

Town of Newton Grove North Carolina

Subdivision Ordinance

Adopted February 8, 2000
Draft Text Amendments 2007

TABLE OF CONTENTS

ARTICLE I	Introductory Provisions	
Section 101	Title	3
Section 102	Purpose	3
Section 103	Authority	3
Section 104	Jurisdiction	3
Section 105	Prerequisite	3
Section 106	Thoroughfare Plans	3
Section 107	School Sites on Land Use Plan	3
Section 108	Zoning and Other Plans	3
ARTICLE II	Legal Provisions	
Section 201	General Procedure for Plat Approval	4
Section 202	Statement by Owner	4
Section 203	Effect of Plat Approval on Dedications	4
Section 204	Penalties for Violation	4
Section 205	Separability	5
section 206	Variances	5
Section 207	Amendments	5
Section 208	Development Moratoria	5
Section 209	Abrogation.	6
Section 210	Effective Date.	6
Section 211	Adoption.	6
Section 212	Administrator	6
ARTICLE III	Procedure for Review and Approval of Subdivision Plats	
Section 301	Plat Shall Be Required on Any Subdivision of Land	7
Section 302	Approval Prerequisite to Plat Recordation	7
Section 303	Procedures for Review of Major or Minor Subdivisions	7
Section 304	Procedures for Review of Minor Subdivisions	7
Section 305	Sketch Plan for Major Subdivisions	9
Section 306	Preliminary Plat Submission and Review	9
Section 307	Final Plat Submission and Review	11
Section 308	Information to be Contained in or Depicted on Preliminary and Final Plat	15
Section 309	Recombination of Land	20
Section 310	Re-subdivision Procedures	20
ARTICLE IV	Required Improvements, Dedication, Reservation, Minimum Standards of Design	
Section 401	General	21
Section 402	Suitability of Land	21
Section 403	Name Duplication	21
Section 404	Subdivision Design	21
Section 405	Streets	22
Section 406	Utilities	22
Section 407	Other Requirements	24
ARTICLE V	DEFINITIONS	
Section 501	Subdivision Defined	26
Section 502	Other Definitions	26
Section 503	Word Interpretation	29

**ARTICLE I
INTRODUCTORY PROVISIONS**

Section 101. Title

This ordinance shall be known and may be cited as Subdivision Ordinance of the Town of Newton Grove, North Carolina and may be referred to as the Subdivision Ordinance.

Section 102. Purpose

The purpose of this ordinance is to establish procedures and standards for the development and subdivision of land within the territorial jurisdiction of Town of Newton Grove. It is further designed to provided for the orderly growth and development of the Town of Newton Grove; for the coordination of transportation networks and utilities 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 that substantially promotes public health, safety and the general welfare. This ordinance is designed to further facilitate adequate provision of water, sewerage, parks, schools, and playgrounds, and also to facilitate the further re-subdivision of larger tracts into smaller parcels of land.

Section 103. Authority

This ordinance is hereby adopted under the authority and provision of the General Statutes of North Carolina, Chapter 160A, Article 19, Part 2.

Section 104. Jurisdiction

The regulations contained herein, as provided in G.S. 160A, Article 19 shall govern each and every subdivision within the jurisdiction of Newton Grove including its area of extraterritorial jurisdiction.

Section 105. Prerequisite to Plat Recordation

After the effective date of this ordinance, each individual subdivision plat of land within the Town's jurisdiction shall be approved by the Newton Grove Town Board or the Administrator, as provided for herein.

Section 106. 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, and part of such 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 ordinance.

Section 107 School Sites on Land Use Plan

If the Newton Grove 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 Town Board shall immediately notify the Board of Education whenever a preliminary 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 Town Board. If the Board of Education has not purchased or begun proceedings to condemn the site within eighteen (18) months, the subdivider may treat the land as freed of the reservation.

Section 108. Zoning and Other Plans

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

ARTICLE II
LEGAL PROVISIONS

Section 201. General Procedure for Plat Approval

After the effective date of this ordinance, no subdivision plat of land within the Town's jurisdiction shall be filed or recorded until it has been submitted to and approved by the Town Board or Administrator as set forth in Section 105 of this ordinance, and until this approval is entered in writing on the face of the plat by Mayor and by the Town Clerk, or the Administrator.

