

Oakboro Subdivision Ordinance

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ARTICLE I

TITLE, PURPOSE AND AUTHORITY

SECTION 101. TITLE

This ordinance shall be known and may be cited as the Subdivision Regulations for the Town of Oakboro, North Carolina, and may be referred to as the Subdivision Regulations.

SECTION 102. PURPOSE OF ORDINANCE

The purpose of this Ordinance is to support and guide the proper subdivision of land within the jurisdiction of Oakboro in order to promote the public health, safety, and general welfare of the citizens of Oakboro. The ordinance is designed to establish procedures and standards for the development and subdivision of real estate within the jurisdictional area of the town in an effort to, among other things, insure proper legal description, identification, monumentation and recordation of real estate boundaries and further, the orderly layout an appropriate use of the land; to provide safe, convenient and economic circulation of vehicular traffic; to provide suitable building sites which drain properly and are readily accessible to emergency vehicles; to assure the installation of improvements; to promote the eventual elimination of unsafe or unsanitary conditions; and to help conserve and protect the physical and economic resources of the town and its environs and to facilitate the further re-subdivision of large tracts into smaller parcels of land.

SECTION 103. AUTHORITY

This Ordinance is adopted under the authority of Chapter 160A-371 of the General Statutes of North Carolina.

SECTION 104. JURISDICTION

The regulations shall govern all subdivisions of land within the corporate limits and the extraterritorial jurisdiction of the Town of Oakboro, North Carolina as now or hereafter established.

SECTION 105. PREREQUISITE TO PLAT RECORDATION

After the effective date of this Ordinance, each individual minor subdivision plat of land within the Town's jurisdiction shall be approved by the Planning Board.

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

ARTICLE II

NO SERVICES UNTIL FINAL PLAT APPROVED

SECTION 201. PERMITS

- (A) No land shall be subdivided nor any construction or improvements such as streets, storm drainage or grubbing and grading, as related to the subdivision of land and the development thereof, initiated until the Zoning Enforcement Officer has issued a subdivision permit for such work. A valid tentatively approved preliminary plat of the land involved shall be prerequisite to the issuance of a subdivision permit by the Zoning Enforcement Officer.
- (B) 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.

SECTION 202. RECORDATION OF PLAT

- (A) Within 60 days after the final plat has been approved by the Board of Commissioners, it shall have been recorded with the Register of Deeds of Stanly County. Should the 60 day time limit expire before the plat is recorded, it must be resubmitted. Upon the filing of the ordinance codified in this regulation with the Register of Deeds, the Register of Deeds shall not thereafter file or record a plat of a subdivision located within the territorial jurisdiction of the Town of Oakboro until such plat has been approved by the Town. The filing or recording of a subdivision plat without approval of the Board of Commissioners as required by this regulation shall be null and void. The Clerk of Superior Court of Stanly County shall not order or direct the recording of a plat where such recording would be in conflict with this regulation.
- (B) The sale or transfer of land within a subdivision is prohibited until the plat has been approved by the Board of Commissioners and has been properly recorded.

SECTION 203. 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, such part of such thoroughfare shall be platted by the subdivider in the location shown on the plan and at the width specified in this Ordinance.

All other plats submitted for review shall contain a written certification by the subdivider attesting that the Town's Thoroughfare Plan does not include any portion of the proposed development

SECTION 204. SCHOOL SITES OF LAND USE PLAN

If the Stanly County Board of Commissioners and 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 Planning Board shall immediately notify the Board of Education whenever a sketch 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 so notify the Planning Board. If the Board 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 exercise of the power of eminent domain. 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 freed of the reservation.

In all cases, the Board of Education shall have had an opportunity to review the developer's sketch plan before the initial review by the subdivision administrator. A statement attesting to this fact, and any relevant comments, shall be attached to the sketch plan.

SECTION 205. 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 Oakboro Board of Commissioners after review by the Planning Board, or in the case of a minor subdivision, approved by the Planning Board, as set forth in Section 104 of this Ordinance, and until this approval is entered in writing on the face of the plat by the Chairman of the Planning Board or the Zoning Officer, respectively, and attested by the Town Clerk.

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.

ARTICLE III

LEGAL PROVISIONS

SECTION 301. PENALTIES FOR VIOLATION

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 his 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 and shall be subject to a maximum fine as specified by the Town Board of Commissioners. 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 through its attorney or other official designated by the Town Board of Commissioners may enjoin illegal subdivision, transfer, or sale of land by action for injunction. Further, violators of this ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by (G.S. 160A-374).

SECTION 302. 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.

SECTION 303. 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 Town Board of Commissioners may, on recommendation of the Planning Board, 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 the ordinance. A simple majority vote of the members present is sufficient for passage. (See Sections 303.01 and 303.02 below for details.)

SECTION 303.01 Variances to Minor Plats

The Planning Board may authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Planning Board shall make the findings required below, taking into account the nature of the proposed subdivision, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. In lieu of a review by the Planning Board, the petitioner may modify his minor plat accordingly to eliminate the need for a variance and resubmit the plat to the Zoning Officer.

No variance shall be granted unless the Planning Board finds:

1. that there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land;
2. that the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner;
3. that the circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this Ordinance; and
4. that the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which said property is situated.

SECTION 303.02 Variances to Major Plats

The Board of Commissioners may authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Board of Commissioners shall make the findings required below, taking into account the nature of the proposed subdivision, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity.

No variance shall be granted unless the Board of Commissioners finds:

1. that there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land;
2. that the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner;
3. that the circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this Ordinance; and
4. that the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which said property is situated.

SECTION 304. AMENDMENTS

The Town Board of Commissioners may from time to time amend the terms of this ordinance, but no amendment shall become effective until it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation. The Planning Board shall have 30 days 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 approved the amendment. (G.S. 160A-364.)

No amendment shall be adopted by the governing body until a public hearing is held.

Notice of the hearing shall be published in a newspaper of general circulation within Stanly County at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall appear not more than 25 nor less than ten (10) days prior to the hearing date. In computing the ten (10) to 25 day period, the date of publication is not to be counted, but the date of the hearing is.

SECTION 305. 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 imposed greater restrictions, the provisions of this ordinance shall govern.

ARTICLE IV

DEFINITIONS

SECTION 401. GENERAL

For the purpose of interpreting this ordinance, certain words or terms are herein defined. The following words shall, for the purpose of this ordinance, have the meaning herein indicated.

SECTION 402. INTERPRETATION OF COMMONLY USED TERMS AND WORDS

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

SECTION 403. DEFINITIONS OF SPECIFIC TERMS AND WORDS

The following is an alphabetical listing of words and terms used within this ordinance:

ALLEY. A public or private thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

BONA FIDE FARM. Agricultural, horticultural and forest land as defined by G.S. 105-277.1 (1) through (3) and 105-277.3.

BUFFER. A horizontal distance from the property line which may only be occupied by screening, utilities, access ways and landscaping materials.

BUILDING LINE OR SETBACK LINE. A line set parallel to a lot line beyond which a building cannot extend or be erected. Included are front, side, and rear lines.

CLEAR VISION AREA. The triangular area formed by joining point, using straight

lines, of the center lines of intersecting or intercepting streets 60 feet from their intersection/interception.

DEDICATION. A gift by the owner of his property to another party without any consideration being given for the transfer. Since a transfer of property is involved, the dedication is made by written instrument and is completed with an acceptance.

DISTRICT. Any section or Town of Oakboro and its zoning jurisdiction within which regulations are uniform.

DRAINAGE HEAD. A low depressed area which serves to remove excess water.

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

EXCEPTION. A division of land specifically described in the definition of subdivision as not being subject to the regulations prescribed by this ordinance other than those prescribed for Review and Approval as noted in Article V.

EXTRATERRITORIAL JURISDICTION (ETJ). That land lying within one (1) mile in all directions of the corporate limits and not located in any other town. In the event of land, lying within a distance of one (1) mile of both the Town and any other municipality, the jurisdictions of the Town and of each other such municipality shall terminate at a boundary line equidistant from the respective corporate limits. For state law as to extraterritorial jurisdiction, see G.S. 160A-360. As to representation of extraterritorial area, see G.S. 160A-362.

FENCE. An outdoor structure placed around an entire or a portion of a parcel of land and constructed of either masonry, metal, wood or other material which provides either a physical barrier or visual screen between properties.

LOT. A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership or for development or both. The word “lot” includes the word “plot” or “parcel.”

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 compliance permit.

LOT, DOUBLE FRONTAGE. A lot of the same depth as the width of a block containing two tiers of lots and which is accessible from both of the streets upon which it fronts.

LOT, INTERIOR. A lot other than a corner lot.

