

SUBDIVISION REGULATIONS

MAYODAN, N. C.

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ABSTRACT

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SUBJECT Subdivision Regulations

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ABSTRACT This ordinance has been prepared to assist in the implementation of the comprehensive development plan by regulating the platting of subdivisions within the Mayodan planning area, the incorporated area, and the one-mile area of extraterritorial jurisdiction.

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**SUBDIVISION REGULATIONS
TABLE OF CONTENTS**

<u>ARTICLE</u>		<u>PAGE</u>
I	Preamble	1
II	Purpose	1
III	Authority.....	2
IV	Jurisdiction.....	2
V	No Service or Permits Until Final Plat Approved	2
VI	Penalty	2
VII	Registration.....	3
VIII	Separability	3
IX	Compliance With Official Plans	3
X	Definitions	3
XI	Subdivision Plat Requirements and Review Procedures.....	5
XII	Improvements	13
XIII	Minimum Standards of Design	17
XIV	Administration	22

APPENDIX

**Information on Water and Sewer Systems
Checklist for Preliminary Plat Review
Checklist for Final Plat Review
Sample Preliminary Plat
Sample Final Plat
Street Types
Diagram on Grades and Curves
Diagram on Intersections
Diagram on Setback**

SUBDIVISION REGULATIONS

FOR

MAYODAN, NORTH CAROLINA

I. PREAMBLE

Whereas, in the opinion of the Council of the Town of Mayodan it is necessary and advisable to provide for the orderly development of the town and its environs; for the coordination of streets within proposed subdivisions with existing or planned streets and with other public facilities; for dedication or reservation of rights-of-way or easements for streets and utility purposes, and for the distribution of population and traffic which shall avoid congestion and overcrowding, and which shall create conditions essential to public health, safety, and general welfare; and

Whereas, the Town Council of the Town of Mayodan, North Carolina is authorized by the General Assembly of the State of North Carolina to enact an ordinance regulating the planning and recording of any subdivision of land, as defined herein, within the municipality or within one mile and not located in any other municipality or lying within the jurisdiction of another municipality; and

Whereas, pursuant to G.S. 160A-364(a), of the North Carolina General Statutes, notice was duly given and public hearing held on the question of adoption of this ordinance, and all objections hereto being properly considered;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MAYODAN, NORTH CAROLINA AS FOLLOWS:

II. PURPOSE

This ordinance is designed and enacted to provide for the orderly development of the Town of Mayodan, North Carolina, and its environs, through the regulation of the subdivision of land. The regulations contained herein are intended to coordinate proposed physical development with existing development and with officially adopted plans for the future development of the town; to insure the provision of adequate facilities for transportation, water, sewerage, and other public facilities in subdivisions; to insure the property legal description, monumentation, and recording of subdivided land; to create conditions essential to public health, safety, and general welfare.

III. AUTHORITY

The Town of Mayodan exercises its authority to make and issue subdivision regulations under provisions pursuant to Sections 226 through 227 Chapter 160, Article 18, Part 3A, of the North Carolina General Statutes.

IV. JURISDICTION

On and after December 13, 1971, the regulations contained herein shall govern each and every subdivision of land within the corporate limits of the Town of Mayodan, North Carolina, as now or hereafter established, and within one mile in all directions not located in any other municipality or lying within the jurisdiction of another municipality. In the event of land lying within one mile of Mayodan and within one mile of another municipality, the jurisdiction of each municipality shall terminate at a boundary line equidistant from the respective corporate limits of each municipality.

V. NO SERVICE OR PERMITS UNTIL FINAL PLAT APPROVED

No street shall be maintained or accepted by the town, nor shall any water or sewer be extended to or connected with any subdivision of land, nor shall any permit be issued by an administrative agent or department of the Town of Mayodan for the construction of any building or other improvement required a permit, upon any land for which a plat is required to be approved, unless and until the requirements set forth in this ordinance have been complied with.

The Town of Mayodan shall not furnish or extend any municipal services or utilities to any subdivision beyond the corporate limits unless and until the subdivider shall have installed all required improvements specified by this article or has guaranteed the installation of such improvements to the satisfaction of the Town of Mayodan in the manner prescribed by this ordinance.

VI. PENALTY

The following penalties as set forth in the General Statutes shall prevail. (General Statute 160A-375(b), Penalties for Transferring Lots in Unapproved Subdivisions.) Any person who, being the owner or agent of the owner of any land located within the platting jurisdiction granted by the municipality by General Statute 160A-372(b), thereafter transfers or sells such land by reference to a plat showing a subdivision of such land before such plat has been approved by said legislative body (Mayodan Town Council) and recorded in the office of the appropriate Register of Deeds, shall be guilty of a misdemeanor, and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. Said municipality (Mayodan) through its city attorney or other official designated by its local legislative body, may enjoin such transfer or sale by action for injunction.

Building permits required pursuant to G.S. 160A-417 may be denied for lots that have been illegally subdivided. In addition to other remedies, the Town may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct. (G.S. 160A-375(a))

VII. REGISTRATION

In accordance with General Statute 160A-373, the Town of Mayodan shall file a copy of this ordinance with the Register of Deeds of Rockingham County. The Register of Deeds shall not thereafter file or record a plat of subdivision located within the territorial jurisdiction of the Town of Mayodan without the approval of the legislative body as required in this ordinance. The filing or recording of a plat of a subdivision without the approval of the municipal legislative body shall be null and void. The Clerk of Superior Court of Rockingham County shall not order or direct the recording of a plat where such recording would be in conflict with this section.

VIII. SEPARABILITY

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

IX. COMPLIANCE WITH OFFICIAL PLANS

When a proposed subdivision embraces any part of a thoroughfare which has been designated on the officially adopted Thoroughfare Plan of the Town of Mayodan, or as a part of the officially adopted Land Development Plan for the Town of Mayodan, as provided by General Statute 136-66.2, and General Statute 160-22, respectively, such part of such planned thoroughfare shall be platted and dedicated by the subdivider in the location shown on the plan map and at the width specified in this ordinance.

X. DEFINITIONS

For the purpose of this ordinance, certain words used herein are defined as follows:

1. Subdivision. A "subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created 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 of the municipality (county) as shown in its subdivision regulations.

(b) The division of land into parcels greater than 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 or for public transportation system corridors.

(d) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality, as shown in its subdivision requirements. (G.S. 160A-376(a))

2. Subdivider. Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.
3. Thoroughfare Plan. The Thoroughfare Plan adopted by the Town of Mayodan and the North Carolina State Highway Commission as the basis for the development of the street and highway system in the Mayodan planning area.
4. Street. A dedicated and accepted public right-of-way for vehicular traffic.
 - (a) Major Thoroughfare. A street which is used for moving heavy volumes of traffic or high speed traffic, or both, or which has been designated as a major thoroughfare on the Thoroughfare Plan.
 - (b) Minor Thoroughfare. A minor street of considerable continuity which collects traffic from other minor streets to major thoroughfares.
 - (c) Minor Street. A street whose principal function is to provide access to adjacent properties.
 - (d) Marginal Access Street. A minor street, located beside a major thoroughfare or railroad, which provides access to abutting properties, protection from through traffic, and control of access to the major thoroughfare.
 - (e) Cul-de-sac. A short minor street having one end open to traffic and the other permanently terminated by a vehicular turn-around.
 - (f) Alley. A public vehicular way used for providing service access along rear or side property lines of lots which are also served by one of the previously listed street types.
5. Easement. A grant by the property owner for use by the public, a corporation, or person(s) of a strip of land for specified purposes.
6. Lot. A portion of a subdivision of a subdivision or other parcel of land intended as a unit for transfer of ownership or for development.
7. Lot, widthof. The width of a lot at the building setback line.
8. Group Development. A group of two (2) or more principal structures built on a single lot, tract, or parcel of land, and designated for occupancy by separate families, firms, businesses, or other enterprises.
9. Plat. A map or plan of a parcel of land which is to be, or has been, subdivided.
10. Subdivision Regulation Enforcement Office. The Town Manager or his officially designated representative.
11. Land Development Plan. The plan officially adopted by the Town Council as a guide for the development of the town and territory surrounding the town, consisting of maps, charts and texts.
12. Building Setback Lines. A line parallel to the front property lines in front of which no structure may be built.

