

## CHAPTER 152: SUBDIVISION

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### ***GENERAL PROVISIONS***

#### **§ 152.01 TITLE.**

This chapter shall be known and may be cited as Subdivision Regulations of the Town of Fremont, North Carolina, and may be referred to as the Subdivision Regulations.  
(Ord. passed 2-20-96)

#### **§ 152.02 PURPOSE.**

The purpose of this chapter is to establish procedures and standards for the development and subdivision of land within the territorial jurisdiction of the Town of Fremont. It is further designed to provide for the orderly growth and development of the town; for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities, for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare. This chapter is designed to further facilitate adequate provisions of water, sewerage, parks, schools, and playgrounds, and also to facilitate the further re-subdivision of larger tracts into smaller parcels of land.  
(Ord. passed 2-20-96)

#### **§ 152.03 SUBDIVISION DEFINED.**

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

***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) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to any regulations enacted pursuant to this chapter.

(1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality as shown in this chapter.

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(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.

(4) The division of a tract in single ownership whose entire area is not 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 municipality as shown in this chapter.

(Ord. passed 2-20-96)

### § 152.04 OTHER DEFINITIONS.

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

**BLOCK.** A piece of land bounded on one or more sides by streets or roads.

**BOARD OF ALDERMEN or TOWN BOARD.** The Board of Aldermen of the Town of Fremont, North Carolina.

**BUFFER STRIP.** A planted strip of land which shall be a minimum of 25 feet in width and shall be composed of any type of pine tree, spaced no less than 40 feet apart on center line; and evergreen shrubbery of a variety that will attain a height of at least six feet at maturity, spaced no less than four feet apart on center line.

**BUILDING SETBACK LINE.** A line parallel to the front property line in front of which no structure shall be erected. Setbacks shall be figured from the right-of-way line.

**DEDICATION.** A gift, by the owner, or a right to use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with an acceptance.

**DEVELOPER.** Any person, firm, trust, partnership, association or corporation engaged in development, or proposed development, of a parcel or parcels of land.

**DEVELOPMENT.** The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings, or land; any extension of any use of land or any clearing, grading, or other movement of land for which permission may be required pursuant to this chapter.

**DRAINAGE.** The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water-supply preservation or prevention or alleviation of flooding.

**EASEMENT.** A grant by the property owner of a strip of land for a specified purpose and use by the public, a corporation, or persons.

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**FLOOD HAZARD AREA.** An area designated to be within the 100 year flood zone according to maps of the Federal Emergency Management Agency (Flood Insurance Rate Map).

**HALF-STREET.** A street whose centerline coincides with a subdivision plat boundary, with one-half the street right-of-way width being contained within the subdivision plat.

**LOT.** A portion of a subdivision, or any other parcel of land, intended as a unit of transfer of ownership or for development, or both.

**LOT OF RECORD.** A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Wayne County prior to the adoption of this chapter, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this chapter.

### **LOT TYPES.**

**CORNER LOT.** A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

**DOUBLE FRONTAGE LOT.** A continuous (through) lot which is accessible from both streets upon which it fronts.

**INTERIOR LOT.** A lot other than a corner lot with only one frontage on a street.

**THROUGH LOT OR A DOUBLE FRONTAGE LOT.** A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

**REVERSE FRONTAGE LOT.** A lot on which the frontage is at right angles or approximately right angles (interior angles less than 135 degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot, an interior lot, or a through lot.

**SINGLE-TIER LOT.** A lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the road is usually prohibited.

**OFFICIAL MAPS OR PLANS.** Any maps or plans officially adopted by the Town Board of Aldermen.

**OPEN SPACE.** An area (land and/or water) generally lacking in man-made structures and reserved for enjoyment in its unaltered state.

**PLAT.** A map or plan of a parcel of land which is to be, or has been subdivided.

**PROFESSIONAL ENGINEER.** A person who has been duly registered and licensed as a professional engineer by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors.

**PUBLIC OR COMMUNITY SEWAGE SYSTEM.** A single system of sewage collection, treatment, and disposal owned and operated by a sanitary district, a metropolitan sewage district, a

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water and sewer authority, a county or municipality, or a public utility.

**RECREATION AREA OR PARK.** An area of land or combination of land and water resources that is developed for active and/or passive recreation pursuits with various man-made features that accommodate such activities.

**PROFESIONAL LAND SURVEYOR.** A person who, by reason of his special knowledge of mathematics, surveying principles and methods, and legal requirements which are acquired by education and/or practical experience, is qualified to engage in the practice of land surveying, as attested by his registration as a professional land surveyor by the North Carolina State Board of Examiners for Engineers and Surveyors.

**RESERVE.** To save for a particular use or a specified purpose, whether present or future.

**RETENTION.** Surface collection, storage, and reduction of storm-water runoff for the purpose of providing infiltration of runoff into the soil.

**STREET.** A dedicated and accepted public right-of-way for vehicular traffic. The following classifications shall apply:

### **RURAL ROADS**

**PRINCIPAL ARTERIAL.** A rural link in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel and existing solely to serve traffic. This network would consist of interstate routes and other routes designed as principal arterials.

**MINOR ARTERIAL.** A rural link in a network joining cities and larger towns and providing intrastate and intercounty service at relatively high overall travel speeds with minimum interference to through movement. This network would primarily serve traffic.

**MAJOR COLLECTOR.** A road which serves major intra-county travel corridors and traffic generators and provides access to the arterial system.

**MINOR COLLECTOR.** A road which provides service to small local communities and links locally important traffic generators with their rural hinterland.

**LOCAL ROAD.** A local road serves primarily to provide access to adjacent land and for travel over relatively short distances.

### **URBAN STREETS**

**MAJOR THOROUGHFARES.** Major thoroughfares consist of interstate, other freeway and expressway links, and major streets that provided for the expeditious movement of volumes of traffic within and through urban areas.

**MINOR THOROUGHFARES.** Minor thoroughfares are important streets in the urban system and perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system by facilitating a minor through traffic movement and may also serve abutting property.

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**LOCAL STREET.** A local street is any link not part of a higher-order urban system which serves primarily to provide direct access to abutting land and access to higher systems.

### **SPECIFIC TYPE RURAL OR URBAN STREETS**

**FREEWAY, EXPRESSWAY OR PARKWAY.** Divided multi-lane roadway designed to carry large volumes of traffic at relatively high speeds. A freeway is a divided highway providing for continuous flow of vehicles with no direct access to abutting property or streets and with access to selected crossroads provided via connecting ramps. An expressway is a divided highway with full or partial control of access and generally with grade separations at major intersections. A parkway is a highway for noncommercial traffic, with full or partial control of access, and usually located within a park or a ribbon of park-like development.

**RESIDENTIAL COLLECTOR STREET.** A local access street which serves as a connector street between local residential streets and the thoroughfare system. Residential collector streets typically collect traffic from 100 to 400 dwelling units.

**LOCAL RESIDENTIAL STREET.** Cul-de-sacs, loop streets less than 2,500 street in length, or streets less than one mile in length that do not connect thoroughfares, or serve major traffic generator, and do not collect traffic from more than 100 dwelling units.

**CUL-DE-SAC.** A dead-end street ending with a circular turnaround.

**FRONTAGE ROAD.** A local street or road that is parallel to a full or partial access control facility and functions to provide access to adjacent land.

