



# SUBDIVISION ORDINANCE

Adopted December 2, 2010  
and amended from time to time

# TABLE OF CONTENTS

<b>ARTICLE 1 – INTRODUCTORY PROVISIONS</b>			<u>Page</u>
Section	1-1	Title	1
Section	1-2	Purpose	1
Section	1-3	Authority	1
Section	1-4	Jurisdiction	1
Section	1-5	Prerequisite to Plat Recordation	1
Section	1-6	Acceptance of Streets	1
Section	1-7	Thoroughfare Plans	2
Section	1-8	School Sites on Land Use Plan	2
Section	1-9	Land Dedication	2
Section	1-10	Zoning and Other Plans	2
Section	1-11	Development Agreements	2
 <b>ARTICLE 2 – LEGAL PROVISIONS</b>			
Section	2-1	General Procedure of Plat Approval	3
Section	2-2	Statement by Owner	3
Section	2-3	Effect of Plat Approval on Dedications	3
Section	2-4	Penalties for Violation	3
Section	2-5	Separability	4
Section	2-6	Variances	4
Section	2-7	Amendments	4
Section	2-8	Abrogation	4
Section	2-9	Subdivision Administrator	4
 <b>ARTICLE 3 – PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLAT</b>			
Section	3-1	Plat Required	5
Section	3-2	Approval Prerequisite to Plat Recordation	5
Section	3-3	Procedure for Review of Minor Subdivision	5
Section	3-4	Exception for the Division of a Tract of Land in Single Ownership	7
Section	3-5	Procedure for Review of Major Subdivision	7
Section	3-6	Information to be Contained in or Depicted on Preliminary and Final Plats	14
Section	3-7	Construction Drawings Prior to Final Plats	15
Section	3-8	Recombination of Land	16
Section	3-9	Re-subdivision Procedures	16

**ARTICLE 4 – REQUIRED IMPROVEMENTS, DEDICATION, RESERVATION,  
MINIMUM STANDARDS OF DESIGN**

Section	4-1	General	17
Section	4-2	Suitability of Land	17
Section	4-3	Subdivision Design for Major Subdivisions	17
Section	4-4	Lots	18
Section	4-5	Easements	18
Section	4-6	Streets	18
Section	4-7	Utilities	24
Section	4-8	Other Requirements	26
Section	4-9	Buffering Between Uses	26
Section	4-10	Landscaping	26

**ARTICLE 5 – DEFINITIONS**

Section	5-1	Subdivision Defined	28
Section	5-2	Major and Minor Subdivisions	28
Section	5-3	Subdivision Exceptions	28
Section	5-4	Other Definitions	29
Section	5-5	Word Interpretation	32

# ARTICLE 1

## INTRODUCTORY PROVISIONS

### 1-1 **Title**

This Ordinance shall be known and may be cited as the ‘Subdivision Regulations of the Town of Stanfield, North Carolina’ and may be referred to as the ‘Subdivision Ordinance’.

### 1-2 **Purpose**

The purpose of this Ordinance is to establish procedures and standards for the development and subdivision of land within the territorial jurisdiction of the Town of Stanfield. 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, highways, and other public facilities; for the dedication or reservation of recreation areas, street right-of-way, or easements for street and utility purposes serving residents of the immediate neighborhood within the subdivision; 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. The Ordinance is designed to further facilitate adequate provision of water, sewage, parks, schools, and playgrounds and also to facilitate the further subdivision of larger tracts into smaller parcels of land.

### 1-3 **Authority**

This Ordinance is hereby adopted under the authority and provisions of the General Statutes of North Carolina, Chapter 160D, Article 8, Section 801.

### 1-4 **Jurisdiction**

The regulations contain herein, as provided in NCGS 160D, Article 8, Section 801 shall govern each and every subdivision within the Town of Stanfield and its extraterritorial jurisdiction as shown on the official Town of Stanfield Zoning Map.

### 1-5 **Prerequisites to Plat Recordation**

After the effective date of this Ordinance, each individual plat submitted for a major subdivision of land within the Town’s Jurisdiction shall be approved by the Stanfield Board of Commissioners on the recommendation of the Planning Board of the Town of Stanfield.

### 1-6 **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 of Stanfield.

**1-7 Thoroughfare Plan**

Where a proposed subdivision includes any part of a thoroughfare which has been designated as such upon the officially adopted thoroughfare plan of the Town, it shall be shown on the plat in the location shown on the plan and at the width specified in this Ordinance.

**1-8 School Sites**

If the Stanfield Board of Commissioners and Stanly County Board of Education have jointly determined the specific location and size of any school sites to be reserved, the Planning Board of the Town of Stanfield shall immediately notify the Stanly County Board of Education whenever a site plan for a subdivision is submitted which includes all or part of a school site to be reserved. The 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 notify the Stanfield Board of Commissioners. If the Board of Education does wish to reserve the site, the subdivision shall not be approved without such reservation. The Board of Education shall then have 18 months, beginning on the date of final approval of the subdivision 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 subdivider may treat the land as free of the reservation.

**1-9 Land Dedication**

Every subdivider who proposes a major subdivision of land for residential purposes shall dedicate a minimum of 10% of the land area, as set forth herein, for open space and recreational amenities, to serve the residents of the neighborhood. Easements and utility rights-of-way shall not be included in this 10% requirement. The Stanfield Board of Commissioners shall have the option of assuming ownership of the dedicated land or specifying that a Homeowners' Association control the site. If the land is dedicated to the Town of Stanfield, the subdivider shall designate it as such on the preliminary subdivision plat. Upon receipt of the preliminary subdivision plat, the Planning Board shall either approve or disapprove the dedication and pass its recommendation on to the Board of Commissioners.

**1-10 Zoning Ordinance**

Proposed subdivisions must comply in all respects with the requirements of the Zoning Ordinance in effect in the area to be subdivided, as well as any other officially adopted plans or regulations.

**1-11 Development Agreements**

Development agreements provide for a written agreement between a developer and the town to address the challenges and timing of build-out of large-scale projects. Agreements are appropriate for multi-phase projects requiring long-term commitment for public and private resources requiring careful coordination for planning, financing, and construction, but are not size-restricted. A development agreement is not a mechanism for a variance from the standards of this ordinance.

Development agreements shall comply with Section 11-9 of the Town of Stanfield Zoning Regulations and NCGS 160D-1001 through 1006 including all notice requirements.

## ARTICLE 2

### LEGAL PROVISIONS

#### 2-1 **General Procedure for Plat Approval**

After the effective date of this Ordinance, no major subdivision plat of land within the Town's jurisdiction shall be filed or recorded until it has been submitted to and approved by the Stanfield Board of Commissioners as set forth in Section 1-5 of this Ordinance, and until this approval is entered in writing on the face of the plat by the Town Mayor.

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.

#### 2-2 **Statement by Owner**

The owner of land shown on a subdivision plat submitted for recording, or his/her 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 other Town or City within the vicinity of Stanfield.