XI. SUBDIVISION PLAT REQUIREMENTS AND REVIEW PROCEDURES

Decisions on approval or denial of preliminary or final plats may be made only on the basis of standards explicitly set forth in this ordinance. Whenever judgment is applied in the decision to approve or disapprove a subdivision within the jurisdiction of the Town, said judgment shall be based upon the guiding standards provided herein (G.S. 160A-371)

1. General. Prior to submitting a preliminary plat, subdividers may prepare and submit to the Subdivision Regulation Enforcement Officer a sketch design plan of a proposed subdivision. The subdivider may then meet with the Town Manager and the Subdivision Regulation Enforcement Officer to discuss his thoughts and ideas pertaining to the new subdivision and also become familiar with the regulation affecting the land to be subdivided.
 - 1.1 The schematic plan should contain the following information:
 - (a) The proposed name and location of the subdivision.
 - (b) The name and address of the owner and subdivider.
 - (c) The total acreage of the proposed subdivision.
 - (d) The tentative street and lot arrangement.
 - (e) The approximate number of lots.
 - (f) The existing and proposed uses of the land within the subdivision and adjoining it.
 - (g) The zoning classification of the tract and of adjoining properties.
 - (h) Sites, if any, for parks, schools, churches, etc.
 - (i) Existing right-of-way and easements in the tract.
 2. Preliminary Plat – General: At least thirty (30) days prior to a scheduled Planning Board meeting the subdivider shall submit twenty (20) paper copies of the preliminary plat to the Subdivision Regulation Enforcement Officer and he shall notify the Chairman of the Planning Board in order that review of the preliminary plat may be placed on the agenda of the Planning Board.
 - 2.1 Subdivision Plat Review: A subdivision plat review will be conducted by the Subdivision Regulation Enforcement Officer. Such review shall include evaluating the preliminary plat in relation to existing and proposed facilities, services, design standard, development patterns, and plat requirements of this ordinance. The written recommendation to the Planning Board will include a statement recommending approval or disapproval of the plat and if disapproved, the reasons for such recommendation. The Subdivision Regulation Enforcement Officer shall have at least fifteen (15) days in which to review the plat prior to the scheduled Planning Board meeting.
 - 2.2 Planning Board Review:
 - (a) The Planning Board shall approve, approve conditionally, or disapprove the preliminary plat. If approved conditionally, the conditions and reasons thereof shall be stated, and if necessary, the Planning Board shall require the subdivider to submit a revised plat. If the Planning Board should disapprove the preliminary plat, the reasons of such action shall be stated and recommendations made on the basis of which proposed subdivision could be approved. Failure on the part of the Planning Board to act within forty (40) days after the preliminary plat is submitted to the Planning Board by the Subdivision Regulation Enforcement Officer shall be deemed approval.

(b) Approval or conditional approval of the preliminary plat by the Planning Board is authorization for the subdivider to proceed with the construction of the necessary improvements in accordance with the requirements of this ordinance in preparation for submission of the final plat. This approval shall be noted on at least two (2) copies of the preliminary plat by the Planning Board Secretary. One (1) copy shall be transmitted to the Town Clerk who shall retain it for public examination, and the second shall be returned to the subdivider.

2.3. Preparation and Content: The preliminary plat shall be at a scale of one-hundred (100) feet to one (1) inch and shall be drawn on a sheet ten and one-half (10 ½) inches by sixteen (16) inches, or eighteen (18) inches by twenty-two (22) inches, or such other size acceptable to the Register of Deeds of Rockingham County. The preliminary plat shall be prepared by a competent surveyor, engineer, land planner, or landscape architect and shall show the following:

- (a) The location of existing and platted property lines, streets, buildings, water courses, railroads, transmission lines, sewers, bridges, culverts, and drain pipes, water mains, city and county lines, and any public utility easements.
- (b) Boundaries of tract shown with bearings and distances.
- (c) Wooded area, marshes, and any other conditions affecting the site.
- (d) Names of adjoining property owners or subdivisions.
- (e) Zoning classification, if any, both on the land to be subdivided and on adjoining land.
- (f) Proposed streets, street names, rights-of-way, roadway widths, and approximate grades.
- (g) The plans for proposed utility layouts (sewer, water, gas, and electricity) showing connections to existing systems or plans for individual water supply, individual sewage disposal system, storm drainage, etc.
- (h) Other prepared rights-of-way or easements, location, width and purposes.
- (i) Proposed lot lines, lot and block numbers, and approximate dimensions.
- (j) Proposed minimum building setback lines.
- (k) Contours with vertical intervals of one or more feet when required by the Planning Board.
- (l) Proposed parks, school sites, or other public open spaces, if any.
- (m) Title, date, north point, and graphic scale.
- (n) Name(s) of owner(s), surveyor and land planner.
- (o) Site data:
 - *Acreage in total tract
 - *Acreage in parks
 - *Total number of lots

(p) Sketch vicinity map showing relationships between subdivision and surrounding area.

(q) The preliminary plat shall be accompanied by a copy of any proposed deed restrictions or restrictive covenants.

(r) Where public water or public sewer is not proposed for extension to each lot in the subdivision, a written statement from Rockingham County Health Department shall be submitted with the preliminary plat indicating that each lot has adequate land area and soil conditions to accommodate the proposed methods of water supply and sewage disposal.

If the subdivision involves any form of Federal grant, the subdivider shall obtain a flood hazard evaluation of the proposed subdivision from the District Engineers of The U.S. Army Corps of Engineers, Wilmington, N.C. The subdivider shall state in writing on the preliminary plat that in no case would this floor of any dwelling be below the flood level as established by the U.S. Army Corps of Engineers.

2.4 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 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 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 of 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 or ordinance and recorded with the register of deeds. (G.S. 160A-375(b))

3. Final Plat, General. The subdivider shall submit the final plat to the Town Manager within twelve (12) months after the approval of the preliminary plat; otherwise, such approval shall become null and void.

(a) All improvements required by the ordinance must be installed prior to approval of the final plat unless a Performance Guarantee is filed as set forth in Article XIII, Section 2, of this ordinance.

(b) The subdivider shall submit four (4) copies of the final plat; one (1) reproducible linen or film copy and three (3) paper copies.

(c) The subdivider shall pay an inspection fee of fifty cents (50¢) per lot in the subdivision, or five dollars (\$5), whichever is greater, to the Town of Mayodan.

3.1

Planning Board Review

(a) The Planning Board shall approve or disapprove the final plat within forty (40) days of its submission to the Town Manager, who shall notify the Chairman of the Planning Board in order that review of the final plat may be placed on the agenda of the next scheduled meeting of the Board.

(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.

(c) After approval by the Planning Board, the final plat shall be referred to the Town Council for final approval.

(d) If the Planning Board disapproves the final plat, the 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 fifteen (15) days of disapproval; the other copy shall be retained by the Planning Board as a part of its Minutes.

(e) If the Planning Board fails to approve or disapprove the final plat within forty (40) days after submission of the final plat to the Town Manager, such failure shall be deemed approval and shall constitute grounds for the subdivider to apply for final approval by the Town Council.

3.2

Town Council Review

(a) The Town Council shall review the final plat with the recommendations of the Planning Board and shall approve or disapprove the plat within thirty (30) days after it has been approved by the Planning Board.

(b) If the Town Council approves the final plat, such approval shall be shown on each copy of the plat by the signed certificates indicated in Section 3.5(13) of this article. The reproducible tracing and one (1) print of the plat shall be returned to the subdivider. One (1) print shall be filed with the Town Clerk; one (1) print shall be made a part of the Minutes of the Planning Board.

