

CHAPTER 151: SUBDIVISIONS

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IN GENERAL

§ 151.01 TITLE AND PURPOSE.

(A) This chapter shall be known and may be cited as the Subdivision Regulations of the Town of Enfield, North Carolina, and may be referred to as the subdivision regulations.
(1993 Code, § 66-1)

(B) The purpose of this chapter is to establish procedures and standards for the development and subdivision of land within the territorial jurisdiction of the town. It is further designed to provide for the orderly growth and development of the town; for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities; for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety and the general welfare. This chapter is designed to further facilitate adequate provision of water, sewerage, parks, schools and playgrounds, and also to facilitate the further resubdivision of larger tracts into smaller parcels of land.
(1993 Code, § 66-2)

§ 151.02 DEFINITIONS.

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

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

BUFFER STRIP. A strip of land which shall be a minimum of 20 feet in width and may be composed of evergreen bushes, trees, anchor shrubs that at least two rows are provided from the ground to a height of five feet within six years and foliage overlaps within six years, or a barrier constructed of stone, block, brick or other suitable building material, with a minimum height of five feet.

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

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

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.

HALF-STREET. A street whose centerline coincides with a subdivision plat boundary, with 1/2 the street right-of-way width being contained within the subdivision plat.

LOT. Includes the words "plot," "parcel" or "tract." A **LOT** is a portion of a subdivision, or any other parcel of land, intended as a unit of transfer of ownership or for development, or both. Lot types:

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

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

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

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

(5) **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.

(6) **THROUGH LOT or 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.

OFFICIAL MAPS OR PLANS. Any maps or plans officially adopted by the Board of Commissioners of the town.

OPEN SPACE. An area of land or water generally lacking in humanmade structures and reserved for its unaltered state.

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

PUBLIC OR COMMUNIZE SEWAGE SYSTEM. A single system of sewage collection treatment and disposal owned and operated by a sanitary district, a metropolitan sewage district, a water and sewer authority, a county or municipality or a public utility.

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

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

(1) Rural roads:

(a) **LOCAL ROAD.** A road which primarily provides access to adjacent land and for travel over relatively short distances.

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

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

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

(e) **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) Specific type rural or urban streets:

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

(b) **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.

(c) **DEAD END STREET.** Has the same meaning as a cul-de-sac without a defined vehicle turnaround.

(d) **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.

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

(f) **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.

(g) **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) Urban streets:

(a) **LOCAL STREET**. A street used as a link, not part of a higher-order urban system which serves primarily to provide direct access to abutting land and access to higher systems.

(b) **MAJOR THOROUGHFARES**. Thoroughfares which 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.

(c) **MINOR THOROUGHFARES**. 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.

SUBDIVIDER. Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as defined in this chapter.

SUBDIVISION. All divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to any regulations enacted pursuant to this chapter:

(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 town as shown in this chapter.

(b) The division of land into parcels greater than ten 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 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 town as shown in this chapter.

STRUCTURE. Includes the word "building."

USED FOR. Includes the meaning "designed for."
(1993 Code, § 66-3)

§ 151.03 AUTHORITY AND JURISDICTION.

(A) This chapter is hereby adopted under the authority and provisions of G.S. §§ 160A-371 *et seq.*
(1993 Code, § 66-4)

(B) The regulations contained in this chapter shall govern each and every subdivision within the Town of Enfield and its extraterritorial jurisdiction as shown on the official extraterritorial boundary map.
(1993 Code, § 66-5)

§ 151.04 PREREQUISITE TO PLAT RECORDATION.

After the effective date of this chapter, each individual subdivision plat of land within the town's jurisdiction shall be approved by the Board of Commissioners of the town.
(1993 Code, § 66-6)

§ 151.05 ACCEPTANCE OF STREETS.

No street shall be maintained by the town nor street dedication accepted for ownership and maintenance in any subdivision for which a plat is required to be approved unless and until the final plat has been approved by the town.
(1993 Code, § 66-7)

§ 151.06 THOROUGHFARE PLANS.

Where a proposed subdivision includes any part of a thoroughfare which has been designated as that upon the officially adopted thoroughfare plan of the town, that part of the thoroughfare shall be platted by the subdivider in the location shown on the plan and at the width specified in this chapter.
(1993 Code, § 66-8)

§ 151.07 SCHOOL SITES ON LAND USE PLAN.

If the Board of Commissioners and the School Board have jointly determined the specific location and size of any school sites to be reserved and this information appears in the comprehensive land use plan, the Planning Board shall immediately notify the School Board whenever a plan for a subdivision is submitted which includes all or part of a school site to be reserved. The School Board shall promptly decide whether it still wishes the site to be reserved. If the School Board does not wish to reserve the site, it shall so notify the Board of Commissioners. If the Board does wish to reserve the site, the subdivision shall not be approved without a reservation. The School Board shall then have 18 months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by initiating condemnation proceedings. If the School Board has not purchased or begun proceedings to condemn the site within 18 months, the subdivider may treat the land as freed of the reservation. (1993 Code, § 66-9)

§ 151.08 ZONING AND OTHER PLANS.

Similarly, proposed subdivisions must comply in all respects with the requirements of Chapter 153 in effect in the area to be subdivided, and any other officially adopted plans. (1993 Code, § 66-10)

§ 151.09 TRANSPORTATION IMPROVEMENT PLANS.

If the State Department of Transportation has determined the specific location and size of any road or right-of-way improvements necessitating the reservation of land, and this information appears in its officially adopted transportation improvement program, the Planning Board shall immediately notify the Department of Transportation whenever a preliminary plat for a subdivision is submitted, which includes all or part of a road improvement area to be reserved. If the Department of Transportation does not wish to reserve the site, it shall so notify the Planning Board. If the Department of Transportation does wish to reserve the site, the subdivision shall not be approved without a reservation. The Department of Transportation shall then have 18 months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by initiating condemnation proceedings. If the Department of Transportation has not purchased or begun proceedings to condemn the site within 18 months, the subdivider may treat the land as freed of the reservation. (1993 Code, § 66-11)

§ 151.10 GENERAL PROCEDURE FOR PLAT APPROVAL.

