

## CHAPTER 154: SUBDIVISION REGULATIONS

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***GENERAL PROVISIONS***

**§ 154.01 TITLE.**

This chapter shall be known and may be cited as the Subdivision Regulations of the Town of Aberdeen, North Carolina, and may be referred to as the subdivision regulations.

(Ord., passed 2-1-89)

§ 154.02 PURPOSE.

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 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 for 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.  
(Ord., passed 2-1-89)

§     **154.03           AUTHORITY.**

      This chapter is hereby adopted under the authority and provision of the G.S. Ch. 160A, Art. 19, Part 2.  
(Ord., passed 2-1-89)

**§ 154.04 JURISDICITON**

The regulations contained herein, as provided in G.S. Ch. 160A, Art. 19 shall govern each and every subdivision within the town and its extraterritorial planning area. (Ord., passed 2-1-89)

§ 154.05 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.

**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 ½ the street right-of-way width being contained within the subdivision plat. Also, any existing street to which the parcel of land to be subdivided abuts on only one side.

**LOT.** A portion of a subdivision, or any other parcel of land, intended as a unit of transfer of ownership or for development or both. Includes the words **PLOT, PARCELL,** or **TRACT.**

**LOT OF RECORD.** A lot which is part of a subdivision, a plat of which has been recorded in the County Office of Register of Deeds 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.

**LOT TYPES** include the following:

(1) **CORNER LOTS.** 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) **DOUBLE FRONTAGE LOT.** A continuous (through) lot which is accessible from both streets upon which it fronts.

(3) **INTERIOR LOTS.** A lot, other than a corner lot, with only one frontage on more than one street.

(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 A DOUBLE FRONTAGE LOT.** A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

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

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

**PERSON.** Includes a firm, association, corporation, trust and company as well as an individual.

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

**PUBLIC WATER SYSTEM.** A system for the provision to the public of piped water for human consumption if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.

**PUBLIC OR COMMUNITY 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.

**PRIVATE DRIVEWAY.** A roadway serving two or fewer lots, building sites, or other division of land and not intended to be public ingress or egress.

**PRIVATE STREET.** An undedicated private right-of-way which affords access to abutting properties and requires a subdivision streets disclosure statement in accordance with G.S. § 136-102.6.

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

**SEPTIC TANK SYSTEM.** A ground absorption sewage treatment and disposal system consisting of a septic tank and a nitrification field, necessary pipe lines, conduits,

pump stations and other appurtenances required for proper collection, distribution, treatment, disposal, operation and performance or any other system approved by the Health Department.

**STREET.** A dedicated and accepted public right-of-way for vehicular traffic (or a private road only if permitted by this chapter). The following classifications shall apply:

(1) **RURAL ROADS** include the following:

(a) **LOCAL ROAD/STREET.** A local road serves primarily to provide for travel over relatively short distances.

(b) **MAJOR COLLECTOR.** A road, which serves major intracounty 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 intracounty 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** include the following:

(a) **ALLEY.** A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the backside 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) **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.

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

(e) **LOCAL RESIDENTIAL STREET.** Cul-de-sacs, loop streets less than 2,500 feet in length, or streets less than one mile 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.

(f) **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.

**STRUCTURE.** Includes the word **BUILDING**.

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

**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.

(1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality as shown in this chapter;

(2) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;

(3) The public acquisition by purchase of strips of land for the widening or opening of streets; and

(4) 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 this chapter.

***USE FOR.*** Includes the meaning ***DESIGNED FOR.***  
(Ord., passed 2-1-89)

§ 154.06 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 Town Planning Board.  
(Ord., passed 2-1-89)

§ 154.07 THOROUGHFARE PLANS.

When a proposed subdivision includes any part of a thoroughfare which has been designated as such upon the officially adopted thoroughfare plan of the town, such part of such thoroughfare shall be plated by the subdivider in the location shown on the plan and at the width specified in this chapter.

(Ord., passed 2-1-89)

§      **154.08            SCHOOL SITES ON LAND USE PLAN.**

If the Town Board of Commissioners and Board of Education have jointly determined the specific location and size of any school sites to be reserved and this information appears in the comprehensive land use plan, the Planning Board shall immediately notify the Board of Education whenever a sketch plan for a subdivision is submitted which includes all or part of a school site to be reserved. The Board of Education shall promptly decide whether it still wishes the site to be reserved. If the Board of Education does not wish to reserve the site, it shall so notify the Planning Board. If the Board of Education has not purchased or begun proceeding to condemn the site within 18 months, the subdivider may treat the land as freed of the reservation.

§     **154.09           ZONING AND OTHER PLANS.**

Similarly, proposed subdivisions must comply in all respects with the requirements of the zoning ordinance in effect in the area to be subdivided, and any other officially adopted plans.

