

ARTICLE 23
SUBDIVISION REGULATIONS

23.1 Introductory Provisions

.1 Short title

This article shall be known and may be cited as the *Subdivision Regulations of the Town of Catawba, North Carolina*.

.2 Authority

The Town Council of the Town of Catawba, pursuant to the authority conferred by an Act of the General Assembly of the State of North Carolina, (General Statutes 160A-371 et seq) does hereby ordain and enact into law these Articles and Sections.

.3 Jurisdiction

The provisions of this chapter shall apply within the corporate limits of Catawba and within the territory beyond such corporate limits referred to as the Town's extraterritorial jurisdiction as shown on the Official Zoning Map of Catawba.

.4 Purpose

The purpose of this ordinance is to establish procedures and standards for the development and subdivision of real estate within the corporate limits and extraterritorial jurisdiction of the Town of Catawba in an effort to, among other things, insure proper legal description, identification, monumentation, and recordation of real estate boundaries; further the orderly layout and appropriate use of the land; provide safe, convenient and economic circulation of vehicular traffic; provide adequate building sites which are readily accessible to emergency vehicles; assure the proper installation of streets and utilities; promote the eventual elimination of unsafe or unsanitary conditions because of undue concentration of population; and help conserve and protect the physical and economic resources of the Town of Catawba and its environs.

.5 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 plan shall be platted by the subdivider in the location shown on the thoroughfare plan and at the width specified in the thoroughfare plan or this ordinance.

.6 Zoning and Other Plans

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.

.7 School Sites on Land Use Plan

If the Town of Catawba and the Catawba County Board of Education have jointly determined the specific location and size of any school sites to be reserved and this information appears in the comprehensive land use plan, the Town 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 of Education does wish to reserve the site, the subdivision shall not be approved without such reservation. The Board of Education shall then have eighteen (18) months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by initiating condemnation proceedings. If the Board of Education has not purchased or begun proceedings to condemn the site within eighteen (18) months, the subdivider may treat the land as freed of the reservation.

23.2 Definitions

.1 Subdivision Defined

For the purpose of this ordinance, a subdivision shall include all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development, and shall include all divisions involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within the definition nor subject to the regulations prescribed by this ordinance:

- a. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town as required by this chapter.
- 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 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 Town of Catawba, as shown in its subdivision regulations, as amended.

.2 Other Definitions

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

- (1) Block. A piece of land bounded on one or more sides by streets or roads.
- (2) Building Setback Line. A line establishing the minimum allowable distance between the nearest portion of the building foundation and the nearest right-of-way line or property line when measured perpendicular thereto.
- (3) Dedication. A gift, by the owner, or a right to use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument and is completed with an acceptance.
- (4) Easement. A grant by the property owner of a strip of land for a specified purpose and use by the public, a corporation, or persons.
- (5) Half Street. A street whose centerline coincides with a subdivision plat boundary, with one-half (1/2) the street right-of-way being contained within the subdivision plat. Also, any existing street to which the parcel of land to be subdivided abuts on only one side.

- (6) Lot. A parcel of land occupied or capable of being occupied by a building or a group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to same.
- (7) Lot of Record. A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Catawba County Register of Deeds prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.
- (8) Lot Types:
- (i) Corner Lot. A lot which occupies the interior angle at the intersection of two 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 street lines are equal, in which case the owner shall be required to specify which is the front when requesting a zoning compliance certificate.
 - (ii) Double Frontage Lot. A continuous (through) lot which is accessible from both streets upon which it fronts.
 - (iii) Interior Lot. A lot other than a corner lot with only one frontage on a street.
 - (iv) Through Lot or a "Double Frontage Lot". A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
 - (v) Reversed Frontage Lot. A lot on which the frontage is at right angles or approximately right angles (interior angles less than one hundred thirty-five (135) degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot, an interior lot or a through lot.
 - (vi) Single-Tier Lot. A lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.
 - (vii) Flag Lot. A lot which does not meet the minimum frontage requirements and access is provided by a narrow driveway leading to the major portion of the lot.

- (9) Official Maps or Plans. Any maps or plans officially adopted by the Town of Catawba.
- (10) Open Space. An area (land and/or water) generally lacking in man-made structures and reserved for enjoyment in its unaltered state.
- (11) Planned Unit Development. A form of development characterized by a unified site design for a number of housing units, clustering of buildings and providing common open space, density increases, and a mix of building types. It permits the planning of a project and a calculation of densities over the entire development rather than on an individual lot-by-lot basis. The site must include two or more principal buildings. Such development shall be based on a plan that allows for flexibility of design most available under normal district requirements.
- (12) Planning Board. The Planning Board of the Town of Catawba, North Carolina.
- (13) Plat. A map or plan of a parcel of land which is to be or has been subdivided or meets the exemption requirements of Section 150.10.
- (14) Public Sewage Disposal System. A system serving two (2) or more dwelling units and approved by the Catawba County Health Department.
- (15) Recreation Area or Park. An area of land or combination of land and water resources that is developed for active and/or passive recreation pursuits with various man-made features that accommodate such activities.
- (16) 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.
- (17) Street. A dedicated, recorded, and accepted public right-of-way for vehicular and pedestrian circulation. The following classifications shall apply:
 - (i) Rural Roads
 - (1) Principal Arterial. A rural link in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel and existing solely to serve traffic. This network would consist of interstate routes and other routes designed as principal arterials.

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

(3) Major Collector. A road which serves major intracounty travel corridors and traffic generators and provides access to the arterial system.

(4) Minor Collector. A road which provides service to small local communities and links locally important traffic generators with their rural hinterland.

(5) Local Road. A local road serves primarily to provide access to adjacent land and for travel over relatively short distances.

(ii) Urban Streets

(1) Major Thoroughfares. Major thoroughfares consist of interstate, other freeway and expressway links, and major streets that provide for the expeditious movement of volumes of traffic within and through urban areas.

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

(3) Local Street. A local street is any link not part of a higher-order urban system that serves primarily to provide direct access to abutting land and access to higher systems.

(iii) Specific Type Rural or Urban Streets

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

(2) Residential Collector Street. A local access street which serves as a connector street between local residential streets and the thoroughfare

system. Residential collector streets typically collect traffic from 100 to 400 dwelling units.

(3) Local Residential Street. Cul-de-sacs, loop streets less than 2,500 feet in length, or streets less than one mile in length that do not connect thoroughfares, or serve major traffic generators, and do not collect traffic from more than 100 dwelling units.