(A) After the effective date of the ordinance from which this chapter derives, 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 Board of Commissioners as set forth in § 151.04, and until this approval is entered in writing on the face of the plat by the Mayor and attested by the Town Clerk.

(B) The Town Administrator shall request that the Register of Deeds 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.

(C) No lots identified within a proposed subdivision may be sold prior to approval and recordation of that subdivision.

(1993 Code, § 66-12) Penalty, see § 10.99

§ 151.11 STATEMENT BY OWNER.

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

(1993 Code, § 66-13)

§ 151.12 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 Board of Commissioners may by resolution accept any dedication made to the public of lands or facilities for streets, parks, public utility lines or other public purposes, when the lands or facilities are located within its subdivision regulation jurisdiction. Acceptance of dedication of lands or facilities located within the subdivision regulation jurisdiction but outside the corporate limits of the town shall not place on the town any duty to open, operate, repair or maintain any street, utility line or other land or facility, and the Town of Enfield 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.

(1993 Code, § 66-14) Penalty, see § 10.99

§ 151.13 PENALTIES FOR VIOLATION.

(A) After the effective date of this chapter, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this chapter, thereafter subdivides his or her land in violation of this chapter or transfers or sells land by reference to, exhibition of or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this chapter and recorded in the office of the 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, through its attorney or other official designated by the Board of Commissioners, may enjoin illegal subdivision, transfer or sale of land by action for injunction. Further, violation of this chapter shall be punishable in accordance with § 10.99

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

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

(D) Nothing in this section shall be construed to limit the use of remedies available to the town. The town may seek to enforce this chapter by using any one, all or a combination of remedies.
(1993 Code, § 66-15)

§ 151.14 VARIANCES.

Where, because of severe topographical or other conditions peculiar to the site, strict adherence to the provisions of this chapter would cause an unnecessary hardship, the Board of Commissioners may authorize a variance to the terms of this chapter only to the extent that is absolutely necessary and not to an extent which would violate the intent of this chapter.
(1993 Code, § 66-16)

§ 151.15 AMENDMENTS.

(A) The Board of Commissioners may from time to time amend the terms of this chapter, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation. The Planning Board shall have 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 Enfield area at least once a week for two successive calendar weeks prior to the hearing. The initial notice shall appear not more than 25 nor less than ten days prior to the hearing date. In computing the ten-day period, the date of publication is not to be counted, but the date of the hearing is.
(1993 Code, § 66-17)

§ 151.16 ABROGATION.

It is not intended that this chapter 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 chapter imposes greater restrictions, the provisions of this chapter shall govern.
(1993 Code, § 66-18)

§ 151.17 ADMINISTRATOR DESIGNATED.

The holder of the office of Code Enforcement Officer is hereby appointed to serve as Subdivision Administrator.

(1993 Code, § 66-19)

PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS**§ 151.30 PLAT REQUIRED ON ANY SUBDIVISION OF LAND.**

Pursuant to G.S. § 160A-372, a final plat shall be prepared, approved and recorded pursuant to the provisions of this subchapter whenever any subdivision of land takes place.

(1993 Code, § 66-46)

§ 151.31 APPROVAL PREREQUISITE TO PLAT RECORDATION.

Pursuant to G.S. § 160A-373, no final plat of a subdivision within the jurisdiction of the town as established in § 151.35 shall be recorded by the Register of Deeds of the County until it has been approved by the Board of Commissioners of the town as provided in this subchapter. To secure approval of a final plat, the subdivider shall follow the procedures established in this subchapter.

(1993 Code, § 66-47) Penalty, see § 10.99

§ 151.32 PROCEDURES FOR REVIEW OF MAJOR AND MINOR SUBDIVISIONS.

All subdivisions shall be considered major subdivisions except those defined as minor subdivisions in this section. A ***MINOR SUBDIVISION*** is defined as one involving no new public or private streets or roads, or right-of-way dedication, no easements, no utility extension, and where ten or fewer lots result after the subdivision is completed. Major subdivisions shall be reviewed in accordance with the procedures in sections §§ 151.34 through 151.36. Minor subdivisions shall be reviewed in accordance with the provisions in § 151.33. However, if the subdivider owns, leases, holds an option on or holds any legal or equitable interest in any property adjacent to or located directly across a street, easement, road or right-of-way from the property to be subdivided, the subdivision shall not qualify under the minor subdivision procedure. Furthermore, the minor subdivision procedure may not be used a second time within three years on any property less than 1,500 feet from the original property boundaries by anyone who owned, had an option on or any legal or equitable interest in the original subdivision at the time the subdivision received preliminary or final plat approval.

(1993 Code, § 66-48)

§ 151.33 PROCEDURE FOR REVIEW OF MINOR SUBDIVISIONS.

(A) The subdivider shall submit a final plat of the minor subdivision to the Subdivision Administrator not less than seven days prior to the Planning Board meeting at which it will be reviewed.

(B) The final plat shall be prepared by a registered land surveyor currently licensed and registered in the state by the 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 Standards of Practice for Land Surveying in North Carolina.

(C) Five copies, plus any additional copies as required by the Subdivision Administrator, of the final plat shall be submitted; two of these shall be on reproducible material, three shall be black or blue line paper prints. Materials and drawing medium for the original shall be in accordance with the Standards of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the 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 inch equals 200 feet. Maps may be placed on more than one sheet with appropriate match lines.

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

(F) The final plat shall meet the specifications in § 151.36.