(Ord., passed 2-1-89) Penalty, see § 154.99

***PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS***

**§ 154.25 PLAT SHALL BE REQUIRED ON ANY SUBDIVISION OF LAND.**

Pursuant to G.S. Ch. 160A, Art. 19, Part 2 a final plat shall be prepared, approved and recorded pursuant to the provisions of this chapter whenever any subdivision of land takes place.

(Ord., passed 2-1-89)

**§ 154.26 APPROVAL PREREQUISITE TO PLAT RECORDATION.**

Pursuant to G.S. § 160A-372, no final plat of a subdivision within the jurisdiction of the town as established in § 154.04 shall be recorded by the County Register of Deeds until it has been approved as provided herein. To secure such approval of a final plat, the subdivider shall follow the procedures established in this subchapter.  
(Ord., passed 2-1-89) Penalty, see § 154.999

§ 154.27            **PROCEDURES FOR REVIEW OF MAJOR AND MINOR  
SUBDIVISION.**

(A) All subdivisions shall be considered major subdivisions except those defined as minor subdivisions in division (B). Major subdivisions shall be reviewed in accordance with the procedures in § 154.29 through § 154.31. Minor subdivisions shall be reviewed in accordance with the provisions in § 154.28. 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 abbreviated procedure. The abbreviated procedure may not be used a second time within three years on any property less than 1500 feet from the original property boundaries by anyone who owned, had an option on or any legal interest in the original subdivision at the time the subdivision received preliminary or final plat approval. Furthermore, the abbreviated procedure may not be used within three years on any property less than 1500 feet from the original property boundaries by any subsequent owner, individual having an adoption on or individual having any legal interest in the original subdivision at the time the subdivision received preliminary or final plat approval.

(B) 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, where the entire tract to be subdivided is five acres or less in size and where four or fewer lots result after the subdivision is completed.

(Ord., passed 2-1-89)

§ 154.28 PROCEDURE FOR REVIEW OF MINOR SUBDIVISIONS.

(A) Sketch plan for minor subdivision.

(1) Prior to submission of a final plat, the subdivider shall submit to the Subdivision Administrator two copies of a sketch plan of the proposed subdivision containing the following information:

(a) A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, road and waterways;

(b) The boundaries of the tract and the portion of the tract to be subdivided;

(c) The total acreage to be subdivided;

(d) The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;

(e) The existing street layout and right-of-way width, lot layout, and size of lots;

(f) The name, address, and telephone number of the owner;

(g) The name, if any, of the proposed subdivision;

(h) Streets and lots of adjacent developed or platted properties;

(i) The zoning classification of the tract and of adjacent properties;  
and

(j) A statement from the County Health Department that a copy of the sketch plan has been submitted to them if a septic tank system or other onsite water or wastewater systems are to be used in the subdivision.

(2) The Subdivision Administrator shall review the sketch plan for general compliance with the requirements of this chapter and the zoning ordinance; the Subdivision Administrator shall advise the subdivider or his authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the final plat.

(3) One copy of the sketch plan shall be retained by the Subdivision Administrator and one copy shall be returned to the subdivider or his authorized agent.

(B) Final plat for minor subdivisions. Upon approval of the sketch plan by the Subdivision Administrator, the subdivider may proceed with the preparation of the final plat in accordance with the requirements of this chapter.

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

(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 Manual of Practice for Land Surveying in North Carolina.

(3) Five copies 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 Manual 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 of \$25 and acreage fees (when applicable) as required in § 154.31(c).

(6) The final plat shall meet the specifications in § 154.32.

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

\_\_\_\_\_”  
Date Owner

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(b) Certificate of survey and accuracy.

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

On the face of each map prepared for recordation there shall appear a certificate acknowledged before an officer authorized to take acknowledgements and executed by the person making the survey or map including deeds and any recorded data shown thereon.

The certificate shall include a statement of error or closure calculated by latitudes and departures. Any lines on the map, which were not actually surveyed, must be clearly indicated on the map and a statement included in the certificate revealing the source of information.

The certificate shall take the following general form:

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State of North Carolina

Town of Aberdeen

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

Witness my hand and seal this \_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_.

\_\_\_\_\_  
Registered Land Surveyor

Official Seal

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

I (officer authorized to take acknowledgements) do hereby certify that (name of registered surveyor) personally appeared before me this day and acknowledged the due execution of this certificate. Witness my hand and (where an official seal is required by law) official seal this the \_\_\_\_ day of \_\_\_\_\_ (year).

\_\_\_\_\_  
Notary Public

Official Seal”

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(8) Following the review by the Subdivision Administrator, the final plat shall be reviewed by the Planning Board at or before its next regularly scheduled meeting which follows at least 15 days after the Planning Board receives the final plat and shall approve or disapprove the final plat with reason within 15 days.