LOT, SINGLE TIER. A lot which backs upon a limited access highway, a railroad, a physical barrier or a nonresidential use and to which access from the rear is usually prohibited.

LOT DEPTH. The mean distance between the front and rear lot lines.

LOT LINE. A line dividing one (1) parcel of property from another parcel of property or from a street right-of-way.

LOT LINE, FRONT. The street right-of-way boundary at the front of the lot, that is, the line which separates the lot from the street right-of-way at the front of the lot.

LOT LINE, REAR. That line of a lot which is opposite and farthest on average, from the front lot line. Where a lot abuts a street along the rear of the lot, the rear lot line shall be deemed to coincide with the street right-of-way boundary.

LOT LINE, SIDE. Any lot line which meets an end of a front lot line. Where a lot abuts a street along the side of a lot, the side lot line shall be deemed to coincide with the street right-of-way boundary.

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.

LOT WIDTH. The distance between side lot lines measured at the front building line.

MULTIPLE HOUSING DEVELOPMENT. One (1) or more residential structures designed for multifamily usage on a single plot, or a townhouse residential development, or a unit ownership residential development.

MULTIPLE NONRESIDENTIAL DEVELOPMENT. Two (2) or more principal structures built on a single lot, tract, or parcel and designed for occupancy by separate firms, businesses, or other nonresidential enterprises.

NONCONFORMANCE. Any use, structure, lot, or sign which does not conform to the regulations of the Oakboro Zoning Ordinance either at the effective date of the ordinance or as a result of subsequent amendments which may be incorporated into the ordinance.

NONCONFORMING LOT. A lot which does not conform to the dimensions required by Oakboro's Zoning Ordinance.

OBSTRUCTION. Any structure, fence, shrub, bush, tree, flower, plant, motor vehicle or any other object that obscures, impairs, or prevents view or sight through, over, or across the clear vision field as herein described.

OFFICIAL MAPS OR PLANS. Any maps or plans officially adopted by the Town Board of Commissioners as a guide to the development of the Town of Oakboro.

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

PARKING SPACE. An area of appropriate dimensions, exclusive of drives, which conforms to the geometric design standards of the Institute of Traffic Engineering and is capable of temporary storage of one (1) private passenger automobile.

PLANNING BOARD. The Planning Board of the Town of Oakboro.

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

PRINCIPAL USE. The primary purpose or function that a lot serves or is intended to serve.

PROJECT REVIEW COMMITTEE. A staff review committee, consisting of a Town Board member, a Planning Board member, Zoning Enforcement Officer, Public Works Superintendent, Fire Chief, Police Chief or their designees and others as deemed necessary.

PUBLIC SEWAGE DISPOSAL SYSTEM. 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 assembly.

PUBLIC WATER SUPPLY. Any water supply furnishing potable water so defined and regulated by G.S. 130-166.

RESERVATION. A reservation of land does not involve any transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period of time.

SCREEN. A wall, fence or a planted strip composed of deciduous or evergreen trees or a mixture of trees and dense shrubs planted or constructed to block one (1) or more views.

SETBACK. The required distance between any structure and the applicable lot line(s) (front, rear, side) of the lot on which the structure is located.

SKETCH DESIGN PLAN. An informal drawing as required in Article V, Section 502, for the purpose of a Pre-application and Sketch Plat Review.

STREET. A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties. The following classifications shall apply:

STREET, ARTERIAL. A street serving major metropolitan activity centers, interconnecting and augmenting the thoroughfare system and carrying trips of moderate lengths.

STREET, COLLECTOR. A street penetrating residential, commercial and industrial areas that collects traffic from local streets and channels it into the arterial and thoroughfare system.

STREET, CUL-DE-SAC. A street having but one end open to traffic and other end being permanently terminated and a vehicular turn around provided.

STREET, LOCAL. A street providing direct access to abutting land where through traffic is deliberately discouraged and trip length is short.

STREET, MARGINAL ACCESS/FRONTAGE. A minor street which parallels and is

adjacent to a major street or highway and which provides access to abutting properties and protection from through traffic.

STREET, PRIVATE. A privately owned and maintained street which provides the principal means of vehicular access to abutting properties.

STREET, RIGHT-OF-WAY LINE. The street right-of-way boundary, that is, the line which separates the street from the lot.

STREET, THOROUGHFARE. A traffic artery designed primarily to carry heavy volumes of through vehicular traffic.

SUBDIVIDER. Any person, arm, or corporation who subdivides or develops any land deemed to be a subdivision, as herein defined.

SUBDIVISION. Any division of a tract 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 the regulations authorized by this Part:

- (A) 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 prescribed for new lots by this Ordinance, and the Town of Oakboro Zoning Ordinance;
- (B) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
- (C) The public acquisition by purchase of strips of land for the widening or opening of streets;
- (D) The division of a tract of land in single ownership whose 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 its subdivision regulations.
- (E) The conveyance of a lot or tract for the purpose of dividing land among tenants in common, all of whom inherited, by testacy or by will, the land from a common ancestor (Division of a lot by this method does not guarantee that all lots created shall be buildable); and
- (F) The division of land pursuant to an order of the General Court of Justice (Division of a lot by this method does not guarantee that all lots created shall be buildable).

SUBDIVISION, MAJOR. Subdivisions not defined as a Minor Subdivision.

SUBDIVISION, MINOR. The division of a tract or parcel of land:

- (A) Involving three (3) or fewer lots or parcels subject to the regulations of this ordinance per calendar year fronting on an existing, approved public road(s); and

- (B) Not requiring any new public road(s); and
- (C) Not requiring extension of a public sewer or water line; and
- (D) Not requiring a waiver or variance from any requirement of this Ordinance.

ARTICLE V

PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

SECTION 501. GENERAL REQUIREMENTS

SECTION 501.01 General. No plat of a subdivision within the jurisdiction of the Oakboro Planning Board shall be accepted for record by the Stanly County Register of Deeds until final approval has been given by the Town of Oakboro. After the required Pre-application/Sketch Plan Review, there are three (3) procedures applicable to subdivision final plat approval. They are a Minor Subdivision, or a Major Subdivision, or an Exception.

SECTION 501.02 Land Dedication. The Oakboro Town Council, believing that recreational land adds to the livability of the community, hereby decrees that: Every subdivider who proposes a major subdivision of land (excluding clusters) for residential purposes outside town limits and subdividers who propose a residential subdivision with 50 or more lots inside town limits shall dedicate a portion of such land, as set forth herein, for the purpose of a public park, recreation, and open-space sites to serve the residents of the neighborhood in which the subdivision is located.

- (A) **Options.** The Oakboro Board of Commissioners shall have the option of requiring either a dedication or a payment-in-lieu-of dedication, depending upon the circumstances. If a dedication, the Board of Commissioners shall also have the option of assuming the ownership or specifying that a Homeowners' Association control the site.
- (B) **Unity.** The dedicated land shall form a single parcel of land except where it is determined by the Town Board upon recommendation of the Oakboro Planning Board that two or more parcels would be in the public interests; and in such case, the Town Board may require that such parcels be connected by a dedicated strip of land at least 20 feet in width.
- (C) **Usability.** Two-thirds of the dedicated land shall be useable for active recreation; lakes may not be included in computing the two-thirds of the dedicated land area deemed useable for active recreation. If the Town Board determines that active recreation needs are being adequately met and will continue to be met in the neighborhood, it may allow the subdivider to preserve a significant natural feature as open space rather than providing the area suitable for active recreation.
- (D) **Shape.** The shape of the portion of the dedicated land deemed useable for active recreation shall be sufficiently square or round to be useable for activities such as softball, tennis, croquet and similar activities. Land dedicated only for greenways need not follow the requirements of this subsection.
- (E) **Location.** The dedicated land shall be located so as to reasonably serve the

recreation and open space needs of the subdivision for which the dedication was made.