(4) Cul-de-sac. A short street having but one end open to traffic and the other end being permanently terminated and a vehicular turnaround provided.

(5) Frontage Road. A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

(6) Alley. A public or private thoroughfare that affords only a secondary means of access to abutting property and not intended for general traffic circulation.

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

(19) Subdivision Administrator. The employee(s) or agent(s) designated by the Town Manager to oversee the administration and enforcement of these regulations.

(20) Town Council. The Town Council of the Town of Catawba, North Carolina.

(20) Town Engineer. The Consulting Engineer retained by the Town of Catawba.

.3 Word Interpretation

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

- (1) Words used in the present tense include the future tense.
- (2) Words used in the singular number include the plural and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.
- (3) The word "person" includes a firm, association, corporation, trust, and company as well as an individual.

- (4) The word "used for" shall include the meaning "designed for".
- (5) The word "structure" shall include the word "building".
- (6) The word "lot" shall include the words "plot", "parcel", or "tract".
- (7) The word "shall" is always mandatory and not merely directory.

23.3 Procedure for Review and Approval of Subdivision Plats

.1 Plat Shall Be Required on Any Subdivision of Land or Any Manipulation of Property Lines or Boundaries

Pursuant to G.S. 160A-372, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this ordinance whenever any subdivision of land takes place. Whenever any manipulation of property lines or property boundaries takes place within the jurisdiction of the Town of Catawba as established in Section 23.1.3 of this ordinance that is exempt from these regulations as provided by Section 23.2.1 of this ordinance, a plat clearly displaying such change must be presented to the subdivision administrator. Said plat must also be presented to the Catawba County Register of Deeds for recordation.

.2 Approval Prerequisite to Plat Recordation

Pursuant to G.S. 160A-373, no final plat of a subdivision within the jurisdiction of the Town of Catawba as established in Section 23.1.3 of this ordinance shall be recorded by the Register of Deeds of Catawba County until it has been approved by the proper Board or official as provided herein. To secure such approval of a final plat, the subdivider shall follow the procedures established in this article.

.3 Procedures for Review of Major and Minor Subdivisions

- (a) All subdivisions shall be considered major subdivisions except those defined as minor subdivisions in this Section. Major subdivisions shall be reviewed in accordance with the procedures in Section 23.3.9 through 23.3.12. Minor subdivisions shall be reviewed in accordance with the provisions in Section 23.3.4 through 23.3.8.
- (b) For purposes of these regulations, a minor subdivision is defined as a subdivision:
 - (1) involving not more than five (5) lots fronting on an existing approved street;
 - (2) not involving any new street or prospectively requiring any new street for access to interior property;
 - (3) not requiring extension of public sewage or water lines or creation of new drainage easements through lots to serve property at the rear;
 - (4) not adversely affecting the development of the remainder of the parcel or of adjoining property;
 - (5) creating no new or residual parcels not conforming to the requirements of these regulations; and

- (6) all included land must be under ownership of one sponsor.

.4 Approval Process for Minor Subdivisions

If the land to be subdivided meets the requirements of a minor subdivision as defined in Section 23.3.3(b) above, the subdivider will not have to follow the same procedures as for a major subdivision. The review process for minor subdivisions shall be adequate to protect the public interest, but shall also provide minimum delay and expense to the subdivider. A preliminary plat is required. The following minor plat approval process may be used only where the subdivision meets the requirements of Section 23.3.3(b) above.

.5 Procedure for Review of Minor Subdivisions

- (a) Prior to submission of a final plat, the subdivider shall submit to the subdivision administrator three (3) copies of a sketch plan of the proposed subdivision containing the following information:
 - (1) A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;
 - (2) The boundaries of the tract and the portion of the tract to be subdivided;
 - (3) The total acreage to be subdivided;
 - (4) The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;
 - (5) The existing street layout and right-of-way width, lot layout and size of lots;
 - (6) The name, address and telephone number of the owner;
 - (7) The name, if any, of the proposed subdivision;
 - (8) Streets and lots of adjacent developed or platted properties;
 - (9) The zoning classification of the tract and of adjacent properties;
 - (10) The location of water and sewer facilities serving the proposed minor subdivision, if applicable;
 - (11) A statement from the County Health Department that a copy of the sketch plan has been submitted to them, if septic tanks or other on-site water or wastewater systems are to be used in the subdivision.

- (b) The subdivision administrator shall review the sketch plan for general compliance with the requirements of this article, and shall advise the subdivider or his authorized agent of the regulations pertaining to the proposed minor subdivision and the procedures to be followed in the preparation and submission of the final plat.
- (c) The subdivision administrator, after determining that all requirements of this article have been met, shall advise the subdivider to proceed with the preparation of a final plat, which conforms to the submitted sketch plan. The approval of the sketch plan shall in no way be construed as constituting official approval of the final plat.

.6 Dispute of Findings

In the event that the subdivider disagrees with any findings of the subdivision administrator concerning approval of a sketch plan of a minor subdivision, the matter shall be taken to the Town Council for a decision. No final plat shall be prepared until the Town Council has acted on the disputed sketch plan.

.7 Final Plat for Minor Subdivisions

- (a) The subdivision administrator shall review the final plat for complete compliance with the requirements outlined for final plat approval of these minor subdivision regulations. The final plat shall be complete and show all information required for final plats in Section 23.3.12, and all certifications and notarizations required in Section 23.3.8 for final plat approval of a minor subdivision.
- (b) The final plat shall be prepared by a Registered Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. 47-30 and the Manual of Practice for Land Surveying in North Carolina.
- (c) Three (3) copies of the final plat shall be submitted to the subdivision administrator. One (1) of these shall be on reproducible material; two (2) shall be black or blue line paper prints. Material and drawing medium for the original shall be in accordance with the Manual of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Catawba County Register of Deeds.
- (d) The final plat shall be of a size suitable for recording with the County Register of Deeds and shall be at a scale of not less than one (1) inch equals two hundred (200) feet. Maps may be placed on more than one sheet with appropriate match lines.

.8 Certifications to be Depicted on Final Plat (Minor Subdivision)

- (a) The final plat shall meet the specifications in Section 23.3.12. The following signed certificates shall appear on all three (3) copies of the final plat:

(1) Certificate of Ownership and Dedication

I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the Town of Catawba and that I hereby adopt this plan of subdivision with my free consent and establish minimum building setback lines as noted.