(9) During the review of the final plat the Planning Board may appoint an engineer or surveyor to confirm the accuracy of the final plat (if agreed to by the Town 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 such errors have been corrected.

(10) If the Planning Board approves the final plat, such approval shall be shown on each copy of the plat by the following signed certificate.

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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 Aberdeen, North Carolina and that this plat has been approved for recording in the Office of the Register of Deeds of Moore County.

\_\_\_\_\_  
Zoning Administrator

\_\_\_\_\_  
Date

Aberdeen, North Carolina”

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(11) If the final plat is disapproved by the Planning Board the reasons for such disapproval shall be stated in writing, specifying the provisions of this chapter with which the final plat does not comply. One copy of such reasons and one print of the plat shall be retained by the Planning Board as part of the records; 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 such changes as will bring the final plat into compliance and resubmit same for reconsideration by the Planning Board or appeal the decision to the Town Board of Commissioners.

(12) If the final plat is approved by the Planning Board, 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 retained by the Subdivision Administrator for the records.

(13) The subdivider shall file the approved final plat with the County Register of Deeds within 30 days of the approval; otherwise such approval shall be null and void.

(Ord., passed 2-1-89)

§ 154.29 SKETCH PLAN FOR MAJOR SUBDIVISION

(A) Number of copies and contents.

Prior to the preliminary plat submission, the subdivider shall submit to the Subdivision Administrator two copies of a sketch plan of the proposed subdivision containing the following information.

- (1) A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads and waterways;
- (2) The boundaries of the tract and the portion of the tract to be subdivided;
- (3) The total acreage to be subdivided;
- (4) The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;
- (5) The proposed street layout with approximate pavement and right-of-way width, lot layout and size of lots;
- (6) The name, address and telephone number of the owner;
- (7) The name, if any, of the proposed subdivision;
- (8) Streets and lots of adjacent developed or platted properties;
- (9) The zoning classification of the tract and of adjacent properties; and
- (10) A statement from the County Health Department that a copy of the sketch plan has been submitted to them, if a septic tank system or other onsite water or wastewater systems are to be used in the subdivision.

(B) Submission and review procedure.

(1) The Subdivision Administrator shall review the sketch plan for general compliance with the requirements of this chapter and the zoning ordinance; the Subdivision Administrator shall advise the subdivider or his authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the preliminary and final plats.

(2) One copy of the sketch plan shall be retained by the Subdivision Administrator and one copy shall be returned to the subdivider or his authorized agent. (Ord., passed 2-1-89) Penalty, see § 154.99

§ 154.30 PRELIMINARY PLAT SUBMISSION AND REVIEW.

(A) Submission procedure.

(1) For every subdivision within the territorial jurisdiction established by § 154.04, which does not qualify for the abbreviated procedure, the subdivider shall submit a preliminary plat which shall be approved by the Planning Board before any construction or installation of improvements may begin.

(2) Four copies of the preliminary plat (as well as any additional copies which the Planning Board determines are needed to be sent to other agencies) shall be submitted to the Subdivision Administrator at least 15 days prior to the Planning Board meeting at which the subdivider desires the Planning Board to review the preliminary plat. The Subdivision Administrator shall review it and present it to the Planning Board.

(3) Preliminary plats shall meet the specification in § 154.32.

(B) Review by other agencies. Concurrent with submission of the preliminary plat to the Subdivision Administrator, the subdivider shall submit copies of the preliminary plat and any accompanying material to other officials and agencies concerned with new development including but not limited to: the District Highway Engineer as to proposed streets, highways and drainage systems; the county Health Director as to proposed water and sewage systems; the State Department of Natural Resources and Community Development Land Quality Section as to the erosion control requirements; and any other agency or official designated by the Planning Board for review and recommendation. The Subdivision Administrator will advise the subdivider concerning which agencies are applicable for a given plat.

(C) Review procedure.

(1) The Planning Board shall review the preliminary plat at or before its next regularly scheduled meeting which follows at least 15 days after the Planning Board receives the preliminary plat and the comments from the appropriate agencies.

(2) The Planning Board shall, in writing, recommend approval, conditional approval with conditions to bring the plat into compliance or disapproval with reasons within 40 days of its first consideration of the plat.

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

writing. One copy of the plat and the reasons shall be retained by the Planning Board and one copy shall be returned to the subdivider.

(4) If the preliminary plat is disapproved, the subdivider may make the recommended changes and submit a revised preliminary plat or appeal the decision to the Town Board of Commissioners.

(Ord., passed 2-1-89) Penalty, see § 154.99

§ 154.31 FINAL PLAT SUBMISSION AND REVIEW.

(A) Preparation of final plat and installation of improvements. Upon approval of the preliminary plat by the Planning Board, 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 provide herein. No final plat will be accepted for review by the Planning Board 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 the time; such portion shall conform to all requirements of this chapter.