The Sampson County Register of Deeds shall not file or record a plat of a subdivision of land located within the territorial jurisdiction of the Town of Newton Grove 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.

Section 202. 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 Town of Newton Grove, North Carolina.

Section 203. 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 or 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.

Section 204. Penalties for Violation

204.1 After the effective date of this ordinance, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this ordinance, thereafter subdivides his land in violation of this ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this ordinance and recorded in the Office of the Sampson County Register of Deeds, excepting the presale or pre-lease of unrecorded lots referencing an approved preliminary plat and subject to the requirements of subsections 306.4, 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 ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S. 14-4.

204.2 The violation of any provision of this ordinance shall subject the offender to a civil penalty in the amount of \$50.00 to be recovered by the Town. Violators shall be issued a written citation which must be paid within ten (10) days.

204.3 Each day's continuing violation of this ordinance shall be a separate and distinct offense.

204.4 Notwithstanding Subsection 204.2 above, this ordinance may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.

204.5 The Town may cause building permits to be denied for lots that have been illegally subdivided.

204.6 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.

204.7 In addition to other remedies, the Town may institute any appropriate action or proceedings to prevent the un-lawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act of conduct.

Section 205. Separability

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

Section 206. Variances

The Newton Grove Town Board may authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Town 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 Town Board finds all four of the following conditions to exist:

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

Section 207 Amendments

The Town Board may from time-to-time amend the terms of this ordinance. The Town Board may request a review by the Planning Board before approval of an amendment.

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 of Newton Grove at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall appear not more than twenty-five (25) nor less than ten (10) days prior to the hearing date. In computing the ten (10) -- twenty-five (25) day period, the date of publication is not to be counted, but the date of the hearing is.

Section 208. Development Moratoria

The Town may adopt temporary moratoria on any Town development approval required by law. The duration of any moratorium shall be reasonable in light of the specific conditions that warrant imposition of the moratorium and may not exceed the period of time necessary to correct, modify, or resolve such conditions.

208.1 Notice of Public Hearing

Except in cases of imminent and substantial threat to public health or safety, before adopting an ordinance imposing a development moratorium with a duration of sixty (60) days or any shorter period, the Town Board of Commissioners shall hold a public hearing and shall publish a notice of the hearing in a newspaper having general circulation in the area not less than seven (7) days before the date set for the hearing.

A development moratorium with a duration of sixty-one (61) days or longer, and any extension of a moratorium so that the total duration is sixty-one (61) days or longer, is subject to the published newspaper notice and hearing requirements required for an amendment to this Ordinance as found in section 207.

208.2 Application of Moratorium on Existing/Pending Permits and Approvals

Absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section shall not apply to development set forth in a site-specific or phased development plan approved pursuant to a granted vested right, or to development for which substantial expenditures have already been made in good faith reliance on a prior valid administrative or quasi-judicial permit or approval, or to preliminary or final subdivision plats that have been accepted for review by the Town prior to the call for the public hearing to adopt the

moratorium. Any preliminary subdivision plat accepted for review by the Town prior to the call for public hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.

208.3 Contents of Ordinance Adopting Moratorium

Any ordinance establishing a development moratorium must expressly include at the time of adoption each of the following:

- a) A clear statement of the problems or conditions necessitating the moratorium and what courses of action, alternative to a moratorium, were considered by the Town and why those alternative courses of action were not deemed adequate.
- b) A clear statement of the development approvals subject to the moratorium and how a moratorium on those approvals will address the problems or conditions leading to imposition of the moratorium.
- c) An express date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems or conditions leading to imposition of the moratorium.
- d) A clear statement of the actions, and the schedule for those actions, proposed to be taken by the Town during the duration of the moratorium to address the problems or conditions leading to imposition of the moratorium.