**ALLEY.** A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

**SUBDIVIDER.** Any person, firm, or corporation who subdivides or develops any land.  
(Ord. passed 2-20-96)

### **§ 152.05 WORD INTERPRETATION.**

(A) The word **STRUCTURE** shall include the word **BUILDING**. The word **LOT** shall include the words **PLOT, PARCEL, or TRACT**.

(B) The words **USED FOR** shall include the meaning "designed for".  
(Ord. passed 2-20-96)

### **§ 152.06 AUTHORITY.**

This chapter is hereby adopted under the authority and provisions of G.S. Chapter 160A, Article 19, Part 2.  
(Ord. passed 2-20-96)

### **§ 152.07 JURISDICTION.**

The regulations contained herein, as provided in G.S. 160A, Article 19, shall govern each and every subdivision within the town and its extraterritorial jurisdiction as shown on the official extraterritorial boundary map.

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(Ord. passed 2-20-96)

### § 152.08 PREREQUISITE TO PLAT RECORDATION.

After the effective date of this chapter, each individual subdivision plat of land within the town's jurisdiction shall be approved by the Town Board of Aldermen on recommendation of the Town Planning Board.

(Ord. passed 2-20-96)

### § 152.09 ACCEPTANCE OF STREETS.

No street shall be maintained by the town nor street dedication accepted for ownership and maintenance in any subdivision for which a plat is required to be approved unless and until such final plat has been approved by the town.

(Ord. passed 2-20-96)

### § 152.10 THOROUGHFARE PLANS.

Where a proposed subdivision includes any part of a thoroughfare which has been designated as such upon the officially adopted thoroughfare plan of the town or that portion of Wayne County's thoroughfare plan that is included in the town's extraterritorial area, such part of such thoroughfare shall be platted by the sub-divider in the location shown on the plan and at the width specified in this chapter.

(Ord. passed 2-20-96)

### § 152.11 TRANSPORTATION IMPROVEMENT PLANS.

If the North Carolina Department of Transportation has determined the specific location and size of any road or right-of-way improvements necessitating the reservation of land, and this information appears in its officially adopted Transportation Improvement Program, the town shall immediately notify the Department of Transportation whenever a preliminary plat for a subdivision is submitted which includes all or part of a road plat for a subdivision is submitted which includes all or part of a road improvement area to be reserved. If the Department of Transportation does not wish to reserve the site, it shall so notify the town. If the Department of Transportation does wish to reserve the site, it shall so notify the town. If the Department of Transportation does wish to reserve the site, the subdivision shall not be approved without such reservation. The Department of Transportation shall then have 18 months beginning on the date of approval of the preliminary plat within which to acquire the site by purchase or by initiating condemnation proceedings. If the Department of Transportation has not purchased or begun proceedings to condemn the site within 18 months, the sub-divider may treat the land as freed of the reservation.

(Ord. passed 2-20-96)

### § 152.12 SCHOOL SITES ON LAND USE PLAN.

If the Town Board of Aldermen and Wayne County Board of Education have jointly determined the specific location and size of any school sites to be reserved and this information appears in the comprehensive land use plan, the town shall immediately notify the County Board of Education whenever a preliminary plan for a subdivision is submitted which includes all or part of a school site to be reserved. The County Board of Education shall promptly decide whether it still wishes the site to be reserved. If the Board of Education does not wish to reserve the site, it shall so notify the town. If the Board does wish to reserve the site, the subdivision shall not be approved

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without the reservation. The Board of Education shall then have 18 months beginning on the date of approval of the preliminary plat within which to acquire the site by purchase or by initiating condemnation proceedings. If the Board of Education has not purchased or begun proceedings to condemn the site within 18 months, the sub-divider may treat the land as freed of the reservation. (Ord. passed 2-20-96)

### § 152.13 ZONING AND OTHER PLANS.

Similarly, proposed subdivisions must comply in all respects with the requirements of the Zoning Ordinance in effect in the area to be subdivided, and any other officially adopted plans. (Ord. passed 2-20-96)

### *LEGAL PROVISIONS*

### § 152.15 GENERAL PROCEDURE FOR PLAT APPROVAL.

(A) After the effective date of this chapter no subdivision plat of land within the town's jurisdiction shall be filed or recorded until it has been submitted to and approved by the Town Board of Aldermen as set forth in this chapter, and until this approval is entered in writing on the face of the plat by the Mayor and attested by the Town Clerk.

(B) The Register of Deeds shall not file or record a plat of a subdivision of land located within the territorial jurisdiction of the town that has not been approved in accordance with these provisions, nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with this section. The filing or recording of a subdivision of land or a subdivision plat of land without the approval of the subdivision as required by this chapter shall be null and void. (Ord. passed 2-20-96)

### § 152.16 STATEMENT BY OWNER.

The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the subdivision regulation jurisdiction of any town. (Ord. passed 2-20-96)

### § 152.17 EFFECT OF PLAT APPROVAL ON DEDICATIONS.

Pursuant to G.S. 160A-374, the approval plat shall not be deemed to constitute or effect the acceptance by the town or public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, the Town Board of Aldermen may by resolution accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision regulation jurisdiction. Acceptance of dedication of lands or facilities located within the subdivision regulation jurisdiction but outside the corporate limits of the town shall not place on the town any duty to open, operate, repair, or maintain any street, utility line, or other land or facility, and the town shall in no event be held to answer in any civil action or proceeding for failure to open, repair, or maintain any street located outside its corporate limits. (Ord. passed 2-20-96)



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### § 152.18 SEPARABILITY.

Should any section or provision of this chapter be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.  
(Ord. passed 2-20-96)

### § 152.19 VARIANCES.

Where, because of severe topographical or other conditions peculiar to the site, strict adherence to the provisions of this chapter would cause an unnecessary hardship, the Board of Aldermen may authorize a variance to the terms of this chapter only to the extent that is absolutely necessary and not to an extent which would violate the intent of this chapter. Any variance authorized is required to be entered in writing in the minutes of the Board of Aldermen and the reasoning on which the departure was justified shall be set forth.  
(Ord. passed 2-20-96)

### § 152.20 AMENDMENTS.

(A) The Town Board of Aldermen may from time to time amend the terms of this chapter but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation. The Planning Board shall have thirty days from the time the proposed amendment is submitted to it within which to submit its report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have recommended approval of the amendment.

(B) No amendment shall be adopted by the governing body until they have held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the town area at least once a week for two successive calendar weeks prior to the hearing. The initial notice shall appear not more than 25 nor less than ten days prior to the hearing date. In computing the ten-day period, the date of publication is not be counted, but the date of the hearing is.  
(Ord. passed 2-20-96)

### § 152.21 ABROGATION.

It is not intended that this chapter repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, or permits previously adopted or issued pursuant to law. However, where this chapter imposes greater restrictions, the provisions of this chapter shall govern.  
(Ord. passed 2-20-96)

### § 152.22 RE-ENACTMENT AND REPEAL OF EXISTING SUBDIVISION ORDINANCE.

This chapter in part carried forward by re-enactment some of the provisions of the Town Subdivision Ordinance of April 5, 1979, and it is not the intention to repeal but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced. All provisions of the subdivision ordinance, which are not re-enacted herein, are hereby repealed. All suits at law or in equity and/or all prosecutions resulting for the violation of any subdivision ordinance heretofore in effect, which are now pending in any of the

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courts of the state or of the United States, shall not be abated or abandoned by reason of the adoption of the ordinance had not been adopted; and any and all violations of the existing ordinance, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this chapter shall be so constructed as to abandon, abate, or dismiss any litigation or prosecution now pending and/or which may heretofore have been instituted or prosecuted.  
(Ord. passed 2-20-96)

### § 152.23 ADMINISTRATOR.

The holder of the office of Town Administrator is hereby appointed to serve as Subdivision Administrator.  
(Ord. passed 2-20-96)

### *PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS*

### § 152.31 PLAT SHALL BE REQUIRED ON ANY SUBDIVISION OF LAND.

Pursuant to G.S. 160A-372, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this chapter whenever any subdivision of land takes place. Provided, however, a sub-divider of land in the town's extraterritorial area may qualify for an exception to filing a subdivision plot if the following conditions are met and provided further that the exemption outline below shall not be self-executing.