(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 Board may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Planning Board if all other requirements of this chapter are met. To secure this agreement, the subdivider shall provide, subject to the approval of the Town Board, either one or a combination of the following guarantees not exceeding 1.25 times the entire cost as provided herein:

(a) Surety Performance Bond(s). The subdivider shall obtain a performance bond(s) 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 Town Board, of installing all required improvements. The duration of the bonds(s) shall be until such time as the improvements are accepted by the Town Board.

(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 Town Board. The amount of deposit shall be equal to 1.25 times the cost, as estimated by the subdivider and approved by the Town Board, 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 Town Board an agreement between the financial institution and himself guaranteeing the following.

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

2. That in the case of a failure on the part of the subdivider to complete said improvements the financial institution shall, upon notification by the Town Board and submission by the Town Board 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 estimated 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. 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 Town Board, pay all or any portion of the bond or escrow fund to the town up to the amount needed to complete the improvements based on an engineering estimate. Upon payment, the Town Board, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The town shall return to the subdivider any funds not spent in completing the improvements.

(3) Release of guarantee security. The Town board may release a portion of any security posted as the improvements are completed and approved by the Planning Board. When the Planning Board approves said improvements, then the Town Board shall immediately release any security posted.

(C) Submission procedure.

(1) The subdivider shall submit the final plat, so marked, through the Subdivision Administrator to the Planning Board meeting at which it will be reviewed; further, the final plat for the first stage of the subdivision shall be submitted not more than 12 months after the date on which the preliminary plat was approved; otherwise such approval shall be null and void, unless a written extension of this limit is granted by the Planning Board on or before the 12-month anniversary of the approval.

(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 Manual of Practices for Land Surveying in North Carolina.

(3) Five copies 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 Manual 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 and acreage fees (when applicable). A filing fee of \$25.00 is required, plus \$.75 per lot over ten. When there are two or more principal buildings per site, a fee of \$.75 per building site over two will be paid.

(6) Water and sewer service acreage fees shall be charged for connecting to the water and/or sewer system of the town in order to recover the cost of previous capital investments in the water and sewer systems and to build a capital reserve fund for future investment in the water and sewer facilities. For residential development, these charges shall be calculated on a per lot basis pursuant to the following schedule. (For nonresidential development, these charges shall be based upon the meter size of the project.)

Tap on fee. All water and sewer taps are figured on time and materials (double for out of town).

<b>Residential Acreage Fee</b>	<b>Water</b>	<b>Sewer</b>	<b>Total</b>
1 Bedroom Unit	\$100	\$200	\$300
2 Bedroom Unit	\$100	\$200	\$300
3 Bedroom Unit	\$100	\$200	\$300
<b>Nonresidential Acreage Fee</b>	<b>Water</b>	<b>Sewer</b>	<b>Total</b>
¾ inch	\$200	\$500	\$700
1 inch	\$300	\$1,000	\$1,300
2 inch	\$500	\$2,500	\$3,000
3 inch	\$1,000	\$5,000	\$6,000
4 inch	\$2,000	\$8,000	\$10,000
6 inch	\$5,000	\$15,000	\$20,000

The size of the water meter and the size of the lines to be installed pursuant to the above schedules shall be determined by the Town Public Works Director.

(7) The final plat shall meet the specifications in § 154.32.

(8) 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 Aberdeen 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, storm sewer and water lines to the Town of Aberdeen.

\_\_\_\_\_”  
Date Owners

(b) Certificate of survey and accuracy.

“In accordance with the Manual of Practice for Land Surveying in North Carolina;  
On the face of each map prepared for recordation there shall appear a certificate acknowledged before an officer authorized to take acknowledgements and executed by the person making the survey or map including deeds and any recorded data shown thereon.

The certificate shall include a statement of error of closure calculated by latitudes and departures. Any lines on the map which were not actually surveyed must be clearly indicated on the map and a statement included in the certificate revealing the source of information.”

The certificate shall take the following general form.

-----  
“State of North Carolina Town of Aberdeen

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

\_\_\_\_\_

Registered Land Surveyor

Official Seal

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

I, (officer authorized to take acknowledgements) do hereby certify that (name of registered surveyor) personally appeared before me this day and acknowledged the due execution of this certificate. Witness my hand and (where an official seal is require by law) official seal this the \_\_\_\_ day of \_\_\_\_\_ (year)

\_\_\_\_\_  
Notary Public

Official Seal”

-----  
(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 a manner approved by the appropriate state or local authority 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 Town of Aberdeen has been received and that the filing fee for this plat, in the amount of \$\_\_\_\_\_ has been paid.

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

\_\_\_\_\_  
Date”

-----  
(9) The Planning Board shall review the final plat at or before its next regularly scheduled meeting which follows at least 15 days after the Planning Board receives the final plat and shall approve or disapprove of the final plat with reasons within 40 days of its first consideration of the plat.