Owner

Date

(2) Certificate of Survey and Accuracy

In accordance with the Manual of Practice for Land Surveying in North Carolina:

On the face of each map prepared for recordation there shall appear a certificate acknowledged before an officer authorized to take acknowledgements and executed by the person making the survey or map including deeds and any recorded data shown thereon. The certificate shall include a statement of error of closure calculated by latitudes and departures. Any lines on the map which were not actually surveyed must be clearly indicated on the map and a statement included in the certificate revealing the source of information. The certificate shall take the following general form:

State of North Carolina

Catawba County

I, _____ certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book _____, Page _____, Book _____, Page _____ etc.) (Other); that the ratio of precision as calculated by latitudes and departures is 1: _____, (that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____; Page _____); that this map was prepared in accordance with G.S. 47-30, as amended.

Witness my hand and seal this ___ day of _____, 20__.

Registered Land Surveyor

Official Seal

Registration Number

3) **North Carolina** **Catawba County**

I, _____, Review Officer of Catawba County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer

Date

- (b) During its review of the final plat the subdivision administrator may appoint an engineer or surveyor to confirm the accuracy of the final plat (if agreed to by the Town Manager). If substantial errors are found, the costs shall be charged to the subdivider and the plat shall not be recommended for approval until such errors have been corrected.
- (c) If the subdivision administrator finds that the minor subdivision final plat is in full compliance with the requirements of this article, he may make the following certification:

I hereby certify that the minor subdivision plat hereon has been found to comply with the minor subdivision regulations for the Town of Catawba and is hereby approved for recording in the office of the Register of Deeds by the subdivider within ninety (90) days of the date of this approval.

Subdivision Administrator

Date

- (d) If the subdivision administrator denies approval of the final plat, he shall instruct the subdivider concerning resubmission of a revised plat and the subdivider may make such changes as will bring the plat into compliance with the provisions of this article and resubmit same for reconsideration by the subdivision administrator, or appeal to the Town Council. If the subdivider appeals to the Town Council, the Town Council shall review and approve or disapprove the final plat within thirty (30) days after they receive the plat and recommendations of the subdivision administrator.

.9 Procedure for Review of Major Subdivisions

- (a) Prior to the preliminary plat submission, the subdivider may submit to the subdivision administrator two (2) copies of a sketch plan of the proposed subdivision containing the following information:
 - (1) A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;
 - (2) The boundaries of the tract and the portion of the tract to be subdivided;
 - (3) The total acreage to be subdivided;
 - (4) The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;
 - (6) The existing street layout and right-of-way width, lot layout and size of lots;
 - (6) The name, address and telephone number of the owner;
 - (7) The name, if any, of the proposed subdivision;
 - (8) Streets and lots of adjacent developed or platted properties;
 - (9) The zoning classification of the tract and of adjacent properties;
 - (10) The location of water and sewer facilities serving the proposed minor subdivision, if applicable
 - (11) A statement from the Catawba County Health Department that a copy of the sketch plan has been submitted to them, if septic tanks or other on-site water or wastewater systems are to be used in the subdivision.

.10 Preliminary Plat Submission and Review

- (a) For every subdivision within the territorial jurisdiction established by Section 23.1.3 of this ordinance, which does not qualify as a minor subdivision, the subdivider shall submit a preliminary plat which shall be reviewed and approved by the Planning Board before any construction or installation of improvements may begin.
- (b) Twelve (12) copies of the preliminary plat (as well as any additional copies which the subdivision administrator determines are needed to be sent to other agencies) shall be submitted to the administrator of this ordinance at least 20 days prior to

- the Planning Board meeting at which the subdivider desires the Planning Board to review the preliminary plat.
- (c) Preliminary plats shall meet the specifications in Section 23.3.12.
 - (d) After having received the preliminary plat from the subdivider, the subdivision administrator shall submit copies of the preliminary plat and any accompanying material to other officials and agencies concerned with new development including, but not limited to:
 - (1) The district highway engineer as to proposed streets, highways, and drainage systems (required if new streets are to be placed on the State System);
 - (2) The county health director as to proposed water or sewerage systems (required if subdivision is in the extraterritorial jurisdiction);
 - (3) Any other agency or official designated by the Planning Board or Town official.
 - (e) The Planning Board shall review the preliminary plat at or before its next regularly scheduled meeting which follows at least 20 days after the subdivision administrator receives the preliminary plat and the comments from the appropriate agencies.
 - (f) The Planning Board shall, in writing, recommend approval, conditional approval with recommended changes to bring the plat into compliance, or disapproval with reasons within 20 days of its first consideration of the plat.
 - (g) If the Planning Board recommends approval of the preliminary plat, it shall retain one (1) copy of the plat for its minutes, and transmit two (2) copies of the plat to the Town Council with its recommendation.
 - (h) If the Planning Board recommends conditional approval of the preliminary plat, it shall keep one (1) copy of the plat for its minutes, transmit two (2) copies of the plat and its recommendation to the Town Council, and return the remaining copies of the plat and its recommendation to the subdivider.
 - (i) If the Planning Board recommends disapproval of the preliminary plat, it shall retain one (1) copy of the plat for its minutes, transmit two (2) copies of the plat and its recommendation to the Town Council, and return the remaining copy of the plat and its recommendation to the subdivider.
 - (j) If the preliminary plat is disapproved, the subdivider may make the recommended changes and submit a revised preliminary plat, or appeal the decision to the Town Council.

- (k) If the Planning Board does not make a written recommendation within 40 days after its first consideration of the plat, the subdivider may apply to the Town Council for approval or disapproval.
- (l) If the subdivider appeals the decision of the Planning Board, he shall present the preliminary plat to the Town Council at its next regularly scheduled meeting which follows the Planning Board's decision by at least twenty (20) days.
- (m) If the Town Council approves the preliminary plat in the case of an appeal, such approval shall be noted on two (2) copies of the plat. One (1) copy of the plat shall be retained by Town Council and one (1) copy shall be returned to the subdivider. If the Town Council approves the preliminary plat with conditions, approval shall be noted on two (2) copies of the plat along with a reference to the conditions. One (1) copy of the plat along with the conditions shall be retained by Town Council and one (1) copy of the preliminary plat along with the conditions shall be returned to the subdivider. If the Town Council disapproves the preliminary plat, the reasons for such disapproval shall be specified in writing. One (1) copy of the plat and the reasons shall be retained by Town Council and one (1) copy shall be returned to the subdivider.