(G) The following signed certificate shall appear on all five 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 Enfield 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 G.S. § 47-30: There shall appear on each plat a certificate by the person under whose supervision the survey or plat was made, stating the origin of the information shown on the plat, including recorded deed and plat references shown thereon. The ratio of precision as calculated by latitudes and departures before any adjustments must be shown. Any lines on the plat that were not actually surveyed must be clearly indicated and a statement included revealing the source of information. The execution of a certificate shall be acknowledged before any officer authorized to take acknowledgments by the registered land surveyor preparing the plat. All plats to be recorded shall be probated as required by law for the registration of deeds. Where a plat consists of more than one sheet, only the first sheet must contain the certification and all subsequent sheets must be signed and sealed.

(H) (1) The certificate required in division (G)(2) shall include the source of information for the survey and data indicating the accuracy of closure of the plat before adjustments and shall be in substantially the following form:

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

Surveyor

Seal or Stamp

Registration Number

(2) The certificate of the notary shall comply with North Carolina law.

(I) The Planning Board shall review the final plat at or before its next regularly scheduled meeting which follows at least seven days after the Subdivision Administrator receives the final plat and shall recommend approval, conditional approval with modifications to bring the plat into compliance or disapproval of the final plat with reasons within 45 days of its first consideration of the plat.

(1) During its review of the final plat, the Planning Board may recommend that the Board of Commissioners appoint an engineer or surveyor to confirm the accuracy of the final plat. If substantial errors are found, the costs shall be charged to the subdivider and the plat shall not be recommended for approval until the errors have been corrected.

(2) If the Planning Board recommends approval of the final plat, it shall transmit all copies of the plat and its written recommendations to the Board of Commissioners through the Subdivision Administrator.

(3) If the Planning Board recommends conditional approval of the final plat with modifications to bring the plat into compliance, it shall retain one print of the plat for its minutes, return its written recommendation and two reproducible copies of the plat to the subdivider, and transmit one print of the plat and its written recommendation to the Board of Commissioners through the Subdivision Administrator.

(4) 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 changes as will bring the plat into compliance with the provisions of this chapter and resubmit same for reconsideration by the Planning Board, or appeal the decision to the Board of Commissioners.

(J) Failure of the Planning Board to make a written recommendation within 45 days after its first review shall constitute grounds for the subdivider to apply to the Board of Commissioners for approval.

(K) If the Planning Board recommends approval or conditional approval with modifications to bring the plat into compliance, or the subdivider appeals to the Board of Commissioners, the Board of Commissioners shall review and approve or disapprove the final plat within 65 days after the plat and recommendations of the Planning Board have been received by the Subdivision Administrator.

(L) If the Board of Commissioners approves the final plat, 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 Enfield, North Carolina and that this plat has been approved by the Board of Commissioners of the Town of Enfield for recording in the Office of the Register of Deeds of Halifax County.

Mayor _____
Enfield, North Carolina

Date _____

(M) If the final plat is disapproved by the Board of Commissioners, the reasons for disapproval shall be stated in writing, specifying the provisions of this chapter with which the final plat does not comply. One copy of the reasons and one print of the plat shall be retained by the Board of Commissioners as part of its proceedings; one copy of the reasons and three copies of the plat shall be transmitted to the subdivider. If the final plat is disapproved, the subdivider may make changes as will bring the final plat into compliance and resubmit same without fee for reconsideration by the Planning Board and Board of Commissioners or by the Board of Commissioners as determined by the Board of Commissioners.

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

(O) The subdivider shall file the approved final plat with the Register of Deeds of the county within 60 days of the Board of Commissioners' approval; otherwise approval shall be null and void.
(1993 Code, § 66-49) Penalty, see § 10.99

§ 151.34 PRELIMINARY PLAT SUBMISSION AND REVIEW FOR MAJOR SUBDIVISIONS.

(A) *Submission procedure.*

(1) For every subdivision within the territorial jurisdiction established by § 151.03(B), which does not qualify for the minor subdivision procedure, the subdivider shall submit to the Subdivision Administrator a preliminary plat which shall be reviewed by the Subdivision Review Board and approved by the Board of Commissioners before any construction or installation of improvements may begin.

(2) Three copies of the preliminary plat (as well as any additional copies which the Subdivision Administrator determines are needed to be sent to other agencies) shall be submitted to the Subdivision Administrator. Submission of the preliminary plat shall be accompanied by a filing fee, paid by the subdivider, in accordance with the town's fee schedule.

(3) Preliminary plats shall meet the specifications in § 151.37.

(B) *Creation of Subdivision Review Board.* All major subdivision plats shall be reviewed by a Subdivision Review Board which shall make a recommendation for approval or disapproval to the Board of Commissioners. The Subdivision Review Board shall be composed of the following members:

(1) Chairperson of Planning Board serves as Chairperson of Board;

(2) Member of Board of Commissioners appointed by the Mayor;

(3) Two at-large members to be appointed by the Board of Commissioners (initially one member shall be appointed for a four-year term, and one member shall be appointed for a two-year term. Thereafter terms shall be for four years.);

(4) Town Administrator; and

(5) Director of Public Works and Utilities.

(C) *Review by other agencies.* 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, where applicable, but not limited to: the County Health Departments, the Director of Public Works and Utilities, the District Engineer of the North Carolina Department of Transportation (four copies) and the County Soil Conservation Service, for review and recommendation, staff review.

(D) *Review procedure.*

(1) The Subdivision Review Board shall review the preliminary plat at or before its next meeting which shall be held at least 14 days after the Subdivision Administrator receives the preliminary plat and the comments from the appropriate agencies.

(2) The Subdivision Review Board shall, in writing, recommend approval, conditional approval with recommended changes to bring the plat into compliance or disapproval with reasons, within 45 days of its first consideration of the plat.

(3) If the Subdivision Review Board recommends approval of the preliminary plat, it shall retain one copy of the plat for its minutes and transmit two copies of the plat, to the Board of Commissioners with its recommendation.

(4) If the Subdivision Review Board recommends conditional approval of the preliminary plat, it shall keep one copy of the plat for its minutes, transmit two copies of the plat and its recommendation to the Board of Commissioners, and return the remaining copy of the plat and its recommendation to the subdivider.