(10) 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 agreed to by the Town Board). If substantial errors are found, the costs shall be charged to the subdivider and the plat shall not be recommended for approval until such errors have been corrected.

(11) If the Planning Board approves the final plat, such approval shall be shown on each copy of the plat by the following signed certificate.

-----  
Certificate of approval for recording.

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

\_\_\_\_\_  
Zoning Administrator

\_\_\_\_\_  
Date

Aberdeen, North Carolina”

-----  
(12) If the final plat is disapproved by the Planning Board, the reasons for such disapproval shall be stated in writing, specifying the provisions of this chapter with which the final plat does not comply. One copy of such reasons and one print of the plat shall be retained by the Planning Board 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 such changes as will bring the final plat into compliance and resubmit same for reconsideration by the Planning Board or appeal the decision to the Town Board of Commissioners.

(13) If the final plat is approved by the Planning Board, 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 Subdivision Administrator and one print shall be retained by the Planning Board for its records.

(14) The subdivider shall file the approved final plat with the Register of Deeds within 30 days of Planning Board approval; otherwise such approval shall be null and void.

(Ord., passed 2-1-89) Penalty, see § 154.99

§ 154.32 **INFORMATION TO BE CONTAINED IN OR DEPICTED ON PRELIMINARY AND FINAL PLAT.**

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

<b>Information</b>	<b>Preliminary Plat</b>	<b>Final Plat</b>
Title block containing		
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
The names, addresses and telephone numbers of all owners, mortgagees, registered land surveyors, land planners, 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	X
The exact boundary lines of the tract to be	X	X

subdivided, fully dimensioned by lengths and bearings and the location of existing boundary lines of adjoining lands

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	x
Existing property lines on the tract to be subdivided and on adjoining properties	x	x
Existing buildings or other structures, water courses, 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	x
The lots numbered consecutively throughout the subdivision	x	x
Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds and any other natural features affecting the site	x	x
The exact location of the flood hazard, floodway and floodway fringe areas from the community's FHBM or other FEMA maps	x	x
The following data concerning streets:		
Proposed streets	x	x
Existing and platted streets on adjoining properties and in the proposed subdivision	x	x
Rights-of-way, locations and dimensions	x	x
Pavement widths	x	x <sup>1</sup>

Approximate grades	X	X <sup>1</sup>
Design engineering data for all corners and curves	X	X
Typical street cross sections	X	X
Street names	X	X
Street maintenance agreement in accordance with	X	X
Type of street dedication; all streets must be designated either “public” or “private”. Where public streets are involved which will not be dedicated to a municipality, the subdivider must submit the following documents to the State 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 § 154.49(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 State Department of Transportation, Division of Highways’ Manual on Driveway Regulations.	X	X
Evidence that the subdivider has obtained such approval.	X	X
The location and dimensions of all:		
Utility and other easements	X	

Riding Trails	X	X
Natural buffers	X	X
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	X
The plans for utility layouts including:		
Public or Community Sewage System (if any)	X	X <sup>1</sup>
Storm sewers	X	X <sup>1</sup>
Other drainage facilities, (if any)	X	X <sup>1</sup>
Public water system (if any)	X	X <sup>1</sup>
Natural gas lines	X	X <sup>1</sup>
Telephone lines	X	X <sup>1</sup>
Electric lines	X	X <sup>1</sup>
Illustrating connections to existing systems, showing line sizes, the location of fire hydrants, blowoffs, manholes, force mains and gate valves.	X	X <sup>1</sup>
Plans for individual water supply and septic tank systems, if any	X	X
Profiles based upon mean sea level datum	X	X

for sanitary sewers and storm sewers

Site calculations including:

Acreage in total tract to be subdivided	x	x
Acreage in parks and recreation areas and other nonresidential uses	x	x
Total number of parcels created	x	x
Acreage in the smallest lot in the subdivision	x	x
Linear feet in streets	x	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 distance 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 one-tenth of a foot and all angles to the nearest minute.	x	x
The accurate locations and descriptions of all monuments, markers and control points.	x	x
A copy of any proposed deed restrictions or similar covenants. Such restrictions are mandatory when private recreation areas are established.	x	x
A copy of the erosion control plan submitted to the appropriate authority and a copy of the letter of approval of the erosion control plan by the appropriate authority.	x	x

Topographic map with contour intervals of five feet	x	x
All certifications required in § 154.31	x	x
Any other information considered by either the subdivider or the Planning Board to be pertinent to the review of the plat.	x	x

<sup>1</sup>Required on preliminary and final plats for major subdivisions and required only on final plats for minor subdivision.  
(Ord., passed 2-1-89) Penalty, see § 154.99

§ 154.33 RECOMBINATION OF LAND.