Exemption for Road Frontage Lots.

(A) The said recorded plat shall not be required for a landowner in the town's extraterritorial area who wishes to subdivide a parcel that meets all of the following requirements:

(1) The proposed subdivision shall abut a state maintained secondary road, or local street; and

(2) The proposed subdivision shall create only two new parcels of land; and

(3) The minimum dimensions of all resulting new parcels shall be no less than area and dimensions regulated by the zoning in place at the time of recordation of the subdivision.  
(Ord. passed 2-20-96)

### § 152.32 APPROVAL PREREQUISITE TO PLAT RECORDATION.

Pursuant to G.S. 160A-373, no final plat of a subdivision within the jurisdiction of the town as established in § 152.07 shall be recorded by the Register of Deeds of Wayne County until it has been approved by the Town Board of Aldermen as provided herein. To secure such approval of a final plat, the sub-divider shall follow the procedures established in this chapter. The filing or recording of a subdivision plat of land in the Office of the Registrar of Deeds of Wayne County without the approval of the subdivision as required by the provisions of this chapter shall be null and void.  
(Ord. passed 2-20-96)

### § 152.33 PROCEDURE FOR MINOR SUBDIVISIONS WITHIN THE TOWN'S EXTRATERRITORIAL AREA.

(A) Definitions. For the purpose of this section, the following definitions shall apply

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unless the context clearly indicates or requires a different meaning.

***MINOR SUBDIVISIONS LOCATED ON A STATE MAINTAINED ROAD.*** A subdivision involving no new public or private streets or roads, with all resulting lots fronting on a state maintained road, or dedicated local street, where ten or fewer lots result after the subdivision is completed.

***MINOR SUBDIVISIONS SERVED BY AN APPROVED DRIVEWAY.*** A subdivision located in the town's extraterritorial area involving no new public or private streets or roads, with all resulting lots fronting on an approved driveway as outlined in § 152.55, where three or fewer lots result after the subdivision is completed. An 18" by 24" final plat as outlined in § 152.37 shall be completed for all subdivisions that are to be accessed by an approved driveway. Such lots shall be addressed according to Wayne County's addressing system, if applicable.

(B) The intent of the minor subdivision provision of this chapter is to provide an abbreviated plat submission procedure where a developer may progress directly to a final plat for a development where no major improvements are proposed that would necessitate a preliminary plat for construction purposes.

(C) Submission of the final plat shall be accompanied by the following information:

(1) Surveyor's certificate.

(2) Wayne County Health Department Certificate. Applicable if a potable water well and/or on-site sewer ( septic ) is required.

(3) All applicable information as outlined in § 152.36.

(4) Any other pertinent information considered necessary by the Planning Board.

(Ord. passed 2-20-96)

### **§ 152.34 PRELIMINARY PLAT SUBMISSION AND REVIEW FOR ALL SUBDIVISIONS EXCEPT MINOR SUBDIVISION WITHIN THE TOWN'S EXTRATERRITORIAL AREA.**

(A) *Subdivision Procedure.* For every subdivision within the territorial jurisdiction established by § 152.07, the sub-divider shall submit to the Town Administrator a preliminary plat which shall be reviewed by the Planning Board and approved by the Board of Aldermen before any construction or installation of improvements may begin. Seven copies of the preliminary plat (as well as any additional copies which the Town Administrator determines are needed to be sent to other agencies) shall be submitted to the administrator of this chapter. Submission of the preliminary plat shall be accompanied by a filing fee, paid by the sub-divider, in accordance with the town's fee schedule. Preliminary plats shall meet the specifications in § 152.36.

(B) *Review by Other Agencies.* After having received the preliminary plat from the sub-divider, the Town Administrator shall submit copies of the preliminary plat and any accompanying material to other officials and agencies concerned with new development including, where applicable, but not limited to: the Wayne County Health Department, the Town Public Works Superintendent, the District Engineer of the State Department of Transportation (four copies), and the County Soil Conservation Service, for review and recommendation.

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(C) *Review Procedure.*

(1) The Planning Board within 45 days of the date of the preliminary plat is submitted to the Town Administrator shall, in writing, recommend approval, conditional approval with recommended changes to bring the plat into compliance, or disapproval with reasons, to the Board of Aldermen with a copy to the developer.

(2) If the Planning Board recommends approval of the preliminary plat, it shall retain one copy of the plat for its minutes and transmit two copies of the plat, to the Board of Aldermen with its recommendations.

(3) If the Planning Board recommends conditional approval of the preliminary plat, it shall keep one copy of the plat for its minutes, transmit two copies of the plat and its recommendation to the Board of Aldermen and return the remaining copy of the plat and its recommendation to the sub-divider.

(4) If the Planning Board recommends disapproval of the preliminary plat, it shall retain one copy of the plat for its minutes, transmit one copy of the plat and its recommendation to the Board of Aldermen and return the remaining copy of the plat and its recommendation to the sub-divider.

(5) If the preliminary plat is disapproved, the sub-divider may make the recommended changes and submit a revised preliminary plat, or appeal the decision to the Board of Aldermen.

(6) If the Planning Board does not make a written recommendation within 45 days after preliminary plat is submitted to the Town Administrator, the sub-divider may apply to the Board of Aldermen for approval or disapproval.

(7) If the Board of Aldermen approves the preliminary plat, such approval shall be noted on two copies of the plat. One copy shall be returned to the sub-divider. If the Board of Aldermen approves the preliminary plat with conditions, approval shall be noted on two copies of the plat along with a reference to the conditions. One copy of the plat along with the conditions shall be retained by the Board of Aldermen and one copy of the preliminary plat along with the conditions shall be returned to the sub-divider. If the Board of Aldermen disapproves the preliminary plat, the reasons for such disapproval shall be specified in writing. One copy of the plat and the reasons shall be retained by the Board of Aldermen and one copy shall be returned to the sub-divider.  
(Ord. passed 2-20-96)

### § 152.35 FINAL PLAT SUBMISSION AND REVIEW.

(A) *Preparation of Final Plat for Minor Subdivisions in Town's Extra-Territorial Areas.* The developer may proceed directly to the preparation of a final plat for consideration by the Board of Aldermen if the proposed development falls within the definition of a minor subdivision outlined in § 152.33. Only the requirements of this section that are applicable to a minor subdivision shall be required.

(B) *Submission Procedure for Minor Subdivision Plats.* The submission procedure is the same as the submission procedure for final plats for other subdivisions outlines in § 152.36.

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(C) *Review Procedure for Minor Subdivision Plats.* The review procedure is the same as the review procedure for final plats of other subdivisions outlined in this section.