#### 2-3 **Effect of Plat Approval on Dedications**

Pursuant to NCGS 160D-804, the approval of a plat shall not be deemed to constitute acceptance of the dedication of any street, public utility line, or other public facility shown on the plat. However, the Stanfield Board of Commissioners may, by resolution, accept any dedication of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its jurisdiction. Acceptance of dedication of land or facilities located within the Town's extraterritorial jurisdiction shall not place on the Town any duty to open, operate, repair, or maintain any street, utility line, or other land or facility, and the Town of Stanfield 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.

#### 2-4 **Penalties for Violation**

(A) Pursuant to NCGS 160D-807, after the effective date of this Ordinance, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this Ordinance, thereafter subdivides land in violation of this Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this Ordinance and recorded in the Office of the Stanly County Register of Deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The Town of Stanfield, through its attorney or other official designated by the Board of Commissioners, may enjoin illegal subdivision, transfer, or sale of land by action for injunction. Violations of this Ordinance shall also be subject to fine and/or imprisonment as provided by NCGS 14-4.

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

(C) This Ordinance 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 Ordinance by using any one, all, or a combination of remedies.

**2-5 Separability**

Should any section or provision of this Ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**2-6 Variances**

Where, because of severe topographical or other conditions peculiar to the site, strict adherence to the provisions of this Ordinance would cause an unnecessary hardship, the Stanfield Board of Commissioners may authorize a variance to the terms of this Ordinance only to the extent that is absolutely necessary and not to an extent which would violate the intent of this Ordinance.

**2-7 Amendments**

The Stanfield Board of Commissioners may amend the terms of this Ordinance, but no amendment shall become effective unless it has been proposed by or will be submitted to the Planning Board for review and recommendation. The Planning Board shall have 30 days from the time the proposed amendment is submitted within which to submit its report. If the Planning Board fails to submit a report within the specific time, it shall be deemed to have recommended approval of the amendment.

No amendment shall be adopted by the Stanfield Board of Commissioners 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 Stanfield area at least once a week for two (2) successive calendar weeks prior to the hearing. Initial notice shall appear not more than 25 nor less than 10 days prior to the hearing date.

**2-8 Abrogation**

It is not intended that this Ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

**2-9 Subdivision Administrator**

The Town Administrator or his/her designee is hereby appointed to serve as Subdivision Administrator.

## ARTICLE 3

### PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

#### 3-1 **Plat Required**

Pursuant to NCGS 160D-802, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this Ordinance whenever any subdivision of land takes place.

#### 3-2 **Approval Prerequisite to Plat Recordation**

Pursuant to NCGS 160D-803, no final plat of a subdivision within the jurisdiction of the Town of Stanfield as established in Section 1-4 of this Ordinance shall be recorded by the Register of Deeds of Stanly County until it has been approved by the Town of Stanfield as provided herein. To secure such approval of a final plat, the subdivider shall follow the procedures established in this Article.

#### 3-3 **Procedure for Review of Minor Subdivision**

##### (A) Definition

A minor subdivision is defined as one involving four (4) or fewer lots or parcels subject to the regulations of this Ordinance per calendar year fronting on an existing, approved public road(s); and

- 1) Not requiring any new public road(s); and
- 2) Not requiring extension of a public sewer collection or major water distribution line; and
- 3) Not requiring a waiver or variance from any requirement of this Ordinance.

##### (B) Exceptions

If the subdivider owns, leases, holds an option on, or holds any legal or equitable interest in any property adjacent to or located directly across the street, easement, road, or right-of-way from the property to be subdivided, the subdivision shall not qualify under the minor subdivision procedure.

##### (C) Limitation on Use

The minor subdivision procedure may not be used a second time within three (3) years on any property less than 1500 feet from the original property boundaries by anyone who owned, had an option on, or had any legal or equitable interest in the original subdivision at the time the subdivision received preliminary or final plat approval.

##### (D) Plat Submission

The subdivider shall submit a final plat of the minor subdivision to the Subdivision Administrator. The final plat shall be prepared by a Registered Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in NCGS 47-30 and the Standards of Practice for Land Surveying in North Carolina. One (1) copy of the plat on paper shall be submitted for review by the Subdivision Administrator. After review approval, one (1) copy of the final plat on Black or blue line paper print (Mylar) shall be submitted to be signed by the Mayor. The final plat shall be of a size suitable for recording with the Stanly County Register of Deeds and shall be at a scale not less than one (1) inch equals 200 feet. Maps may be placed on more than one (1) sheet with appropriate match lines.



Submission of the final plat shall be accompanied by a filing fee, paid by the subdivider, in accordance with the Town's fee schedule.

(E) Certificate of Ownership and Dedication

The following signed certificate shall appear on all copies of the final plat.

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 Stanfield and that I hereby adopt this plan of subdivision with my free consent and establish minimum building setback lines as noted.

Owner \_\_\_\_\_

Date \_\_\_\_\_

(F) Certificate of Survey and Accuracy

In accordance with NCGS 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 recorded deed and plat references shown thereon. The ratio 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 acknowledgments by the registered 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 (1) sheet, only the first sheet must contain the certification and all subsequent sheets must be signed and sealed.

Certificate of Survey and Accuracy

"I, \_\_\_\_\_, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded in Book \_\_\_\_\_, Page \_\_\_\_\_, etc.)(Other); that the boundaries not surveyed are 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 \_\_\_\_\_

Surveyor \_\_\_\_\_

Seal or Stamp

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

(G) Plat Review

The Subdivision Administrator shall review the final plat and shall recommend either approval or disapproval of the final plat for reasons stated.

If the Subdivision Administrator disapproves the final plat, the subdivider may make such changes as will bring the plat into compliance with the provisions of this Ordinance and resubmit it to the Subdivision Administrator for reconsideration.

#### (H) Approval of Plat

Once the final plat has been approved by the Subdivision Administrator and signed by the Mayor, one (1) print and one (1) copy of the plat shall be retained by the subdivider. One (1) copy shall be filed with the Town Clerk. The subdivider shall file the original signed and approved final plat with the Register of Deeds of Stanly County within 60 days of the Subdivision Administrator's approval; otherwise, such approval shall be null and void.

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 Stanfield, North Carolina and that this plat has been approved by the Mayor of the Town of Stanfield for recording in the Office of the Register of Deeds of Stanly County.

\_\_\_\_\_  
Mayor, Stanfield, North Carolina

\_\_\_\_\_  
Date

#### **3-4 Exception for the Division of a Tract of Land in Single Ownership**

The Town requires only plat of recordation for the division of a tract of land if all of the following criteria are met:

- (A) The tract or parcel is owned by one person or legal entity; and
- (B) The parcel proposed for division is not greater than 10 acres and no street right-of-way dedication is involved; and
- (C) The area of the tract or parcel to be divided is greater than 5 acres; and
- (D) After division, no more than three lots will exist; and
- (E) After division, all of the lots will meet the following three standards:
  - 1) The lot dimension size requirements of the Stanfield Zoning Ordinance; and
  - 2) The use of the lots conform with the standards of the Stanfield Zoning Ordinances; and
  - 3) A permanent means of practicable ingress and egress is recorded for each lot.