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

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

(C) Such an instrument 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 such 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 such plat joining in the execution of such writing.

(Ord., passed 2-1-89) Penalty, see § 154.99

§ 154.34 RESUBDIVISION PROCEDURES.

For any replatting or resubdivision of land, the same procedures, rules and regulations shall apply as prescribed herein for an original subdivision.  
(Ord., passed 2-1-89) Penalty, see § 154.99

***REQUIRED IMPROVEMENT, DEDICATION,  
RESERVATION, MINIMUM STANDARDS OF DESIGN***

**§ 154.45 CONFORMANCE.**

Each subdivision shall contain the improvements specified in this chapter 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 article. Each subdivision shall adhere to the minimum standards of design established by this article. (Ord., passed 2-1-89) Penalty, see § 154.99

**§ 154.46 SUITABILITY OF LAND.**

(A) Land which has been determined by the Planning Board, on the basis of engineering or other expert surveys, to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed shall not be platted for that purpose, unless and until the subdivider has taken the necessary measures to correct said conditions and to eliminate said dangers.

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

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

(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.

(Ord., passed 2-1-89) Penalty, see § 154.99

**§ 154.47 NAME DUPLICATION**

The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision with the town and its extraterritorial jurisdiction area.  
(Ord., passed 2-1-89) Penalty, see § 154.99

§ 154.48 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 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 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.

(3) Where deemed necessary by the Planning Board, 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.

(B) Lots.

(1) All lots in new subdivisions shall conform with the dimensional requirements contained in the town's zoning ordinance.

(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.

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

(1) Utility easements. Easements for underground or above ground utilities shall be provided, where necessary, across lots or centered on rear of side lot lines and shall be at least fifteen feet wide for water and sanitary sewer lines and as required by the companies involved, for telephone, gas and power lines. The Administrative Officer 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 drainage way, an easement shall be provided conforming with the lines of such stream and of sufficient width as will be adequate for the purpose of drainage.

(Ord., passed 2-1-89) Penalty, see § 154.99

§ 154.49 STREETS.

(A) Type of streets required. All subdivision lots shall abut on a public street. 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 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 stricter in regard to each particular item, and shall be put on such system. Streets 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 standards necessary to be put on the State/Town Highway System, whichever is stricter in regard to each particular item, so as to be eligible to be put on the system at a later date. A written maintenance agreement with provisions for maintenance of the street until it is put on the state system shall be included with the final plat.

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

(C) Half-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 impracticable, 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 such as to permit the installation of such facilities as may be necessary to serve abutting lots. When the adjoining property is subdivided, the remainder of the full required right-of-way shall be dedicated.

(D) Marginal access streets. Where a tract of land to be subdivided adjoins a principal arterial street, the subdivider may be required to provide a marginal access street parallel to the arterial street or reverse frontage on a minor street for 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 Planning Board, it is necessary to provide for access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turnaround provided.

(F) Nonresidential street. The subdivider of a nonresidential subdivision shall provide streets in accordance with the standards contained in the most current edition of the State Roads, Minimum Construction Standards booklet; and the standards in this chapter, whichever are stricter in regard to each particular item.

(G) Design standards. 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 Officials (AASHO) manuals. The most current addition 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 stricter than this chapter.

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

<b><i>Rural</i></b>	<b><i>Minimum Right-of-Way, Feet</i></b>
(a) Principal arterial freeways	Shall meet DOT standards
Other	Shall meet DOT standards
(b) Minor arterial	Shall meet DOT standards
(c) Major collector	Shall meet DOT standards
(d) Minor collector	Shall meet DOT standards
(e) Local road	Shall meet DOT standards
 <b><i>Urban</i></b>	 <b><i>Minimum Right-of-Way, Feet</i></b>
(a) Major thoroughfare other than freeway and expressway	90
(b) Minor thoroughfare	60
(c) Local street	50

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 paving widths. Paving widths for street and road classifications other than local shall be as required by the thoroughfare plan where applicable. Paving widths of local roads and streets shall be as follows.

(a) Local residential.

Curb and gutter section – 26 feet, to face of curb  
Shoulder section – 20 feet to edge of pavement, 4 foot shoulders

(b) Residential collector.

Curb and gutter section – 34 feet, face to face of curb  
Shoulder section – 20 feet to edge of pavement, 6 foot shoulders

(3) Geometric characteristics. The standards outlined below shall apply to all subdivision streets proposed for addition to the State Highway 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>Rural</i>	<i>Desirable</i>	<i>(Minimum) Level</i>	<i>Rolling</i>
Minor collector roads	60	50	40
Local roads including residential collectors and local residential	50	50*	40*
<i>Urban</i>			
Major thoroughfares other than freeway or expressway	60	50	50
Minor thoroughfares	60	50	40
Local streets	40	40**	30**

(b) Maximum and minimum grades.