(c) If the final plat is disapproved by the Town Council, the reasons for 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 shall be retained by the Town Council 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.

- 3.3 Recording of Final Plat. The subdivider shall file the approved final plat with the Register of Deeds of Rockingham County for recording within sixty (60) days after the date of Town Council approval; otherwise, such approval shall be null and void.
- 3.4 Preparation and Contents. The final plat shall be drawn on linen or millar at the same scale and on the same sheet size as the preliminary plat as approved. The final plat shall constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time. The final plat shall be prepared by a registered surveyor, engineer or landscape architect and shall show the following information:
- (a) The exact boundary lines of the tract to be subdivided fully dimensioned by lengths and bearings, and the location of intersecting boundary lines of adjoining lands, with adjacent subdivisions and streets identified by official names.
 - (b) The accurate location and descriptions of material and size of all monuments and the designation of control corners in conformance with the letter and intent of General Statutes 39-32.1-4.
 - (c) The right-of-way lines of all streets and roads.
 - (d) Lot lines and lot numbers and block numbers.
 - (e) Minimum building setback lines.
 - (f) Reservations, easements, alleys, and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.
 - (g) Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line and building line, whether curved or straight, and including a true north point. This should include the radius, central angle, and tangent distance for the center line of curved streets and curved property lines that are not the boundary of curved streets.
 - (h) All dimensions should be to the nearest one-tenth (1/10) of a foot and angles to the nearest minute.
 - (i) Title, date, name and location of subdivision, graphic scale, and true north point.
 - (j) Name of owner, developer, surveyor, engineer, or landscape architect.
 - (k) The subdivider shall submit a draft of any protective covenant proposed to regulate land use in the subdivision and otherwise protect the proposed development.

- (l) Utility plans:
 -- water
 -- storm drainage
 -- sanitary sewerage
 -- electrical distribution system
 -- gas.
- (m) Corporate limit lines.
- (n) The following certificates shall be shown on the final plat:

Certificate of Ownership and Dedication

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish all lots and dedicate all streets, alleys, walks, parks, and other open spaces to public or private use as noted.

Date	Owner	Owner
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Certificate of Accuracy

I hereby certify that the plat shown and described hereon is a true and correct survey to the accuracy required by the Mayodan Town Council, and that the monuments have been placed as shown hereon, in accordance with the requirements of the Mayodan Subdivision Regulations.

 Registered Surveyor, Engineer, or
 Landscape Architect

Certification of the Approval of Water and Sewage System

I hereby certify that the water supply and sewage disposal utility system installed, or proposed for installation, in each lot of the subdivision entitled _____ fully meets the requirements of the North Carolina State Health Department, and are hereby approved as shown.

Date	Rockingham County Health Officer, or his authorized representative
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For subdivisions inside corporate limits and those outside requesting municipal services and utilities:

Certificate of the Approval of Streets and Utilities

I hereby certify: (1) that streets, utilities and other improvements have been installed in an acceptable manner and according to town specifications in the subdivision entitled: _____, or (2) that a security bond in the amount of \$ _____ or cash in the amount of \$ _____ has been posted with Mayodan to assure completion of all required improvements in case of default.

Date

Town Manager

Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of Mayodan, North Carolina, with the exception of such variances, if any, as are noted in the Minutes of the Planning Board and that it has been approved by the Town Council at their regular meeting of _____ for recording in the office of the Rockingham County Register of Deeds; and that the Town of Mayodan accepted the dedication of streets, easements, rights-of-way, and public parks shown thereon, but assumes no responsibility to open or maintain the same until, in the opinion of the governing body of Mayodan, it is in the public interest to do so.

Date

Town Clerk

For subdivisions outside the corporate limits:

Certificate of Approval of Streets and Drainage

I hereby certify that all street surfaces, street design, street rights-of-way, and storm drains located in the subdivision entitled _____ are in accordance with the standards maintained by Division _____, District _____, of the North Carolina State Highway Commission.

Date

District Highway Engineer

- 3.6 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.

XII. IMPROVEMENTS

1. In the adoption of this ordinance, the Town Council recognizes that under the General Statutes (160-226.3), it may not be mandatory that a subdivision located beyond the corporate limits comply with the requirements set forth in Section 4.1(b), 4.1(c), and 4.2 of this Article of this subdivision ordinance. In recognizing this, the Town Council reaffirms its right to control the extension of municipal service beyond the corporate limits.

If the subdivider of land beyond the corporate limits does not desire municipal services or utilities, he shall improve streets to meet the standards established by the North Carolina State Highway Commission for acceptance for maintenance by the Commission.

2. Guarantees of Improvements:

- 2.1 Performance Guarantee: In lieu of prior construction of the improvements required by this ordinance, the Town of Mayodan may, for the purpose of approving a final plat, accept a guarantee from the subdivider that such improvements will be carried out at his expense. Such guarantee may be in the form of a surety bond or certified check drawn in favor of the Town, or cash deposited with the Town. This amount shall be determined by the Town Manager.
- 2.2 Defects Guarantee: The The Town Council shall require a bond guaranteeing street connections, curbs, gutters, sidewalks, drainage facilities, and water and sewer lines against defects for one year. (Such improvements must be accepted or rejected within sixty (60) days following the installation of the improvements). This bond shall be in the amount determined by the Town Manager and shall be in cash or be made by a Surety Company authorized to do business in North Carolina.
- 2.3 Maintenance Guarantee: The Town Manager shall secure from all developers a letter or statement in which said developer 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 or statement shall be binding on the developers for a period of one year after the acceptance of such improvements by the Town of Mayodan (improvements must be accepted or rejected within sixty (60) days following installation.

3. Permanent Reference Points:

- 3.1 General: Prior to the approval of the final plat the following survey reference markers shall be installed.
- 3.2 Permanent Concrete Monuments: Permanent concrete monuments four (4) inches in diameter or square, three (3) feet long, shall be placed at not less than two (2) corners of the subdivision and at all corners of all intersections, provided that additional monuments shall be placed where necessary so that no point within the subdivision lies more than five-hundred (500) feet from a monument. Two (2) or more of the required monuments shall be designated as control corners. The top of each monument shall have an indented cross, metal pipe, or metal plate to identify properly the location of the point. All monuments shall be shown on the final plat.
- 3.3 Markers. All lot corners, all points where the street lines intersect the exterior boundaries of the subdivision, and all angle points and points of curve in each street shall be marked with iron pipe either three-fourths (3/4) inches or one (1) inch in diameter and thirty (30) inches long, driven so as to be within one (1) inch of finished grade.
- 3.4 Property Corner Tie: At least one corner of the property surveyed shall be designated by course and distance (tie) from a readily discernible reference marker. If a corner is within 2,000 feet of a U. S. Coast and Geodetic Station or N. C. Grid System coordinated monument, then this corner shall be marked with a monument so designated and shall be accurately tied to this Station or Monument by computed x and y coordinates which shall appear on the map with a statement identifying this Station or Monument and to an accuracy of 1:5000. When such a Monument or Station is not available, the tie shall be made to some pertinent and readily recognizable landmark or identifiable point, physical object or structure.

4. Required Improvements:

- 4.1 Street Improvements
(a) Grading: The subdivider shall bear the costs of grading all streets within the subdivision to their full right-of-way width except on major thoroughfares where he shall bear the costs of grading to the width required by Town Policy. Finished grade, cross-section, and profile shall be approved by the Town Manager.

(b) Base Material and Paving: The subdivider shall bear the costs of the installation of road base and paving material for all streets within the subdivision in accordance with the specifications and standards of the Town of Mayodan.

(c) Curbs and Gutters: The subdivider shall bear the costs of the installation of combination curbs and gutters on all streets within the subdivision in accordance with the specifications and standards of the Town of Mayodan.

