided along all storm drainage courses. The easements for enclosed or piped drainage courses shall be 20 feet, plus the diameter width of the drainage structure.

(2) Easement widths for open watercourses shall be determined by the town based on the factors below, but not limited to:

- (a) Design of yearly storm frequency; and
- (b) An open watercourse with a three-foot side bottom and side slopes of three feet horizontal to one foot vertical (3:1), plus an additional ten feet on each side of the watercourse.

(3) Appropriate drainage easements must be secured prior to the submission of the construction plat of the subdivision if the easement is entirely or partially located on land which is not part of the subdivision.

(4) (a) A five-foot easement for drainage and general amenities, including, but not limited to, gas, electrical, communication, water and sewer service, shall be provided along the entire perimeter of each lot adjacent to the lot property line. The easement for drainage and general amenities shall in no way restrict the full use of the property by the owners with respect to placing fences, trees or other vegetation thereon; provided, however, that, no fence, tree or vegetation shall interfere with the proper functioning of the easement and that any use of the five-foot easement on the perimeter of each lot by the property owner shall be subject to the provisions of the town zoning ordinance.

(b) In instances where lots or portions of lots are held in the same ownership and those lots are to be developed as a single parcel of land, any standard five-foot drainage and utility easement located within, but not adjacent to, the perimeter of the parcel may be declared null and void. The procedure for releasing any five-foot standard easement under this provision is the recording of a plat signed by the Town Manager and the Director of Community Development showing the release.

(D) *General requirements.*

(1) All storm drainage improvements shall conform to the construction and material specifications of the town.

(2) Profiles and cross sections for existing and proposed drainage courses shall be required.

(3) No storm drainage shall be discharged into a sanitary sewer.
(Prior Code, § 151.38) (Ord. passed 5-10-1994)

§ 151.039 WATER AND SEWER SERVICE REQUIRED.

(A) The subdivider shall install water mains and sanitary sewer lines in all subdivisions subject to provisions of this chapter and shall attach these lines to and utilize the town's water and sanitary sewer systems when available. Extensions to the town's water and sewer system shall be installed at the developer's expense provided the cost of the tie does not exceed 15% of the estimated cost of the water and sewer systems within the total proposed subdivision plan. The availability of water and sanitary sewers as provided in this section shall be in the alternative and the provisions hereof shall apply to either.

(B) All subdivision proposals shall have public utilities and facilities such as sewer, electrical and water systems located and constructed to minimize flood damage.
(Prior Code, § 151.39) (Ord. passed 5-10-1994)

§ 151.040 WATER UTILITIES.

(A) Where the subdivision is connected to the town water supply or is provided with a private water distribution system, the following improvements shall be provided.

(1) Water lines shall be sized as designated by the town.

(2) Fire hydrants shall be located and installed as required by the town for all types of development.

(a) In single-family subdivisions, fire hydrants shall be located within 500 feet of each front minimum building line and located at street intersections, with intermediate hydrants between intersections, unless otherwise specified by the Fire Chief and Town Administrator.

(b) For nonresidential subdivisions “The Guide for Determination of Required Fire Flow”, as updated, published by the Insurance Services Offices, will be utilized in determining the estimated water needs for fire protection. Fire hydrants shall be located as not to exceed 800 feet between hydrants and located at street intersections, with intermediate hydrants between intersections, unless otherwise specified by the Fire Chief and Town Manager.

(B) A subdivision which is located outside the town limits and is not reasonably available to the municipal water system may be served by private individual wells. All subdivisions proposed to be serviced by private individual wells shall obtain the appropriate permit from the respective county health department prior to approval of a final plat.
(Prior Code, § 151.40) (Ord. passed 5-10-1994)

§ 151.041 SANITARY SEWER.

(A) All subdivisions proposed to be served by the town sewerage system shall obtain certification from the appropriate state and federal agencies prior to town approval of the final plat.