#### **3-5 Procedure for Review of Major Subdivision**

##### (A) Definition

A major subdivision shall be defined as one not otherwise exempt from these regulations and which does not qualify as a minor subdivision. Major subdivisions involve any of the following:

- 1) The creation of any new public street or street right-of-way, or improvements to an existing street.
- 2) A future public school or park shown in any adopted plan or document.
- 3) The extension of any needed right-of-way or easement for the water or sewer system operated by the Town of Stanfield.
- 4) The installation of drainage improvements through one (1) or more lots to serve one (1) or more lots.
- 5) The installation of a private wastewater treatment plant or a private water supply system for more than one (1) lot or building site.
- 6) The division of land into five (5) or more lots where new right-of-way may or may not be created.

(B) Submission of Preliminary Plat

For every subdivision within the territorial jurisdiction of the Town of Stanfield, which does not qualify as a minor subdivision, the subdivider shall submit to the Subdivision Administrator a preliminary plat which shall be reviewed by the Subdivision Review Board and Planning Board and approved by the Board of Commissioners before any construction or installation of improvements may begin. Four (4) copies of the preliminary plat (as well as any additional copies which the Subdivision Administrator determines are needed to be sent to other agencies) shall be submitted to the Subdivision Administrator, accompanied by a filing fee in accordance with the Town's fee schedule.

(C) Subdivision Review Board

Preliminary plats of major subdivisions shall be reviewed by the Subdivision Review Board prior to distribution and review by the Planning Board. The Subdivision Review Board shall consist of the Subdivision Administrator, the Board of Commissioners member appointed to oversee planning functions, the Chair of the Planning Board, and/or the Vice Chair of the Planning Board.

The Subdivision Review Board shall review the preliminary plat to ensure that the information contained therein is complete and accurate. If additional information is warranted, the Subdivision Administrator shall notify the subdivider of the information needed and request resubmission of a revised preliminary plat.

During their review of the preliminary plat, the Subdivision Review Board shall make notes on their discussion and compile it into a report that will be sent, along with the plat, to the Planning Board. The plat and this report shall be forwarded on to the Planning Board once it has been deemed to be complete and the Subdivision Review Board has had ample time to review it; however, the Subdivision Review Board must complete its review within 30 days of the date of submission of the plat. The Subdivision Review Board will distribute all four (4) copies of the preliminary plat to the Planning Board.

(D) Planning Board Review

The Planning Board shall review the preliminary plat at its next scheduled meeting and recommend approval of the plat, conditional approval with recommended changes to bring the plat into

compliance, or disapproval of the plat with reasons stated within 40 days of its first consideration of the plat.

(E) Approval of Preliminary Plat

If the Planning Board recommends conditional approval of the preliminary plat, it shall retain one (1) print of the plat for its minutes, return its written recommendations and two (2) reproducible copies of the plat to the subdivider, and distribute one (1) print of the plat and its written recommendation to the Board of Commissioners.

(F) Disapproval of Preliminary Plat

If the Planning Board recommends disapproval of the preliminary plat, it shall retain one (1) copy of the plat for filing with the Town Clerk, transmit one (1) copy of the plat and its recommendation to the Board of Commissioners, and return the remaining copies of the plat to the subdivider, along with a written report of the reasons for such disapproval and recommendations for revision. The subdivider may make recommended changes and submit a revised preliminary plat for reconsideration. Failure of the Planning Board to make a written recommendation within 40 days after its first review shall constitute grounds for the subdivider to apply to the Board of Commissioners for approval. The subdivider may also choose to appeal the original decision of the Planning Board to the Board of Commissioners.

(G) Board of Commissioners Review

The Board of Commissioners shall review the preliminary plat and the recommendation of the Planning Board and either approve the plat, conditionally approve the plat with recommended changes to bring the plat into compliance, or disapprove the plat.

If the Board of Commissioners approves the preliminary plat, such approval shall be noted on two (2) copies of the plat. One (1) copy of the plat shall be retained by the Subdivision Administrator and one (1) copy shall be returned to the subdivider.

If the Board of Commissioners approves the preliminary plat with conditions, such approval shall be noted on two (2) copies of the plat along with references to the conditions. One (1) copy of the plat, along with the conditions, shall be retained by the Subdivision Administrator and one (1) copy of the plat, along with the conditions, shall be returned to the subdivider.

If the Board of Commissioners disapproves the preliminary plat, the reason for such disapproval shall be specified in writing. One (1) copy of the plat and a written explanation of the reasons for such disapproval shall be retained by the Subdivision Administrator and one (1) copy of the plat and reasons shall be returned to the subdivider.

(H) Preparation of Final Plat

Upon approval of the preliminary plat by the Board of Commissioners, the subdivider may proceed with the preparation of the final plat. If the preliminary plat illustrates a development project that will be conducted in phases, the final plat of each phase shall be submitted separately and constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time. The final plat for the first phase of the development shall be submitted within 18 months after the date on which the preliminary plat was approved. The final plat for the final phase of the

development shall be submitted 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 Planning Board before the date on which the preliminary plat would become null and void.

(I) Installation of Required Improvements

In conjunction with submission of the final plat, the subdivider must arrange for the installation of required improvements in accordance with the approved preliminary plat and the requirements of this Ordinance. Prior to approval of a final plat, the subdivider shall have installed the improvements specified in this ordinance or guaranteed their installation as provided herein. No final plat will be accepted for review by the Subdivision Review Board or the Town Council unless accompanied by written notice by the Town Clerk acknowledging compliance with the improvement and guarantee standards of this Ordinance.

In lieu of requiring the completion, installation, and dedication of all improvements prior to final plat approval, the Town of Stanfield may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements. Once said agreement is assigned by both parties and the security required herein is provided, the final plat may be approved by the Board of Commissioners if all other requirements of this Ordinance are met. To secure this agreement, the subdivider shall provide, subject to the approval of the Board of Commissioners, either one (1) or a combination of the following guarantees, not exceeding 1.25 times the entire cost as provided herein:

1) Surety Performance Bond(s)

Performance guarantees shall comply with the requirements of NCGS 160D-804.1. The subdivider shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina. The bonds shall be payable to the Town of Stanfield and shall be in an amount equal to 1.25 times the entire cost, as estimated by a qualified professional and approved by the Stanfield Board of Commissioners, of installing all required improvements. The duration of the bond(s) shall be until such time as the improvements are accepted by the Board of Commissioners.

2) Letter of Credit issued by any financial institution licensed to do business in North Carolina.