4.2 Sidewalks. The Planning Board may require that the subdivider construct sidewalks along such streets within the subdivision as may be reasonably expected to attract a significant amount of pedestrian traffic. Where required, sidewalks shall be located within the street rights-of-way and constructed in accordance with the specifications and standards of the Town of Mayodan.

4.3 Sewer and Water

(a) Within the Mayodan corporate limits, the subdivider shall bear the expense of the connection of every lot in the subdivision to the municipal water and sanitary sewer systems. These systems shall be installed in accordance with town specifications and standards. No lot will be more than five-hundred (500) feet from a fire hydrant. Fire hydrants shall be installed in accordance with the requirements of the North Carolina Board of Fire Underwriters.

(b) Beyond the corporate limits, the subdivider may request the town to connect his subdivision to the municipal water and sanitary sewer systems at his expense if all required improvements and standards of subdivision design set forth by this ordinance are complied with. If unable to connect to the municipal supply, the subdivider shall comply with applicable State and County public health laws and regulations when installing private or public water supplies and sewerage facilities.

4.4 Storm Water Drainage. The subdivider shall provide an adequate drainage system for the proper drainage of all surface water in order to protect the proposed development from water damage. The design of such system shall be subject to the approval of the Town Manager.

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

(b) Where feasible, the subdivider shall connect to the municipal storm drainage system.

(c) Where the municipal storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to complement surface drainage systems on surrounding properties.

(d) 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.

(e) The minimum grade along the bottom of a surface drainage course shall be a vertical fall of approximately one (1) foot in each three-hundred (300) feet of horizontal distance.

4.5 Ownership. All water, sanitary sewerage, and storm sewerage facilities installed under the requirements of this ordinance shall become the sole property of the Town of Mayodan upon connection to the respective municipal systems. A deed to the Town for such facilities, including easements pertaining to right-of-entrance for maintenance, shall be executed prior to connections to the respective municipal systems.

4.6 Oversized Improvements and Reimbursement. Where the Town Council deems it necessary, in the interest of the health, safety and general welfare of the residents of Mayodan planning area, the subdivider shall make certain improvements at sizes in excess of those which would normally be required to serve only his subdivision. Where oversized improvements are required, the Town may reimburse the subdivider for the cost of materials incurred over and above those minimum sizes required by the town as below. Reimbursement schedules shall be subject to negotiation between the Town of Mayodan and the developer. No interest shall be paid on reimbursements. Improvements subject to reimbursement are the following:

(a) The cost of materials for water mains over eight (8) inches in diameter, including the extra cost of lines over eight (8) inches in diameter incurred to reach the subdivision.

(b) The cost of materials for sanitary sewer lines over eight (8) inches in diameter including the extra cost of lines over eight (8) inches in diameter incurred to reach the subdivision. This shall include the extra costs for installation of such lines in excess of eight (8) feet beneath the surface of the ground where said lines will be required to serve areas beyond the particular subdivision.

XIII. MINIMUM STANDARDS OF DESIGN

The following shall be considered the minimum standards of design for subdivisions within the Mayodan planning area. Land subject to flooding and land deemed by the Planning Board to be uninhabitable for other reasons shall not be platted for residential occupancy, or for such other uses as may increase danger to health, life or property, or aggravate the flood hazard; but such land within a plan shall be set aside for such uses as will not be endangered by periodic or occasional inundation, or will not produce unsatisfactory living conditions. Subdivisions shall be designed in conformance with accepted practices of good land development.

1. Streets

1.1 General. In every new subdivision, the street system shall conform to the Mayodan Thoroughfare Plan as specified in Article XII above. In areas where the Thoroughfare Plan does not apply, streets shall be designed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public safety and convenience, and to the proposed use of land to be served by such streets. All proposed streets shall provide for the appropriate projection of principal streets in surrounding areas and provide reasonable access for surrounding acreage tracts.

1.2 Right-of-way Widths. Minimum street right-of-way widths shall be in accordance with the Thoroughfare Plan and shall not be less than the following:

(a) Major thoroughfare		80 feet
(b) Minor thoroughfares:	<u>In town</u>	<u>Outside town</u>
Avenues	50 feet	60 feet
Streets	50 feet	60 feet
(c) Minor streets	50 feet	60 feet
(d) Cul-de-sac	50 feet	60 feet
(e) Cul-de-sac turnarounds..	100 feet	100 feet (diameter)
(f) Marginal access street..	50 feet	60 feet

1.3 Pavement Widths. Minimum pavement width, measured from back of curb to back of curb, shall not be less than the following:

(a) Major thoroughfare	52 feet
(b) Minor thoroughfares:	
Avenues	41 feet
Streets	28 feet
(c) Minor street	35 feet
(d) Cul-de-sac	35 feet
(e) Cul-de-sac turnarounds	80 feet (diameter)
(f) Marginal access street	35 feet

- 1.4 Grades. Unless necessitated by exceptional topography and subject to the approval of the Town Manager and Planning Board, street grades shall not be more than ten per cent (10%) nor less than three tenths of one per cent (.3%) on any street.
- (a) Grades approaching intersections shall not exceed five per cent (5%) for a distance of not less than one-hundred (100) feet from the center line of said intersection.
- (b) Street grades shall be established wherever practicable in such a manner as to avoid excessive grading, the promiscuous removal of ground cover and tree growth and general leveling of the topography.
- (c) All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to fifteen times the algebraic difference in the rates of grades for major and minor thoroughfares and one-half this minimum for all other streets.
- 1.5 Radii of Curvature. Where a street centerline deflection of more than ten (10) degrees occurs, a curve shall be introduced, having a radius of curvature on said center line of not less than the following:
- (a) Major thoroughfare 300 feet
 (b) Minor thoroughfare 200 feet
 (c) Minor street 100 feet
- 1.6 Tangents. A tangent of not less than one-hundred (100) feet shall be provided between reverse curves on all streets.
- 1.7 Intersections. Street intersections shall be laid out in the following manner:
- (a) Streets shall intersect as nearly as possible at right angles and no street shall intersect any other street at an angle of less than seventy-five (75) degrees.
- (b) Intersections with major thoroughfares shall be at least eight-hundred (800) feet apart, measured from centerline to centerline. This requirement may be waived by the Planning Board if such requirement would prevent a property owner fronting on a major thoroughfare from having access to such a facility.
- (c) Street jogs with centerline offsets of less than one-hundred twenty-five (125) feet shall be prohibited when the jog lies wholly within the subdivision and shall be avoided wherever possible on the exterior boundary of the subdivision.
- (d) Property lines at street intersections shall be rounded with a minimum radius of twenty (20) feet.

1.8 Cul-de-sacs: Permanent dead-end street or cul-de-sac shall be no longer than four-hundred (400) feet. In general, streets with one end permanently closed shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area clearly indicate that a through street is not essential in the location of the proposed cul-de-sac.

1.9 Alleys: The Planning Board may require the subdivider to construct alleys in commercial or industrial zoning districts. When so required, or proposed by the subdivider, alleys shall conform to the following specifications:

- (a) Right-of-way width 20 feet
- (b) Property line radius at alley intersections 15 feet
- (c) Minimum radius to center line when deflection angle of more than ten degrees occurs 35 feet

1.10 Street Names: Street names shall be subject to the approval of the Planning Board. New names shall not duplicate or be similar to existing street names. Existing street names, however, shall be projected where appropriate.

2. Blocks

2.1 Proposed Use. Blocks shall be laid out with special consideration given to the type of land use proposed within the block.

2.2 Length: Blocks shall not exceed one-thousand (1,000) feet in length nor shall they be less than four-hundred (400) feet in length, as measured from centerline to centerline.

2.3 Width: Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic.

2.4 Cross Walkways: A pedestrian cross walkway not less than ten (10) feet in width, may be required near the center and entirely across any block nine-hundred (900) feet or more in length where deemed essential by the Planning Board to provide adequate circulation or access to schools, shopping centers, churches, or transportation facilities.