(B) The following improvements shall be provided:

(1) Minimum grade of pipe shall be that which will maintain a minimum velocity of two feet per second;

(2) Automatic lift stations shall be provided where the need for the lift stations is evident and cannot be avoided. The lift station capacity shall be determined by the town;

(3) A subdivision that is located outside of the town limits and is not reasonably available to the municipal sewerage system service may provide a private sewage package treatment plant, upon state approval. The sewerage disposal system must be approved by the Town Manager. All subdivisions proposed to be served by a new or existing private sewage disposal system shall obtain a permit from the appropriate state and federal agencies prior to

approval of a construction plat; and

(4) For subdivisions utilizing septic tanks, the subdivider shall obtain the appropriate permit from the respective County Health Department prior to town approval of a final plat. (Prior Code, § 151.41) (Ord. passed 5-10-1994)

§ 151.042 ELECTRIC AND TELEPHONE UTILITIES.

The developer shall have the option to install electrical and telephone utilities either underground or aboveground.

(Prior Code, § 151.42) (Ord. passed 5-10-1994)

§ 151.043 STREET LIGHTING.

Street lighting plans shall be approved by the town and electricity provider.

(Prior Code, § 151.43) (Ord. passed 5-10-1994)

§ 151.044 SITES FOR COMMUNITY FACILITIES.

(A) When a sketch subdivision plat is submitted for town approval and the area proposed to be subdivided encompasses an area designated in any long-range development plan approved by the Board of Commissioners, as a site for a community facility, the Town Manager shall advise the Board of Commissioners of the fact, and the Board of Commissioners shall notify the subdivider within 60 days from submission of the sketch plan whether it still wishes the site to be reserved, and if so, the specific location and size of the site to be reserved.

(B) If the Board of Commissioners does wish to reserve the site, the subdivision sketch plat shall not be approved without the reservation.

(C) The town or any other public or quasi-public organization with authority to condemn property for public use under the right of eminent domain shall then have 11 months, beginning on the date of approval of the construction plat, within which to acquire the site by purchase, gift or initiating condemnation proceedings.

(D) If the town or other public or quasi-public organization has not acquired or begun proceedings to condemn the site within 11 months, the subdivider may treat the land as freed of the reservation.

(Prior Code, § 151.44) (Ord. passed 5-10-1994)

§ 151.045 BONUS DENSITY DESIGN.

(A) In cases of dedication to and acceptance by the town of open space specifically for park land without monetary compensation by the town to the subdivider, and/or in case of property

located within the floodway and/or property constituting the 50-foot thoroughfare buffer required for residential development adjacent to major thoroughfares, the following bonus density provision may be employed; however, in no case may a lot be reduced in area or frontage below the minimum requirement of the next higher density single-family zoning designation. The bonus density design provision is applied in the following manner:

(1) The square footage of the area reserved for park/open space, floodway or thoroughfare buffer purposes is divided by the square footage of the total area to be subdivided;

(2) The minimum lot area and frontage of the lot requirements specified by the zone of the subject property is multiplied by the resulting quotient (representative of the percentage of land eliminated from residential land use development) obtained from step (1) above; and

(3) The resulting lot area and lot frontage of step (2) is then considered to be the minimum lot specifications upon which the subdivision may be designed.

For example, if a 30-acre tract of land were zoned R-15 (minimum lot area of 15,000 square feet and lot frontage of 100 feet) and the subdivider desires to dedicate three acres of land, the bonus density design provision would be applied as follows:

(a) $3 \text{ acres} = 43,560 \times 3 = 130,680$ square feet;
 $43,560 \times 30 = 1,306,800$ square feet;
 $130,680 - 1,306,800 = 10\%$.

(b) Minimum lot area (R-15):
 $15,000 \times 10\% = 1,500$;
 $15,000 - 1,500 = 13,500$.
Minimum lot frontage (R-15): $100 \times$
 $10\% = 10$; $- 100 - 10 = 90$

(c) 13,500 square feet minimum lot area; 90 feet minimum lot frontage.

(B) The same foregoing bonus density design provision may be employed in developments so designed to have common green or open space to be utilized by the residents therein and not to be owned by the general public.
(Prior Code, § 151.45) (Ord. passed 5-10-1994)

ASSURANCE OF COMPLETION OF IMPROVEMENTS AND INSPECTION PROCEDURES

§ 151.060 IMPROVEMENT COMPLETION.