- (F) **Accessibility.** Public access to the dedicated land shall be provided either by adjoining street frontage or public easement at least 20 feet in width.
- (G) **Topography.** Slope on areas dedicated for active recreation shall not exceed 15%, unless all topography dictates otherwise.
- (H) **Sub-soils.** The sub-soils shall be suitable for active recreational purposes.
- (I) **Vegetative Cover.** The vegetative cover, if any, shall be retained, if feasible, to protect the soil from erosion, buffer adjacent residential uses from active recreation sites and to lend attractiveness to the parcel.
- (J) **Amount of Land to be Dedicated.** The amount of land required to be dedicated for recreation by a subdivider shall be based upon the most recent U.S. Bureau of Census figures for an average size family for the Big Lick Township and a park and recreation ratio of eight (8) acres per 1,000 persons. The actual amount of land to be dedicated shall be determined by the following formula:

$$\begin{array}{ccccccc}
 \text{Total \# of} & & & & & & \\
 \text{Lots or multi-} & & \text{Avg. \# of} & & & & \\
 \text{family} & \times & \text{Persons per} & \times & \text{.008} & \times & \text{Variable} & = & \text{Acreage} \\
 \text{Dwelling} & & \text{Household} & & \text{acre per} & & \text{Multiple} & & \text{For} \\
 \text{Units} & & & & \text{person} & & & & \text{Dedication}
 \end{array}$$

The variable density factor to be used in the above formula shall be as follows:

<u>Avg. Sq. Footage / DU or Lot Multiple</u>	<u>Variable</u>
0 to 4356 s.f.	1.8
4357 to 8712 s.f.	1.6
8713 to 13,068 s.f.	1.4
13,069 to 17,424 s.f.	1.2
17,425 to 21,780 s.f.	1.0
21,781 to 26,136 s.f.	.9
26,137 to 30,492 s.f.	.8
30,493 to 34,848 s.f.	.7
34,849 to 39,204 s.f.	.6
39,205 to 43,560 s.f.	.5

Ex: 50 lots X 2.64 persons/HH X .008 X 1.2 = 1.2672 acres (R-15 District)

Note: The dedication or reservation is only applicable for traditional subdivisions; cluster developments are exempt.

Note: .008 acre/person (1 acre per 125 residents or 348 sq.ft./person) is a generally acceptable ratio; should the Town of Oakboro want more land to be preserved, this figure or the variable multiple can be adjusted downward or

upward, respectively.

- (K) The dedication of such land shall be reviewed and approved as part of the preliminary plat. The subdivider shall designate on the preliminary subdivision plat the area or areas of land to be dedicated pursuant to this Section. Where wetlands or endangered species have been certified to exist on the property, the preliminary subdivision plat shall also identify the boundaries of such wetlands. Upon receipt of the preliminary subdivision plat, the Planning Board shall either approve or disapprove the dedication and pass its recommendation onto the Town Board.
- (L) An executed deed of the same quality conveying the dedicated land to the Town of Oakboro, and a reproducible mylar boundary survey, shall be submitted no later than two (2) years after the approval of the preliminary plat or by the time that 50% of the certificates of compliance have been issued, whichever is earlier.

SECTION 501.03 Payments-in-lieu-of Dedication.

- (A) When the minimum amount of land required for dedication does not individually, or when combined, meet the criteria set forth in *SECTION 501.02 (B – I)* or the Town Board chooses the payment option under *SECTION 501.02 (A)*, the developer shall follow the procedures set forth herein.
- (B) Any person required to dedicate land pursuant to this chapter, with the approval of the Town Board, may make a payment in lieu of such dedication, or may make a combination dedication and partial payment in lieu of dedication. Any such payment in lieu of dedication shall be the product of the number of acres to be dedicated and the average fair market value of the land being subdivided at the time of submission of the preliminary subdivision plat. All payments received by the town pursuant to this section shall be used for the acquisition or development of recreation or open space sites.
- (C) In the case of disagreement between the town and the subdivider as to fair market value, such determination shall be made by a special appraisal committee made up of one professional appraiser appointed by the subdivider, one professional appraiser appointed by the Town Board, and one professional recreation director appointed by the initial two members. The committee shall view the land and hear the contentions of both the town and the subdivider. The findings of the committee shall be by majority vote and shall be certified to the Town Board within 30 days of the time of appointment of the third member of the committee. The costs of the professional land appraiser appointed by the subdivider shall be borne entirely by the subdivider. All other costs shall be borne by the town.
- (D) With respect to any development that is authorized or required by this Section to pay a fee-in-lieu-of providing recreational facilities or useable open space, no use may be commenced, lot sold, or building occupied unless the fee has been paid. If a development is intended to be sold or occupied on a phase-by-phase basis, payment of the fee relating to each phase must first be made.

- (E) The Town Clerk shall establish a separate open space and recreational facilities fund. All fees paid in accordance with this Ordinance shall be deposited into this fund. All appropriations from this fund shall be made for the purpose of acquiring or improving open space areas or recreational facilities that are reasonably expected to benefit or serve the residents of the development, generating such funds.

SECTION 502. SKETCH DESIGN PLAN

A Pre-application / Sketch Plan Review is required of all proposed land use and subdivisions. This review is not binding on any party. It is to be held between Town Zoning Enforcement Officer and the subdivider and/or his authorized agent. The purpose of this review is to clarify the regulations as they apply to the particular parcel and proposed subdivision. It helps to avoid misunderstandings and substantial investment in surveys and drafting for a concept that may or may not be accepted as proposed.

The “Sketch” may be informal (freehand), but drawn to an approximate scale. Sketch Plans shall conform to the following requirements:

SECTION 502.01 Number of Copies. A minimum of two (2) copies of a SKETCH DESIGN PLAN shall be submitted.

SECTION 502.02 Size of Plan and Scale. No specific size requirements apply to SKETCH DESIGN PLAN; it is suggested that the requirements applicable to preliminary and final plats be utilized.

SECTION 502.03 Administrative Fees. No administrative fees are charged in connection with the submission of SKETCH DESIGN PLANS.

SECTION 502.04 Contents Required. The SKETCH DESIGN PLAN shall depict or contain the following information:

- (a) A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivision, roads and waterways;
- (b) The boundaries of the tract and the portion of the tract to be subdivided;
- (c) The total acreage to be subdivided;
- (d) The existing and proposed uses of land within the subdivision and adjoining it;
- (e) The proposed street layout;
- (f) The name, address and telephone number of the owner;
- (g) Streets and lots of adjacent developed or platted properties;
- (h) The zoning classification(s) of the tract and of adjacent properties;
- (i) Minimum setback lines.

SECTION 502.05 Review Procedure. The Zoning Enforcement Officer shall review the SKETCH DESIGN PLAN for general compliance with the requirements of this ordinance and the zoning ordinance; the Zoning Enforcement Officer shall advise the

subdivider or his authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of requirements for the determined Minor Subdivision, Major Subdivision or Exception proposal.

Minor Subdivisions as defined in the regulations will proceed to the final plat review. Major Subdivision will proceed to the preliminary plat review. This review shall in no way be construed as constituting an official action of approval for recording of the subdivision by the Town of Oakboro as required by this ordinance.

SECTION 502.06 Disposition of Copies. One (1) copy shall be retained as a part of the files of the Town of Oakboro with the other copy being returned to the subdivider or his authorized agent.

SECTION 503. MINOR SUBDIVISIONS

A plat of any proposed minor subdivision as defined in *ARTICLE IV, SECTION 403*, shall be submitted to the Zoning Enforcement Officer for review by the Project Review Committee, which shall recommend approval or disapproval to the Planning Board which shall have the authority to approve or disapprove the plat. Minor subdivisions shall conform to the following requirements:

SECTION 503.01 Reserved.

SECTION 503.02 Number of Copies. A minimum of three (3) copies of a MINOR SUBDIVISION PLAT shall be submitted to the Town of Oakboro.

SECTION 503.03 Size of Plan and Scale. The plat shall be at an appropriate engineering graphic scale. The scale shall comply with the Surveyor's requirements. Title, Date, and North Point Arrow shall be noted.

SECTION 503.04 Administrative Fees. A MINOR SUBDIVISION PLAT submitted for review shall be accompanied by an application and review fee as per the Town's schedule of fees.

SECTION 503.05 Certification Required. Certification of approval: The following certification shall be lettered, rubber stamped or affixed to the plat in such a manner as to insure that said certificate will be legible on any prints made therefrom:

I hereby certify that this Minor Subdivision meets the requirements of the Subdivision Ordinance of the Town of Oakboro, North Carolina.

Signature and Title

SECTION 503.06 Contents Required.

- (a) A sketch vicinity map showing the location of proposed subdivision, streets, water courses, railroads, bridges, Town Limit line, and north arrow declination.
- (b) Boundaries of property concerned shown with bearings and distance.
- (c) Names of adjoining property owners or subdivision.
- (d) Zoning classification on the land to be subdivided and on adjoining lands.
- (e) Proposed minimum setback lines
- (f) Site data:
 - (1) acreage in total tract to be subdivided;
 - (2) average lot size;
 - (3) proposed street and lot layout;
 - (4) total number of lots existing and proposed;
 - (5) existing and proposed property lines;
 - (6) street right of ways, public utility easements, sewers, culverts, drainage pipes, water mains, and transmission lines;
 - (7) existing buildings; and
 - (8) location of fire hydrants
- (g) The name of the owner, engineer, surveyor and/or planner
- (h) Title: Name, Date, scale-denoted graphically or numerically
- (i) An Erosion Control Plan (if applicable)

SECTION 503.07 Review Procedure. All subdivisions shall be considered major subdivisions except those defined as minor subdivisions in *SECTION 403 – DEFINITIONS OF SPECIFIC WORDS AND TERMS*. Major subdivisions shall be reviewed in accordance with the procedures in *SECTION 504*. Minor subdivisions shall be reviewed in accordance with the provisions in *SECTION 503*.