(D) *Preparation of Final Plat and Installation of Improvements.* Upon approval of the preliminary plat by the Board of Aldermen the sub-divider may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this chapter. Prior to approval of a final plat, the sub-divider shall have installed the improvements specified in this chapter or guaranteed their installation as provided herein. No final plat will be accepted for review by the Board of Aldermen unless accompanied by written notice by the Town Administrator acknowledging compliance the improvement and guarantee standards of this chapter. The final plat shall constitute only that portion of the preliminary plat which the sub-divider proposes to record and develop at that time; such portion shall conform to all requirements of this chapter. The first final plat shall be submitted within 18 months and the last final plat within 60 months after the date on which the preliminary plat was approved; otherwise, the preliminary plat shall become null and void unless an extension of time is applied for and granted by the Board of Aldermen before the date on which the preliminary plat would become null and void.

(E) *Improvements Guarantees.*

(1) *Agreement and Security Required.* In lieu of requiring the completion, installation, and dedication of all improvements prior to the final plat approval, the town may enter into an agreement with the sub-divider whereby the sub-divider shall agree to complete all required improvements. Once the agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Board of Aldermen if all other requirements of this chapter are met. To secure this agreement, the sub-divider shall provide, subject to the approval of the Board of Aldermen, either one, or a combination of the following guarantees:

(a) *Surety Performance Bonds.* The sub-divider shall obtain a performance bond from a surety bonding company authorized to do business in the state. The bonds shall be payable in an amount equal to 1.5 times the entire cost, as estimated by the Town Engineer and approved by the Board of Aldermen, of installing all required improvements. The duration of the bonds shall be until such time as the improvements are accepted by the Board of Aldermen.

(b) *Cash or Equivalent Security.* The sub-divider shall deposit cash, an irrevocable letter of credit, or other instrument readily convertible into cash at face value, either with the town or in escrow with a financial institution designated as an official depository by the town. The use of any instrument other than cash shall be subject to the approval of the Board of Aldermen. The amount of deposit shall be equal to 1.5 times the cost, as estimated by the Town Engineer and approved by the Board of Aldermen, of installing all required improvements. If cash or other instrument is deposited in escrow with a financial institution as provided above, then the sub-divider shall file with the Board of Aldermen an agreement between the financial institution and himself guaranteeing the following:

1. The escrow account shall be held in trust until released by the Board of Aldermen and may not be used or pledged by the sub-divider in any other matter during the terms of escrow; and

2. In the case of a failure on the part of the sub-divider to complete the improvements, the financial institution shall, upon notification by the Board of Aldermen and submission by the Board of Aldermen to the financial institution of an

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engineer's estimate of the amount needed to complete the improvements, immediately either pay to the town the funds needed to complete the improvement, up to the full balance of the escrow account, or deliver to the town any other instruments fully endorsed or otherwise made payable in full to the town.

(2) *Default.* Upon default, meaning failure on the part of the sub-divider to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution holding the escrow account shall, if requested by the Board of Aldermen, pay all or any portion of the bond or escrow fund to the town up to the amount needed to complete the improvements based on an engineering estimate. Upon payment, the Board of Aldermen, in its discretion, may expend such portion of the funds as it deems necessary to complete all or any portion of the required improvements. The town shall return to the sub-divider any funds not spent in completing the improvements.

(3) *Release of Guarantee Security.* The Board of Aldermen may release a portion of any security posted as the improvements are completed and recommended for approval by the Town Administrator. Within 45 days after receiving the Town Administrator's recommendation, the Board of Aldermen shall approve or disapprove the improvements. If the Board of Aldermen approves the improvements, then it shall immediately release any security posted on that portion.

(4) *Defects Guarantee.* The Board of Aldermen shall require a bond from the sub-divider guaranteeing utility taps, curbs, gutters, street construction including pavement, sidewalks, drainage facilities, seeding and grading of road shoulders, water and sewer lines, and other improvements for one year. The one year shall begin from the date of approval of final plat or approval of, or acceptance of improvements by the Board of Aldermen, whichever is later.

(F) *Submission Procedure.*

(1) The sub-divider shall submit the final plat, so marked, to the Town Administrator.

(2) The final plat shall be prepared by a professional land surveyor currently licensed and registered in the state by NC Board of Engineers and Surveyors. The final plat shall conform to the provisions or plats, subdivisions, and mapping requirements set forth in G.S. 47-30 as amended and *Standards of Practice for Land Surveying in North Carolina*.

(3) Five copies of the final plat shall be submitted: two of these shall be on reproducible material; three shall be black or blue line paper prints. Material and drawing medium for the original shall be in accordance with the *Standards of Practice for Land Surveying in North Carolina*, where applicable, and the requirements of the Wayne County Register of Deeds.

(4) The final plat shall be of a size suitable for recording with the County Register of Deeds and shall be at a scale of not less than 1 inch equals 200 feet. Maps may be placed on more than one sheet with appropriate match lines.

(5) Submission of the final plat shall be accompanied by a filing fee, paid by the sub-divider, in accordance with the town's fee schedule.

(6) The final plat shall meet the specifications in § 152.36 of this chapter.

(7) The following signed certificates shall appear on all copies of the final plat:

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(a) Certificate of Ownership and Dedication.

I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the Town of Fremont and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I hereby dedicate all sanitary sewer, storm sewer and water lines to the Town of Fremont.

\_\_\_\_\_  
Owners

\_\_\_\_\_  
Date

(b) Certificate of Survey and Accuracy.

In accordance with G.S. 47-30:

There shall appear on each plat a certificate by the person under whose supervision such survey or such plat was made, stating the origin of the information shown on the plat, including a recorded deed and plat references shown thereon. The ration of precision as calculated by latitudes and departures before any adjustments must be shown. Any lines on the plat that were not actually surveyed must be clearly indicated and a statement included revealing the source of information. The execution of such certificate shall be acknowledged before any officer authorized to take acknowledgements by the professional land surveyor preparing the plat. All plats to be recorded shall be probated as required by law for the registration of deeds. Where a plat consists of more than one sheet, only the first sheet must contain the certification and all subsequent sheets must be signed and sealed.

The certificate required above shall include the source of information for the survey and date indicating the accuracy of closure of the plat before adjustments and shall be in substantially the following form:

I, \_\_\_\_, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded in Book \_\_, Page \_\_, etc.) (other): that the boundaries not surveyed are shown as broken lines plotted from information found in Book \_\_, Page \_\_: that this plat was prepared in accordance with North Carolina G.S. 47-30 as amended. Witness my original signature, registration number, and seal this \_\_ day of \_\_, A.D. 20\_\_.

\_\_\_\_\_  
Professional Land Surveyor

Seal or Stamp

\_\_\_\_\_  
Registration Number

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- (c) Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements.

I hereby certify that all streets, utilities, and other required improvements have been installed in an acceptable manner and according to Town specifications and standards in the \_\_\_\_\_ Subdivision or that guarantees of the installation of the required improvements in an amount and manner satisfactory to the Town of Fremont have been received, and that the filing fee for this plat, in the amount of \$\_\_\_\_\_ has been paid.