.11 Final Plat Submission and Review

- (a) The subdivider shall submit the final plat, so marked, to the subdivision administrator not less than 20 days prior to the Planning Board meeting at which it will be reviewed; further, the final plat for the first stage of the subdivision shall be submitted not more than twelve (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 limit is granted by the Town Council on or before the twelfth month anniversary of the approval.
- (b) The final plat shall be prepared by a Registered Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. 47-30 and the Manual of Practice for Land Surveying in North Carolina.
- (c) Ten (10) copies of the final plat shall be submitted; one (1) of these shall be on reproducible material; nine (9) shall be black or blue line paper prints. Material and drawing medium for the original shall be in accordance with the Manual of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Alexander County Register of Deeds.
- (d) The final plat shall be of a size suitable for recording with the Catawba County Register of Deeds and shall be at a scale of not less than one (1) inch equals two

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

- (e) Submission of the final plat for subdivisions shall be accompanied by a fee set by the Town Council. Additionally, all fees associated with recording the plat at the Register of Deeds shall be paid to the Town of Catawba, and the Town will have the plat recorded after final approval by the Town Council.
- (f) The final plat shall meet the specifications in Section 23.3.12 of this article.
- (g) The following signed certificates shall appear on all copies of the final plat:

(1) **Certificate of Ownership and Dedication**

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

Owner

Date

(2) **Certificate of Survey and Accuracy**

In accordance with the Manual of Practice for Land Surveying in North Carolina:

On the face of each map prepared for recordation there shall appear a certificate acknowledged before an officer authorized to take acknowledgments and executed by the person making the survey or map including deeds and any recorded data shown thereon. The certificate shall include a statement of error of closure calculated by latitudes and departures. Any lines on the map which were not actually surveyed must be clearly indicated on the map and a statement included in the certificate revealing the source on information.

The certificate shall take the following form:

State of North Carolina Catawba County

I, _____ certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual

survey made under my supervision) (deed description recorded in Book __, Page __, Book __, Page __, etc.)(other); that the ratio of precision as calculated by latitudes and departure is 1:_____, (that the boundaries not surveyed are shown as broken lines plotted from information found in Book __, Page __); that this map was prepared in accordance with G.S. 47-30, as amended. Witness my hand and seal this ____ day of _____, A.D. 20__.

Registered Land Surveyor

Registration Number

Official Seal

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

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

Town Engineer

Date

- (4) If the subdivision is located outside town limits, then the following certificate must be included on the final plat.

Certificate of Approval of the Design and Installation of Public Streets:

DEPARTMENT OF TRANSPORTATION

DIVISION OF HIGHWAYS

SUBDIVISION ROAD CONSTRUCTION CERTIFICATION

APPROVED _____
District Engineer

DATE _____

- (5) In accordance with the North Carolina General Statute 47-30, the following certification must be included on the final plat:

State of North Carolina County of Catawba

I, _____, Review Officer of Catawba County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer

Date

- (h) The Planning Board shall review the final plat at or before its next regularly scheduled meeting which follows at least 20 days after the subdivision administrator receives the final plat and shall recommend approval or disapproval of the final plat with reasons within 40 days of its first consideration of the plat.
- (i) During its review of the final plat the Planning Board may appoint a Registered Land Surveyor to confirm the accuracy of the final plat (if agreed to by the Town Council). If substantial errors are found, the costs shall be charged to the subdivider and the plat shall not be recommended for approval until such errors have been corrected.
- (j) If the Planning Board recommends approval of the final plat, it shall transmit all copies of the plat and its written recommendations to the Town Council through the subdivision administrator. Such approval shall be shown on each copy of the final plat by the following signed certification:

The Catawba Planning Board hereby approves the final plat for the subdivision.

Chairman, Catawba Planning Board

Date

- (l) If the Planning Board recommends disapproval of the final plat, it shall instruct the subdivider concerning resubmission of a revised plat and 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, or appeal the decision to the Town Council.
- (m) Failure of the Planning Board to make a recommendation within 40 days shall constitute grounds for the subdivider to apply to the Town Council for approval.

- (n) If the Planning Board recommends approval, or if the subdivider appeals to the Town Council, the Town Council shall review and approve or disapprove the final plat within 30 days after the plat and recommendations of the Planning Board have been received by the subdivision administrator.
- (o) If the Town Council approve the final plat, such approval shall be shown on each copy of the plat by the following signed certificate:

Certificate of Approval for Recording

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

Mayor
Town of Catawba, North Carolina

Date

- (p) If the final plat is disapproved by the Town Council, the reasons for such disapproval shall be stated in writing, specifying the provisions of this ordinance with which the final plat does not comply. One (1) copy of such reasons and one (1) print of the plat shall be retained by the Town Council as part of its proceedings; one (1) copy of the reasons and three (3) copies of the plat shall be transmitted to the subdivider. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance and resubmit for reconsideration by the Planning Board and the Town Council or by the Town Council as determined by the Town Council.
- (q) If the final plat is approved by the Town Council, the original mylar and one (1) print of the plat shall be retained by the subdivider. One (1) print shall be filed with the Town Clerk, and one (1) print shall be returned to the Planning Board for its records.
- (r) The subdivider shall file the approved final plat with the Register of Deeds of Catawba County within six (6) months of the Town Council approval; otherwise, such approval shall be null and void.

.11 Performance, Defects, and Maintenance Guarantees

- (a) Upon approval of the preliminary plat by the Planning Board (or the Town Council in the event of an appeal), the subdivider may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this ordinance. Prior to approval of a final plat, the subdivider shall have installed the improvements specified in this ordinance or guaranteed

their installation as provided herein. No final plat will be accepted for review by the Planning Board or the Town Council unless accompanied by written notice by the Town Manager and/or Town Engineer acknowledging compliance with the improvement and guarantee standards of this ordinance. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time; such portion shall conform to all requirements of this ordinance.

- (b) Where the required improvements have not been completed prior to the submission of the final plat for approval, the approval of said plat shall be subject to the subdivider guaranteeing the installation of said improvements in one of the following methods:
- (1) Filing a performance or surety bond in an amount to be determined by the Town. The bond shall be payable to the Town of Catawba, and its duration shall be until such time as the improvements are accepted by the Town Council.
 - (2) 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.
 - (3) 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 provide that satisfactory security be furnished guaranteeing the completion of the necessary improvements before each section is developed.