As to minor subdivisions, 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 a street, easement, road or right-of-way from the property to be subdivided, the subdivision shall not qualify under the abbreviated procedure. Furthermore, the abbreviated 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 the land, had an option on it, or had any legal interest in the original subdivision at the time the subdivision received preliminary or final plat approval. The minor plat process may be used only where the subdivision includes all contiguous land under the Ownership of the sponsor.

The Project Review Committee shall review the MINOR SUBDIVISION PLAT for general compliance with the requirements of this ordinance and the zoning ordinance and of any recommendations necessary and send to the Planning Board; the Planning Board shall advise the subdivider, in writing, of approval or disapproval of the plat within 14 working days after it has been received.

SECTION 503.08 Decision, Notice, and Appeals. Following completion of Planning Board review for compliance with the requirements of this ordinance, subdivision proposals shall be approved, conditionally approved, or disapproved. Written notice will be given within five (5) working days following Planning Board review completion. The statement of action taken shall be noted on or attached to two (2) copies of the plat. One copy shall be returned to the subdivider or his agent by certified mail, or personal delivery, one copy shall be retained by the Zoning Enforcement Officer.

In case of conditional approval, the reasons and conditions to be met for final approval shall be specified in writing on or attached to the plat and distributed as stated above. The Planning Board may require the subdivider to submit a revised plat including recommended changes before approving the plat.

When a plat is disapproved, the Planning Board shall specify the reasons for such action in writing on or attached to the plat and distributed as stated above. If the plat is disapproved, the subdivider may make the necessary changes and submit a revised plat for review.

Any notice of Planning Board review decision may be appealed to the Oakboro Town Board of Commissioners. All appeals shall be in writing stating parts of Decision Notice appealed from, reason for appeal, and desired action on every point. Appeals may be filed in the office of the Town Clerk within 30 days of notice receipt by the subdivider or his agent. The Zoning Enforcement Officer shall submit the written appeal as well as the decision and plat appealed from to the Appeal Board.

Subdivision plats and appeals shall be considered and decided on at regular board meetings as quickly as administratively possible, according to normal procedures of the Board.

Notice of appeal decisions shall be mailed by certified mail or personally delivered to the subdivider or his agent. Appeals from decisions of the Town Board may be had only as provided by North Carolina General Statute.

SECTION 504. MAJOR SUBDIVISIONS

A PRELIMINARY and a FINAL PLAT of any proposed major subdivision as defined in *ARTICLE IV, SECTION 403*, shall be submitted to the Zoning Enforcement Officer for review by the Project Review Committee and the Planning Board.

The Project Review Committee shall either approve or disapprove the PRELIMINARY PLAT. If the plat is approved, it shall be sent to the Planning Board for review at the next regularly scheduled meeting.

The Planning Board shall either approve or disapprove the PRELIMINARY PLAT based on compliance with the requirements of this ordinance, the zoning ordinance and the appropriateness of the plat to the needs of the community. If the plat is approved, it shall be sent to the Oakboro Board of Commissioners for review at the next regularly scheduled meeting.

SECTION 504A. PRELIMINARY PLAT.

SECTION 504A.01 Reserved.

SECTION 504A.02 Number of Copies. Eight (8) copies of the PRELIMINARY PLAT shall be submitted. Three (3) copies shall be submitted to the Town of Oakboro per SECTION 503.02; five (5) copies shall be distributed for review as provided in SECTION 504A.07.

SECTION 504A.03 Size of Plat and Scale. The plat shall be at an appropriate engineering graphic scale. The scale shall comply with the Surveyor's requirements. Title, Date, and North Point Arrow shall be noted.

SECTION 504A.04 Administrative Fees. Submission of the PRELIMINARY PLAT must be accompanied by a filing fee as per the Town's schedule of fees.

SECTION 504A.05 Certifications Required. No certification must be provided in connection with the submission of PRELIMINARY PLATS.

SECTION 504A.06 Contents Required. The PRELIMINARY PLAT shall depict or contain the following information; plats not illustrating or containing the following data shall be returned to the subdivider, or his authorized agent, for completion resubmission.

- (a) The proposed name of the subdivision;
- (b) A sketch vicinity map showing the relationship between the proposed subdivision and the surrounding area;
- (c) The boundaries of the tract or portion thereof to be subdivided; distinctly and accurately represented, with all bearings and distances shown
- (d) Scale denoted both graphically and numerically;
- (e) North arrow and declination;
- (f) The plans for proposed utility layouts including sanitary sewers, storm sewers, water distribution lines, natural gas, telephone and electric service, illustrating connections to existing systems. Plans for water supply and/or sewage disposal must be accompanied by letters of preliminary approval by the appropriate county and state authorities;
- (g) Proposed street names;
- (h) The zoning classification(s) of the tract to be subdivided and of adjoining properties;
- (i) Proposed location and size of parks, school sites, or other recreational or open spaces, if any, and their future ownership (dedication to public use to governmental body, for owners to duly constituted homeowners or community association, for tenants remaining in subdividers ownership);
- (j) Site Calculations, including:
 - (1) acreage in total tract to be subdivided;
 - (2) acreage in parks and other nonresidential use;

- (3) total number of parcels created; and
 - (4) linear feet in streets.
- (k) Proposed minimum building setback lines;
 - (l) Any proposed riding trails, natural buffers, pedestrian, bicycle, or other rights-of-way, utility or other easements, their location, width and purposes;
 - (m) County Fire Marshal and/or special fire district: Adequacy of water pressure for firefighting, location of fire hydrants, accessibility of properties for emergency vehicles;
 - (n) Proposed streets, along with at least two entranceways except when prohibited by physical or geographical characteristics, existing and platted streets on adjoining properties and in the proposed subdivision, rights-of-way, pavement widths, approximate grades, design engineering data for all corners and curves, and typical street cross sections. If any street is proposed to intersect with a State maintained road, the plat shall be accompanied by an application for driveway approval as required by the Department of Transportation, Division of Highway's Manual on Driveway Regulations;
 - (o) Existing and proposed property lines, both on the tract to be subdivided and on adjoining properties, buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and on the land immediately adjoining; corporate limits, township boundaries, and county lines;
 - (p) Proposed lot lines, lot and block numbers, and approximate dimensions;
 - (q) The PRELIMINARY PLAT shall be accompanied by a copy of any proposed deed restrictions or similar covenants (mandatory when private recreation areas are established);
 - (r) Date of plat preparation;
 - (s) The name(s) of the township(s), county, and state in which the subdivision is located;
 - (t) The name(s), address(es), and telephone number(s) of the owner(s), mortgagee(s), registered surveyor(s), land planner(s), architect(s), landscape architect(s), and professional engineer(s) responsible for the subdivision;
 - (u) Environmental Impact Statement. Pursuant to Chapter 119 of the North Carolina General Statutes, the Planning Board may require the subdivider to submit an environmental impact statement with his PRELIMINARY PLAT if:
 - (1) the development exceeds two acres in area, and
 - (2) if the Board deems it necessary due to the nature of the land to be subdivided, or peculiarities in the proposed layout;
 - (v) Any other information considered by either the subdivider or the Planning Board to be pertinent to the review of the PRELIMINARY PLAT; i.e., topographic map showing vertical contours every five (5) feet;

- (w) Landscaping Plans. Plans for vegetating all road banks, side ditches, water disposal systems, yards, etc, stating rates for materials to be used.

SECTION 504A.07 Review Procedure. The Planning Board and the Town Board of Commissioners shall review and take action on each PRELIMINARY PLAT within 30 days after first consideration by the Planning Board. First consideration shall be at the next regularly scheduled meeting of the Planning Board that follows at least 14 days after the plat is submitted. Before taking final action on the plat, the Planning Board shall refer copies of the plat and any accompanying material to those public officials and agencies concerned with new development, including, three (3) for the Town of Oakboro and five (5) others to be distributed as needed for the Stanly County Health Department, N.C. State Highway Commission, the appropriate county soil conservation service office, etc. for review and recommendation.

SECTION 504A.08 Decision, Notice and Appeals. Following completion of Planning Board review for compliance with the requirements of this ordinance, subdivision proposals shall be approved, conditionally approved, or disapproved. Written notice will be given within five (5) working days following Planning Board review completion. The statement of action taken shall be noted on or attached to two (2) copies of the plat. One copy shall be returned to the subdivider or his agent by certified mail, or personal delivery. One copy shall be retained by the Zoning Enforcement Officer.