3) Other form of guarantee that provides equivalent security to a surety performance bond or letter of credit, including but not limited to Cash or Equivalent Security

The subdivider 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 of the Town. The use of any instrument other than cash shall be subject to the approval of the Stanfield Board of Commissioners. The amount of deposit shall be equal to 1.25 times the cost, as established by a qualified professional and approved by the Stanfield Board of Commissioners, of installing all required improvements.

If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with the Stanfield Board of Commissioners an agreement between the financial institution and himself/herself guaranteeing the following:

- a) That said escrow account shall be held in trust until released by the Stanfield Board of Commissioners and may not be used or pledged by the subdivider in any other matter during the term of the escrow; and
- b) That in case of a failure on the part of the subdivider to complete said improvements, the financial institution shall, upon notification by the Stanfield Board of Commissioners and submission of an engineer's estimate of the funds required to complete the improvements, immediately either pay to the Town the funds needed to complete the improvements, up to the full balance of the escrow account, or deliver to the Town any other instrument fully endorsed or otherwise made payable in full to the Town.
- c) If the improvements are not complete and the current performance guarantee is expiring, the performance guarantee shall be extended or a new performance guarantee issued, for an additional period until the improvements are completed. The form of the extension shall be by the choice of the developer.

#### 4) Default

Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, the surety, or financial institution holding the escrow shall, if requested by the Stanfield Board of Commissioners, pay all or any portion of the bond or escrow fund to the Town of Stanfield, up to the amount needed to complete the improvements, based on an engineering estimate. Upon payment, the Board of Commissioners, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The Town shall return to the surety any funds not spent in completing the improvements.

#### 5) Release of Guarantee Security

The Stanfield Board of Commissioners may release a portion of any security posted as improvements are completed and recommended for approval by the Subdivision Administrator. Within 45 days after receiving the Subdivision Administrator's recommendation, the Board of Commissioners shall approve or disapprove said improvements. If the Board of Commissioners approves said improvements, then it shall immediately release any security posted on that portion.

#### (J) Submission of Final Plat

The final plat shall be prepared by a Registered Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in NCGS 47-30 and the Standards of Practice for Land Surveying in North Carolina.

The subdivider shall submit the final plat, so marked, to the Subdivision Administrator. Three (3) copies of the final plat shall be submitted; one (1) of these copies shall be on mylar and two (2) shall be reproducible material 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 Stanly County Register of Deeds. The final plat shall be of a size suitable for recording with the Stanly County Register of Deeds and shall be at a scale of not less

than one (1) inch equals 200 feet. Maps may be placed on more than one (1) sheet with appropriate match lines.

Submission of the final plat shall be accompanied by a filing fee, paid by the subdivider, in accordance with the Town's fee schedule.

(K) Required Certificates

In accordance with NCGS 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 reference shown thereon. The ratio 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 Registered 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 (1) sheet, only the first sheet must contain certification and all subsequent sheets must be signed and sealed.

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

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 Stanfield and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets alleys, 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 Stanfield.

Date \_\_\_\_\_ Owner \_\_\_\_\_

Certify of Survey and Accuracy

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

Surveyor \_\_\_\_\_

Seal or Stamp

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

Certificate of Approval of the Design and Installation of Streets, Utilities, and 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 installation of the required improvements in an amount and manner

satisfactory to the Town of Stanfield have been received, and that the filing fee for this plat, in the amount of \$\_\_\_\_\_ has been paid.

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

Date: \_\_\_\_\_

(L) Board of Commissioners Review

The Board of Commissioners shall review the final plat at or before its next meeting which shall be called at least 14 days after the Subdivision Administrator receives the final plat and shall recommend approval, conditional approval with modifications to bring the plat into compliance, or disapproval of the final plat, with reasons noted, within 40 days of its first consideration of the plat.

During its review of the final plat, the Board of Commissioners may appoint a Registered Land Surveyor to confirm the accuracy of the final plat. If substantial errors are found, the cost of such review shall be charged to the subdivider and the plat shall not be recommended for approval until such errors have been corrected.

(M) Approval of Final Plat

If the Board of Commissioners 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 Stanfield, North Carolina and that this plat has been approved by the Board of Commissioners of the Town of Stanfield for recording in the Office of the Register of Deeds of Stanly County.

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

Town of Stanfield, North Carolina

Date: \_\_\_\_\_

The subdivider shall file the original mylar copy of the approved final plat with the Register of Deeds of Stanly County within 60 days of the Board of Commissioners' approval; otherwise, such approval shall be null and void. One (1) print of the plat shall be retained by the subdivider, one (1) print shall be kept on file with the Town Clerk, and one (1) print shall be sent to the appropriate Stanly County department.

(N) Disapproval of Final Plat

If the final plat is disapproved by the Board of Commissioners, the reason for such disapproval shall be stated in writing, specifying the provisions of this Ordinance with which the final plat does not comply. One (1) copy of such reasons and the original mylar plat and one (1) copy shall be transmitted to the subdivider. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance and resubmit same for reconsideration by the Planning Board and Board of Commissioners.



### 3-6 Information to Be Contained In or Depicted on Preliminary and Final Plats

The presumption established by this subsection is that all the information set forth is necessary to satisfy the requirements of this ordinance. However, it is recognized that each development is unique, and therefore the Subdivision Administrator may allow less information or require more information to be submitted according to the needs of the particular case.

Plats shall contain the information as shown in the Table 3-6.1.

In addition to plat submittal requirements, applications for Town Utility Services as required by the Comprehensive Water & Sewer Policies, as amended, shall be submitted where required.

Table 3-6.1. Plat requirements. Surveyors must also meet all state requirements.

Information Required	Exceptions	Exception < 10 acres	Minor	Preliminary	Final
<b>General Requirements</b>					
Date survey prepared and any revision dates	X	X	X	X	X
Owner's name and address	X	X	X	X	X
Name of Subdivision	X	X	X	X	X
Town, township, county, state	X	X	X	X	X
Name, Address and Number of Surveyor	X	X	X	X	X
Scale in Words and Bar Graph	X	X	X	X	X
Type of Plat (Preliminary, Final, Major, Minor, Exception)	X	X	X	X	X
Map signed and sealed by surveyor	X	X	X*	X*	X*
Appropriate certificates included	X	X	X		X
Vicinity Map	X	X	X	X	X
Stanly County parcel identification number	X	X	X	X	X
Names, addresses, telephone numbers, and Email of surveyors, architects and engineers responsible for project				X	X
Corporate limits	X	X	X	X	X
Plat Book /Deed Book References	X	X	X	X	X
<b>Site Data</b>					
Acreage of property to be subdivided less Public ROW	X	X	X	X	
Acreage of public use sites and dedicated open space				X	X
Number of existing (if more than one) and proposed lots	X	X	X	X	X
Square footage of each lot under one acre of size, and acreage if more than one acre		X	X	X	X
Average lot size				X	
Smallest lot size			X	X	
Linear feet of streets				X	
Bearings and distance of existing and proposed property lines (label old lines)	X	X	X	X	X
Proposed block numbers				X	X
Zoning classification of lot and adjoining lots			X	X	X
Minimum building setback lines			X	X	X
Setback lines shown within irregularly shaped lots			X	X	X
Lots numbered			X	X	
Addresses of all new lots created					X
Sidewalk locations				X	X