\_\_\_\_\_

\_\_\_\_\_  
Subdivision Administrator

\_\_\_\_\_  
Date

- (d) The Certificate of the Wayne County Health Department For Subdivisions In the Town's Extra Territorial Area for lots with a potable water well and/or on-site sewerage ( septic ) systems shall read as follows:

The Wayne County Health Department has performed a soil analysis on each lot within this subdivision. Copies of the soil analysis for each lot are available for review in the office of Environmental Health Section. The soil analysis is not a permit or a guarantee that a permit will be issued. Each lot will have to be re-evaluated for an improvement permit using standards current at the time permits are requested and a plot plan showing the proposed structure has been made available to the health department.

\_\_\_\_\_  
Wayne County  
Health Director

\_\_\_\_\_  
Date

In the event that artificial drainage is to be installed within the subdivision the following addendum shall also be included:

Artificial drainage has been installed in this subdivision according to plans and specifications prepared by (Name Certifier) and based upon the requirements of the Wayne County Health Department to keep the seasonal high water table a minimum of twelve inches (12") below the septic tank nitrification lines. Proper landscaping and maintenance of these drainage facilities are the responsibility of the property owners to insure that septic tank malfunctions do not occur. The Wayne County Health Department



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assumes no responsibility for the design, maintenance, or the guaranteed performance of the artificial drainage measures and their effects.

\_\_\_\_\_  
Certifier of Drainage Facilities

\_\_\_\_\_  
Date

\_\_\_\_\_  
Wayne County Health Director

\_\_\_\_\_  
Date

- (e) The Certificate of Approval of the Design of Streets For Subdivision in the Town's Extra Territorial Area to be accepted by the North Carolina Department of Transportation shall read as follows:

I hereby certify that the streets indicated on this plat have been designed in an acceptable manner according to the current North Carolina Department of Transportation standards for subdivision street design.

\_\_\_\_\_  
N.C. District Highway Engineer

\_\_\_\_\_  
Date

(G) *Review Procedure.*

(1) The Planning Board shall within 45 days of the date the final plat is submitted to the Town Administrator shall recommend in writing approval, conditional approval with modifications to bring the plat into compliance, or disapproval of the final plat with reasons to the Board of Aldermen with a copy to the developer.

(2) During its review of the final plat, the Planning Board may appoint a Professional Land Surveyor to confirm the accuracy of the final plat (if agreed to by the Board of Aldermen). If substantial errors are found, the costs shall be charged to the sub-divider and the plat shall not be recommended for approval until such errors have been corrected.

(3) If the Planning Board recommends approval of the final plat, it shall transmit all copies of the plat and its written recommendations to the Board of Aldermen.

(4) If the Planning Board recommends conditional approval of the final plat with modifications to bring the plat into compliance, it shall retain one print of the plat for its minutes, return its written recommendations and two reproducible copies of the plat to the sub-divider, and transmit one print of the plat and its written recommendation to the Board of Aldermen.

(5) If the Planning Board recommends disapproval of the final plat, it shall instruct the sub-divider concerning resubmission of a revised plat and the sub-divider may make such changes as will bring the plat into compliance with the provisions of this chapter, and resubmit same for reconsideration by the Planning Board, or appeal the decision to the Board of Aldermen.

(6) Failure of the Planning Board to make a written recommendation within 45 days after the final plat is submitted to the Town Administrator shall constitute grounds for the sub-

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divider to apply to the Board of Aldermen for approval.

(7) If the Planning Board recommends approval or conditional approval with modifications to bring the plat into compliance, or the sub-divider appeals to the Board of Aldermen, the Board of Aldermen shall review and approve or disapprove the final plat within 65 days after the plat and recommendations of the Planning Board have been received by the Town Administrator.

(8) If the Board of Aldermen approves the final plat, such approval shall be shown on each copy of the plat by the following signed certificate:

Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of Fremont, North Carolina and that this plat has been approved by the Board of Aldermen of the Town of Fremont for recording in the Office of the Register of Deeds of Wayne County.

\_\_\_\_\_  
Mayor, Town of Fremont, North Carolina

\_\_\_\_\_  
Date

\_\_\_\_\_  
ATTEST

\_\_\_\_\_  
Town Clerk

(9) If the final plat is disapproved by the Board of Aldermen, the reasons for such disapproval shall be stated in writing, specifying the provisions of this Chapter with which the final plat does not comply. One copy of such reasons and one print of the plat shall be retained by the Board of Aldermen as part of its proceedings and one copy of the reasons and three copies of the plat shall be transmitted to the sub-divider. If the final plat is disapproved, the sub-divider may make such changes as will bring the final plat into compliance and resubmit same for reconsideration by the Planning Board and Board of Aldermen.

(10) If the final plat is approved by the Board of Aldermen, the original tracing and one print of the plat shall be retained by the sub-divider. One reproducible tracing and one print shall be filed with the Town Clerk, and one print shall be returned to the Planning Board for its records.

(11) The sub-divider shall file the approved final plat with the Register of Deeds of Wayne County within 60 days of the Board of Aldermen's approval; otherwise, such approval shall be null and void.  
(Ord. passed 2-20-96)

**§ 152.36 INFORMATION TO BE CONTAINED IN OR DEPICTED ON PRELIMINARY AND FINAL PLATS.**

The preliminary and final plats shall depict or contain the information indicated in the following table. An "x" indicates that the information is required.

<i>Information</i>	<i>Preliminary Plat</i>	<i>Final Plat</i>
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### Title Block Containing

Property designation	x	x
Name of owner	x	x
Location (including township, County, and state)	x	x
Date or dates survey was con- ducted and plat prepared	x	x
A scale of drawing in feet per inch listed in words or figures	x	x
Graphic Bar Scale	x	x
Name, address, registration number, and seal of the professional land surveyor	x	x
 The name of the subdivider	 x	 x
 A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area	 x	 x
 Corporate limits, township boundaries, county lines, if on the subdivision tract		
 The names, addressees, and telephone numbers of all owners, mortgagees, registered land surveyors, land planners, architects, landscape architects, and professional engineers responsible for the subdivision	 x	 x
 The registration numbers and seals of the professional engineers	 x	 x
 Date of plat preparation	 x	 x
 North arrow and orientation	 x	 x
 The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and distances shown	 x	 x
 The exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearing, and the location of existing boundary lines of adjoining lands		 x
 The names of owners of adjoining properties	 x	 x

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The names of any adjoining subdivisions of record or proposed and under review	x	x
Minimum building setback lines	x	x
The zoning classifications of the tract to be subdivided and adjoining properties	x	x
Existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining	x	x
Proposed lot lines, lot and block numbers, and approximate dimensions	x	
The lots numbered consecutively throughout the subdivision	x	x
Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural gestures affecting the site	x	
The exact location of the flood hazard areas from the appropriate Federal Emergency Management Agency maps	x	x
<b><i>The following data concerning streets:</i></b>		
Proposed streets	x	x
Existing and platted streets on adjoining properties and in the proposed subdivision	x	x
Rights-of-way, location, and dimensions	x	x
Pavement widths	x	x
Approximate grades	x	
Design engineering data for all corners and curves	x	x
Typical street cross-sections	x	
Street names	x	x
Street maintenance agreement in accordance with § 152.55 of this chapter		x



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Areas to be dedicated to or reserved for public use	x	x
Areas to be used for purposes other than residential with the purpose of each stated	x	x
The future ownership (dedication for public use to governmental body, for owner to duly constituted homeowners association, or for tenants remaining in sub-divider's ownership) of recreation and open space lands	x	x