(5) If the Subdivision Review Board recommends disapproval of the preliminary plat, it shall retain one copy of the plat for its minutes, transmit one copy of the plat and its recommendation to the Board of Commissioners and return the remaining copy of the plat and its recommendation to the subdivider.

(6) 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 Board of Commissioners.

(7) If the Subdivision Review Board does not make a written recommendation within 45 days after its first consideration of the plat, the subdivider may apply to the Board of Commissioners for approval or disapproval.

(8) If the Board of Commissioners approves the preliminary plat, approval shall be noted on two copies of the plat. One copy of the plat shall be retained by the Board of Commissioners and one copy shall be returned to the subdivider. If the Board of Commissioners approves the preliminary plat with conditions, approval shall be noted on two copies of the plat along with a reference to the conditions. One copy of the plat along with the conditions shall be retained by the Board of Commissioners and one copy of the preliminary plat along with the conditions shall be returned to the subdivider. If the Board of Commissioners disapproves the preliminary plat, the reasons for disapproval shall be specified in writing. One copy of the plat and the reasons shall be retained by the Board of Commissioners and one copy shall be returned to the subdivider.

(1993 Code, § 66-50)

§ 151.35 FINAL PLAT SUBMISSION AND REVIEW.

(A) *Preparation of final plat, installation of improvements.* Upon approval of the preliminary plat by the Board of Commissioners, 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 chapter. Prior to approval of a final plat, the subdivider shall have installed the improvements specified in this chapter or guaranteed their installation as provided herein. No final plat will be accepted for review by the Subdivision Review Board or the Board of Commissioners unless accompanied by written notice by the Subdivision Administrator acknowledging compliance with the improvement and guarantee standards of this chapter. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time; that portion shall conform to all requirements of this chapter. The first final plat shall be submitted within 12 months after the date on which the preliminary plat was approved; otherwise, the preliminary plat shall become null and void unless an extension of time is applied for and granted by the Board of Commissioners before the date on which the preliminary plat would become null and void.

(B) *Improvements guarantees.*

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

(a) *Surety performance bond.* The subdivider shall obtain a performance bond from a surety bonding company authorized to do business in the state. The bonds shall be payable to the town and shall be in an amount equal to 1.25 times the entire cost, as estimated by the subdivider and approved by the Board of Commissioners, of installing all required improvements. The duration of the bond shall be until a time as the improvements are accepted by the Board of Commissioners.

(b) *Cash or equivalent security.* The subdivider shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the town or in escrow with a financial institution designated as an official depository of the town. The use of any instrument other than cash shall be subject to the approval of the Board of Commissioners. The amount of deposit shall be equal to 1.25 times the cost, as estimated by the subdivider and approved by the Board of Commissioners, of installing all required improvements. If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with the Board of Commissioners an agreement between the financial institution and himself or herself guaranteeing the following:

1. That the escrow account shall be held in trust until released by the Board of Commissioners and may not be used or pledged by the subdivider in any other matter during the term of escrow; and

2. That in the case of a failure on the part of the subdivider to complete the improvements, the financial institution shall, upon notification by the Board of Commissioners and submission by the Board of Commissioners to the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately either pay to the town the funds needed to complete the improvement, up to the full balance of the escrow account, or deliver to the town any other instruments fully endorsed or otherwise made payable in full to the town.

(2) *Default.*

(a) Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution holding the escrow account shall, if requested by the Board of Commissioners pay all or any portion of the bond or escrow fund to the Town of Enfield up to the amount needed to complete the improvements based on an engineering estimate.

(b) Upon payment, the Board of Commissioners, in its discretion, may expend a portion of the funds as it deems necessary to complete all or any portion of the required improvements.

(c) The town shall return to the subdivider any funds not spent in completing the improvements.

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

(4) *Defects guarantee.* The Board of Commissioners shall require a bond from the subdivider guaranteeing utility taps, curbs, gutters, street construction including pavement, sidewalks, drainage facilities, seeding and grading of road shoulders, water and sewer lines and other improvements for one year. The one year shall begin from the date of town certification of completion of all improvements by the Board of Commissioners.

(C) *Submission procedure.*

(1) The subdivider shall submit the final plat, so marked, to the Subdivision Administrator.

(2) The final plat shall be prepared by a registered land surveyor currently licensed and registered in the state by the 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 Standards of Practice for Land Surveying in North Carolina.

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

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

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

(6) The final plat shall meet the specifications in § 151.37.

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

(a) *Certificate of ownership and dedication.* I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the Town of Enfield 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 Enfield.

Owners _____

Date _____

(b) *Certificate of survey and accuracy.* In accordance with G.S. § 47-30: There shall appear on each plat a certificate by the person under whose supervision the survey or plat was made, stating the origin of the information shown on the plat, including a recorded deed and plat references shown thereon. The ratio of precision as calculated by latitudes and departures before any adjustments must be shown. Any lines on the plat that were not actually surveyed must be clearly indicated and a statement included revealing the source of information. The execution of a certificate shall be acknowledged before any officer authorized to take acknowledgments by the registered land surveyor preparing the plat. All plats to be recorded shall be probated as required by law for the registration of deeds. Where a plat consists of more than one sheet, only the first sheet must contain the certification and all subsequent sheets must be signed and sealed.

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

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

Surveyor

Seal or Stamp

Registration Number

2. The certificate of the notary shall comply with North Carolina law.

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

Town Manager _____

Date _____

(8) The Subdivision Review Board shall review the final plat at or before its next meeting which shall be called at least 14 days after the Subdivision Administrator receives the final plat and shall recommend approval, conditional approval with modifications to bring the plat into compliance, or disapproval of the final plat with reasons within 45 days of its first consideration of the plat.

(9) During its review of the final plat, the Subdivision Review Board may appoint a registered land surveyor to confirm the accuracy of the final plat (if agreed to by the Board of Commissioners). If substantial errors are found, the costs shall be charged to the subdivider and the plat shall not be recommended for approval until errors have been corrected.