Information Required	Exceptions	Exception < 10 acres	Minor	Preliminary	Final
Proposed street grades				X	
Areas for street trees, buffers, and landscaping				X	X
Existing Condition Information within 300' of Property					
Location and Size of Public Utilities			X	X	
Location and Size of Bridges, Culverts, and other Storm Drainage Facilities				X	
Location, Width and Purpose of all Easements			X	X	X
Proposed and existing rights-of way labeled public or private	X	X	X	X	X
A note that the subdivision will be served by central or individual water supply			X	X	
A note that the proposed subdivision will be served by public sewer or septic			X	X	
Surrounding Property Lines, Property Owners, Subdivisions	X	X	X	X	X
Deed references of surrounding properties	X	X	X	X	X
Existing buildings and structures	X	X	X	X	X
Distance of existing structures from proposed property lines	X	X	X	X	X
Lines not surveyed with source data	X	X	X	X	X
Contours no greater than 5' intervals				X	
Wooded areas				X	
Water features and wetlands from survey or National Wetland Inventory			X	X	X
Floodplains with FIRM panel number	X	X	X	X	X
Other natural or manmade features affecting site development			X	X	
National Register Properties with names on or adjacent to the site			X	X	X
Proposed sign locations				X	

### 3-7 Construction Drawings Prior to Final Plats

Upon review and/or approval of a preliminary plat, the Stanfield Board of Commissioners may request construction drawings with the following additional information before construction of infrastructure begins and a final plat is approved. Such information may be reviewed by staff or a qualified professional retained by the town.

#### (A) Street Data

- 1) Design engineering data for all corners and curves
- 2) Typical street cross-section
- 3) Street maintenance agreement, if necessary
- 4) Certification that the subdivider has obtained driveway approval from the NC Department of Transportation for any street that is proposed to intersect with a State maintained road

(B) Public Utility Plans (prepared by a professional engineer licensed in the State of North Carolina)

- 1) Sanitary sewer utility layout
- 2) Storm sewer utility layout
- 3) Water distribution line layout, illustrating connections to existing systems and showing line size, and location of fire hydrants, blowoffs, manholes, force mains, and gate valves
- 4) Plans and utility layouts for natural gas lines, telephone lines, and electrical lines
- 5) Plans for individual water supply and sewage disposal systems, if applicable
- 6) Profiles of sanitary sewers and storm sewers, based upon Mean Sea Level datum
- 7) Approved by water and sewer extension plans.

(C) Development Plans

- 1) Copy of erosion control plan submitted to the appropriate authority, if such a plan is required
- 2) Landscape plan
- 3) Stormwater drainage plan
- 4) Copy of any proposed deed restrictions or similar covenants

### **3-8 Recombination of Land**

- (A) Any plat or any part of any plat may be vacated by the owner at any time before the sale of any lot in the subdivision by a written instrument to which a copy of such a plat shall be attached declaring the same to be vacant.
- (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 destroys any public rights in any of its public uses, streets, or alleys.
- (C) Such an instrument shall be approved, recorded, and filed in the same manner as the final plat and being duly recorded, shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, 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 same manner provided above by all owners of the lots in such plat joining in the execution of such writing.

### **3-9 Re-subdivision Procedures**

For any replotting or re-subdivision of land, the same procedures, rules, and regulations shall apply as prescribed herein for an original subdivision.

## ARTICLE 4

### REQUIRED IMPROVEMENTS, DEDICATIONS, RESERVATIONS, AND MINIMUM STANDARDS OF DESIGN

#### 4-1 General

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

#### 4-2 Suitability of Land

- (A) Land which has been determined on the basis of engineering or other expert surveys to pose an ascertainable danger to life or property by reason of its unsuitability for a proposed use shall not be platted for that purpose, unless and until the subdivider has taken the necessary measures to correct said conditions and to eliminate said dangers.
- (B) Areas that have been used for disposal of solid waste shall not be eligible for platting of a subdivision unless tests by the Stanly County Health Department determine that the land is suitable for the purpose provided.
- (C) All subdivision proposals shall be consistent with the need to minimize flood damage and shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

#### 4-3 Subdivision Design for Major Subdivisions

- (A) The lengths, width, and shapes of blocks shall be determined with due regard to provisions of adequate building sites suitable to 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.
- (B) Blocks shall not be less than 400 feet or more than 1800 feet in length.
- (C) Blocks shall have sufficient width to allow two (2) tiers of lots of minimum depth except where single tier lots are required to separate residential development from vehicular traffic or another type of use, in a nonresidential subdivision, or where abutting a water area.
- (D) Where deemed necessary by the Board of Commissioners, 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, a water area, or areas such as shopping centers, religious institutions, or transportation facilities.
- (E) Block numbers shall conform to Town streets numbering systems, if applicable.

#### **4-4 Lots**

- (A) 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.
- (B) Lots shall meet any applicable Stanly County Health Department requirements.
- (C) Double frontage lots shall be avoided wherever possible.
- (D) Side lot lines shall be substantially at right angles to street lines.

#### **4-5 Easements**

Easements shall be provided and shown on the final plat, as follows:

##### **(A) Utility Easements for major subdivisions**

Easements for underground or aboveground utilities shall be provided, where necessary, across lots or centered on rear or side lots and shall be at least 20 feet wide for water and sanitary sewer lines and as required by the companies involved, for telephone, gas, and power lines. However, a smaller easement in width may be permitted if it is the only feasible manner of providing utilities to the property.

The Board of Commissioners will determine whether one (1) easement is sufficient or whether several easements are necessary to accommodate the various facilities.

##### **(B) Drainage Easements**

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

#### **4-6 Streets**

##### **(A) Type of Street Required**

Unless otherwise specified in this ordinance, all subdivision lots shall abut on a public or private street. All public streets shall be dedicated to the Town of Stanfield, the State of North Carolina, or the public, as determined appropriate by the Stanfield Board of Commissioners.

All public streets shall be built to the current 'Minimum Construction Standards for Subdivision Roads', published by the North Carolina Department of Transportation or the standards of the Town of Stanfield, whichever imposes the higher construction standards.

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 Ordinance, 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 ordinance 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 provisions for maintenance of the street until it is put on the State System shall be included with the final plat.

(B) Subdivision Street Disclosure Statement

All streets shown on the final plat shall be designated in accordance with NCGS 136-102.6 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 the municipal or State system before lots are sold, a statement explaining the status of the street shall be included with the final plat.

(C) Half-Street

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 provision for the concurrent dedication of the remaining half of the street shall be furnished by the subdivider. Where there exists a half-street in an adjoining subdivision, the remaining half shall be provided by the proposed subdivision.