***The plans for utility layouts including:***

Sanitary sewers, prepared by a professional engineer	x	
Storm sewers, prepared by a professional engineer	x	
Other drainage facilities, if any, prepared by a professional engineer, except incidental drainage	x	x
Water distribution lines, prepared by a registered engineer illustrating connections to existing systems, showing line sizes, the location of fire hydrants, blow offs, manholes, force mains, and gate valves	x	
Natural gas lines	x	
Telephone lines	x	x
Electric lines	x	x
Plans for individual water supply and sewage disposal systems, if any	x	x
Profiles based upon Mean Sea Level datum for sanitary sewers and storm sewers	x	

***Site calculations including:***

Acreage in total tract to be subdivided	x	
Acreage in parks and recreation areas and other nonresidential uses	x	
Total number of parcels created	x	
Acreage in the smallest lot in the subdivision	x	
Linear feet in streets	x	

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The name and location of any property or buildings within the proposed subdivision or within any contiguous property that is located on the U.S. Department of Interior's National Register of Historic Places	x	x
Sufficient surveying and engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles, and tangent distances for the center line of curbed property lines that are not the boundary line of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.	x	x
The accurate locations and descriptions of all monuments, markers, and control points.		x
A copy of any proposed deed restrictions or similar covenants. Such restrictions are mandatory when private recreation areas are established.	x	x
A copy of the erosion control plan submitted to the appropriate authority, if such a plan is required.	x	
Topographic map with contour intervals of no greater than five feet at a scale of no less than 1" = 200'.*	x	

\*Subdivision which requires no new streets or roads or other easements, no utility extensions, and are comprised of five or fewer lots, and five or fewer acres of land, are exempt from this requirement.

### ***Information***

<b><i>Site calculations including:</i></b>	<b><i>Preliminary Plat</i></b>	<b><i>Final Plat</i></b>
All certifications required in §§ 152.35 or 152.38 if applicable.		x
Any other information considered by either the subdivider, Planning Board, or Board of Aldermen to be pertinent to the review of the plat. (Ord. passed 2-20-96)	x	x

### **§ 152.37 RECOMBINATION OF LAND.**

(A) Any plat or any part of any plat may be vacated by the owner at any time before the

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sale of any lot in the subdivision by a written instrument to which a copy of the plat shall be attached, declaring the same to be vacated.

(B) Such an instrument shall be approved by the same agencies as approved the final plat. The governing body may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.

(C) Such an instrument shall be executed, acknowledged, or approved and recorded and filed in the same manner as a final plat; and being duly recorded or filed, shall operate to destroy the force and effect of the recording so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.

(D) When lots have been sold, the plat may be vacated in the manner provided in § 152.38 by all owners of the lots in such plat joining in the execution of the writing.  
(Ord. passed 2-20-96)

### § 152.38 RESUBDIVISION PROCEDURES.

For any replatting or resubdivision of land, the same procedures, rules, and regulations shall apply as prescribed herein for an original subdivision.  
(Ord. passed 2-20-96)

### *REQUIRED IMPROVEMENTS, DEDICATION, RESERVATION, MINIMUM STANDARDS OF DESIGN*

#### § 152.51 GENERAL.

Each subdivision shall contain the improvements specified in this chapter which shall be installed in accordance with the requirements of this chapter and paid for by the subdivider, or provided for in accordance with § 152.35. Land shall be dedicated and reserved in each subdivision as specified in this chapter. Each subdivision shall adhere to the minimum standards of design established by this chapter.  
(Ord. passed 2-20-96)

#### § 152.52 SUITABILITY OF LAND.

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

(A) Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Wayne County Health Department, appropriate state agencies, engineer, and a registered soil scientist determine that the land is suitable for the purpose provided.

(B) All subdivision proposals shall be consistent with the need to minimize flood damage.

(C) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.  
(Ord. passed 2-20-96)



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### § 152.53 NAME DUPLICATION.

The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision within the town's jurisdiction.  
(Ord. passed 2-20-96)

### § 152.54 SUBDIVISION DESIGN.

#### (A) *Blocks.*

(1) The lengths, widths, and shapes of blocks shall be determined with due regard to: provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements; needs for vehicular and pedestrian circulation; control and safety of street traffic; limitations and opportunities of topography; and convenient access to water areas.

(2) Blocks shall not be less than 400 feet or more than 1800 feet in length.

(3) Blocks shall have sufficient width to allow two tiers of lots of minimum depth except where single tier lots are required to separate residential development from through vehicular traffic or another type of use, in nonresidential subdivisions or where abutting a water area.

(4) Where deemed necessary by the Board of Aldermen a pedestrian crosswalk at least 15 feet in width may be required to provide convenient public access to a public area such as a park or school, to water area, or to areas such as shopping centers, religious, or transportation facilities.

(5) Block numbers shall conform to the town street numbering system, if applicable.

#### (B) *Lots.*

(1) Lot sizes, shapes, and locations shall be made with due regard to topographic conditions, contemplated use, and the surrounding area. Land located within the Floodway Boundary as indicated by the Federal Emergency Management Agency (FEMA) Flood Boundary and Floodway Maps, and land deemed by the Board of Aldermen to be uninhabitable for other reasons shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard; but such land may be set aside for such uses as will not be endangered by periodic or occasional inundation, or will not produce unsatisfactory living conditions.

(2) All lots in new subdivisions shall conform to the zoning requirements of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the Zoning Ordinance. It is not sufficient merely for the average lot to meet zoning requirements.

(3) Every lot within the town limits shall abut a publicly dedicated street constructed to the town's standards.

(4) Every lot within the town's extra territorial area shall front or abut on a road or street built to North Carolina Department of Transportation standards, or an approved driveway

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connected to such a street, and no unusable or inaccessible lots may be created. Not more than three lots shall be allowed to be serviced by an approved driveway. Such driveways shall be laid out to provide for adequate ingress, egress and regress between the subject lot and a public right-of-way. Such driveways shall have a width of not less than 30 feet for the length of the driveway. The driveway area shall be included as part of the lot, and will be in addition to the minimum lot size of this chapter. A final plat shall be prepared for all driveways and lots served by the driveways as provided for in §§ 152.36 and 152.37. The driveways shall have a width of not less than 30 feet for the length of the driveway. The driveway area shall be included as part of the lot, and will be in addition to the minimum lot size of this chapter. A final plat shall be prepared for all driveways and lots served by the driveways as provided for in §§ 152.36 and 152.37. The driveways shall be clearly labeled with the following note on the final plat: "Private Ingress, Egress and Regress Easements."

(5) Lots that require septic tanks shall meet applicable Wayne County Health Department requirements.

(6) Double frontage lots shall be avoided wherever possible.

(7) Side lot lines shall be substantially at right angles to or radial to street lines.

(8) Where public water and/or sewer facilities are not available and individual water supplies and/or individual sewage disposal systems are planned, and the sub-divider, at his own expense, shall have the site investigated under the supervision of the Wayne County Health Department or other person approved by the Health Department, to determine if the site is suitable for individual sewage disposal systems, and shall present proof to the town that each lot in the subdivision not served by public water and/or sewage disposal systems has been approved by the Health Department for individual water supplies and/or sewage disposal systems. The Health Department may, if soil conditions warrant, require lots larger than the minimum required by the town's Zoning Ordinance.

(C) *Easements.* Easements shall be provided as follows:

(1) *Utility Easements.*

(a) Easements for underground or aboveground utilities shall be provided, where necessary, across lots or centered on rear or side lot lines and shall be at least 20 feet wide for water and sanitary sewer lines as required by the companies involved, for telephone, gas, and power lines.