.12 Information to be Contained in or Depicted on Preliminary and Final Plats

INFORMATION	<u>MINOR</u> Final	<u>MAJOR</u> Preliminary	<u>MAJOR</u> Final
Title Block Containing <ul style="list-style-type: none"> • Property designation • Name of Owner • Location (including township, county and state) • Date or dates survey was conducted and plat prepared • A scale of drawing in feet per inch listed in words or figures • Name, address, registration number of the registered land surveyor 	Yes	Yes	Yes
Name of the subdivider	Y	Y	Y
A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area	Y	Y	Y
Corporate limits, township boundaries, county lines if on the subdivision tract	Y	Y	Y
Names, addresses and telephone numbers of all owners, registered land surveyors and professional engineers responsible for the subdivision	Y	Y	Y
Registration numbers and seals of professional engineers	Y	Y	Y
The exact boundaries of the tract, or portion thereof, to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining parcels	Y	Y	Y
Proposed lot lines, lot and block numbers, and approximate dimensions	Y	Y	Y
Lots numbered consecutively throughout the subdivision	Y	No	Y
North arrow and orientation	Y	Y	Y
Names of owners of adjoining properties	Y	Y	Y
Names of any adjoining subdivisions of record or proposed and under review	Y	Y	Y
Minimum building setback lines (either listed on the plat or drawn on each lot)	Y	Y	Y
Zoning classifications of the tract to be subdivided and adjoining properties	Y	Y	Y
Existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains on the land to be subdivided. Additionally, any of the same features located on adjacent properties which may be impacted by the subdivision.	Y	Y	Y

Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds and any other natural features affecting the site	Y	Y	Y
<ul style="list-style-type: none"> The exact location of the flood hazard, floodway and floodway fringe from the community's FEMA maps Base flood elevation data for subdivisions which contain at least five (5) lots or fifty acres, whichever is less 	Y	Y	Y
A copy of any proposed deed restrictions or similar covenants. Such restrictions are mandatory when private recreation areas are established.	Y	No	Y
Topographic map with contour intervals of no greater than 20 feet at a scale of no less than 1:24,000 (if deemed necessary by the Subdivision Administrator)	No	No	Y
A copy of the erosion control plan submitted to the appropriate authority, if such a plan is required	Y	Y	No
All certifications required in Section 23.3.8 and 23.3.11(g)	Y	No	Y
Any other information considered by either the subdivider, Planning Board or the Town Commissioners to be pertinent to the review of the plat.	Y	Y	Y

STREET INFORMATION	<u>MINOR</u> Final	<u>MAJOR</u> Preliminary	<u>MAJOR</u> Final
Proposed streets	NA	Y	Y
Existing and platted streets in the proposed subdivision and on adjoining properties	Y	Y	Y
Rights-of-way locations and dimensions	Y	Y	Y
Pavement widths	NA	Y	Y
Approximate grades	NA	Y	Y
Design engineering data for all corners and curves	NA	Y	Y
Typical street cross sections	NA	Y	Y
Street names	NA	Y	Y
Street maintenance agreement in accordance with Section 23.4.5(e) of this ordinance	NA	No	Y
Type of street dedication; all streets must be designated "public".	NA	Y	Y
<i>Where public streets are involved which will be dedicated to the Town, the subdivider must submit all street plans to the</i>			

<p><i>subdivision administrator for approval prior to preliminary plat approval.</i></p> <p><i>Where public streets are involved which will not be dedicated to a municipality, the subdivision administrator will submit the following documents to the NCDOT District Highway Office for review:</i></p> <ul style="list-style-type: none"> • <i>A complete site layout, including any future expansion anticipated</i> • <i>Horizontal alignment indicating general curve data on the site layout plan</i> • <i>Vertical alignment indicated by percent grade, PI station and vertical curve length on site plan layout</i> • <i>The District Engineer may require the plotting of the ground profile and grade line for roads where special conditions or problems exist</i> • <i>Typical section indicating the pavement design and width, and the slopes, widths and details for either the curb and gutter or the shoulder and ditch proposed</i> • <i>Drainage facilities and drainage areas</i> 			
<p>Where streets are dedicated to the public, but not accepted into a municipal or the state system before lots are sold, a statement explaining the status of the street in accordance with Section 23.4.5(e) of this ordinance.</p>	NA	NA	Y
<p>If any street is proposed to intersect with a state maintained road, the subdivider shall apply for driveway approval as required by the NCDOT , Division of Highways’ Manual on Driveway Regulations.</p>	NA	No	Y
<p>Evidence that the subdivider has obtained such approval</p>	NA	Y	NA

UTILITY INFORMATION	<u>MINOR</u> Final	<u>MAJOR</u> Preliminary	<u>MAJOR</u> Final
Location of all utility easements	Y	Y	Y
If deemed necessary by the Subdivision Administrator, the plans for utility layouts including: <ul style="list-style-type: none"> • Sanitary sewers • Storm sewers • Other drainage facilities, if any • Water distribution lines • Natural gas lines • Telephone lines • Electric lines Plans should illustrate connections to existing systems, showing line sizes, the location of fire hydrants, blowoffs, manholes, force mains and gate valves.	NA	Y	Y
Plans for individual water supply and sewerage disposal systems, if any	Y	Y	Y

SITE CALCULATIONS	<u>MINOR</u> Final	<u>MAJOR</u> Preliminary	<u>MAJOR</u> Final
Acreage in total tract to be subdivided	Y	Y	No
Acreage in parks and recreation areas, and other nonresidential uses	Y	Y	No
Total number of parcels created	Y	Y	No
Acreage of each lot in the subdivision	Y	Y	Y
Linear feet in streets	NA	Y	No
The name and location of any property or buildings within the proposed subdivision or within any contiguous property that is located on the US Department of Interior's National Register of Historic Places	Y	Y	Y
Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line (with errors of closure), block line and building line, whether curved or straight, and including true north point. This should include the radius, central angle, point of tangency, tangent distance and arcs and chords of all curved streets and curved property lines. All dimensions should be to the nearest one-tenth (1/10) of a foot and angles to the nearest minute.	Y	No	Y
The accurate location and description of all monuments, markers and control points	Y	No	Y

.13 Recombination of Land

- (a) Any plat or any part of a plat may be vacated by the owner at any time before the sale of any lot in the subdivision by a written instrument to which a copy of such plat shall be attached, declaring the same to be vacated.
- (b) Such an instrument shall be approved by the same agencies as approved the final plat. The governing body may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets or alleys.
- (c) Such an instrument executed, acknowledged or approved and recorded and filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.
- (d) When lots have been sold, the plat may be vacated in the manner provided in Section 23.3.13 (a) through (c) by all the owners of the lots in such plat joining in the execution of such writing.

.14 Resubdivision Procedures

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

23.4 Required Improvements, Dedication, Reservation, and Minimum Standards of Design

.1 General

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

.2 Suitability of Land

- (a) Land which has been determined by the Town Council 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.
- (c) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

.3 Name Duplication

The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision within Catawba County.