208.4 Extension of Moratorium

No moratorium may be subsequently renewed or extended for any additional period unless the Town shall have taken all reasonable and feasible steps proposed to be taken by the Town in its ordinance establishing the moratorium to address the problems or conditions leading to the imposition of the moratorium and unless new facts and conditions warrant an extension. Any ordinance renewing or extending a development moratorium must expressly include, at the time of adoption, the findings set forth in subsection 208.3, including what new facts or conditions warrant the extension.

208.5 Judicial Review

Any person aggrieved by the imposition of a moratorium on development approvals required by law may apply to the appropriate division of the General Court of Justice for an order enjoining the enforcement of the moratorium, and the court shall have jurisdiction to issue that order. Actions brought pursuant to this section shall be set down for immediate hearing, and subsequent proceedings in those actions shall be accorded priority by the trial and appellate courts. In any such action, the Town shall have the burden of showing compliance with the procedural requirements of this section.

Section 209. Abrogation

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

Section 210. Effective Date

This ordinance shall take effect and be in force from and after _____.

Section 211. Adoption

Duly adopted by the Town of Newton Grove, North Carolina Board of Commissioners this the _____ day of _____.

Mayor

Clerk

Section 212. Administrator

This ordinance shall be administered and enforced by an Administrative Officer or the designated representative who shall be named by the Town Board.

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

Section 301. Plat Shall Be Required on Any Subdivision of Land

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

Section 302. Approval Prerequisite to Plat Recordation

Pursuant to G. S. 160A-372, no final plat of a subdivision within the jurisdiction of the Town of Newton Grove as established in Section 104 of this ordinance shall be recorded by the Register of Deeds of Sampson County 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 article.

Plats not requiring approval as defined in Section 501, shall be submitted to the Administrator for certification that the final plat is EXEMPT from this ordinance. The following certificate shall be added to such exempt final plats:

- a) Certificate of “No Approval Required.”
This final plat is exempt from the Town of Newton Grove Subdivision Ordinance. No approval is required.

Administrator

Date

Section 303. Procedures for Review of Major and Minor Subdivision

All subdivisions shall be considered major subdivisions except those defined as minor subdivisions in this Section. Major subdivisions shall be reviewed in accordance with the procedures in Section 305 through 307. Minor subdivisions shall be reviewed in accordance with the provisions in Section 304. However, if the subdivider owns, leases, holds an option on, or holds any legal or equitable interest in any property adjacent 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 minor subdivision procedure. The abbreviated minor subdivision procedure may not be used a second time within three (3) years on any property less than fifteen hundred (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 minor subdivision procedure may not be used within three (3) years on any property less than fifteen hundred (500) feet from the original property boundaries by any subsequent owner, individual having an option on, or individual having any legal interest in the original subdivision at the time the subdivision received preliminary or final plat approval.

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 five (5) or fewer lots result after the subdivision is completed. A minor Subdivision may be approved by the Subdivision Ordinance Administrator as provided below.

Section 304. Procedure for Review of Minor Subdivisions

304.1 Final Plat for Minor Subdivisions. The subdivider shall submit the final plat so marked, to the town clerk who shall forward it to for review.

The final plat shall be prepared by a Registered Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. 47-30 and the Manual of Practice for Land Surveying in North Carolina.

Two (2) reproducible copies of the final plat shall be submitted. Material and drawing medium for the original shall be in accordance with the Manual of Practice for Land Surveying North Carolina where applicable, and the requirements of the Sampson County Register of Deeds.

The final plat shall be of a size suitable for recording with the Sampson County Register of Deeds and shall be at a scale of not less than one (1) inch equals two hundred (200) feet. Maps may be placed on more than one sheet with appropriate match lines.

Submission of the final plat shall be accompanied by a filing fee of \$50.00.

The final plat shall meet the specifications in Section 308 of this ordinance.

The following signed certificates shall appear on all five (5) 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 Newton Grove and that I hereby adopt this plan of subdivision with my free consent and establish minimum building setback lines as noted.

Date

Owner

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 acknowledgments and executed by the person making the survey 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 Newton Grove
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 5. 47-30, as amended.
Witness my hand and seal this _____ day of _____, 19_____.