3. Lots and Setbacks

3.1 Size: All lots shall conform to the dimensional and areal requirements of the Zoning Ordinance of the Town of Mayodon, and shall conform to the following additional size requirements as determined by the type of water and sewage system used.

(a) Area: Additional area is required when:

(1) Public water but not public sewer is provided. In such case, said lot shall be not less than twelve-thousand (12,000) square feet in area. (See Appendix for definition of public water and sewer.)

(2) Neither public water nor public sewer is provided. In such case, said lot shall be not less than twenty-thousand (20,000) square feet in area.

(3) When individual sewage disposal systems are planned, the minimum lot sizes specified above shall be increased as required by the results of percolation tests and subsol investigations.

(4) Water supply and sewerage facilities shall comply with applicable State and County public health laws and regulations. (See Appendix.)

(b) Width: Greater lot width is required when:

(1) Public water but not public sewer is provided. In such case, the mean lot width shall be not less than eighty-five (85) feet.

(2) Neither public water nor public sewer is provided. In such case, the mean lot width shall be not less than one-hundred (100) feet.

(c) Depth: Greater lot depth is required when:

(1) Public water but not public sewer is provided. In such case, the mean lot depth shall be not less than one-hundred and twenty (120) feet.

(2) Neither public water nor public sewer is provided. In such case, the mean lot depth shall be not less than one-hundred and fifty (150) feet.

3.2 Setbacks: All lots shall conform to the building setback and yard requirements of the Zoning Ordinance of the Town of Mayodan.

3.3 Access: Every lot shall abut a public street which has a minimum right-of-way width of at least fifty (50) feet in town, and sixty (60) feet out-of-town.

- 3.4 Orientation: Side lot lines shall normally be perpendicular or radial to street right-of-way lines.

Major or Minor Thoroughfare: It is recommended that all lots adjacent to the right-of-way of a major or minor thoroughfare front on a minor street paralleling the thoroughfare. This can be accomplished by backing the lots to the thoroughfare and having them face a minor street or fronting the lots toward the thoroughfare and developing a marginal access road between the front of the lots and the right-of-way of the thoroughfare.

4. Easements

- 4.1 Utility Easements: The subdivider shall convey easements to the Town for both underground and overhead utility installation where needed. Easements shall be at least fifteen (15) feet width, and normally centered along rear or side lot lines. Wider easements may be required if the topography along the proposed right-of-way is such that maintenance equipment cannot reasonably operate within the minimum fifteen (15) foot wide easements.
- 4.2 Drainage Easements: Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easements or drainage right-of-way conforming substantially with the lines of such water courses, and of such further width or construction, or both, as will be adequate for the purpose. Lakes, ponds, water courses, and the land immediately adjacent thereto shall be considered for maintenance by the town only if sufficient land is dedicated as a public recreation area or park or if such area constitutes a necessary part of the drainage control system. The town reserves the right to reject any intended dedications.
- 4.3 Public Facilities: In the event that a proposed park, school, or other public facility shown on any part of the officially adopted comprehensive plan for the town of Mayodan is located in whole or in part within a proposed subdivision, the Planning Board and Town Council shall require that the subdivider grant to the town an option to purchase such land for such public use. Purchase options so granted shall be exercised in favor of the Town of Mayodan for a period of one year from the date of final plat approval. Options so granted must be fully exercised and consummated within one year of the date of final plat approval, otherwise they shall become null and void.

5. Buffer Strip. It is recommended that in residential districts a buffer strip at least fifty (50) feet in depth in addition to the normal lot depth required be provided adjacent to all railroads, limited access highways, industrial, and commercial development. This strip shall be a part of the platted lots, but shall have the following restrictions lettered on the face of the plat: "This strip reserved for the planting of trees or shrubs by the owner. The building of structures hereon is prohibited."

IV. ADMINISTRATION

1. Exceptions. In the case of a plan or program for a group development which in the judgment of the Planning Board provides adequate light, air and services needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as well assure conformity to and effectuation of the Land Development Plan for the Mayden planning area, the Planning Board may recommend and the Town Council authorize that the standards and requirements of this ordinance be modified. Any modification thus authorized is required to be entered in writing in the Minutes of the Planning Board and the Town Council and the reasoning on which the modification was based set forth.
2. Variance. Where, because of topographical or other conditions peculiar to the site, strict adherence to the provisions of this ordinance would cause an 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 the Town Council with the reasoning on which the departure was justified set forth.
3. Amendment Procedure. This ordinance may be amended from time to time by the Town Council but no amendment shall become effective unless it shall have been submitted to the Planning Board for review and recommendations. The Planning Board shall have forty-five (45) 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. Further, no amendment to this ordinance shall become effective until the Town Council has held a public hearing on the proposed amendment. Notice of such public hearing shall be published once per week for two successive weeks in a newspaper of general circulation within the planning area. The notice shall be first published not less than fifteen (15) days nor more than twenty-five (25) days prior to the date fixed for the hearing. The notice shall indicate the date, time and place of the hearing, and shall include a statement of the substance of the proposed amendment.

INFORMATION ON WATER AND SEWER SYSTEMS

Water supply systems serving ten (10) or more connections are classified as public water supplies by State law, and plans and specifications must be approved by the Sanitary Engineering Division of the State Board of Health.

Water supply systems serving from two (2) to nine (9) connections inclusive may be regulated by the County Board of Health, and plans should be approved by the County Health Department.

Plans for public and community sewer systems must be approved by the Division of Stream Sanitation and Hydrology of North Carolina Department of Water Resources.

Individual water supplies should be located, constructed and operated in accordance with State Board of Health Bulletin No. 476, Protection of Private Water Supplies:

Individual sewer disposal systems must be installed and maintained in accordance with the State Board of Health Rules and Regulations Governing the Disposal of Sewage from any Residence, Place of Business, or Place of Public Assembly in North Carolina, and the regulations of the County Board of Health. State Board of Health Bulletin No. 519, Residential Sewage Disposal Plants, contains helpful information.

SUBDIVISION RECORD

PRELIMINARY PLAT

DATE SUBMITTED _____

Name of Subdivision _____

Location _____

Owner _____ Address _____ Tel. _____

Land Planner _____ Address _____ Tel. _____

Surveyor _____ Address _____ Tel. _____

Checklist

- _____ Key map embracing subdivision and surrounding area.
- _____ Six copies of preliminary plat.
- _____ Scale: 1"=100' or larger.
- _____ Name of subdivision and owner.
- _____ North point, graphic scale, date.
- _____ Boundaries of tract with bearings and distances.
- _____ Names of adjoining property owners.
- _____ The location of existing sewers, water and gas mains, and other utilities.
- _____ The location of existing streets, easements, bridges, culverts, railroads, water courses, etc.
- _____ Names, location and approximate dimensions of proposed streets, easements, parks, and reservations, lot lines, etc.
- _____ Contour maps if required.
- _____ Proposed lot lines, building lines and approximate dimensions.
- _____ Lot and block numbers.
- _____ Zoning classification (if any) on land to be subdivided and on adjoining land.
- _____ Conforms to general requirements and minimum design standards.

APPROVED _____ TO PROCEED TO FINAL PLAT
Date

Subject to the following conditions: _____

DISAPPROVED _____ FOR THE FOLLOWING REASONS: _____
Date

SUBDIVISION RECORD

FINAL PLAT

DATE SUBMITTED _____

PRELIMINARY APPROVAL DATE _____

Name of Subdivision _____

Location _____

Owner _____ Address _____ Tel. _____

Engineer _____ Address _____ Tel. _____

Surveyor _____ Address _____ Tel. _____

Checklist

- _____ Submitted within twelve months of preliminary approval.
- _____ Four copies of final plat.
- _____ Scale: 1"=100' or larger.
- _____ Conforms substantially to preliminary plat.
- _____ Names and lines of streets and roads.
- _____ Lot lines and building lines.
- _____ Lot and block numbers.
- _____ Reservations, easements, public areas, or sites for other than residential use with explanation of purpose.
- _____ Legal description of boundary lines, street lines, lot lines, building lines, etc.
- _____ Contour map, if required.
- _____ North point, graphic scale, date.
- _____ Location and description of monuments.
- _____ Names and location of adjoining subdivisions and streets, and the location and ownership of adjoining unsubdivided property.
- _____ Conforms to general requirements and minimum design standards.
- _____ Required improvements have been made or \$_____ bond posted.