.4 Subdivision Design

.1 Blocks

- (a) The lengths, widths, and shapes of blocks shall be determined with due regard to: provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements; needs for vehicular and pedestrian circulation; control and safety of street traffic; limitations and opportunities of topography; and convenient access to water areas.
- (b) Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where fronting on major streets or prevented by topographic conditions, in which case a single tier of lots may be approved.
- (d) Where deemed necessary by the Planning Board, a pedestrian crosswalk at least fifteen (15) feet in width may be required to provide convenient

public access to a public area such as a park or school, to a water area, or to areas such as shopping centers, religious or transportation facilities.

- (e) Block numbers shall conform to the County or Town street numbering system, if applicable.

.2 Lots

- (a) All lots in new subdivisions shall conform to the zoning requirements of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the zoning or watershed ordinances. It is not sufficient merely for the average lot to meet zoning requirements. Where municipal water or sewer service is not available the proposed lot shall contain a minimum area of 20,000 square feet.
- (b) Lots shall meet any applicable County Health Department requirements.
- (c) Flag lots are discouraged, but may be permitted in unique circumstances with the approval of the Planning Board.
- (d) Double frontage lots shall be avoided wherever possible.
- (e) Side lot lines shall be substantially at right angles to or radial to street lines.

.3 Easements

- (a) Easements for underground or above ground utilities shall be provided, where necessary, across lots or centered on rear or side lot lines and shall be at least 15 feet wide (or greater if necessary) for water and sanitary sewer lines and as required by the companies involved, for telephone, gas and power lines. The Town Council will determine whether one (1) easement is sufficient or whether several easements are necessary to accommodate the various facilities and the subdivider shall provide the required easements.
- (b) Where a subdivision is traversed by a stream or drainage way, a drainage easement shall be provided conforming with the lines of such stream and of sufficient width as will be adequate for the purpose.

.5 Type of Street Required

- (a) All subdivision lots shall abut on a public street unless the subdivision creates more than 200 lots. If the subdivision creates more than 200 lots the subdivider

may request that all or part of the streets be privately maintained by a homeowners' association. The Town Council shall consider the request with or prior to preliminary plat approval. All streets shall be assumed to be publicly maintained unless the Town Council declines to accept maintenance or approves the request to create privately maintained streets. In such a case, the street rights-of-way shall be dedicated to the public and the street shall be maintained by a homeowners' association that collects dues from homeowners to provide for maintenance of said streets. Covenants establishing the homeowners' association shall be approved by the Town and recorded prior to final plat approval and recordation.

A conspicuous note shall be placed on the final plat stating the following: "NOTICE: Some or all of the streets as indicated within this subdivision shall be privately maintained by the homeowners' association and the Town shall not be responsible for maintenance of the streets.

- (b) All public or private streets shall be built to the standards of this ordinance and all other applicable standards of the Town of Catawba or the North Carolina Department of Transportation (when outside the Town limits).
- (c) Public streets not dedicated to the Town which are eligible for acceptance into the State Highway System shall be constructed to the standards necessary to be put on the State Highway System or the standards in this ordinance, whichever is stricter, in regard to each particular item and shall be put on such system unless such streets are private streets complying with sub-section (a) above.
- (d) Streets not dedicated to the Town which are not eligible to be put on the State Highway System because there are too few lots or residences shall, nevertheless, be dedicated to the public and shall be in accordance with the standards in this ordinance or the standards necessary to be put on the State Highway System, whichever is stricter in regard to each particular item, so as to be eligible to be put on the system at a later date.
- (e) A written maintenance agreement with provisions for maintenance of the street until it is put on the State System shall be included with the final plat.

.6 Subdivision Street Disclosure Statement

- (a) All streets shown on the final plat shall be designated in accordance with G.S. 136-102.6 and designation as public shall be conclusively presumed an offer of dedication to the public.
- (b) Where streets are dedicated to the public but not accepted into a municipal system or the State system, before lots are sold, a statement explaining the status of the street shall be included with the final plat.

.7 Half-Streets

- (a) The dedication of half streets of less than fifty (50) feet at the perimeter of a new subdivision shall be prohibited. If circumstances render this impractical, adequate provision for the concurrent dedication of the remaining half of the street must be furnished by the subdivider. Where there exists a half street in an adjoining subdivision, the remaining half shall be provided by the proposed development.

.8 Marginal Access Streets

Where a tract of land to be subdivided adjoins a principal arterial street, the subdivider may be required to provide a marginal access street parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial. Where reverse frontage is established, private driveways shall be prevented from having direct access to the principal arterial.

.9 Access to Adjacent Properties

Where, in the opinion of the Town Council, it is necessary 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 turnaround provided. Adequate turnaround facilities shall be provided as determined by the Planning Board and approved by the Town Council.

.10 Nonresidential Streets

The subdivider of a nonresidential subdivision shall provide streets in accordance with the North Carolina Department of Transportation, Division of Highways' Subdivision Roads Minimum Construction Standards, January 1, 2000, as amended, and the standards in this ordinance, whichever are stricter in regard to each particular item.

.11 Design Standards of Streets

The design of all streets and roads within the jurisdiction of this ordinance shall be in accordance with the accepted policies of the North Carolina Department of Transportation, Division of Highways, as taken or modified from the American Association of State Highway and Transportation Officials (AASHTO) manuals. The N.C. Department of Transportation, Division of Highways' Subdivision Roads Minimum Construction Standards, January 1, 2000, as amended, shall apply for any items not included in this ordinance, or where stricter than this ordinance. Curb and gutter, swales, or ditches shall be installed as prescribed by the Town Engineer.

.12 Rights-of-Way Widths

- (a) Right-of-way widths shall not be less than the following and shall apply except in those cases where right-of-way requirements have been specifically set out in the thoroughfare plan.

Rural	Minimum Right-of-Way (feet)
Principal Arterial Freeways	350
Other	200
Minor Arterial	100
Major Collector	100
Minor Collector	60
Local Road	50
Urban	Minimum Right-of-Way (feet)
Major Thoroughfare other than Freeway and Expressway	90
Minor Thoroughfare	60
Local Street	50
Cul-de-sac	50' radius

- (b) The subdivider will only be required to dedicate a maximum of 100 feet of right-of-way. In cases where over 100 feet of right-of-way is desired, the subdivider will be required only to reserve the amount in excess of 100 feet. In all cases in which right-of-way is sought for an access controlled facility, the subdivider will only be required to make a reservation.