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 undeveloped property is owned or controlled by the subdivider, 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 subdivider may be required to provide a marginal access street parallel to the arterial street or reverse frontage on a minor street for 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

It is the intent of this Ordinance to encourage the development of a network of interconnecting streets that work to disperse traffic while connecting and integrating neighborhoods with the existing urban fabric of the Town.

Consistent with this objective, streets shall interconnect within a development and with adjoining developments. Street stubs should be provided when development is adjacent to open land to provide for future connections. Stubs must extend to the neighboring property line(s) on all sides of the property proposed for development. A minimum of one (1) stub must be provided on each side of the property line. Additional stubs may be required by the Town, depending on the layout of the property, the adjoining properties, and the length of the property on any given side. Streets shall be planned so as to provide maximum flexibility for all citizens and in such a manner as to minimize the dependence on major arterial roads.

(F) Nonresidential Subdivision Streets

The subdivider of a nonresidential subdivision shall design streets in accordance with Section K-4 of the current ‘Minimum Construction Standards for Subdivision Roads’, published by the North Carolina Department of Transportation, and the standards in this Ordinance, whichever are stricter in regard to each particular item.

(G) Design Standards

The design of all streets and roads within the jurisdiction of this Ordinance shall be in accordance with the current issue of ‘Minimum Construction Standards for Subdivision Roads’, published by the North Carolina Department of Transportation or the standards of the Town of Stanfield, whichever imposes the higher construction standards.

1) Right-of-way Widths

Right-of-way widths shall not be less than the following measurements and shall apply except in cases where right-of-way requirements have been specifically set out in a Thoroughfare Plan, adopted by Stanly County and the North Carolina Department of Transportation and approved by the Stanfield Board of Commissioners.

In addition, a planting strip of at least six (6) feet must be provided in all major subdivisions between all streets and sidewalks within the right-of-way. Deviations from this requirement would negatively affect the long-term survivability of shade trees, shrubs, and other landscaping, which are of critical importance to the overall beauty of this community.

<b>Type of Street</b>	<b>Minimum Right-of-Way (feet) Curb and Gutter</b>	<b>Minimum Right-of-Way (feet) Shoulder Section</b>
<b><i>Local Residential</i></b>		
-Local Street	40	50
-Cul de Sac	45	50
<b><i>Residential Collector</i></b>		
-Minor Collector	50	50
-Major Collector	60	60
-Arterial	100	100

The subdivider will only be required to dedicate a maximum of 100 feet of right-of-way.

2) Street Width

Width of local roads and streets shall be as follows:

<b>Type of Street</b>	<b>Curb &amp; Gutter Section Width (feet)</b>	<b>Shoulder Section Width (feet)</b>	<b>Width of Shoulder (feet)</b>
Local Residential	26	18	6
Residential Collector	34	20	6

Street widths for all streets and roads classified as anything other than ‘local’ shall be in accordance with NC Department of Transportation standards.

3) Design Speed

The design speeds for subdivision-type streets shall be as follows:

Type of Street	Minimum Design Speed (mph)
Local Residential	30
Residential Collector	35

4) Maximum and Minimum Grades

The maximum grade of a local street shall be as follows:

Type of Street	Maximum Grade
Local Residential	9%
Residential Collector	6%

- a) A minimum grade for curbed streets normally should not be less than 0.5%, unless otherwise reviewed and approved by the NC Department of Transportation.
- b) Grades for 100 feet each way from intersections should not exceed five percent (5%).

5) Minimum Sight Distance

In the interest of public safety, no less than the minimum sight distance applicable shall be provided in every instance. Vertical curves that connect each change in grade shall be provided and calculated using the following parameters. (General practice calls for vertical curves to be multiples of 50 feet. Calculated lengths shall be rounded up in each case).

Sight Distance	Local Residential	Residential Collector
Minimum Sight Distance on Vertical curves (feet)	200	250
Rate of vertical curvature for minimum sight distance (K* minimum value for CREST)	30	45
Rate of vertical curvature for minimum sight distance (K* minimum value for SAG)	30	45
Rate of vertical curvature for minimum sight distance (K* minimum value for STOP)	14	20

\*K is a coefficient by which the algebraic difference in grade may be multiplied to determine the length in feet of the vertical curve which will provide the minimum sight distance.

$$L=KA$$

L=Length of vertical curve in feet

K=Rate of vertical curvature in feet per percent of A

A=Algebraic difference in grades, in percent



6) Minimum Super-elevation Rate

The minimum super-elevation rate for minimum radius on local residential streets is 0.06 foot per foot. The minimum super-elevation rate for residential collector streets is 0.08 foot per foot.

7) 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 shall be set so that the distance from the edge of the pavement of the street turnout to the property line will be at least as great as the distance from the edge of the pavement to the property line along the intersecting street. This property line can be established as a radius or as a sight triangle. Greater offsets from the edge of pavement to the property line 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 NC Division of Highways or Town of Stanfield, as applicable. Intersections which cannot be aligned should be separated by a minimum length of 200 feet between survey and center lines.
- d) Intersections with arterials, collectors, and thoroughfares shall be at least 1000 feet from center line to center line, or more if required by the NC Department of Transportation.

8) Cul-de-sacs

- a) Cul-de-sacs may be permitted only where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Creeks and streams, for example, are not considered topographic deterrents to development. A major river, however, would be a potentially justifiable deterrent.
- b) Cul-de-sacs, if permitted, shall normally not exceed 500 feet in length from the nearest intersection with a street providing through access. The measurement shall be made from the point where the center line of the cul-de-sac intersects with the center of a through street, to the center of the turnaround of the cul-de-sac. Cul-de-sacs should not be used to avoid connection with an existing street or to avoid the extension of a street. Cul-de-sacs must have a paved width of at least 60 feet in order to allow accessibility for emergency vehicles and trash pick-up.
- c) Private, closed, or gated streets are strictly prohibited.

9) Alleys

- a) 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 provisions are made for service access. Alleys shall not be required 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.
- d) Sharp changes in alignment and grade shall be avoided.
- e) All alleys shall be designated in accordance with the current issue of 'Minimum Construction Standards for Subdivision Roads', published by the North Carolina Department of Transportation'.

#### (H) Other Requirements

##### 1) Sidewalks

It is the intention of this Ordinance to encourage the development of a network of sidewalks that provide a safe and pleasant mode of travel for pedestrian traffic. Sidewalks must be provided in all major and commercial subdivisions and on all streets within each subdivision. Sidewalks are to be located on both sides of each street and are to be uniform throughout the subdivision. Residential sidewalks shall be a minimum of five (5) feet in width. Commercial sidewalks must be a minimum of eight (8) feet in width. Sidewalk material must be permanent in nature (brick pavers, concrete, or similar material), however, it may vary according to the overall design and character of the development. Sidewalk materials and plans must be approved by the Subdivision Administrator prior to plat approval.