(b) The Board of Aldermen will determine whether one easement is sufficient or whether several easements are necessary to accommodate the various facilities and the sub-divider shall provide the required easements.

(2) *Drainage Easements.* Where a subdivision is traversed by a stream or drainage way, an easement shall be provided conforming with the lines of such stream and of sufficient width as determined by the Planning Board will be adequate for the purpose. At a minimum drainage easements shall be 30 feet in width. Such drainage easement shall be centered with 20 feet on one side of the drainage way and 10 feet on the other side.

(Ord. passed 2-20-96)

### § 152.55 STREETS.

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(A) *Type of Street Required.* All subdivision lots except as provided in § 152.54(B)(4) shall abut on a paved public street. All public streets shall be dedicated to the town, the state, or the public, as determined appropriate by the Board of Aldermen. All public streets shall be built to the standards of North Carolina Department of Transportation, Division of Highways *Subdivision Roads, Minimum Construction Standards*, current issue and all other applicable standards of the town and the North Carolina Department of Transportation. Public streets not dedicated to the town which are eligible for acceptance into the State Highway System shall be constructed to the standards necessary to be put on the State Highway System or the standards in this chapter, whichever is stricter, in regard to each particular item, and shall be put on such system. Streets not dedicated to the town which are not eligible to be put on the State Highway System because there are too few lots or residences shall nevertheless be dedicated to the public and shall be in accordance with the standards in this chapter or the standards necessary to be put on the State Highway System, whichever is stricter in regard to each particular item, so as to be eligible to be put on the system at a later date. A written maintenance agreement with the provisions for maintenance of the street until it is put on the state system shall be included with the final plat by the developer.

(B) *Subdivision Street Disclosure Statement.* All streets shown on the final plat shall be designated in accordance with G.S. 136-102.602 and designation as public shall be conclusively presumed an offer of dedication to the public. Where streets are dedicated to the public but not accepted into a municipal or the state system, before lots are sold, a statement explaining the status of the street shall be included with the final plat.

(C) *Half-Streets.* The dedication of half-streets of less than 60 feet at the perimeter of a new subdivision shall be prohibited. If circumstances render this impractical, adequate provisions for the concurrent dedication of the remaining half of the street shall be furnished by the sub-divider. Where there exists a half-street in an adjoining subdivision, the remaining half shall be provided by the proposed subdivision. However, in circumstances where more than 60 feet of right-of-way is required, a partial width right-of-way, not less than 60 feet in width, may be dedicated when adjoining underdeveloped property is owned or controlled by the sub-divider, provided that the width of the partial dedication is such as to permit the installation of such facilities as may be necessary to serve abutting lots. When the adjoining property is subdivided, the remainder of the full required right-of-way shall be dedicated.

(D) *Marginal Access Streets.* Where a tract of land to be subdivided adjoins a principal arterial street, the sub-divider may be required to provide a marginal access street parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial. Where reverse frontage is established, private driveways shall be prevented from having direct access to the principal arterial.

(E) *Access to Adjacent Properties.* Where, in the opinion of the Board of Aldermen, it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication and construction to the boundary of such property and a temporary turnaround provided. The extension dedicated shall have the same right-of-way width as the street being extended.

(F) *Nonresidential Streets.* The sub-divider of a nonresidential subdivision shall provide streets in accordance with I.P-4 of the North Carolina Department of Transportation, Division of Highways *Subdivision Roads, Minimum Construction Standards*, current issue, and the standards in this chapter, whichever are stricter in regard to each particular item.

(G) *Driveways for Minor Subdivisions.* Such driveways shall be laid out to provide for

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adequate ingress, egress and regress between the subject lot and a public right-of-way. Such driveways shall have a width of not less than 30 feet for the length of the driveway. The driveway area shall be included as part of the lot, and will be in addition to the minimum lot size of this chapter. A final plat shall be prepared for all driveways and lots served by the driveways and lots served by the driveways as provided for in §§ 152.36 and 152.37. The driveways shall be clearly labeled with the following note on the final plat: "Private Ingress, Egress Easement."

### (H) *Design Standards.*

(1) (a) The design of all streets and roads within the jurisdiction of this chapter shall be in accordance with the accepted policies of the North Carolina Department of Transportation, Division of Highways, as taken or modified from the American Association of State Highway and Transportation Officials (AASHTO) manuals. The current issue of the North Carolina Department of Transportation, Division of Highways Subdivision Roads, Minimum Construction Standards shall apply for streets proposed within subdivisions within the jurisdiction of this chapter unless modifications are approved by the Board of Aldermen.

(b) The sub-divider will only be required to dedicate a maximum of 60 feet of right-of-way. In cases where over 60 feet of right-of-way is desired, the sub-divider will be required only to reserve the amount in excess of 60 feet. In all cases in which 100% right-of-way is sought for an access-controlled facility, the sub-divider will only be required to make a reservation. Where more than 60 feet of right-of-way is required, § 152.11 of this chapter shall apply.

(2) *Street Widths.* Widths for street and road classifications other than local shall be as required by the thoroughfare plan.

### (3) *Intersections.*

(a) Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle less than 60 degrees.

(b) Property lines at intersections should be set so that the distance from the edge of pavement, of the street turnaround, to the property line will be at least as great as the distance from the edge of pavement to the property line along the intersecting streets. This property line can be established as a radius or as a sight triangle. Greater offsets from the edge of pavement to the property lines will be required, if necessary, to provide sight distance for the vehicle on the side street.

(c) Offset intersections are to be avoided unless exception is granted by the Division of Highways or the town as applicable. Intersections which cannot be aligned should be separated by a minimum length of 200 feet between survey and center lines.

(d) *Cul-de-sacs.* Permanent dead-end streets should not exceed 500 feet in length unless necessitated by topography or property accessibility and in no case shall be permitted to be over 900 feet. Measurement shall be from the point where the center line of the dead-end street intersects with the center of a through street to the center of the turnaround of the cul-de-sac. Where one cul-de-sac intersects with another cul-de-sac, the end of each cul-de-sac shall be no more than 500 to 900 feet from a through street, measured as stated above. The distance from the edge of pavement on the vehicular turnaround to the right-of-way line shall not be less than the distance from the edge of the pavement to the right-of-way line on the street approaching the turnaround. Cul-de-sacs should

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not be used to avoid the extension of an important street, unless exception is granted by the Town Board of Aldermen.

(4) *Alleys.*

(a) 1. Alleys shall be required to serve lots used for commercial and industrial purposes except that this requirement may be waived where other definite and assured provision is made for service access.

2. Alleys shall not be provided in residential subdivisions unless necessitated by unusual circumstances.

(b) The width of an alley shall be at least 20 feet.

(c) Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the dead-end as may be approved by the Town Board of Aldermen.

(d) Sharp changes in alignment and grade shall be avoided.

(e) All alleys shall be designated in accordance with the North Carolina Department of Transportation standards.

(f) All alleys shall be installed by the developer.

(I) *Other Requirements.*

(1) *Through Traffic Discouraged on Residential Collector and Local Streets.* Residential collector and local streets shall be laid out in such a way that their use by through traffic will be discouraged. Streets shall be designed or walkways dedicated to assure convenient access to parks, playgrounds, schools, or other places of public assembly.