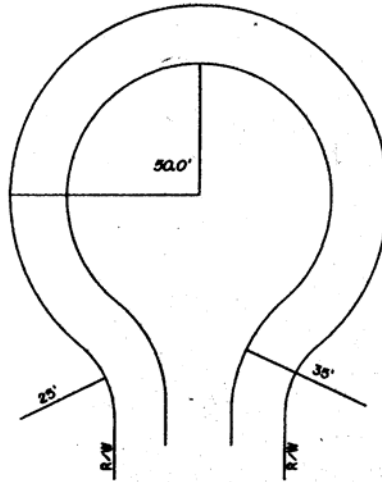
.13 Pavement Type

All road construction shall be in accordance with the latest edition of the Standard Specifications for Roads and Structures as published by the North Carolina Department of Transportation – Division of Highways. Condition of subgrade to be determined by the Town Engineer.

Widths for street and road classifications other than local shall be as required by the thoroughfare plan. Width of local roads and streets shall be as follows:

Road type	w/Curb and gutter (feet)	w/o Curb & Gutter
Local Residential, Local Street	26, to face of curb	24
Residential Collector	34	24
Cul-de-sac*		

- * The distance from the edge of the pavement of the turnaround to the right-of-way line shall not be less than the distance from the edge of the pavement to the right-of-way line on the street *approaching* the turnaround, as illustrated below.



.14 Geometric Characteristics

The standards outlined below shall apply to all subdivision streets proposed for addition to the State Highway System (or Municipal Street System). In cases where a subdivision is sought adjacent to a proposed thoroughfare corridor, the requirements of dedication and reservation discussed in Section 23.4.5 (b) shall apply.

.1 Design Speed

Minimum design speeds for subdivision-type streets shall be in accordance with *A Policy on Geometric Design of Highways and Streets* (AASHTO).

.2 Maximum and Minimum Grades

(a) The maximum grades in percent shall be:

Design Speed	Level	Rolling	Mountainous
60	3	4	6
50	4	5	7
40	5	6	8
30		9	10
20			12

(b) A minimum grade for curbed streets normally should not be less than 0.5%, a grade of 0.35% may be allowed where there is a high type pavement accurately crowned and in areas where special drainage conditions may control.

- (c) Grades for 100 feet each way from intersections should not exceed 5%.
- (d) For streets and roads with projected annual average daily traffic less than 250, short grades, less than 500 feet long, may be no greater than 15.0%.

.3 Sight Distance

Sight distance provided for stopped vehicles at intersections shall be in accordance with *A Policy on Geometric Design of Highways and Streets* (AASHTO).

.4 Intersections

- (a) It is recommended that no street shall intersect any other street at an angle less than ninety (90) degrees. However, at the discretion of the Planning Board, a street may intersect at less than 90 degrees but more than seventy-five (75) degrees. Under no circumstances may a street intersect at less than a 75-degree angle.
- (b) Property sight lines shall be maintained at all intersections of streets. Measured along the centerline, there shall be a clear sight triangle of seventy-five (75) feet, (one-hundred fifty (150) feet for major streets), from a point of intersection. This shall be indicated on all plans. No building or obstruction shall be permitted in this area.
- (c) Offset intersections are to be avoided unless the Division of Highways grants exception. Intersections which cannot be aligned should be separated by a minimum length of 200 feet between survey center lines.
- (d) Intersections with arterials, collectors and thoroughfares shall be at least one thousand (1000) feet from center line to center line, or more if required by the North Carolina Department of Transportation.

.5 Cul-de-sacs

- (a) Permanent cul-de-sacs, with no future connection to adjacent property, shall be prohibited except where existing development patterns prevent the connection to adjacent

property or where extreme topography makes it impractical to avoid.

- (b) When permitted, permanent dead-end streets (cul-de-sacs) shall not exceed five hundred (500) feet in length depending on topography and shall be provided with a turn-around having a right-of-way radius of fifty (50) feet.
- (c) Where one cul-de-sac intersects with another cul-de-sac, the end of each cul-de-sac shall be no more than 500 feet from a through street.
- (d) The distance from the edge of pavement on the vehicular turnaround to the right-of-way line shall not be less than the distance from the edge of pavement to right-of-way line on the street approaching the turnaround, as illustrated in Section 23.4.13.
- (e) Cul-de-sacs should not be used to avoid connection with an existing street or to avoid the extension of an important street, unless an exception is recommended by the Planning Board and granted by the Town Council.

.6 Alleys

- (a) Alleys shall be required to serve lots used for commercial and industrial purposes except that this requirement may be waived where other definite and assured provision is made for service access.
- (b) The width of an alley shall be at least twenty (20) feet.
- (c) Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the dead-end as may be recommended by the Planning Board and approved by the Town Council.
- (d) Sharp alignment or grade changes shall be avoided.
- (e) All alleys shall be designed in accordance with N.C. Department of Transportation Standards.

.7 Utilities

Storm and sanitary sewer, water mains, and fire hydrants shall be designed by a registered engineer and shall be approved by the Town Engineer.

- (a) Electrical distribution systems (defined for the purposes of these regulations as facilities for delivering electrical energy from a substation to a customer's meter and generally associated with voltage in the 14.4-24.9 kv range and below), telephone lines and any other wire installation shall be underground unless unfeasibility of such installation has been documented and the documentation accepted as satisfactory by the Subdivision Administrator.
- (b) In making the decision on the adequacy of the documentation, the Subdivision Administrator shall consider the following factors:
 - (1) Terrain;
 - (2) Load characteristics;
 - (3) Reliability;
 - (4) Accessibility;
 - (5) System flexibility;
 - (6) Equipment availability;
 - (7) Cost;
 - (8) Safety;
 - (9) Timing; and
 - (10) Customer desires.

.8 Water and Sanitary Sewer Systems

Each lot in all subdivisions within the corporate limits of the Town of Catawba shall be provided with an extension of the municipal water and sanitary sewer systems. Subdivisions in the ETJ that are within 500 feet of a municipal water or sewer line shall provide such service to all lots within the proposed subdivision.