##### 2) 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 County irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be subject to the approval of the Stanfield Board of Commissioners.

##### 3) Signage

Developers of subdivisions and other properties will be required to install all street name signs, directional signs, and regulatory signs in accordance with Town specifications and standards. Signage used to identify the subdivision or development is to be placed back off the street so as not to obstruct the view of coming traffic. If such signage is placed on the street within the subdivision, it must be far enough from the major thoroughfare to provide adequate emergency equipment turning radius. All entrance signage must be approved by the Subdivision Administrator prior to approval of the petitioner's plat.

##### 4) Permit 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 street or road. The application is available at the office of the nearest District Engineer of the NC Division of Highways.

5) Offsets to Utility Poles

Poles for overhead utilities should be located clear of roadway shoulders, preferably a minimum of at least 30 feet from the edge of the pavement on major thoroughfares. On streets with curb and gutter, utility poles should be set back a minimum distance of six (6) feet from the face of the curb.

6) Wheelchair Ramps

In accordance with Chapter 135, Article 2A, Section 136-44.14 of the North Carolina Administrative Code, 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

It is the intent of this Ordinance that all major subdivisions and/or developments utilize, at a minimum, valley curbing and gutter on all streets.

8) Multiple Entrances and Exits

All residential and commercial developments, which include 30 or more individual parcels/units, must have a minimum of two (2) entrances/exits. In the event that the subdivision borders two (2) different streets or roads, the subdivision must include at least one (1) entrance on each street or road, regardless of the number of units.

## 4-7 Utilities

### (A) Water and Sanitary Sewer Systems

It is the intention of this Ordinance to ensure that all proposed developments utilize Town utilities where available and that lots within a proposed subdivision shall be required to hook-up to Town utilities if any part of such subdivision is within 500 feet of Town utilities.

- 1) Proposed residential and non-residential subdivisions shall provide water and sewer utility services according to the provisions of General Ordinance 2014#2 “Comprehensive Water and Sewer Policies” as amended. Subdivisions shall incorporate the infrastructure and internal utility connections of all building units within the proposed subdivision into those of existing town utilities. All such infrastructure shall be compatible with existing internal utility connections and infrastructure utilized by the Town and is subject to Town approval.
- 2) Any plat submitted to the Town for preliminary approval should include a utilities plan, and application for town utility services, which will be a part of the subdivision review process and must be approved by the Subdivision Administrator.
- 3) Connection to other municipalities will not be permitted without the written consent of each respective jurisdiction. All prospective developments will be required to pay user capacity and impact fees to the Town at the prevailing rates.

## (B) Storm Water Drainage System

The subdivider 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 'Handbook for the Design of Highway Surface Drainage Structures'. The storm water drainage plan will be reviewed by an engineer or engineering firm approved by the Town at the expense of the developer submitting the plan.

- 1) No surface water shall be channeled or directed into a sanitary sewer.
- 2) Where feasible, the subdivider shall connect to an existing storm drainage system.
- 3) Where an existing storm drainage system cannot be feasibly 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 (3) feet of horizontal distance for each one (1) foot of vertical distance, and courses shall be of sufficient size to accommodate the drainage area without flooding and designed to comply with the standards and specifications for erosion control of the North Carolina Sedimentation Pollution Control Act, NCGS. 143-34 12, Chapter 113A, Article 4 and North Carolina Administrative Code Title 15, Chapter 4.
- 5) The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one (1) foot in each 200 feet of horizontal distance.
- 6) Stream banks and channels downstream from any land disturbing activity shall be protected from increased degradation due to accelerated erosion caused by increased velocity of runoff from land disturbing activity in accordance with the North Carolina Sedimentation Pollution Act, NCGS143-34.12, 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 cases of flood hazards, all subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

## (C) Street Lights

Streetlights are required in all major subdivisions and are encouraged to be consistent with the overall design and character of the development.

- 1) Decorative posts and underground wiring connections are required. Light pole intensity and color is subject to approval of the Town prior to installation.
- 2) Streetlights cannot exceed maximum height allowance, as provided in the Zoning Ordinance.
- 3) Streetlights shall be installed by the developer at an average separation of 160-200 feet.

- 4) The Town will accept responsibility for the lights at the time streets are accepted for maintenance and one-time fees have been paid to the Town or light provider.

#### **4-8 Other Requirements**

##### **(A) Placement of Monuments**

Unless otherwise specified by this Ordinance, the *Standards of Practice for Land Surveying* as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, under the provision 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, control corners, markers, and property corner ties, and to determine other standards and procedures governing the practice of land surveying for subdivision.

##### **(B) Construction Procedures**

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

No building, zoning, or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this Ordinance until all the requirements of this Ordinance have been met. The subdivider, 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 of Stanfield 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 Ordinance, including all standards adopted by reference, the Town shall pay the cost differential between the improvement required and the standards in this Ordinance.

#### **4-9 Buffering Between Uses**

Where a residential subdivision is located adjacent to an office, institutional, commercial, or industrial use or property zoned for these uses and there is no buffer between uses present, the subdivider shall provide a vegetative buffer. The width of the buffer shall be in addition to the lot area required by the Zoning Ordinance of the Town of Stanfield. 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 Homeowners Association.

#### **4-10 Landscaping**

- (A) It is the intention of this Ordinance to ensure that all major developments provide adequate landscape elements in order to maximize the beauty of the development. Quality of life is enhanced

by the inclusion of significant trees and other landscape material. The following minimum standards must be incorporated into all development plans:

- 1) Trees shall be planted on all new street rights-of-way or where new construction occurs along an existing street right-of-way.
- 2) Trees shall consist of one canopy tree per 40 linear feet. Existing trees may be applied towards this requirement.
- 3) Landscape plans and landscape material used are subject to the approval of the Subdivision Administrator.

## ARTICLE 5

### DEFINITIONS

#### 5-1 Subdivision Defined

For the purposes of this Ordinance, “subdivision” means all division of a tract or parcel of land into two (2) 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.

#### 5-2 Major and Minor Subdivisions

- 1) Major Subdivision: A major subdivision shall be defined as one not otherwise exempt from these regulations and which does not qualify as a minor subdivision. Major subdivisions involve any of the following:
  - a) The creation of any new public street or street right-of-way, or improvements to an existing street.
  - b) A future public school or park shown in any adopted plan or document.
  - c) The extension of any needed right-of-way or easement for the water or sewer system operated by the Town of Stanfield.
  - d) The installation of drainage improvements through one (1) or more lots to serve one (1) or more lots.
  - e) The installation of a private wastewater treatment plant or a private water supply system for more than one (1) lot or building site.
  - f) The division of land into five (5) or more lots where new right-of-way may or may not be created.
- 2) Minor Subdivision: A minor subdivision is defined as one involving four (4) or fewer lots or parcels subject to the regulations of this Ordinance per calendar year fronting on an existing, approved public road(s); and
  - a) Not requiring any new public road(s); and
  - b) Not requiring extension of a public sewer collection or major water distribution line; and
  - c) Not requiring a waiver or variance from any requirement of this Ordinance.