Registered Land Surveyor

Official Seal

Registration Number

I (officer authorized to take acknowledgments) 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

The ordinance Administrator has up to seven (7) working days to review the plat. The plat may be approved, denied for lack of proper data or information, or if a dispute arises, the administrator may forward the plat to the Town Board for final review and approval.

(c) Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Ordinance of Town of Newton Grove, North Carolina and that this plat has been approved for recording in the office of the Register of Deeds of Sampson County.

Date

Subdivision Ordinance Administrator
Newton Grove, North Carolina

The subdivider shall file the approved final plat for a minor subdivision with the Register of Deeds of Sampson County within thirty (30) days of the approval; otherwise such approval shall be null and void.

Section 305 Sketch Plan for Major Subdivision – Optional with Administrator

305.1 Number of Copies and Contents

Prior to the preliminary plat submission, the subdivider shall submit to the Town Clerk two (2) 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 proposed street layout with approximate pavement and right-of-way width, lot layout 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 plated properties;
- i) The zoning classification of the tract and of adjacent properties;
- j) A statement from the Sampson 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.

305.2 Submission and Review Procedure

The town clerk shall forward the sketch plan to the subdivision administrator who shall review it for general compliance with the requirements of this ordinance 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.

One (1) copy of the sketch plan shall be retained by the subdivision administrator and one (1) copy shall be returned to the subdivider or his authorized agent.

Section 306. Preliminary Plat Submission and Review

306.1 Submission Procedure

For every subdivision within the territorial jurisdiction established by Section 104 of this ordinance, which does not qualify for the abbreviated minor subdivision procedure, the subdivider shall submit a preliminary plat which shall be approved by the Town Board before any construction or installation of improvements may begin.

Four (4) copies of the preliminary plat (as well as any additional copies which the Administrator determines are needed to be sent to other agencies) shall be submitted to the town clerk at least fifteen (15) days prior to the Planning Board meeting at which the subdivider desires the Planning Board to review the preliminary plat. The Town Clerk shall forward the preliminary plat to the subdivision administrator who shall review it and present it to the Planning Board.

Preliminary plats shall meet the specifications in Section 308.

306.2 Review by Other Agencies

Concurrent with submission of the preliminary plat to the town clerk, 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, drainage systems; the Sampson County Health Director as to proposed water and sewerage systems; the North Carolina Department of Natural Resources and Community Development Land Quality Section as to the erosion control any other agency or official designated by the Town Board for review and recommendation. The subdivision administrator will advise the subdivider concerning which agencies are applicable for a given plat.

306.3 Review Procedure

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

The Planning Board shall make a recommendation to the Town Board of Commissioners. If the Planning Board fails to make a recommendation at the designated meeting, the Town Board of Commissioners may review and approve such preliminary plat without further Planning Board input.

When the Town Board of Commissioners approves a preliminary plat, such approval shall be noted on two (2) copies of the plat. One (1) copy of the plat shall be retained by the Town Clerk and one (1) copy shall be returned to the subdivider. If the Town Board of Commissioners approves the preliminary plat with conditions, approval shall be noted on two (2) copies of the plat along with a reference to the conditions. One (1) copy of the plat along with the conditions shall be retained by the Town Clerk and one (1) copy of the preliminary plat along with the conditions shall be returned to the subdivider. If the Town Board of Commissioners disapproves the preliminary plat, the reasons for such disapproval shall be specified in writing. One (1) copy of the plat and the reasons shall be retained by the Town Clerk and one (1) copy shall be returned to the subdivider.

If the preliminary plat is disapproved, the subdivider may make the recommended changes and submit a revised preliminary plat at anytime. Unless specified by the Town Board of Commissioners, the revised preliminary plat submission shall follow the normal procedures

306.4 Presale or Pre-Lease of Unrecorded Lots Permitted Upon Approval of Preliminary Plat

The subdivider, upon approval of the preliminary plat, may enter into contracts to sell or lease the lots shown on the approved preliminary plat, provided that the contract does all of the following:

- a) Incorporates as an attachment a copy of the approved preliminary plat referenced in the contract and obligates the owner to deliver to the buyer a copy of the approved and recorded final plat prior to closing and conveyance.
- b) Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary and final plats are possible, and that the

contract or lease may be terminated without breach by the buyer or lessee if the final approved and recorded plat differs in any material respect from the approved preliminary plat.