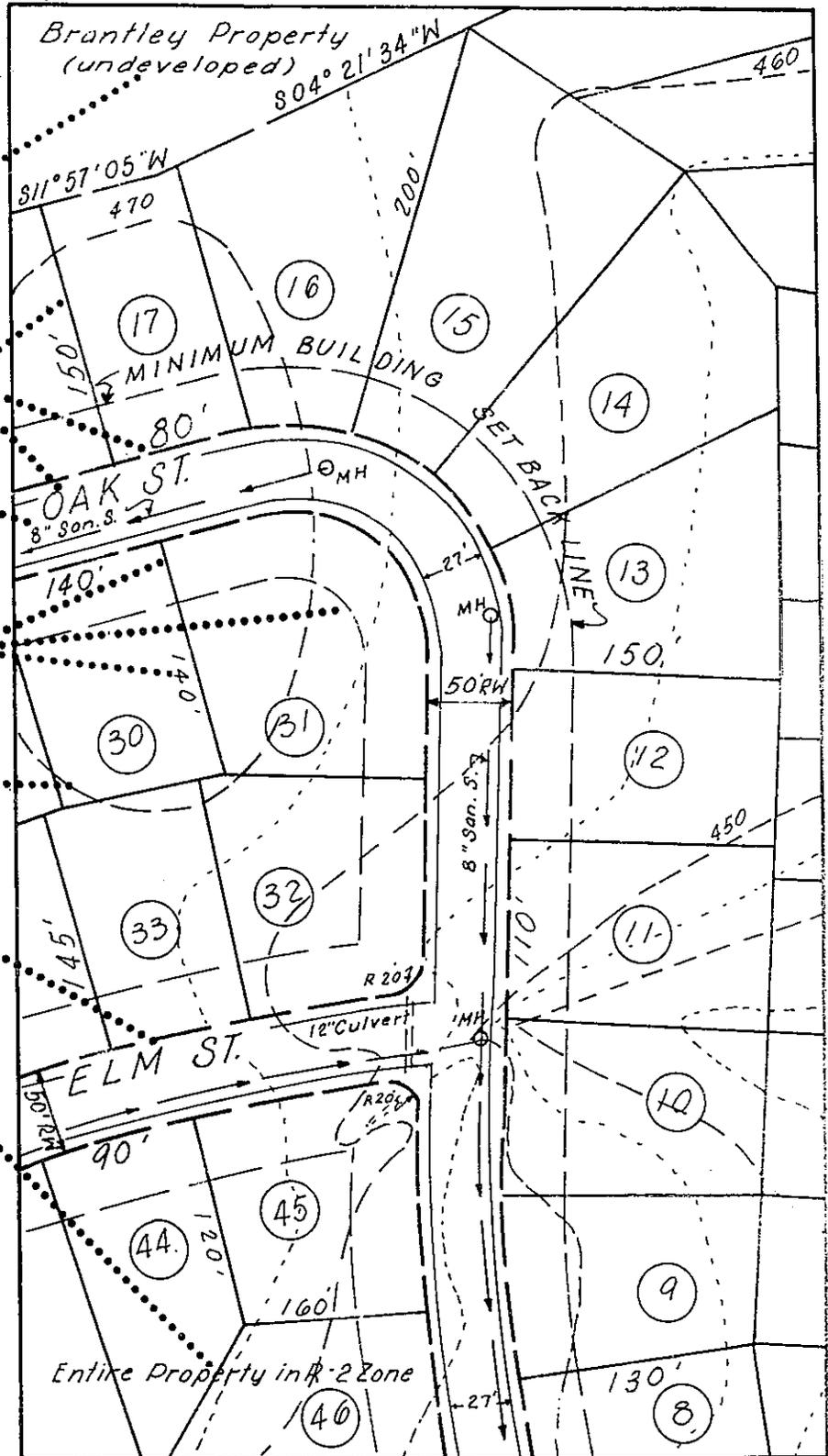
APPROVED _____ BY PLANNING BOARD.

APPROVED _____ FOR RECORDING BY CITY COUNCIL.

DISAPPROVED _____ FOR THE FOLLOWING REASONS: _____

PRELIMINARY PLAT

- names of adjoining properties
- property lines, roads, right of ways, etc.
- proposed utilities
- approximate dimensions, lot lines and setback lines
- contours
- street names
- present zoning classification
- name, location, owner and designer
- date, north point and graphic scale



SKETCH VICINITY
MAP - SITE DATA

PRELIMINARY PLAN FOR
SECTION "A"
DENTON HILLS
Pleasantville, N. C.

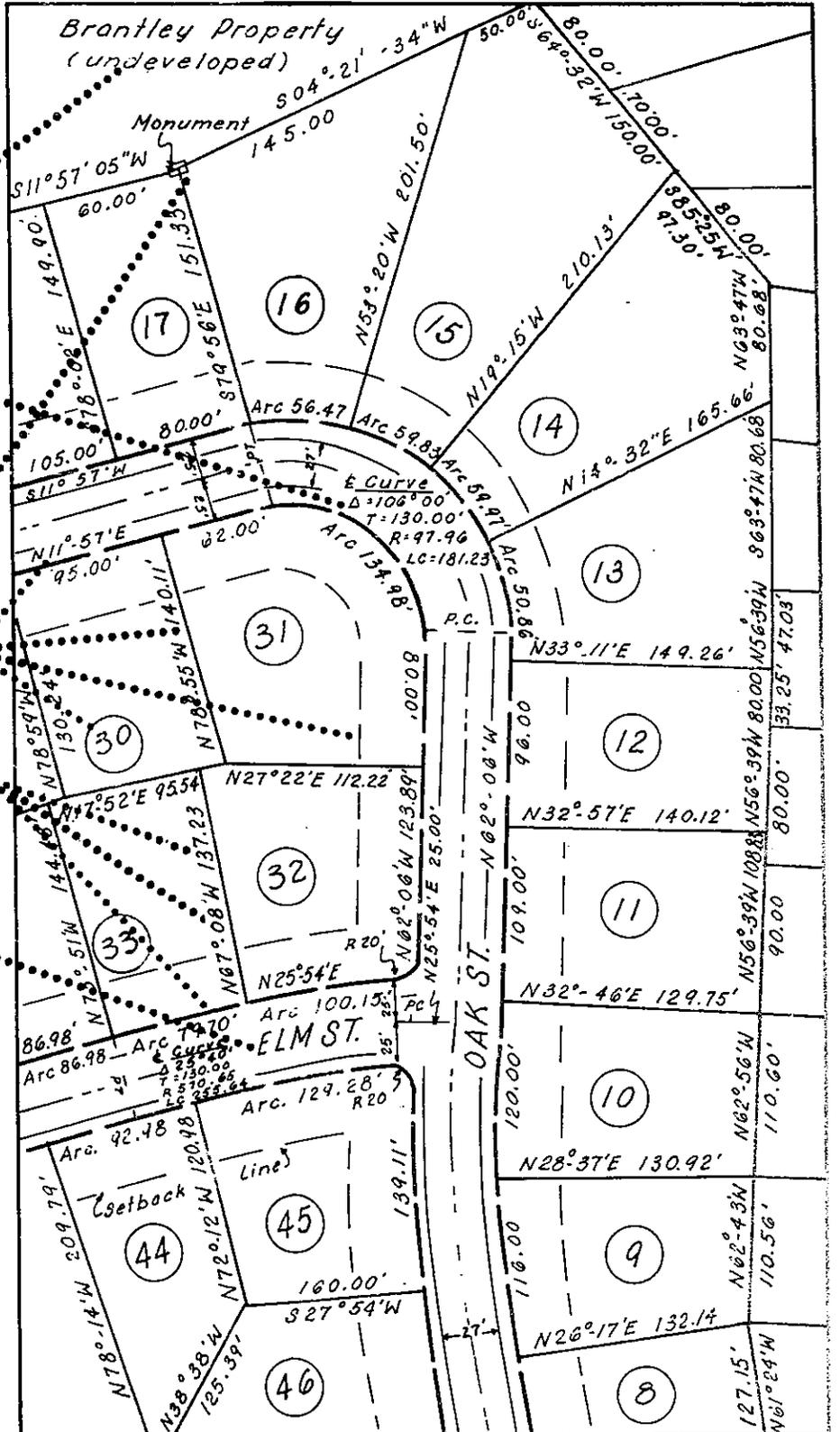
\swarrow

100 0 100 200
SCALE IN FT.