(2) *Sidewalks.* Sidewalks may be required by the Town Board of Aldermen on one or both sides of the street in areas likely to be subject to heavy pedestrian traffic such as near schools and shopping areas. Such sidewalks shall be constructed to a minimum of width of four feet, and shall consist of a minimum thickness of four inches of concrete. All sidewalks shall be placed in the right-of-way, unless the development is platted as a planned unit or group development. Sidewalks shall consist of a minimum of six inches of concrete at driveway crossings.

(3) *Street Names.* Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names in the town's jurisdiction irrespective of the use of a suffix such as street, road, drive, place, court, and the like. Street names shall be subject to the approval of the Town Board of Aldermen.

(4) *Street Name Signs.* The sub-divider shall be required to provide and erect street name signs to town standards at all intersections within the subdivision.

(5) *Permits for Connection to State Roads.* An approved permit is required for connection to any existing state system road. This permit is required prior to any construction on the

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street or road. The application is available at the office of the nearest District Engineer of the Division of Highways, North Carolina Department of Transportation.

(6) *Wheelchair Ramps.* In accordance with G.S. Ch. 136, Art. 2A, § 136-44.14, all street curbs in North Carolina being constructed or reconstructed for maintenance procedures, traffic operations, repairs, correction of utilities, or altered for any reason after September 1, 1973, shall provide wheelchair ramps for the physically handicapped at all intersections where both curb and gutter and sidewalks are provided and at other major points of pedestrian flow.

(7) *Curb and Gutter.* Curb and gutter shall be provided where deemed necessary by the Board of Aldermen in order to provide adequate drainage, or because high traffic volumes, soil conditions, or other similar conditions or special problems exist.

(8) *Fire Hydrants.* Subdivisions served by the Town's Water System or by a water system approved by the Town Board of Aldermen shall be provided fire hydrants that are no more than 500 feet apart. Fire hydrants shall be installed by the developer in accordance with town specifications. (Ord. passed 2-20-96)

### § 152.56 UTILITIES.

#### (A) *Water and Sanitary Sewer Systems.*

(1) Each lot in all subdivisions within the corporate limits of the town shall be provided, at the sub-divider's expense, with an extension of the municipal water and sanitary sewer systems.

(2) Each subdivision in the extraterritorial area of the town may be connected at the sub-divider's expense to the municipal water and sanitary sewer systems if approved by the Town Board of Aldermen.

(3) Water and sanitary sewer lines, connections, and equipment shall be in accordance with the town standards and policies or any modifications would need to be approved by the Board of Aldermen. Water and sewer lines, taps and meters, meter curb boxes, and conservation stops shall be installed at the sub-divider's expense on each lot within the corporate limits of the town, or if the sub-divider is utilizing the town's water and sewer system in a subdivision outside the corporate limits, on each lot within such subdivision.

(4) All lots in subdivisions not connected to municipal water and/or sanitary sewer systems must have a suitable source of water supply and sanitary sewage system, which complies with the regulations of the applicable county and state agencies.

(B) *Storm Water Drainage System.* The sub-divider shall provide a surface water drainage system constructed to the standards of the North Carolina Department of Transportation, as reflected in the current issue of the *Handbook for the Design of Highway Surface Drainage Structures*, subject to review by the Town Board of Aldermen. In the development of storm water system the developer shall comply with the following:

(1) No surface water shall be channeled or directed into a sanitary sewer.

(2) Where feasible, the sub-divider shall connect to an existing storm drainage system.

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(3) Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to protect the proposed development from water damage.

(4) Surface drainage courses shall have side slopes of at least three feet of horizontal distance for each one foot of vertical distance 3:1 and courses shall be of sufficient size to accommodate the drainage areas without flooding, and designed to comply with the standards and specifications for erosion control of the North Carolina Sedimentation Pollution Control Act, G.S. 143-34.12, Ch. 113A, Art. 4, and North Carolina Administrative Code Title 15, Chapter 4, and any locally adopted erosion and sedimentation control ordinances.

(5) The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one foot in each 200 feet of horizontal distance 0.50%

(6) Streambanks and channels downstream from any land disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land disturbing activity in accordance with the North Carolina Sedimentation Control Act, Chapter 113A, Article 4, and North Carolina Administrative Code Title 15, Chapter 4.

(7) Anyone constructing a dam or impoundment within the subdivision must comply with the North Carolina Dam Safety Law of 1967 and North Carolina Administrative Code Title 15, Subchapter 2K.

(8) In all areas of special flood hazards, all subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(C) *Street Lights.* All subdivisions in which the size of the smallest lot is less than 40,000 square feet shall have street lights installed throughout the subdivision in accordance with the standards of the town. In subdivision in the town's extraterritorial area the developer shall provide for or shall provide a means for any monthly fee for street lights.

(D) *Underground Wiring.* All subdivisions that involve additional public street improvements shall have underground electrical wiring. This requirement may be waived by the Board of Aldermen if underlying rock is less than four feet from the surface, in areas where soils have a high water table, or if there is extensive pre-existing overhead wiring on the street in immediate neighborhood of the subdivision. Such underground wiring shall be installed in accordance with the standards of the National Electric Safety Code. The sub-divider shall be required to pay the charges for installation of the underground service.  
(Ord. passed 2-20-96)

### § 152.57 OTHER REQUIREMENTS.

(A) *Placement of Monuments.* Unless otherwise specified by this Chapter, the *Standards of Practice for Land Surveying* as adopted by the North Carolina Board of Examiners for Engineers and Surveyors, under the provisions of title 21 of the North Carolina Administrative Code, Chapter 56 (21 NCAC 56), shall apply when conducting surveys for subdivisions, to determine the accuracy for surveys and placement of monuments, control corners, markers, and property corner ties; to determine the location, design, and material of monuments, markers, control corners, and property corner ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions.

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(B) *Construction Procedures.*

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

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

(C) *Oversized Improvements.* The town may require installation of certain oversized utilities or the extension of utilities to adjacent property when it is in the interest of future development. If the town requires the installation of improvements in excess of the standards required in this chapter, including all standards adopted by reference, the town shall pay the cost differential between the improvement required and the standards in this chapter. The town may recoup this cost through fees.

(Ord. passed 2-20-96)

### § 152.58 BUFFERING REQUIREMENTS.

Whenever a residential subdivision is located adjacent to an office, institutional, commercial, industrial, use which does not have a buffer, or property zoned for these uses, and a buffer is not required between these and the subdivision the sub-divider shall provide a buffer as defined in § 152.04. The width of the buffer shall be in addition to the lot area required by the Town Zoning Ordinance. The buffer shall become part of the lot on which it is located, or in the case of commonly-owned property, shall be deeded to the homeowner's association.

(Ord. passed 2-20-96)

### § 152.99 PENALTY.

(A) After the effective date of this chapter, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this chapter, thereafter subdivides his land in violation of this chapter or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly recorded in the officer of the Wayne County Register of Deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of selling or transferring land shall not exempt the transaction from this penalty. The town, through its attorney or other official designated by the Board of Aldermen, may enjoin illegal subdivision, transfer, or sale of land by action for injunction. Further, violators of this chapter shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S. § 14-1.

(B) Each day's continuing violation of this chapter shall be a separate and distinct offense.

(C) Notwithstanding division (B) of this section, this chapter may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.

(D) Nothing in this section shall be construed to limit the use of remedies available to the town. The town may seek to enforce this chapter by using any one, all, or a combination of remedies.  
(Ord. passed 2-20-96)