(10) If the Subdivision Review Board recommends approval of the final plat, it shall transmit all copies of the plat and its written recommendations to the Board of Commissioners through the Subdivision Administrator.

(11) If the Subdivision Review Board recommends conditional approval of the final plat with modifications to bring the plat into compliance, it shall retain one print of the plat for its minutes, return its written recommendations and two reproducible copies of the plat to the subdivider and transmit one print of the plat and its written recommendation to the Board of Commissioners through the Subdivision Administrator.

(12) If the Subdivision Review Board recommends disapproval of the final plat, it shall instruct the subdivider concerning resubmission of a revised plat and the subdivider may make changes as will bring the plat into compliance with the provisions of this chapter, and resubmit same for reconsideration by the Subdivision Review Board, or appeal the decision to the Board of Commissioners.

(13) Failure of the Subdivision Review Board to make a written recommendation within 45 days shall constitute grounds for the subdivider to apply to the Board of Commissioners for approval.

(14) If the Subdivision Review Board recommends approval or conditional approval with modifications to bring the plat into compliance, or the subdivider appeals to the Board of Commissioners, the Board of Commissioners shall review and approve or disapprove the final plat within 65 days after the plat and recommendations of the Subdivision Review Board have been received by the Subdivision Administrator.

(15) If the Board of Commissioners approves the final plat, 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 Enfield, North Carolina and that this plat has been approved by the Board of Commissioners of the Town of Enfield for recording in the Office of the Register of Deeds of Halifax

County.

Mayor

Town of Enfield, North Carolina

Date

(16) If the final plat is disapproved by the Board of Commissioners, the reasons for disapproval shall be stated in writing, specifying the provisions of this chapter with which the final plat does not comply. One copy of the reasons and one print of the plat shall be retained by the Board of Commissioners as part of its proceedings; one copy of the reasons and three copies of the plat shall be transmitted to the subdivider. If the final plat is disapproved, the subdivider may make changes as will bring the final plat into compliance and resubmit same for reconsideration by the Subdivision Review Board and Board of Commissioners or by the Board of Commissioners as determined by the Board of Commissioners.

(17) If the final plat is approved by the Board of Commissioners, the original tracing and one print of the plat shall be retained by the subdivider. One reproducible tracing and one print shall be filed with the Town Clerk, and one print shall be returned to the Subdivision Review Board for its records.

(18) The subdivider shall file the approved final plat with the Register of Deeds of the County within 60 days of the Board of Commissioners' approval; otherwise, approval shall be null and void. (1993 Code, § 66-51) Penalty, see § 10.99

§ 151.36 INFORMATION CONTAINED IN OR DEPICTED ON PRELIMINARY AND FINAL PLATS.

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

<i>Information</i>	<i>Final Plat</i>	<i>Preliminary Plat</i>
<i>Title Block Containing:</i>		
Property designation	x	x
Name of owner	x	x
Location (including township, county and state)	x	x
Date or dates survey was conducted and plat prepared	x	x
A scale of drawing in feet per inch listed in words or figures	x	x
A bar graph	x	x
Name, address, registration number and seal of the registered land surveyor	x	x
The name of the subdivider	x	x
A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area	x	x
Corporate limits, township boundaries, county lines, if on the subdivision tract	x	x

<i>Information</i>	<i>Final Plat</i>	<i>Preliminary Plat</i>
<i>Title Block Containing:</i>		
The names, addresses and telephone numbers of all owners, mortgagers, registered land surveyors, land planners, architects, landscape architects and professional engineers responsible for the subdivision	X	X
The registration numbers and seals of the professional engineers	X	X
Date of plat preparation	X	X
North arrow and orientation	X	X
The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and distances shown		X
The exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings and the location of existing boundary lines of adjoining lands	X	
The names of owners of adjoining properties	X	X
The names of any adjoining subdivisions of record or proposed and under review	X	X
Minimum building setback lines	X	X
The zoning classifications of the tract to be subdivided and adjoining properties		X
Existing property lines on the tract to be subdivided and on adjoining properties	X	X
Existing buildings or other structures, watercourses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining	X	X
Proposed lot lines; lot and block numbers and approximate dimensions		X
The lots numbered consecutively throughout the subdivision	X	
Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds and any other natural features affecting the site		X
The exact location of the flood hazard areas from the appropriate Federal Emergency Management Agency maps	X	X
<i>The following data concerning streets:</i>		
Proposed streets	X	X
Existing and platted streets on adjoining properties and in the proposed subdivision	X	X

<i>Information</i>	<i>Final Plat</i>	<i>Preliminary Plat</i>
<i>Title Block Containing:</i>		
Rights-of-way, location and dimensions	X	X
Pavement widths		X
Approximate grades		X
Design engineering data for all corners and curves	X	X
Typical street cross-sections		X
Street names	X	X
Street maintenance agreement in accordance with § 151.54	X	
Type of street dedication; all streets must be designated as public; where public streets are involved which will be dedicated to the town, the subdivider must submit all street plans to the Director of Public Works and Utilities for approval prior to preliminary plat approval; public streets which will not be dedicated to a municipality, must meet all construction requirements as though the street was to be dedicated to the municipality. Further, the subdivider must submit the following documents to the North Carolina Department of Transportation District Highway Office for review: a complete site layout, including any future expansion anticipated; horizontal alignment indicating general curve data on site layout plan; vertical alignment indicated by percent grade, PI station, and vertical curve length on site plan layout; the District Engineer may require the plotting of the ground profile and grade line for roads where special conditions or problems exist; 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; drainage facilities and drainage areas	X	X
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 § 151.54(B)	X	
If any street is proposed to intersect with a state-maintained road, the subdivider shall apply for driveway approval as required by the North Carolina Department of Transportation, Division of Highways Manual on Driveway Regulations; evidence that the subdivider has obtained approval	X	X
<i>The location and dimensions of all:</i>		
Utility and other easements	X	X
Riding trails	X	X
Natural buffers	X	X