.9 Storm Water Drainage System

The subdivider shall provide a surface water drainage system constructed to the standards of the North Carolina Department of Transportation, as reflected in Handbook for the Design of Highway Surface Drainage Structures, 1973), subject to review by the Town Engineer. **All major subdivisions shall provide curb and gutter along both sides of all new streets according to Town specifications.**

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

- (2) Where feasible, the subdivider shall connect to an existing storm drainage system.
- (3) Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to protect the proposed development from water damage.
- (4) Surface drainage courses shall have side slopes of at least three (3) feet of horizontal distance for each one (1) foot of vertical distance, and courses shall be of sufficient size to accommodate the drainage area without flooding, and designed to comply with the standards and specifications for erosion control of the North Carolina Sedimentation Pollution Control Act, G.S. 243-34.12, Chapter 113A, Article 4 and the N.C. Administrative Code Title 15, Chapter 4, and any locally adopted erosion and sedimentation control ordinances.
- (5) The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one (1) foot in each two hundred (200) feet of horizontal distance.
- (6) Streambanks and channels downstream from any land disturbing activity shall be protected from increased degradation from accelerated erosion caused by increased velocity of runoff from the land disturbing activity in accordance with the North Carolina Sedimentation Pollution Control Act, G.S. 143-34.12, Chapter 113A, Article 4 and the North Carolina Administrative Code Title 15, Chapter 4.
- (7) Anyone constructing a dam or impoundment within the subdivision must comply with the North Carolina Dam Safety Law of 1967 and the North Carolina Administrative Code Title 15, Subchapter 2 K.
- (8) In all areas of special flood hazards, all subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

.15 Other Requirements

.1 Through Traffic Discouraged on (Residential) Local Streets

Local streets shall be laid out in such a way that their use by through traffic will be discouraged. Streets shall be designed or walkways dedicated to

assure convenient access to parks, playgrounds, schools or other places of public assembly.

.2 Sidewalks and Street Trees

Sidewalks shall be constructed on both sides of all streets except the where the subdivision abuts an existing street – a sidewalk shall only be required on the side of the street that abuts the proposed subdivision. Such sidewalks shall be constructed to a minimum width of five (5) feet, and shall consist of a minimum thickness of four (4) inches of concrete. All sidewalks shall be placed in the street right-of-way. A planting strip at least five (5) feet wide shall be provided between the sidewalk and the back edge of the curb. Sidewalks shall consist of a minimum of six (6) inches of concrete at non-residential driveway crossings.

Street trees are required on both sides of public streets, not including alleys. Street trees shall generally be planted within the right-of-way in a planting strip, at least five (5) feet wide, between the sidewalk and street. Generally canopy trees shall be planted at a spacing not to exceed 40' on center. Where overhead utility lines preclude the use of canopy trees, small maturing trees may be substituted, planted 30' on center. Trees planted shall meet the minimum size requirements as specified in Section 11.6.4 of the Zoning Ordinance. The types of trees to be planted shall be indicated on the preliminary plat.

.3 Street Names

Proposed streets that are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names in the county irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be subject to the approval of the Town Council.

.4 Street Name Signs

The subdivider shall be required to provide and erect street name signs to the Town standards at all intersections within the subdivision.

.5 Permits for Connection to State Roads

An approved permit is required for connection to any existing state system road. This permit is required prior to any construction on the street or road. The application is available at the office of the nearest District Engineer of the Division of Highways.

.6 Offsets to Utility Poles

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

.7 Wheelchair Ramps

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

.16 Placement of Monuments

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 placement of monuments, control corners, markers, and property corner ties; to determine the location, design and material of monuments, markers, control corners, and property corner ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions.

.17 Construction Procedures

- (a) No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved, and all plans and specifications have been approved by the appropriate authorities.
- (b) No building, zoning or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this ordinance until all the requirements of this ordinance have been met.
- (c) The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the administrator of this ordinance to provide for adequate inspection.

- (d) The approving authorities having jurisdiction or their representatives shall inspect and approve all completed work prior to release of the sureties.

.18 Oversized Improvements

The Town of Catawba may require installation of certain oversized utilities or the extension of utilities to adjacent property when it is in the interest of future development. If the Town requires the installation of improvements in excess of the standards required in this ordinance, including all standards adopted by reference, the Town shall pay the cost differential between the improvement required and the standards in this ordinance.

23.5 Legal Provisions

.1 General Procedure for Plat Approval

- (a) After the effective date of this ordinance, no subdivision plat of land within the Town's jurisdiction shall be filed or recorded until it has been submitted to and approved by the appropriate Board or official as set forth in Section 23.3.3 of this ordinance, and until this approval is entered in writing on the face of the plat by the Town Council for major subdivisions, or the Subdivision Administrator for minor subdivisions.
- (b) The Register of Deeds shall not file or record a plat of a subdivision of land located within the territorial jurisdiction of the Town that has not been approved in accordance with these provisions, nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with this section.

.2 Statement by Owner

The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the subdivision-regulation jurisdiction of the Town of Catawba.

.3 Effect of Plat Approval on Dedications

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

.4 Penalties for Violation

- (a) 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 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 Catawba County Register of Deeds, shall be guilty of a misdemeanor. The

description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The Town of Catawba through its attorney or other official designated by the Town Council 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. 14-4.

- (b) The violation of any provision of this ordinance shall subject the offender to a civil penalty in the amount of fifty dollars (\$50.00) to be recovered by the Town. Violators shall be issued a written citation which must be paid within ten (10) days.
- (c) Each day's continuing violation of this ordinance shall be a separate and distinct offense.
- (d) Notwithstanding Section 23.5.4(b) above, this ordinance may be enforced by appropriate equitable remedies issued from a court of competent jurisdiction.
- (e) Nothing in this section shall be construed to limit the use of remedies available to the Town. The Town may seek to enforce this ordinance by using any one, all, or a combination of remedies.

.5 Separability

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

.6 Variances

Where, because of topographical or other conditions peculiar to the site, strict adherence to the provisions of the regulations in this chapter would cause unnecessary hardship, the Planning Board may recommend and the Town Council 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 Council and the reasoning on which the departure was justified set forth.

.7 Amendments

- (a) The Town Council may from time to time amend the terms of this ordinance, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation. The Planning Board shall have forty-five (45) days from the time the proposed amendment is submitted to it within which to submit its report. If the Planning

Board fails to submit a report within the specified time, it shall be deemed to have recommended approval of the amendment.

- (b) No amendment shall be adopted by the governing body until they have held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the Town's area at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall appear not more than twenty-five (25) nor less than ten (10) days prior to the hearing date. In computing the ten-to-twenty-five day period, the date of first publication shall not be counted, but the date of the hearing shall be counted.

.8 Abrogation

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

.9 Administrator

The Town Manager or his designee(s) (Town Planner) is hereby appointed to serve as subdivision administrator.

.10 Adoption and Effective Date

On a motion by _____ and a second by _____, this Ordinance was adopted on this the ____ day of _____, 2003.

Mayor, Town of Catawba

ATTEST:

Town Clerk

SEAL