1. The maximum grades in percent shall be:

<i>Design Speed</i>	<i>Level</i>	<i>Rolling</i>
60	3	4
50	4	5

40	5	6
30		9

\*Based on projected annual average daily traffic of 400-750. In cases where roads 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.

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

<i>Design Speed, MPH</i>	<i>20</i>	<i>30</i>	<i>40</i>	<i>50</i>	<i>60</i>
<i>Stopping Sight Distance</i>					
Min. Stopping Distance, Ft	150	200	275	350	475
Des. Stopping Distance, Ft	150	200	300	450	650
Minimum k* Value For:					
a: Min. Crest Vertical Curve	16	28	55	85	160
Des. Crest Vertical Curve	16	28	65	145	300
b: Min. SAG Vertical Curve	24	35	55	75	105
Des. SAG Vertical 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.

<i>Passing Sight Distance</i>	<b>30</b>	<b>40</b>	<b>50</b>	<b>60</b>
Min. Passing Distance, Ft. (2 lane)	1100	1500	1800	2100
Min. k* Value for Crest				
Vertical Curve	365	686	985	1340

Sight distance provided for stopped vehicles at intersections should be in accordance with, "A Policy on Geometric Design of Rural Highways".

(d) The following table shows the maximum degree of curve and related maximum superelevation for design speeds. The maximum rate of roadway superelevation (e) for rural roads with no curb and gutter is .08. The maximum rate of superelevation for urban streets with curb and gutter is .06 with .04 being desirable.

<i>Design Speed MPH</i>	<i>Maximum e*</i>	<i>Minimum Radius (Rounded Feet)</i>	<i>Max. Degree of Curve (Rounded Degrees)</i>
20	.04	125	45.0
30	.04	300	19.0
40	.04	560	10.0
50	.04	925	6.0
60	.04	1410	4.0
20	.06	115	50.0
30	.06	275	21.0
40	.06	510	11.5
50	.06	830	7.0
60	.06	1260	4.5
20	.08	1105	3.5
30	.08	250	2.0
40	.08	460	12.5
50	.08	760	7.5
60	.08	1140	5.0

\* = rate of roadway superelevation, foot per foot

(4) Intersection.

(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.

$k^*$  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.

(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 line will be required, if necessary, to provide sight distance from the vehicle on the side street.

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

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

(5) Cul-de-sacs. Permanent deadened 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. Measurements shall be from the point where the center line of the deadened street intersects with the center of the turnaround of the 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 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 Planning Board.

(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 Planning Board.

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

(e) All alleys shall be designated in accordance with 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 such a way that their use by through traffic will be discouraged. Streets shall be designed or walkways dedicated to assure convenient access to parks, playgrounds, schools or other places of public assembly.

(2) Sidewalks. Sidewalks may be required by the Planning Board 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. Such 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 or its planning area irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be subject to approval of the Planning Board.

(4) Street name signs. The town shall provide and erect street name signs at all intersections within the subdivisions. The town shall be reimbursed by the subdivider for the cost of the signs.

(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) Wheelchair ramps. In accordance with G.S. Ch. 136, Art. 2A § 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, shall provide wheelchair ramps for the physically handicapped at all intersections where

both curb and gutter and sidewalks are provided and at other major points of pedestrian flow.

(7) 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 10 feet, whichever is greater.

b. 800 – 2,000 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 2,000 ADT design year.

Minimum 40 feet. Desirable 44 feet width face-to-face of parapets or rails.

2. Curbs 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. Where curb and gutter sections are used on roadway approaches, curbs on bridges shall match the curb on approaches in height, in width of face-to-face curbs and in crown drop. The distance from face to curb to face of parapet or rail shall be 1 foot 6 inches minimum or greater if sidewalks are required.

(b) The clear roadway widths for new and reconstructed bridges having four or more lanes serving undivided two-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. Minimum 8'; Des. 10'.

2. Curb and gutter approach.

Width of approach pavement measured face-to-face of curbs.

(8) Curb and gutter. Curbs and gutters may be required by the Planning Board on streets subject to heavy traffic, large amounts of pedestrian traffic, large volumes of runoff rainwater or other circumstances determined by the Planning Board. (Ord., passed –1-89) Penalty, see § 154.99

§ 154.50 UTILITIES.

(A) Utilities.

(1) Public water and sewer systems. Where public water and/or sewer systems are to be installed as part of the subdivision improvements, such systems shall be designed and installed in accordance with the standards and specifications of the health department and/or the governmental agency responsible for the approval of such systems.

(2) Tap-on stub-outs. Where public water and/or sewer systems are to be installed as part of the subdivision improvements, such systems shall be constructed to provide tap-on stub-outs for each lot plotted in the subdivision.