In case of conditional approval, the reasons and conditions to be met for final approval shall be specified in writing on or attached to the plat and distributed as stated above. The Planning Board may require the subdivider to submit a revised plat including recommended changes before approving the plat.

When a plat is disapproved, the Planning Board shall specify the reasons for such action in writing on or attached to the plat and distributed as stated above.

If the plat is disapproved, the subdivider may make the necessary changes and submit a revised plat for review.

Any notice of Planning Board review decision may be appealed to the Oakboro Town Board of Commissioners. All appeals shall be in writing, stating parts of Decision Notice appealed from, reason for appeal, and desired action on every point. Appeals may be filed in the office of the Zoning Enforcement Officer within 30 days of notice receipt by the subdivider or his agent. The Zoning Enforcement Officer shall submit the written appeal as well as the decision and plat appealed from to the Appeal Board.

Subdivision plats and appeals shall be considered and decided on at regular Board meetings as quickly as administratively possible, according to normal procedures of the Board.

Notice of appeal decisions shall be mailed by certified mail or personally delivered to the subdivider or his agent. Appeals from decisions of the Town Board may be had only as provided by North Carolina General Statute.

SECTION 504A.09 Certification of Tentative Approval.

- (A) The following certification shall be lettered, rubber stamped or affixed to the PRELIMINARY PLAT in such a manner as to insure that said certificate will be legible on any prints made therefrom:

I hereby certify that tentative approval was granted to this Preliminary Plat by the:

The Town of Oakboro Planning Board on the _____ day of _____, 2_____.

Chairman

The Town of Oakboro Town Council on the _____ day of _____, 2_____.

Mayor

- (B) Tentative approval of the PRELIMINARY PLAT by the Planning Board and Town Council is valid for two (2) years from the date of approval. If no work in furtherance of the plan except grading on the site has commenced within the two (2) year period, the tentative approval of the PRELIMINARY PLAT will become null and void and a new application will be required to develop the site. If work on the site in furtherance of the plan has commenced, and such work involves any utility installations or street improvements except grading, the plan will remain valid and in force. With the approval of the Town Council, tentative approval of the PRELIMINARY PLAT may be extended for a total of no more than five (5) years. (Tentative approval authorizes developer improvements to be made upon the issuance of a subdivision permit).

SECTION 504A.10 Phasing. Subdivisions may be designated to be constructed and platted in phases. Provided, however, the Planning Board or Town Council may not approve a phasing plan when in its opinion such phasing will not provide for adequate public facilities to support any such phase or phases independent of the overall subdivision plan. In approving phases, the Planning Board or Town Council may require that additional streets, water and sewer facilities or other required public facilities be constructed as part of the phase or phases in order to ensure that sufficient public facilities will be in place to support such phase or phases independent of any future subdivision improvements. Additionally, the following requirements shall be met:

- (A) Open space or recreational lands required for the all phases of the subdivision shall be recorded with the FINAL PLAT for the first phase;
- (B) A homeowner's association shall be established for the long-term maintenance of open space and recreational areas in the subdivision which shall include owners of lots in all phases of the subdivision; and

- (C) Following approval to begin construction of the first phase of the subdivision, construction of subsequent phases may not begin until all physical improvements of the previous phase, including streets, sidewalks, utilities, electrical service, recreation areas and the like have been installed or a performance guarantee has been submitted and approved for their installation.

SECTION 504B FINAL PLAT.

SECTION 504B.01 Improvements, Installations or Guarantees. Upon approval of the PRELIMINARY PLAT by the Planning Board and the Town Board, the subdivider may proceed with the preparation of the FINAL Plat, and the installation or arrangement for 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 improvements specified in this ordinance or guaranteed their installation as provided.

SECTION 504B.02 Performance Guarantee. In lieu of prior construction of the improvements required by this ordinance, the Town of Oakboro may, for the purpose of approving a FINAL PLAT, accept a guarantee from the subdivider that such improvements will be carried out according to the town's specifications at his expense. Such guarantee may be in the form of a surety bond made by a surety company licensed to do business in North Carolina or certified check drawn in favor of the Town of Oakboro or cash deposited with the Town of Oakboro or a letter of credit from a lender. Such guarantee shall be in an amount of not less than 100% nor more than 125% of the estimated cost of the construction of the required improvements. This amount shall be determined by the Town Board of Commissioners. Performance guarantees shall run for a period of one (1) year upon written approval from the Town Board of Commissioners.

SECTION 504B.03 Defects Guarantee. The Town Board of Commissioners shall require a bond guaranteeing utility taps, curbs, gutters, street pavement, sidewalks, drainage facilities, water and sewer lines, and other improvements against defects for one (1) year. This bond shall be in the amount determined by the Zoning Enforcement Officer or Consulting Engineer and shall be in cash or be made by a surety company authorized to do business in North Carolina.

SECTION 504B.04 Maintenance Guarantee. The Town Clerk shall secure from all subdividers a letter in which said subdivider shall agree to maintain the backfill and any improvements located thereon and therein and any ditch which has been dug in connection with the installation of such improvements. Such letter shall be binding on the subdivider for a period of one (1) year after the acceptance of such improvements by the Town of Oakboro.

SECTION 504B.05 Final Plat Review Contingent Upon Execution of Guarantees. No FINAL PLAT will be accepted for review by the Planning Board or Town Board of Commissioners unless accompanied by written notice by the Zoning Enforcement Officer acknowledging compliance with this Ordinance.

SECTION 504B.06 The Final Plat.

- (A) The FINAL PLAT will constitute only that portion of the PRELIMINARY PLAT which the subdivider proposes to record and develop at the time; such portion shall conform to all requirements of this ordinance.
- (B) No FINAL PLAT shall be approved unless and until the subdivider shall have installed in that area represented on the FINAL PLAT all improvements required by this ordinance or shall have guaranteed their installation as provided for in *SECTIONS 504B.08 through 504B.10* hereof.

SECTION 504B.07 Plat Submitted. The subdivider shall submit the FINAL PLAT, so marked, to the Zoning Enforcement Officer not less than 14 days prior to the Planning Board meeting, at which it will be considered for approval; further, the plat shall be submitted not more than 12 months after the date on which the PRELIMINARY PLAT was approved., otherwise such approval shall be null and void unless a written extension of this time limit is granted by the Town Board on or before the one (1) year anniversary of the approval.

SECTION 504B.08 Plat Prepared. The FINAL PLAT shall be prepared by a surveyor or professional engineer licensed and registered to practice in the State of North Carolina. The FINAL PLAT shall substantially conform to the PRELIMINARY PLAT as it was approved. The FINAL PLAT shall conform to the provisions of Section 47-30 of the General Statutes of North Carolina.

SECTION 504B.09 Number of Copies and Graphic Media. Five (5) copies of the FINAL PLAT shall be submitted; two (2) of these shall be drawn in ink on linen or film suitable for reproduction; three (3) shall be black or blue line paper prints.

SECTION 504B.10 Size of Plat and Scale. The size of the FINAL PLAT shall comply with Stanly County, North Carolina requirements. The scale shall comply with the surveyor's requirements.

SECTION 504B.11 Administrative Fees. Submission of the FINAL PLAT must be accompanied by a filing fee as per the town's schedule of fees.

SECTION 504B.12 Certification Required. The following certificates shall be lettered or rubber stamped or otherwise included on the final plat in such a manner as to insure that said certificates will be legible on any prints made there from:

- (g) The location and dimensions of all rights-of-way, utility or other easements, riding trails, natural buffers, pedestrian or bicycle paths, and areas to be dedicated to public use with the purpose of each stated;
- (h) Right-of-way lines and pavement widths of all streets and the location and width of all adjacent streets and easements;
- (i) Property lines, buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and on the land immediately adjoining, corporate limits, township boundaries, and county lines;
- (j) Sufficient engineering data to determine readily and reproduce on the ground every straight and curved boundary line, street line, lot line, right-of-way line, easement line, and setback line including dimensions, bearings, or reflection angles, radii, central angles, and tangent distances for the center line of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest one-tenth (1/10) of a foot and all angles to the nearest minute;
- (k) Unless otherwise specified by this ordinance, the Manual of Practice for Land Surveying as adopted by the N.C. State Board of Registration for Professional Engineers and Land 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 placements of monuments, control corners, markers, and property corner ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions;
- (l) The blocks numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each block;
- (m) The deed restrictions or any other similar covenants proposed for the subdivision, if any;
- (n) The date of the survey and plat preparation;
- (o) North arrow and declination;
- (p) All certifications required by *SECTION 504B.12* of this Article;
- (q) The name(s) of the township(s), county(s), and state in which the subdivision is located;
- (r) The name(s), address(es), and telephone number(s) of the owner(s), mortgagee(s), registered surveyor(s), land planner(s), architect(s), landscape architect(s), and professional engineer(s) responsible for the subdivision and the registration number(s) and seal(s) of the professional engineer(s) and registered surveyor(s); and
- (s) Any other information considered by either the subdivider or the Planning Board to be pertinent to the review of the FINAL PLAT.