Landscape Architect KISITES
Owner H. DENNY
FEB 3 1960

FINAL PLAT

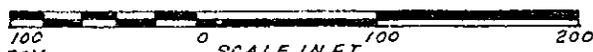
- names of adjoining properties
- sufficient engineering data to reproduce any lines on the ground
- monuments
- streets, lots, set back lines, lot numbers, etc.
- dimensions, angles and bearings
- street names
- date, title, name and location of subdivision
- graphic scale and north point



SITE DATA

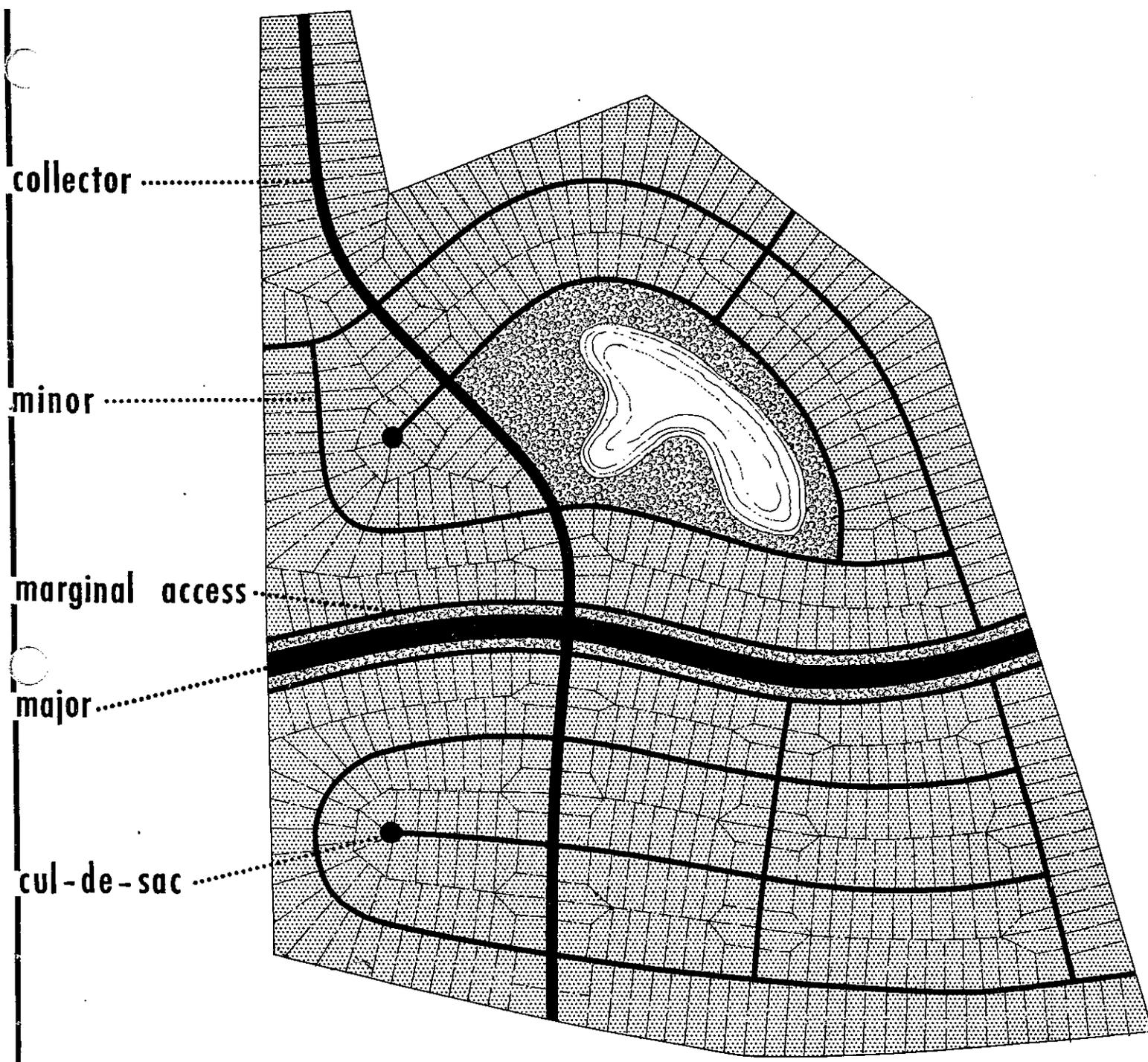


SECTION "A"
 DENTON HILLS
 Pleasantville, N.C.



Engineer L. J. FOY
 Owner H. DENNY

SCALE IN FT.
 APRIL 1, 1960



collector

minor

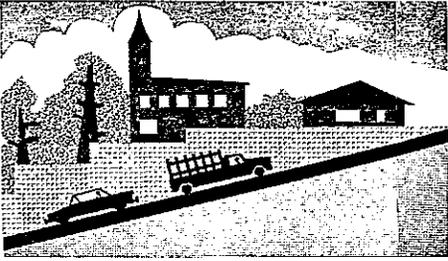
marginal access

major

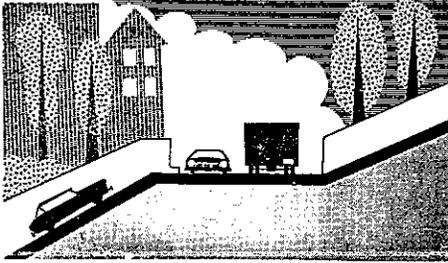
cul-de-sac

street types

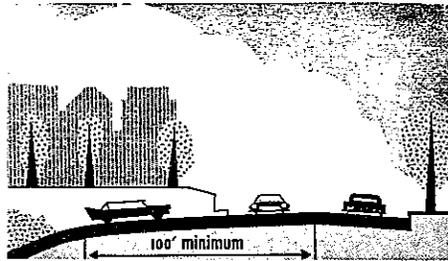
excessive grades on any street create traffic and drainage problems