- c) Provides that if the approved and recorded final plat differs in any material respect from the approved preliminary plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than fifteen (15) days after the delivery of the final approved and recorded plat, during which fifteen (15) day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.

The provisions of this article shall not prohibit any owner or his/her agent from entering into contracts to sell or lease land by reference to an approved preliminary plat for which a final plat has not been properly approved under this Ordinance or recorded with the Office of the Sampson County Register of Deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential, commercial, or industrial buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under the requirements of this Ordinance and recorded in the Office of the Sampson County Register of Deeds.

Section 307. Final Plat Submission and Review

307.1 Preparation of Final Plat and Installation of Improvements

Upon approval of the preliminary plat by the Town 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 ordinance. Prior to approval of a final plat, the subdivider shall have installed the improvements specified in this ordinance or guaranteed their installation as provided herein. No final plat will be accepted for review by the Town Board of Commissioners unless accompanied by written notice by the Town Clerk acknowledging compliance with the improvement and guarantee standards of this ordinance when applicable. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time; such portion shall conform to all requirements of this ordinance.

307.2 Improvements Guarantees

A) Agreement and Security Required

In lieu of requiring the completion, installation, and dedication of all improvements prior to final plat approval the Newton Grove Town Board may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements. The subdivider shall be allowed to choose which security or combination of securities that he/she wishes to provide from the choices provided below. The Town shall not have the authority to dictate which form of security will be accepted as an improvement guarantee, and shall be required to offer a range of options of types of improvements guarantees from which the subdivider may choose. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Town Board, if all other requirements of this ordinance 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:

1. Surety Performance Bond(s)

The subdivider shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina. The bonds shall be payable to the Town of Newton Grove 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 bond(s) shall be until such time as the improvements are accepted by the Town Board.

2. 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:

- (i) That 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
- (ii) 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 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.

B) 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 of Newton Grove 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.

C) Release of Guarantee Security

The Town Board may release a portion of any security posted as the improvements are completed and approved by the Town Board. When the Town Board approves said improvements, then the Town Board shall immediately release any security posted.

307.3 Submission Procedure

The Subdivider shall submit the final plat, so marked, through the town clerk and 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 twelve (12) months after the date on which the preliminary plat was approved; otherwise such approval shall be null and void, unless a written extension of this limit is granted by the Town Board of Commissioners on or before the twelve (12) month anniversary of the approval.

The final plat shall be prepared by a Registered Land Surveyor currently licensed and registered in the State of North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. 47-30 and the Manual of Practice for Land Surveying in North Carolina.

Five (5) copies of the final plat shall be submitted; two (2) of these shall be on reproducible material; three (3) 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 Sampson County Register of Deeds.

The final plat shall be of a size suitable for recording with the Sampson County Register of Deeds and shall be at a scale of not less than one (1) inch equals two hundred (200) feet. Maps may be placed on more than one (1) sheet with appropriate match lines.

Submission of the final plat shall be accompanied by a filing fee of \$100.00.

The final plat shall meet the specifications in Section 308 of this ordinance.

The following signed certificates shall appear on all five (5) 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 Newton Grove 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 Newton Grove.

_____ 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 acknowledgments and executed by the person making the survey or map including deeds and any recorded data shown thereon. The certificate shall include a statement of error of closure calculated by latitudes and 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 Newton Grove

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 Page _____, Book _____, Book _____, Page _____, etc.) (other); that the ratio of precision as calculated by latitudes and departure is 1:_____. (that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, Page ____): that this map was prepared in accordance with G. S. 47-30, as amended. Witness my hand and seal this _____ day of _____, 19 ____.