SECTION 504B.14 Review Procedure. FINAL PLATS shall be reviewed according to the following procedure:

SECTION 504B.14.01 Planning Board Review.

- (A) The Planning Board shall approve or disapprove the FINAL PLAT within 30 days

of its first consideration.

- (B) During its review of the FINAL PLAT, the Planning Board may appoint an engineer or surveyor to confirm the accuracy of the FINAL PLAT. If substantial errors are found, in the opinion of the Planning Board, the costs shall be charged to the subdivider and the plat shall not be approved until such errors have been corrected.
- (C) If the Planning Board approves the FINAL PLAT, such approval shall be indicated on each copy of the plat by the following signed certificate:

Certification of Approval by the Planning Board

The Oakboro Planning Board hereby approves the FINAL PLAT for the
_____ **Subdivision.**

Date Chairman, Oakboro Planning Board

- (D) If the Planning Board disapproves the FINAL PLAT, the Planning Board shall state in writing its reasons for such action, specifying the provisions of this ordinance with which the plat does not comply. One (1) copy of this statement shall be transmitted to the subdivider within 15 days of disapproval; one (1) copy shall be retained by the Planning Board as a part of its proceedings, and one (1) copy shall be sent to the Town Clerk. If the FINAL PLAT is disapproved, the subdivider may make such changes as will bring the plat into compliance with the provisions of this ordinance and resubmit same for reconsideration by the Planning Board.
- (E) If the Planning Board fails to approve or disapprove the FINAL PLAT within 30 days after first consideration, as previously defined in *SECTION 504A.07*, such failure shall be deemed approval and shall constitute grounds for the subdivider to apply for FINAL PLAT approval by the Town Board of Commissioners.

SECTION 504B.14.02 Town Board of Commissioners Review.

- (A) The Town Board of Commissioners shall review the FINAL PLAT with the recommendations of the Planning Board and shall approve or disapprove the plat within 45 days after it has been received from the Planning Board.
- (B) If the Town 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 for Oakboro, North Carolina and that this plat has been approved by the Town Board of Commissioners for recording in the office of the Register of Deeds of Stanly County.

Date

Town Clerk, Town of Oakboro

- (C) If the FINAL PLAT is disapproved by the Town Board of Commissioners, the reasons for such disapproval shall be stated in writing, specifying the provision(s) of this ordinance with which the FINAL PLAT does not comply. One (1) copy of such reasons shall be retained by the Town Board of Commissioners as a part of its proceedings, one (1) copy shall be transmitted to the Planning Board, 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 with this ordinance and resubmit same for reconsideration by the Planning Board.

SECTION 504B.15 Effect of Plat Approval on Dedications. The approval of a FINAL PLAT shall not be deemed to constitute or affect the acceptance by the Town of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, the Town of Oakboro, may, by resolution of the Town Board of Commissioners, 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 dedications of lands or facilities located within the subdivision regulation jurisdiction but outside the corporate limits of the Town shall not require the Town to open, operate, repair, or maintain any street, utility line or other land or facility, and the Town shall in no event be responsible in any civil action or proceeding for failure to open, repair, or maintain any street located outside its corporate limits.

SECTION 504B.16 Disposition of Copies. If the FINAL PLAT is approved by the Town Board of Commissioners, the original tracing and one (1) print of the plat shall be returned to the subdivider. One (1) reproducible tracing and one (1) print shall be filed with the Town Clerk; one (1) print shall be retained by the Planning Board.

SECTION 504B.17 Recording of the Final Plat. The subdivider shall file the approved FINAL PLAT with the Register of Deeds of Stanly County for recording within 60 days after the date of Town Board of Commissioners approval; otherwise, such approval shall be null and void.

SECTION 504B.18 Re-subdivision Procedures. For any replatting or re-subdivision of land, the same procedures, rules and regulations shall apply as prescribed herein for an original subdivision. Lot sizes may, however, be varied on an approval plan after recording, providing that (a) no lot or tract of land shall be created or sold that is smaller than the size shown on the approval plan; (b) drainage, easements or rights-of-way shall

not be changed; (c) street alignment and block sizes shall not be changed; (d) the property line between the back of the lots shall not be changed; (e) the rear portion of lots shall not be subdivided from the front part, and (f) the character of the area shall be maintained.

SECTION 504C PRE-SALE CONTRACTS. The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved PRELIMINARY PLAT for which a FINAL PLAT has not yet been properly approved under the subdivision ordinance or recorded with the Stanly County Register of Deeds, provided the contract does all of the following:

- (a) Incorporates as an attachment a copy of the PRELIMINARY PLAT referenced in the contract and obligates the owner to deliver to the buyer a copy of the recorded plat prior to closing and conveyance.
- (b) Plainly and conspicuously notifies the prospective buyer or lessee that a FINAL SUBDIVISION PLAT has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the FINAL SUBDIVISION PLAT, that changes between the PRELIMINARY and FINAL PLATS are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final recorded plat differs in any material respect from the PRELIMINARY PLAT.
- (c) Provides that if the approved and recorded final plat does not differ in any material respect from the plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than five (5) days after the delivery of a copy of the final recorded plat.
- (d) Provides that if the approved and recorded FINAL PLAT differs in any material respect from the PRELIMINARY PLAT referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than 15 days after the delivery of the FINAL recorded PLAT, during which 15 day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.

The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease land by reference to an approved PRELIMINARY PLAT for which a FINAL PLAT has not been properly approved under the subdivision ordinance or recorded with the register of deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential, commercial, or industrial buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the FINAL PLAT has been properly approved under the subdivision ordinance and recorded with the register of deeds. [G.S.160A-375(b)]

SECTION 505. EXCEPTIONS

SECTION 505.01 Scale. An EXCEPTION PLAT shall be drawn at an appropriate engineering scale which will readily depict the existing conditions and the proposed change.

SECTION 505.02 Contents. The EXCEPTION PLAT shall contain at least the following information:

- (a) The location of existing and platted property lines, streets and buildings, watercourses, railroads, transmission lines, sewers, bridges, culverts, drainage pipes, water mains, town limit lines and public utility easements;
- (b) Boundaries of property concerned, shown with bearings and distance;
- (c) Names of adjoining property owners or subdivisions;
- (d) Zoning classification, if any, both on the land to be subdivided and on adjoining lands;
- (e) Existing lot and block numbers and approximate proposed block numbers;
- (f) Proposed minimum setback lines;
- (g) Title, date, north arrow point and graphic scale;
- (h) Name of owner, engineer, surveyor and / or planner;
- (i) Site Data:
 - 1. Acreage in total tract;
 - 2. Acreage in other land use;
 - 3. Average lot size;
 - 4. Total number of lots existing and proposed; and
 - 5. Lineal feet of streets;
- (j) Sketch and vicinity map, showing relationship between the EXCEPTION and surrounding area;
- (k) Certification of Approval: The following certification shall be included on the EXCEPTION PLAT in such a manner as to insure that such certificate will be legible on any prints made there from:

I hereby certify that this EXCEPTION PLAT meets the requirements of the Subdivision Ordinance of the Town of Oakboro, North Carolina.

Zoning Enforcement Officer

ARTICLE VI

DEVELOPMENT DESIGN STANDARDS

SECTION 601. CONFORMITY TO EXISTING MAPS OR PLANS

The location and width of all proposed streets shall be in conformity with official plans or maps of the Town and with existing or amended plans of the Planning Board.

SECTION 602. CONTINUATION OF ADJOINING STREET SYSTEM

The proposed street layout shall be coordinated with the street system of the surrounding area and, where possible, existing principal streets shall be extended.

SECTION 603. ACCESS TO ADJACENT PROPERTIES

Where, in the opinion of the Planning Board, it is desirable to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turn-around (cul-de-sac) shall be provided.

SECTION 604. PRIVATE AND RESERVE STRIPS

There shall be no private streets or reserve strips platted in any subdivision.

SECTION 605. LARGE TRACTS OR PARCELS

Where land is subdivided into larger parcels than ordinary building lots, such parcels shall be so arranged as to allow for the opening of future streets and logical further re-subdivision.