(3) On-site water and sewer systems. Prerequisite to final plat approval, all lots on the plat to be recorded must be certified in writing by the health department to meet health department minimum standards for on-site water and/or sewer systems when either or both of such systems are proposed to be used.

(4) Street lighting. Street lighting shall be provided and installed at the subdivider's expense, at intervals suggested by the appropriate electrical utility company.

(B) Surface water drainage. The subdivider shall provide a surface water drainage system constructed to the standards of the State Department of Transportation, as reflected in the Handbook for the Design of Highway Surface Drainage Structures, subject to review by the Town of Aberdeen Consulting Engineer.

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

(2) Where feasible, the subdivider shall connect to an existing surface water drainage system.

(3) Where an existing surface water 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 State of North Carolina and the State Administrative Code Title 15, Ch. 4 and any locally adopted erosion and sedimentation control ordinances.

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

(6) Stream banks and channels downstream from any land disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land disturbing activity in accordance with the State Administrative Code Title 15, Ch. 4.

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

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

(C) Underground utilities. The subdivider shall be required to install at his expense all electrical, telephone and cable television service for the subdivision in an approved underground system.

(Ord., passed 2-1-89) Penalty, see § 154.99

**§ 154.51 PLACEMENT OF MONUMENTS.**

Unless otherwise specified by this chapter, the Manual 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 State Administrative code, Ch. 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 subdivision.  
(Ord., passed 2-1-89) Penalty, see § 154.99

§ 154.52 CONSTRUCTION OR INSTALLATION 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 have been met. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the administrator of this chapter to 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.  
(Ord., passed 2-1-89) Penalty, see § 154.99

§      **154.53            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. (Ord., passed 2-1-89)

*ADMINISTRATION*

§ 154.65 ADMINISTRATOR.

This chapter shall be administered and enforced by an Administrative Officer or the designated representative who shall be named by the Town Manager.  
(Ord., passed 2-1-89)

§ 154.66 GENERAL PROCEDURE FOR PLAT APPROVAL.

(A) After the effective date of this chapter, 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 Town Planning Board as set forth in § 154.06 and until this approval is entered in writing on the face of the plat by the Town Zoning Administrator and by the Town Clerk.

(B) The County Register of Deeds shall not file or record a plat of a subdivision of land located within the territorial jurisdiction of the town that has not been approved in accordance with these provisions, nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with this section.

(Ord., passed 2-1-89)

§ 154.67 STATEMENT BY OWNER.

The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the subdivision regulation jurisdiction of the town.  
(Ord., passed 2-1-89)

**§ 154.68 EFFECT OF PLAT APPROVAL ON DEDICATIONS.**

Pursuant to G.S. § 160A-374, the approval of a plat does not constitute or effect the acceptance by the town or public of the dedication of any street or other ground, public utility line or other public facility shown on the plat and shall not be construed to do so.

(Ord., passed 2-1-89)

§ 154.69 VARIANCES.

The Town Planning Board may authorize a variance from these regulations when, in its opinion undue hardship may result from strict compliance. In granting any variance, the Planning Board shall make the findings required below, taking into account the nature of the proposed subdivision, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Planning Board finds all four of the following conditions to exist.

(A) There are special circumstances or conditions affecting said property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.

(B) The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

(C) The circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this chapter.

(D) The granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which said property is situated.

(Ord., passed 2-1-89)

§ 154.70 AMENDMENTS.

(A) The Town Board 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. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have recommended approval of the amendment.

(B) No amendment shall be adopted by the governing body until they have held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the town 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 10 to 25 day period, the date of publication is not to be counted, but the date of the hearing is.  
(Ord., passed 2-1-89)

**§ 154.71 GIFT LOTS.**

For the purpose of interpreting these regulations, when a parent makes a one time gift to his child of a parcel of land divided from the parent's property, the transaction shall not be deemed to be for the purpose of sale or building development. The resulting transaction shall therefore not be subject to any regulations enacted pursuant to this chapter.

(Ord., passed 2-1-89)

§ 154.72 ABROGATION; GREATER RESTRICTIONS TO PREVAIL.

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 restriction, the provisions of this chapter shall govern.  
(Ord., passed 2-1-89)

§ 154.99 PENALTY.

(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 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 land before the plat has been properly approved under the terms of this chapter and recorded in the office of the County Register of Deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The town, through its attorney or other official designated by the Town Board, may enjoin illegal subdivision, transfer or sale of land by action for injunction. Further, violators of this chapter shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S. § 14-4.

(B) The violation of any provision of this chapter shall subject the offender to a civil penalty in the amount of \$50 to be recovered by the town. Violators shall be issued a written citation which must be paid within ten days.

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

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

(E) Nothing in this section shall be construed to limit the use of remedies available to the town. The town may seek to enforce this ordinance by using any one, all, or a combination of remedies.

(Ord., passed 2-1-89)