<i>Information</i>	<i>Final Plat</i>	<i>Preliminary Plat</i>
<i>Title Block Containing:</i>		
Pedestrian or bicycle paths	X	X
Parks and recreation areas with specific type indicated	X	X
School sites	X	X
Areas to be dedicated to or reserved for public use	X	X
Areas to be used for purposes other than residential with the purpose of each stated	X	X
The future ownership (dedication or reservation for public use to governmental body, for owners to duly constituted homeowners association or for tenants remaining in subdivider's ownership) of recreation and open space lands		X
<i>The plans for utility layouts including:</i>		
Sanitary sewers, prepared by a registered engineer		X
Storm sewers, prepared by a registered engineer		X
Other drainage facilities, if any, prepared by a registered engineer, except incidental drainage	X*	X
Water distribution lines, prepared by a registered engineer illustrating connections to existing systems, showing line sizes, the location of fire hydrants, blowoffs, manholes, force mains and gate valves		X
Natural gas lines		X
Telephone lines	X*	X
Electric lines	X*	X
Plans for individual water supply and sewage disposal systems, if any	X	X
Profiles based upon mean sea level datum for sanitary sewers and storm sewers		X
*Required on final plat only for minor subdivisions, but not required on final plat for major subdivision.		
<i>Site calculations including:</i>		
Acreage in total tract to be subdivided		X
Acreage in parks and recreation areas and other nonresidential uses		X
Total number of parcels created		X
Acreage in the smallest lot in the subdivision		X

<i>Information</i>	<i>Final Plat</i>	<i>Preliminary Plat</i>
Title Block Containing:		
Linear feet in streets		X
The name and location of any property or buildings within the proposed subdivision or within any contiguous property that is located on the U.S. Department of Interior's National Register of Historic Places	X	X
Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line and setback line, including dimensions, bearings or deflection angles, radii, central angles and tangent distances for the center line of curved property lines that are not the boundary line of curved streets; all dimensions shall be measured to the nearest 1/10 of a foot and all angles to the nearest minute	X	
The accurate locations and descriptions of all monuments, markers and control points	X	
A copy of any proposed deed restrictions or similar covenants; restrictions are mandatory when private recreation areas are established	X	X
A copy of the erosion control plan submitted to the appropriate authority, if a plan is required	X	
Topographic map with contour intervals of no greater than 5 feet at a scale of no less than 1 inch= 200 feet		X
All certifications required in § 151.36 or § 151.33 if applicable	X	
Any other information considered by either the subdivider, Subdivision Board or Board of Commissioners to be pertinent to the review of the plat	X	X

(1993 Code, § 66-52)

§ 151.37 RECOMBINATION OF LAND.

(A) Any plat or any part of any plat may be vacated by the owner at any time before the sale of any lot in the subdivision by a written instrument to which a copy of the plat shall be attached, declaring the same to be vacated.

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

(C) An instrument shall be executed, acknowledged or approved and recorded and filed in the same manner as a final plat; and being duly recorded or filed, shall operate to destroy the force and effect of the recording 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 the plat.

(D) When lots have been sold, the plat may be vacated in the manner provided in divisions (A) through (C) above by all owners of the lots in the plat joining in the execution of the writing.
(1993 Code, § 66-53)

§ 151.38 RESUBDIVISION PROCEDURES.

For any re-platting or resubdivision of land, the same procedures, rules and regulations shall apply as prescribed herein for an original subdivision.
(1993 Code, § 66-54)

REQUIRED IMPROVEMENTS AND MINIMUM STANDARDS OF DESIGN

§ 151.50 GENERALLY.

Each subdivision shall contain the improvements specified in this subchapter, which shall be installed in accordance with the requirements of this chapter and paid for by the subdivider, unless other means of financing is specifically stated in this chapter. Land shall be dedicated and reserved in each subdivision as specified in this subchapter. Each subdivision shall adhere to the minimum standards of design established by this subchapter.
(1993 Code, § 66-71)

§ 151.51 SUITABILITY OF LAND.

(A) Land which has been determined by the Board of Commissioners 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 the conditions and to eliminate dangers.

(B) Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the County Health Department, a structural engineer and a soils expert determine that the land is suitable for the purpose provided.

(C) (1) All subdivision proposals shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
(1993 Code, § 66-72) Penalty, see § 10.99

§ 151.52 NAME DUPLICATION.

The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision within the town and its extraterritorial jurisdiction or in the county.
(1993 Code, § 66-73) Penalty, see § 10.99

§ 151.53 SUBDIVISION DESIGN.

(A) *Blocks.*

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

(2) Blocks shall not be less than 400 feet or more than 1,800 feet in length.

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

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

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

(B) *Lots.*

(1) 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 Chapter 153. It is not sufficient merely for the average lot to meet zoning requirements.

(2) Lots shall meet any applicable County Health Department requirements.

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

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

(5) The dwelling shall be placed on the lot so that the front shall face and be parallel to the addressed street.

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

(1) *Utility easements*. Easements for underground or aboveground utilities shall be provided, where necessary, across lots or centered on rear or side lot lines and shall be at least 20 feet wide for water and sanitary sewer lines and as required by the companies involved, for telephone, gas and power lines. The Board of Commissioners will determine whether one easement is sufficient or whether several easements are necessary to accommodate the various facilities, and the subdivider shall provide the required easements.

(2) *Drainage easements*. Where a subdivision is traversed by a stream or drainageway, an easement shall be provided conforming with the lines of the stream and of sufficient width as will be adequate for the purpose.

(1993 Code, § 66-74)

§ 151.54 STREETS.