(A) Prior to approval of the final plat, the subdivider shall either complete the required

improvements or post bond sufficient to guarantee their satisfactory completion. The procedures in each case are as follows.

(1) *Completion of improvements.* Upon approval of as-built plans as approved by the project engineer and when the developer has completed all improvements to the satisfaction of the town, the Town Manager shall issue to the developer certification that the improvements have been installed and have the final approval of the town.

(2) *Guarantee of completion of improvements.* If the subdivider has not completed all required improvements or has completed improvements which have not been approved by the town, the subdivider shall file with the town a surety bond or irrevocable letter of credit in the amount of 110% of the estimated cost of the improvements as determined by the project engineer and approved by the town. The bond or check shall be certified to be satisfactory by the Department of Public Works as to form, manner of execution and surety prior to approval of the final plat. Improvements to be encompassed under this bond arrangement may include, but not be limited to, street name signs; stormwater, sewer, electrical and water utility lines; street construction; street lighting and incidental improvements relative thereto.

(B) (1) If an approved phase of construction is damaged during the subsequent stages of construction prior to a final approval of the completed construction for the entire development (subdivision), the developer shall be responsible for repair of the damage.

(2) All construction must be in an acceptable operable condition for one year prior to complete acceptance of maintenance and responsibility by the city.
(Prior Code, § 151.60) (Ord. passed 5-10-1994)

§ 151.061 MODIFICATION OF DESIGN OF IMPROVEMENTS.

If, at any time before or during the construction of the required improvements, it is demonstrated to the satisfaction of the town that unforeseen conditions make it necessary to modify the location or design of the required improvements as were approved in the construction plat, the Town Manager may authorize the modifications; provided, these modifications are within the spirit and intent of the Town Planning Board approval and do not extend to waiver or substantially alter the function of any improvements required by the town.
(Prior Code, § 151.61) (Ord. passed 5-10-1994)

§ 151.062 INSPECTION OF CONSTRUCTION.

The inspection of all required improvements shall be required prior to the issuance of the certification of satisfactory installation and completion of the improvements. The subdivider shall arrange to have the necessary inspections conducted at times prearranged through the office of the Town Manager.
(Prior Code, § 151.62) (Ord. passed 5-10-1994)

VARIANCES

§ 151.075 VARIANCES.

The town may vary the requirements of §§ 151.035 through 151.045 where, because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas or the existence of other unusual physical conditions, strict compliance with the provisions of §§ 151.035 through 151.045 would cause an unusual and unnecessary hardship on the subdivider. (Prior Code, § 151.75) (Ord. passed 5-10-1994)

§ 151.076 GRANTING VARIANCES.

In granting variances, the town may require conditions as will secure, insofar as practicable, the objectives and the requirements(s) varied. Any variance thus recommended or approved is required to be entered in writing in the minutes of the Planning Board and the Board of Commissioners, and the reasoning upon which departure was justified set forth. (Prior Code, § 151.76) (Ord. passed 5-10-1994)

§ 151.999 PENALTY.

(A) *Violation a misdemeanor.* Any person, firm or corporation who violates any provision of this chapter shall be guilty of a misdemeanor and shall be subject to a penalty as provided by local, state and federal law.

(B) *No permit to be issued.* No permit shall be issued to any person, firm or corporation for the construction, reconstruction, alteration or repair of any building, structure or improvement upon real estate which has been subdivided in violation of this chapter.

(C) *Actions against illegal transfer.* The town, through its attorney or other official designated by the Planning Board, may bring an action for injunction of any illegal subdivision, transfer, conveyance or sale of real estate, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision ordinance. In addition to the foregoing, the provisions of this chapter may be enforced by any one, all or a combination of the remedies authorized by G.S. § 160A-175.

(D) *Metes and bounds description.* The description by metes and bounds in the instrument of transfer or other document used to sell or transfer real estate shall not exempt the transaction from any penalty, action or remedy provided for in this chapter. (Prior Code, § 151.99) (Ord. passed 5-10-1994)