#### 5-3 Subdivision Exceptions

The following divisions/combinations of land shall not be included within the definition of “subdivision”, nor be subject to any regulations pursuant to this Ordinance.

- 1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standard of the municipality as shown in this Ordinance.
- 2) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
- 3) The public acquisition by purchase of strips of land for the widening or opening of streets.
- 4) The division of a tract in single ownership where the entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality as shown in this Ordinance.
- 5) The division of land into parcels in accordance with the terms of a probated will or in accordance with intestate succession under NC General Statutes Chapter 29.

#### **5-4 Other Definitions**

For the purpose of this ordinance, certain words or terms used herein shall be defined as follows:

- 1) Block: A piece of land bounded on one (1) or more sides by streets or roads
- 2) Board of Commissioners: The Board of Commissioners of the Town of Stanfield, North Carolina.
- 3) Buffer Strip: A buffer strip shall consist of an approved wall, fence, or planted strip at least 10 feet in width, composed of deciduous or evergreen trees or a mixture of each, spaced not more than 20 feet apart, and not less than one (1) row of dense shrubs, spaced not more than five (5) feet apart and five (5) feet or more in height after one (1) growing season, which shall be planted and maintained in a healthy, growing condition by the property owner.
- 4) 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.
- 5) Dedication. A gift, by the owner, or a right to use land for a specified purpose. Dedication must be made by written instrument.
- 6) Easement: A grant of one (1) or more of the property rights by the property owner to, or for use by, the public, a corporation, or other entity.
- 7) Half-Street: A street whose centerline coincides with a subdivision plat boundary, with one-half (1/2) the street right-of-way width being contained within the subdivision plat.
- 8) Large Lot Rural Subdivision: A major subdivision served by one point of ingress and egress with a minimum lot size of one acre or greater designed to be constructed in areas not served by public water and sewer.
- 9) Lot: A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.
- 10) Lot, Corner: A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of more than 45 degrees and less than 135 degrees with each other. The street line



forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal, in which case the owner shall be required to specify which is the front when requesting a zoning permit.

- 11) Lot, Double Frontage: A lot having frontage and access on two (2) or more public streets. A corner lot shall not be considered as having double frontage unless it has frontage and access on three (3) or more streets.
- 12) Lot, Flag: A lot where access to the street is provided by a long, narrow strip of land and the usable land itself is a rectangular piece at the end of the strip away from the street.
- 13) Lot, Interior: A lot other than a corner lot with frontage on only one (1) street.
- 14) Lot, Reversed Frontage: A lot having frontage on two (2) or more streets, one (1) of which is a minor or less important street in the community, the access to which is restricted to the minor street.
- 15) Lot, Through: A lot which fronts upon two (2) parallel streets, or which fronts upon two (2) streets which do not intersect the boundaries of the lot.
- 16) 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 Stanly County or a lot described by metes and bounds, the description of which has been so recorded.
- 17) Open Space: Land deemed to be inappropriate for development because it contains any number of physical characteristics and/or features which the Town deems necessary to be preserved.
- 18) Plat: A map or plan of a parcel of land which is to be or has been subdivided.
- 19) 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.
- 20) Right-of-way: The legal right of public passage, especially vehicular, over land.
- 21) Road, Private: Any right-of-way used for the purpose of motor vehicle travel, which has not been accepted for maintenance or ownership purposes by a public entity.
- 22) Road, Public: A public right-of-way set aside for public travel and which has been accepted for maintenance by the State of North Carolina, has been established as a public road prior to the date of adoption of this Ordinance, or which has been dedicated to the State of North Carolina for public travel by the recording of a plat of a subdivision with the Stanly County Register of Deeds Office.
- 23) Sewage System, Public: A single system of sewage collection, treatment, and disposal owned and operated by a sanitary district, a metropolitan sewage district, a water and sewer authority, a county or municipality, or a public utility.
- 24) Street: A dedicated and accepted public right-of-way for vehicular traffic.
  - a) 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.

- b) Arterial: A federal and/or state highway designed primarily for the movement of large volumes of vehicular traffic from one (1) area or region to another; a thoroughfare.
- c) Collector: A public way designed primarily to connect minor streets with arterial streets and/or to provide direct connection between two (2) or more arterial streets and which may be designed to carry significant volumes of vehicular traffic having neither origin nor destination on the street.
  - 1) Collector, Major: A road which serves major intra-county travel corridors and traffic generators and provides access to the arterial system.
  - 2) Collector, Minor: A road which provides service to small local communities and links locally important traffic generators with their rural hinterland.
  - 3) Collector, Residential: 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.
- d) Cul-de-sac: A short street having one (1) end open to traffic and the other end being permanently terminated and a vehicular turnaround provided.
- e) Expressway: Divided multi-lane roadway designed to carry larger volumes of traffic at relatively high speeds; divided highway with full or partial control of access and with grade separations at major intersections.
- f) Freeway: Divided multi-lane roadway designed to carry larger volumes of traffic at relatively high speeds; divided highway providing for continuous flow of vehicles with no direct access to abutting property or streets, but with access to selected crossroads via connecting ramps.
- g) 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.
- h) Local: A street which serves primarily to provide access to adjacent land for travel over relatively short distances
  - a) Local Residential: Cul-de-sacs, loop street less than 2,500 feet in length or streets less than one (1) mile in length that do not connect thoroughfares or serve major traffic generators and do not collect traffic from more than 100 dwelling units.
- i) Parkway: Divided multi-lane roadway designed to carry larger volumes of traffic at relatively high speeds; highway for noncommercial traffic with full or partial control of access and usually located within a park or park-like development.
- j) Residential: Those streets whose primary function is to provide direct access to residential property.
- k) Rural: A street designed for and located in non-urban and non-urbanizing areas, as classified by the Town.
- l) Thoroughfare: See '*Street, Arterial*'

- 1) Thoroughfare, Major: Thoroughfares consisting of interstate, free and expressway links, and major streets that provide for the expeditious movement of volumes of traffic within and through an urban area.
- 2) Thoroughfare, Minor: Thoroughfares that perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system by facilitating minor through traffic movement.

m) Urban: A street designed for and located in urban or urbanizing areas, as classified by the Town.

25) Subdivider: Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

## **5-5 Word Interpretation**

For the purpose of this Ordinance, certain words shall be interpreted as follows:

- Words used in the present tense include the future tense.
- Word used in the singular number include the plural and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.
- The word “person” includes a firm, association, corporation, trust, and company as well as an individual.
- The word “used for” shall include the meaning “designed for.”
- The word “structure” shall include the word “building.”
- The word “lot” shall include the words “plot”, “parcel,” or “tract.”
- The word “shall” is always mandatory and not merely directory.