(A) *Type of street required*. All subdivision lots shall abut on a public street. All public streets shall be dedicated to the town, the state or the public, as determined appropriate by the Board of Commissioners. All public streets shall be built to the standards of this chapter and all other applicable standards of the town and the State Department of Transportation. Public streets not dedicated to the town which are eligible for acceptance into the state highway system shall be constructed to the standards necessary to be put on the state highway system or the standards in this chapter, whichever is more strict, in regard to each particular item, and shall be put on the system. Streets not dedicated to the town which are not eligible to be put on the state highway system because there are too few lots or residences shall nevertheless be dedicated to the public and shall be in accordance with the standards in this chapter or the standards necessary to be put on the state highway system, whichever is more strict in regard to each particular item, so as to be eligible to be put on the system at a later date. A written maintenance agreement with provisions for maintenance of the street until it is put on the state system shall be included with the final plat.

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

(C) *Half-streets*. The dedication of half-streets of less than 60 feet at the perimeter of a new subdivision shall be prohibited. If circumstances render this impractical, adequate provision for the concurrent dedication of the remaining half of the street shall be furnished by the subdivider. Where there exists a half-street in an adjoining subdivision, the remaining half shall be provided by the proposed subdivision. However, in circumstances where more than 60 feet of right-of-way is required, a partial

width right-of-way, not less than 60 feet in width, may be dedicated when adjoining undeveloped property is owned or controlled by the subdivider, provided that the width of the partial dedication is so as to permit the installation of facilities as may be necessary to serve abutting lots. When the adjoining property is subdivided, the remainder of the full required right-of-way shall be dedicated.

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

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

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

(G) *Design standards.*

(1) The design of all streets and roads within the jurisdiction of this chapter shall be in accordance with the accepted policies of the State Department of Transportation, Division of Highways, as taken or modified from the American Association of State Highway and Transportation Officials (AASHTO) manuals.

(2) The current issue of the State Department of Transportation, Division of Highways Subdivision Roads Minimum Construction Standards shall apply for any items not included in this chapter, or where more strict than this chapter.

(3) The provision of street rights-of-way shall conform to and meet the requirements of the thoroughfare plan of the town as approved by the Planning Board and adopted by the Board of Commissioners and the State Board of Transportation.

(4) The urban planning area shall consist of that area within the urban planning boundary as depicted on the mutually adopted Enfield thoroughfare plan.

(5) The rural planning area shall be that area outside the urban planning boundary.

(1) *Right-of-way widths.* 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.

<i>Rural</i>	<i>Minimum Right-of-Way (Feet)</i>
(a) Principal arterial: Freeways Other	350 200
(b) Minor arterial	100
(c) Major collector	100
(d) Minor collector	100
(e) Local road	50*
*The desirable minimum right-of-way is established as 50 feet. If curb and gutter are provided, 50 feet of right-of-way is adequate on local residential streets.	

<i>Urban</i>	<i>Minimum Right-of-Way (Feet)</i>
(a) Major thoroughfare other than freeway and expressway	90
(b) Minor thoroughfare	70
(c) Local street	50*
(d) Cul-de-sac	50
(e) Cul-de-sac turnaround	100
*The desirable minimum right-of-way is established as 50 feet. If curb and gutter are provided, 50 feet of right-of-way is adequate on local residential streets.	
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.	

(2) *Street widths.* 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:

(a) *Local residential.*

1. Curb and gutter section, 26 feet, face-to-face of curb.
2. Shoulder section, 20 feet to edge of pavement, four-foot shoulders.

(b) *Residential collector.*

1. Curb and gutter section, 34 feet, face-to-face of curb.
2. Shoulder section, 20 feet to edge of pavement, six-foot shoulders.

(3) *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 under right-of-way shall apply.

(a) *Design speed.* The design speeds for subdivision-type streets shall be:

<i>Minimum</i>		<i>Desirable</i>
<i>Rural</i>		
50	Minor collector roads	60
50*	Local roads including residential collectors and local residential	50
<i>Urban</i>		
50	Major thoroughfares other than freeway or expressway	60
50	Minor thoroughfares	60
40**	Local streets	40
*Based on projected annual average daily traffic of 400-750. In cases where a road will serve a very limited area and small number of dwelling units, minimum design speeds can be reduced further, but in no case below 25.		
**Based on projected annual average daily traffic of 50-250		

(b) *Maximum and minimum grades.*

1. The maximum grades in percent shall be:

<i>Design Speed</i>	<i>Grade</i>
60	4
50	5
40 or less	6

2. 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 specific drainage conditions may control.

3. Grades for 100 feet each way from intersections should not exceed 5%.

4. For streets and roads with projected annual average daily traffic less than 250, short grades less than 500 feet long, may be 150% greater.

(c) *Minimum sight distances.*

1. In the interest of public safety, no less than the minimum sight distance applicable shall be provided in every instance.

2. Vertical curves that connect each change in grade shall be provided and calculated using the following parameters. (General practice calls for vertical curves to be multiples of 50 feet. Calculated lengths shall be rounded up in each case.)

Design speed (mph)	20	30	40	50	60
Stopping sight distance:					
Min. stopping distance, feet	150	200	275	400	525
Des. stopping distance, feet	150	200	325	475	650
Minimum K* value for:					
1. Min. crest vert. curve	16	28	55	85	160
Des. crest vert. curve	16	28	65	145	300
2. Min. SAG vert. curve	24	35	55	75	105
Des. SAG vert. curve	24	35	60	100	155
*K is a coefficient by which the algebraic difference in grade may be multiplied to determine the length in feet of the vertical curve which will provide minimum sight distance. Sight distance provided for stopped vehicles at intersections shall be in accordance with <i>A Policy on Geometric Design of Rural Highways</i> and Chapter 153 of this code.					

(d) 1. The following table shows the maximum degree of curve and related maximum superelevation for design speeds.