SECTION 606. DOUBLE-FRONTAGE AND SINGLE-TIER LOTS

Double-frontage lots shall be avoided. Single-tier lots of greater than minimum depth should be provided along thoroughfares or major streets, railroads, physical barriers and non-residential uses.

SECTION 607. CONTOUR MAP

If, in the opinion of the Planning Board or Town Board, the topography or drainage characteristics of the tract of land to be subdivided warrants special consideration, the subdivider shall submit, upon request, a contour map of a specified interval.

SECTION 608. STREET NAMES

- (A) Proposed streets, which are obviously in alignment with others existing and named, shall bear the assigned name of the existing streets. In no case shall the name for proposed streets duplicate or be phonetically similar to existing street names, irrespective of the use of the suffix: street, avenue, boulevard, drive, place, court, etc.

- (B) The Town shall bear the cost of installing street signs at all intersections as shown on the final plat.

SECTION 609. STORM DRAINAGE

All water courses not situated within street rights-of-way but which provide drainage for public streets shall be designated and improved in one of the following ways:

- (A) Wherever the storm drainage is to be conducted in an enclosed subsurface drain, the pipe size, location and grade shall be as approved by the town and an easement of approved width shall be clearly shown and located on the plat. Such easement shall be kept free and clear of any buildings or other improvements which would interfere with the proper maintenance of the underground pipes.
- (B) Wherever a water course is too large to be accommodated in subsurface drains, a dedication of land to public use for storm drainage and park purposes shall be made except where an easement may be allowed as specified below. For any area so dedicated to public use, at least 40% of its total perimeter shall abut one or more public streets and the average width of the area shall be at least 200 feet.
- (C) In those situations where a water course cannot be accommodated in an area dedicated to public use for storm drainage, a drainage easement on private property having a minimum width of 100 feet or wider as required by the Town, unless channel improvements of a permanent nature will allow a lesser width, may be permitted upon specific approval of the Planning Board.
- (D) Anyone constructing a dam or impoundment within the subdivision must comply with the North Carolina Dam Safety Law of 1967 and the North Carolina Administrative Code Title 15, Subchapter 2 K, or any amendments thereto.

SECTION 610. SITES OF PUBLIC USE

In subdividing property due consideration shall be shown by the subdivider for public needs by the provision of lands for parks, schools and other public uses.

- (A) Where a school site may be required according to plans for the development of an adequate school system, a reservation of land for this purpose shall be shown on the PRELIMINARY PLAT and the subdivider shall make such school site available for acquisition by the appropriate school board for a period of at least three (3) years after the date of preliminary approval.
- (B) If the Planning Board or Town Board determines that at least 10% of the area of a subdivision is necessary and appropriate to meet the needs of such subdivision for park and recreation uses exclusive of property required primarily for storm drainage purposes and provided that such parks land shall be established within the limits of good design. Wherever land is subdivided and sufficient appropriate and adequate space to meet the needs of the particular subdivision for park and recreation purposes is made an integral part of the design, the Town will consider a proposal to reimburse the subdivider for such park land in an amount not to exceed the raw land value as

- (F) **Intersections:** Street intersections shall be laid out as follows:
- (1) Streets shall intersect as nearly as possible at right angles and no street shall intersect at less than 60 degrees.
 - (2) Intersections with a major street or highway shall be at least 800 feet apart measured from centerline to centerline.
 - (3) Property lines at street intersections shall be rounded with a minimum radius of 20 feet.
 - (4) Street jogs with centerline offsets of less than 125 feet shall be prohibited.
- (G) **Cul-de-sacs:** Permanent dead end streets shall be provided with a turn-around having a roadway diameter of at least 80 feet and a right-of-way diameter of at least 100 feet. Temporary and dead end streets shall be provided with a turn-around having a radius of at least one-half of the right-of-way of the street. A cul-de-sac shall not exceed 600 feet in length; its creation is strongly discouraged and should only be permitted when it is clearly evident that interconnectivity is most unlikely to occur due to a physical or geographical condition.
- (H) **Alleys:** Alleys of at least 20 feet in width shall be provided to the area of all lots used for business purposes, and shall not be provided in residential blocks unless approved or required by the Town Board. All dead end alleys shall be provided with a turn-around having a roadway diameter of at least 80 feet.

SECTION 612. BLOCKS

The length and width of blocks within subdivisions shall be as follows:

- (A) **Length:** Block length shall not exceed 1,200 feet or be less than 400 feet. Where deemed necessary by the Planning Board, a pedestrian crosswalk at least five (5) feet in width may be required.
- (B) **Width:** Blocks shall have sufficient width to allow two tiers of lots of minimum depth except where a greater width is required to separate residential development from through vehicular traffic

SECTION 613. LOTS

All lots shall front upon a public street and the size, shape and orientation of lots shall be appropriate for the type of development and use contemplated. Residential lots shall comply with *ARTICLE VI, SECTION 14 – DIMENSIONAL REQUIREMENTS* in the Zoning Ordinance of the Town of Oakboro.

- (A) **Orientation:** Side lot lines shall be substantially at right angles or radial to street lines.
- (B) To promote energy conservation, lots in the subdivision shall, to the extent possible in light of topographic and other considerations, face streets which run in an east-west

direction, to provide greater opportunity for south orientation of windows in buildings. In manufactured home subdivisions, if units will be sited with the long axis perpendicular to the street, lots shall, to the extent possible, face streets which run in a north-south direction.

SECTION 614. BUILDING SETBACK LINES

The minimum setback from property lines shall adhere to the requirements as set forth in *ARTICLE VI, SECTION 14 – DIMENSIONAL REQUIREMENTS*, in the Zoning Ordinance of the Town of Oakboro.

SECTION 615. EASEMENTS

Utility and other easements shall be provided as follows:

- (A) Utility easements centered on rear of side lot lines shall be provided where necessary and shall be at least ten (10) feet in width.
- (B) Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.
- (C) Lakes, ponds, creeks, and similar areas within the town may be accepted for maintenance only if sufficient land is dedicated as a neighborhood recreation area or park or if such area constitutes a necessary part of the drainage control system. Such areas must be approved by the Planning Board before approval of the FINAL PLAT.

SECTION 616. BUFFER STRIPS

- (A) See *ARTICLE VII, SECTION 4, 17, Buffers and Screening*, in the Zoning Ordinance for the Town of Oakboro.
- (B) In residential districts a buffer strip of at least 30 feet in depth in addition to the normal lot depth required shall be provided adjacent to all railroad, limited access highways, and commercial or industrial developments. This strip shall be a part of the platted lots.

SECTION 617. WATER AND SEWER UTILITIES

Sewer and water utilities which do not come under the immediate supervision of the municipality shall comply with the following:

- (A) **Community Water Systems.** An acknowledgement from the Director, Sanitary Engineering Division, State Board of Health to the Town confining their authorization for a community water system.
- (B) **Central Sewage System.** An acknowledgement from the North Carolina Stream Sanitation Committee to the Town confirming their authorization for the installation

of a central sewage system.

- (C) **Individual Sewer and Water system.** An acknowledgement from the Health Director in whose jurisdiction the subdivision falls indicating that the water supply and sewage disposal system installed or proposed for installation in the specific subdivision fully meets the requirements of the North Carolina State Board of Health.

SECTION 618. SUITABILITY OF LAND

- (A) Land which has been determined by the reviewing Planning Agency 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 said conditions and to eliminate said dangers.
- (B) Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Stanly County Health Department, a structural engineer or a soils expert determine that the land is suitable for the purpose proposed.
- (C) All subdivision proposals shall be consistent with the need to minimize to flood damage and the Stanly County Flood Damage Prevention Ordinance.
- (D) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (E) Areas which, because of natural features, are not suitable for building purposes shall be permanently reserved and marked on the FINAL PLAT stating the purpose of the reservation.

SECTION 619. REFERENCE TO THE ZONING ORDINANCE

Please reference *ARTICLE VII, DEVELOPMENT REQUIREMENTS*, of the Zoning Ordinance for the Town of Oakboro for additional requirements.

ARTICLE VII

INSTALLATION OF IMPROVEMENTS

SECTION 701. INSTALLATION OF IMPROVEMENTS

Approval of the final plat shall be subject to the subdivider having installed the improvements hereinafter designated or having guaranteed, to the satisfaction of the Town, the installation of said improvements.

SECTION 702. GUARANTEE OF IMPROVEMENTS

Where the required improvements have not been completed prior to the submission of the plat for final approval, the approval of said plat shall be subject to the subdivider guaranteeing the installation of the improvements in one of the following methods:

- (A) Filing a performance or surety bond in an amount to be determined by the town.
- (B) Depositing or placing in escrow a certified check or cash in an amount to be determined by the town. Portions of the security deposit may be released as work progresses.
- (C) Entering into an agreement with the town guaranteeing the completion of the required work, said agreement to be binding on subsequent purchasers of the property and to be recorded at the option of the town. The agreement shall permit progressive development by sections and shall provide that satisfactory security be furnished the town guaranteeing the completion of the necessary improvements before each section is developed.
- (D) Obtaining a letter of credit from a lending institution.