steep grades at intersections reduce sight distances and hinder vehicle control

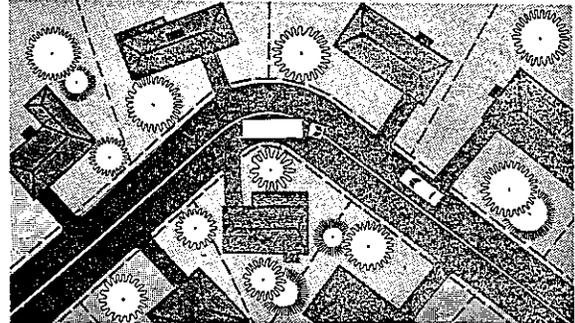


street grades should be flattened out within 100 feet of intersections

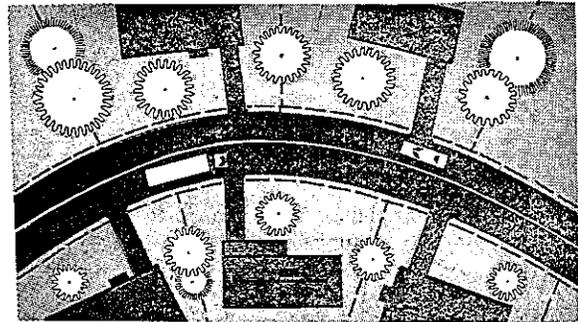


G R A D E S

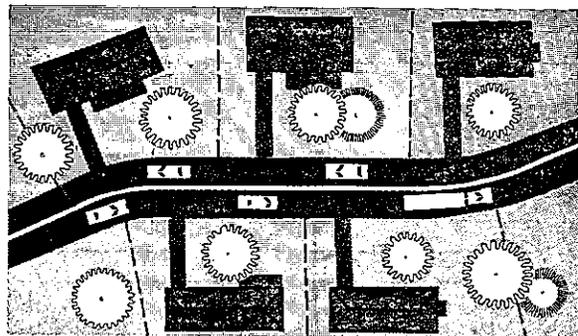
sharp curves reduce sight distances and difficult shaped lots result



proper curvature results in ample sight distances and good lotting



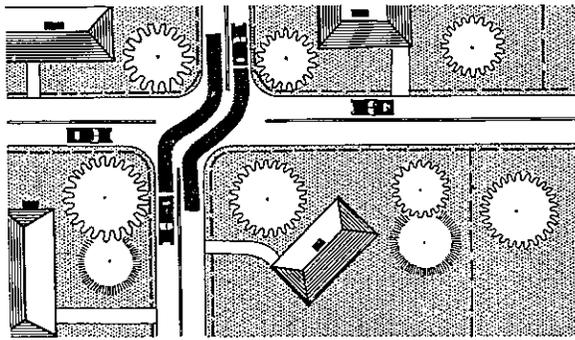
a tangent between reverse curves produces longer sight distances



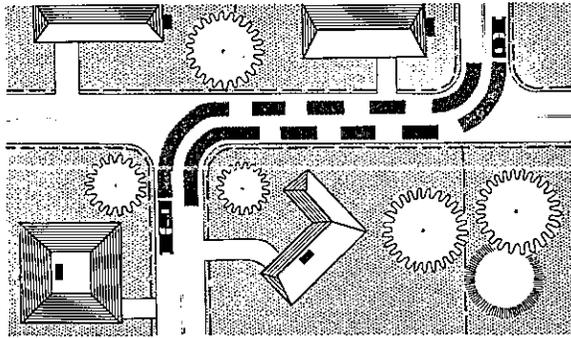
C U R V E S

I N T E R S E C T I O N S

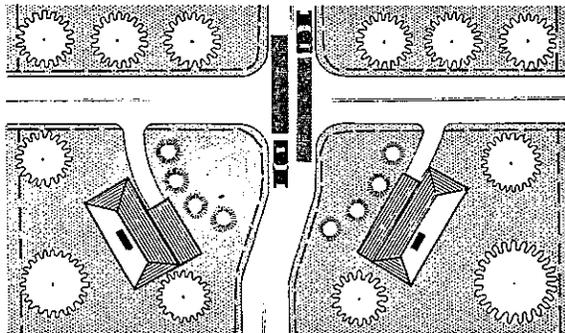
short street jogs
create hazardous
driving conditions



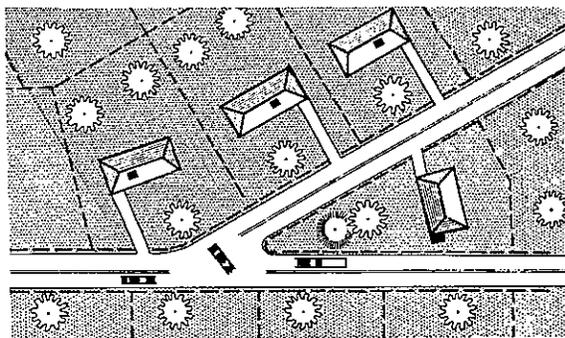
streets offset a
minimum of 125'



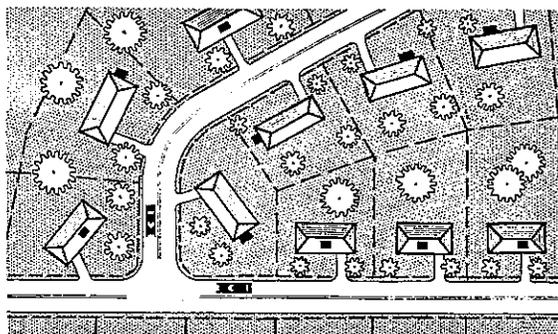
street jogs may be
eliminated through
proper design



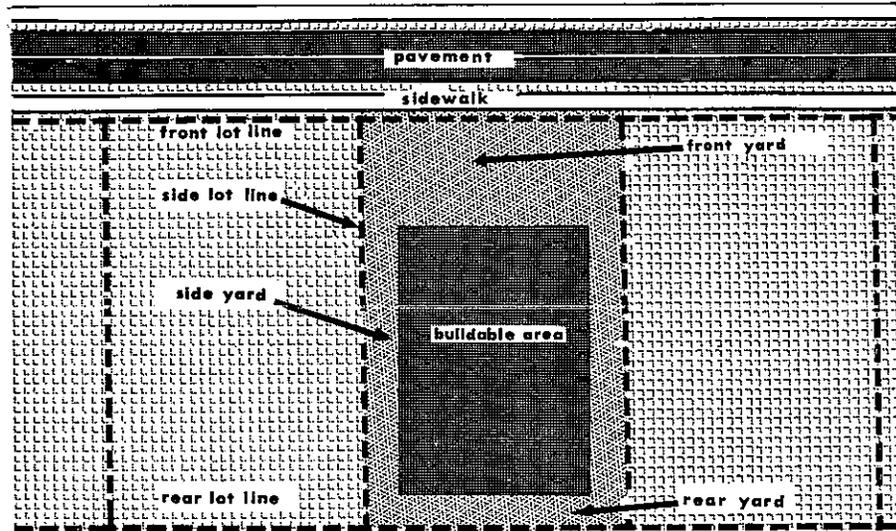
sharp angle
intersections:
create traffic problems
reduce sight distances
produce improper
lotting



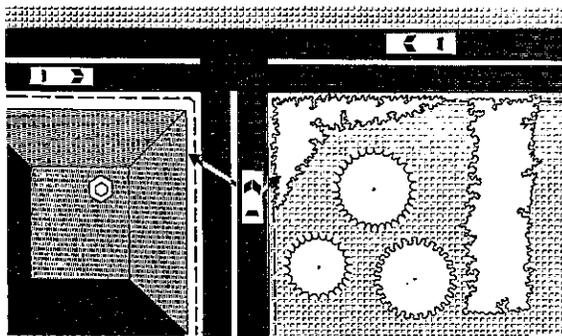
right angle intersections
result in good lotting
and proper sight
distances



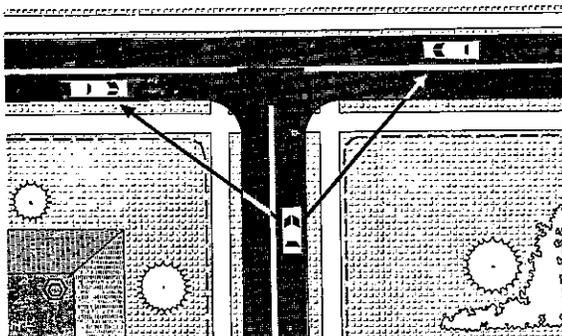
various elements
of a typical lot



improper setback of
buildings and plantings
obstructs vision at
intersections



proper setback of
buildings and plantings
provides
good sight
distances



S
E
T
B
A
C
K