2. The maximum rate of roadway superelevation (e) for rural roads with no curb and gutter is .08.

3. The maximum rate of superelevation for urban streets with curb and gutter is .06 with .04 being desirable.

<i>Degree Curve (Rounded) Degrees</i>	<i>Design Speed (mph)</i>	<i>Maximum e*</i>	<i>Minimum Radius (Rounded) Feet</i>
19.0	30	.04	300
10.0	40	.04	560
6.0	50	.04	950
4.0	60	.04	1,500
21.0	30	.06	275
11.5	40	.06	510
7.0	50	.06	850
4.5	60	.06	1,375
23.0	30	.08	250
12.5	40	.08	460
7.5	50	.08	760
5.0	60	.08	1,200
*Rate of roadway superelevation, foot per foot.			

(4) *Intersections.*

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

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

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

(d) Intersections with arterials, collectors and thoroughfares shall be at least 1,000 feet from centerline to centerline, or more if required by the State Department of Transportation.

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

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

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

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

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

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

(H) *Other requirements*.

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

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

(3) *Street names*. Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names in the town, and its

extraterritorial jurisdiction or the county irrespective of the use of a suffix such as street, road, drive, place, court and the like. Street names shall be subject to the approval of the Board of Commissioners.

(4) *Street name signs.* The subdivider shall be required to provide street name signs for all intersections within the subdivision. These street name signs shall be purchased through the town, and installed by town workers. The subdivider shall pay the town for the signs and their installation.

(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 a minimum of 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 feet from the face of curb.

(7) *Wheelchair ramps.* In accordance with G.S. § 136-44.14, all street curbs in the state 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 disabled at all intersections where both curb and gutter and sidewalks are provided and at other major points of pedestrian flow.

(8) *Horizontal width on bridge deck.*

(a) The clear roadway widths for new and reconstructed bridges serving two-lane, two-way traffic shall be as follows:

1. *Shoulder section approach.*

a. *Under 800 ADT Design Year.* Minimum 28 feet width face-to-face of parapets or rails or pavement width plus ten feet, whichever is greater.

b. *800-2000 ADT Design Year.* Minimum 34 feet width face-to-face of parapets or rails or pavement width plus 12 feet, whichever is greater.

c. *Over 2000 ADT Design Year.* Minimum 40 feet. Desirable 44 feet width face-to-face of parapets or rails.

2. *Curb and gutter approach.*

a. *Under 800 ADT Design Year.* Minimum 24 feet face-to-face of curbs.

b. *Over 800 ADT Design Year.* Width of approach pavement measured face-to-face of curbs.

(b) Where curb and gutter sections are used on roadway approaches, curbs on bridges shall match the curbs on approaches in height, in width of face-to-face of curbs and in crown drop. The distance from face of curb to face of parapet or rail shall be one foot, six inches minimum, or greater if sidewalks are required.

(c) The clear roadway widths for new and reconstructed bridges having four or more lanes serving undivided 2-way traffic shall be as follows:

1. *Shoulder section approach.* Width of approach pavement plus width of usable shoulders on the approach left and right.

2. *Curb and gutter approach.* Width of approach pavement measured face-to-face of curbs.

(9) *Curb and gutter.* Curb and gutter shall be provided where deemed necessary by the Board of Commissioners with advice from the Planning Board, Public Services Director or the town's consulting engineer in order to provide adequate drainage, or because high traffic volumes, soil conditions or other similar conditions or special problems exist.

(1993 Code, § 66-75) Penalty, see § 10.99

§ 151.55 UTILITIES.

(A) *Water and sanitary sewer systems.*

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

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

(3) Water and sanitary sewer lines, connections and equipment shall be in accordance with the town standards and policies. Water and sewer taps and meters, meter curb boxes and conservation stops shall be installed at the subdivider's expense on each lot within the corporate limits of the town, or if the subdivider is utilizing the town's water and sewer system in a subdivision outside the corporate limits, in each lot within the subdivision.

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

(B) *Storm water drainage system.* The subdivider shall provide a surface water drainage system constructed to the standards of the North Carolina Department of Transportation, as reflected in the current issue of the Handbook for the Design of Highway Surface Drainage Structures, subject to review by the Director of Public Works and Utilities.

(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 feet of horizontal distance for each one 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. § 143-34.12, Chapter 113A, Article 4, and North Carolina Administrative Code Title 15, Chapter 4 and any locally adopted erosion and sedimentation control ordinances.

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

(6) Streambanks and channels downstream from any land disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land disturbing activity in accordance with the North Carolina Sedimentation Pollution Control Act, G.S. § 143-34.12, Chapter 113A, Article 4 and North Carolina Administrative Code Title 15, Chapter 4.

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

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

(C) *Street lights.* All subdivisions in which the size of the smallest lot is less than 40,000 square feet shall have street lights installed throughout the subdivision in accordance with the standards of the Town of Enfield.

(1993 Code, § 66-76)

§ 151.56 PLACEMENT OF MONUMENTS.

Unless otherwise specified by this chapter, the Standards of Practice for Land Surveying as adopted by the 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. All property corners shall be monumented with permanent monuments.

(1993 Code, § 66-77)

§ 151.57 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 chapter until all the requirements of this chapter have been met. The subdivider, prior to commencing any work within the subdivision, shall provide for adequate inspection. The approving authorities having jurisdiction or their representatives shall inspect and approve all completed work prior to release of the sureties.

(1993 Code, § 66-78) Penalty, see § 10.99

§ 151.58 OVERSIZED IMPROVEMENTS.

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

(1993 Code, § 66-79)

§ 151.59 AS-BUILT DRAWINGS.

At the time of the developer's request to dedicate the improvements to the town, the developer shall provide as-built drawings of all improvements and utilities.

(1993 Code, § 66-80)

§ 151.60 BUFFERING.

Whenever a residential subdivision is located adjacent to an office, institutional, commercial or industrial use which does not have a buffer, or property zoned for these uses, and a buffer is not required between these and the subdivision, the subdivider shall provide a buffer as defined in § 151.02. The width of the buffer shall be in addition to the lot area required by Chapter 153. The buffer shall become part of the lot on which it is located, or in the case of commonly owned property, shall be deeded to the homeowners association.

(1993 Code, § 66-81)