SECTION 703. INSTALLATION OF IMPROVEMENTS WITHIN THE TOWN LIMITS

- (A) **Street Improvements:** The following requirements shall apply to all streets within the corporate limits of the town:
 - (1) **Grading:** All streets shall be graded to their full right-of-way width. Finished grade, cross section and profile shall be approved by the town.
 - (2) **Paving:** Road base and paving shall be installed in accordance with the provisions of *SECTION 611* of this ordinance and town policy.
 - (3) **Curbs and Gutters:** Combination curb and gutter shall be installed in accordance with the provisions of *SECTION 611* of this ordinance and town policy.
- (B) **Sidewalks:** Sidewalks shall be constructed on such streets as the Town Board considers sidewalks necessary. Sidewalks shall be constructed within the street right-of-way and installed in accordance with Town policy.
- (C) **Utilities:** Storm sewers, sanitary sewers and water mains shall be installed in accordance with the conditions of established town policy and shall be approved by the town. Should private water and sewerage systems be provided such shall meet the requirements of the

North Carolina State Health Department or Board of Water and Air Resources, as applicable.

SECTION 704. IMPROVEMENTS BEYOND THE TOWN LIMITS

In the adoption of this ordinance, the Town Board recognizes that under the General Statutes it may not be mandatory that a subdivision located beyond the Town limits shall comply with the requirements set forth in the improvements section and subsection of this ordinance, as a condition precedent for final approval of a plat of such subdivision. However, unless such requirements are complied with by the subdivider, the town will not extend any public service and not extend its water or sewer mains to any such subdivision or permit any connection thereto.

SECTION 705. ADEQUATE PUBLIC FACILITIES STANDARDS

To ensure public health, safety and welfare the Planning Board shall review each subdivision, multi-family development and manufactured home park to determine if public facilities are adequate to serve that development.

The public facilities to be considered include, but are not limited to schools, water, sewer, fire and rescue, law enforcement and other city/county facilities. Applicable state standards and guidelines shall be followed for determining whether facilities are adequate. Facilities must be in place or programmed to be in place within two (2) years of the preliminary approval to be considered adequate. The Planning Board may grant or recommend partial approval of developments based on limited adequacy.

All residential subdivisions, multi-family residences and mobile home parks shall comply with the standards as required by the Stanly County Adequate Public Facilities Ordinance as amended from time to time.

ARTICLE VIII

VARIANCES

SECTION 801. VARIANCES

Where, because of topographical or other conditions peculiar to the site, strict adherence to the provisions of the regulations of this ordinance would cause an unnecessary hardship, the Planning Board may recommend the Town Board authorize a variance, if such variance can be made without destroying the intent of this ordinance. Any variance thus authorized is required to be entered in writing in the Minutes of the Planning Board and of the Town Board and the reasoning on which the variance was justified set forth.

SECTION 802. GROUP DEVELOPMENT OR PLANNED UNIT DEVELOPMENT

Subject to the approval of the Town Board the standards and requirements of this ordinance may be modified by the Planning Board in the case of a plan and program for a complete group development, which in the judgment of the Planning Board provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the Plan.

ARTICLE IX

TOWNHOUSE DEVELOPMENTS

SECTION 901. REQUIREMENTS FOR TOWNHOUSE DEVELOPMENTS

The design standards for any townhouse project shall comply with this Ordinance. In addition, the following requirements shall be met:

SECTION 901.01 Contents Required.

- (A) **Residential Sites.** The site plan shall number and show the location dimensions of residential sites with the development. A residential site shall be that property intended for conveyance to a fee simple owner after the construction of a single-family attached residence and shall be sufficient in size to contain the residence to be constructed and any other proposed components of the property that is to be conveyed, provided that for the purpose of the zoning ordinances such townhouse residential sites shall be considered to be buildings for the purpose of determining building setback, yards, site coverage, and other dimensional requirements.
- (B) **Common Areas.** All areas on the sight plan, other than residential sites and public right-of-way, shall be known and designated as common areas, the fee simple title to which shall be conveyed by the developer to the homeowner's association as defined below. All common areas shall be designated as a single parcel regardless of the proximity of each common area to one or all of the other common areas, and such areas shall not be subdivided or conveyed by the homeowners' association. The title to the common area shall be preserved to the perpetual benefit of the homeowners' association.
- (C) **Covenants and Restrictions.** The developer shall file, along with the application for preliminary approval, a declaration of covenants and restrictions governing the common areas, the homeowners' association, and the residential sites. The restrictions shall contain but not be limited to, provisions for the following:
- (1) The homeowner's association shall be organized and in legal existence prior to the sale of any residences in the development.
 - (2) Membership in the homeowners' association shall be mandatory for each original purchaser and each successive purchaser of a residential site.
 - (3) The homeowners' association shall be responsible for the provision of liability insurance, any taxes, maintenance of recreational and other facilities located on the common areas, and maintenance and repair to the exterior of all residences located within the development. It shall be further provided that upon default by the homeowners' association in the payment to the governmental authority entitled to any ad valorem taxes levied against the common areas or assessments for public improvements to the common areas, which default shall continue for a period of six (6)

months, each owner of a residential site in the development shall become personally obligated to pay to the taxing governmental authority a portion of such taxes or assessments in an amount determined by dividing the total taxes and/or assessments due by the total number of residential sites in the development. If such sum is not paid by the owner within 30 days following receipt of the notice of the due amount, then such sum shall become a continuing lien on the residential site of the then owner, his/her heirs, assigns, and the taxing or assessing governmental authority may either bring an action at law against the owner personally obligated to pay the same or may elect to foreclose the lien against the property or the owner.

- (4) The homeowners' association shall be empowered to levy assessments against the owners of residential sites within the development for the payment of expenditures made by the homeowners' association for the items set forth in the preceding paragraph, and any such assessments not paid by the owner against whom such are assessed shall constitute a lien on the residential site of the owner.
 - (5) Easements over the common areas for access, ingress, egress from and to public streets and walkways, easements for enjoyment of the common areas, and for parking areas shall be granted to each owner of a residential site.
 - (6) All common walls between individual residences shall be party walls and provisions for the maintenance and restoration in the event of destruction shall be established.
- (D) **Design for Public Roads.** All roads (with the exception noted below) and related storm drainage facilities shall comply with the standards specified in the North Carolina Division of Highways Minimum Construction Standards for Subdivision Roads. It shall be the responsibility of the subdivider to present documentation to the Planning Board verifying that such standards have been met. Spot checks by the town's consulting engineering firm shall be made (at the expense of the subdivider) to ensure the construction uniformity.
- (E) **Design Standards for Private Roads.** Private roads in a townhouse project may be permitted by the Planning Board if assurances can be given that well-designed and properly maintained roadways will be provided. Before the Planning Board approves private roads, the following criteria shall be met:
- (1) The proposed roadway shall serve only local traffic. It shall not be a connector street between two public roads.
 - (2) The road shall be designed not only to handle local residential traffic, but also be able to handle fire trucks, EMS Rescue vehicles, garbage trucks, and school buses.
 - (3) Assurances will be obtained from the subdivider that a homeowners'

association will be established to assume responsibility for maintenance of the private roadways. Specifically, from an engineering perspective, the expected life of such a road shall be estimated. Combining this cost with estimates of annual repairs, a sinking fund shall be established, the purpose being to ensure that all property owners will pay the proportionate share of repair expenses commensurate with their use of the road. The impact of this sinking fund and the monthly cost to each homeowner shall be explicitly stated in the homeowners' association agreement.

- (4) To ensure that the sinking fund requirements can be met; it will be the responsibility of the subdivider to provide for the balance of the fund on an annual basis when an insufficient number of lots have been sold. As additional lots are sold, the subdivider's portion may be reduced accordingly.
- (5) A copy of the subdivision street disclosure statement form shall be submitted to the Planning Board which, in accordance with G.S. 136-1-2.6, shall be signed by the seller and the buyer of any lot in that subdivision. It shall clearly state that the private drives in that project are not built to state standards and cannot be dedicated until they are upgraded at the expense of the property owners fronting those roadways.

ARTICLE X

VALIDITY

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the Ordinance as a whole, or any other part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE XI

EFFECTIVE DATE

The Ordinance shall take effect and be in force from and after its adoption by the Town Board of Commissioners of the Town of Oakboro this the 1st day of November, 1995.

APPENDIX