Registered Land Surveyor

Official Seal

Registration Number

I, (officer authorized to take acknowledgments) 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

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; or that guarantees of the installation of the required improvements in an amount and manner satisfactory to the Town of Newton Grove has been received, and that the filing fee for this plat has been paid.

Subdivision Administrator

Date

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

The Planning Board shall make a recommendation to the Town Board of Commissioners. If the Planning Board fails to make a recommendation at the designated meeting, the Town Board of Commissioners may review and approve such preliminary plat without further Planning Board input.

(d) Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the subdivision ordinance of the Town of Newton Grove, North Carolina, and that this plat has been approved by the Newton Grove Town Board for recording in the Office of the Register of Deeds of Sampson County.

Mayor, Newton Grove, North Carolina

Date

If the final plat is disapproved by the Town Board of Commissioners, the reasons for such disapproval shall be stated in writing, specifying the provisions of this ordinance with which the final plat does not comply. One (1) copy of such reasons and one (1) print of the plat shall be retained by the Town Clerk as part of its proceedings; one (1) copy of the reasons and three (3) copies of the plat shall be transmitted to the subdivider. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance and resubmit same for reconsideration at anytime. Unless otherwise approved by the Town Board of Commissioners, re-submissions shall follow the same procedures as for any final plat.

If the final plat is approved by the Town Board of Commissioners, the original tracing and one (1) print of the plat shall be retained by the subdivider. One (1) reproducible tracing and one (1) print shall be filed with the Town Clerk.

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

Section 308. 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.

<u>Information</u>	<u>Preliminary Plat</u>	<u>Final Plat</u>
-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 subdivided, fully dimensioned by lengths and bearings, and the location of existing		
<u>Information</u>	<u>Preliminary Plat</u>	<u>Final Plat</u>

boundary lines of adjoining lands	x	x
-The names of owners of adjoining properties	x	x
-The, names of any adjoining subdivisions of record or proposed and under review		
-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 plated streets on adjoining properties and in the proposed subdivision	x	x
-Rights-of-way, locations, and dimensions	x	x
-Pavement widths	x	x ¹
<u>Information</u>	<u>Preliminary Plat</u>	<u>Final Plat</u>
-Approximate grades	x	x ¹

¹Required on preliminary and final plats for major subdivisions and required only on final plat for minor subdivisions.

-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 Section 405.1 of this ordinance	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 N C 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 Section 405.2 of this ordinance.	x	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 Ordinance.	x	x
Evidence that the subdivider has obtained such approval.	x	x
The location and dimensions of all: <u>Information</u>	<u>Preliminary Plat</u>	<u>Final Plat</u>
-Utility and other easements	x	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 ²
-storm sewers	x	x ¹
-other drainage facilities	x	x ¹
-public water system (if any)	x	x ¹
-natural gas lines	x	x ¹
-telephone lines	x	x ¹
-electric lines	x	x ¹
Plans for individual water supply and, septic tank systems, if any	x	x
<u>Information</u>	<u>Preliminary Plat</u>	<u>Final Plat</u>
-profiles based upon Mean Sea Level datum for sanitary sewers and storm	x	

²Required on preliminary and final plats for major subdivisions and required only on final plat for minor subdivisions.

sewers

Site calculations including:

-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	
-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 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
-the accurate locations and descriptions of all monuments, markers and control points.		x
-A copy of any proposed deed restrictions or similar covenants. Such restrictions are mandatory when private recreation areas are established.	x	x
<u>Information</u>	<u>Preliminary Plat</u>	<u>Final Plat</u>
-A copy of the erosion control plan submitted to the appropriate autho-	x	x

rity, and a copy of the letter of approval of the erosion control plan by the appropriate authority.

- Topographic map with contour intervals of one foot x

- All certifications required in Section 307 x

- Any other information considered by either the subdivider, Planning Board or Town Board to be pertinent to the review of the plat. x

Section 309 Recombination of Land

309.1 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.

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

309.3 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.

309.4 When lots have been sold, the plat may be vacated in the manner provided in Section 309.1 through 309.3 by all owners of the lots in such plat joining in the execution of such. Plat joining in the execution of such writing.

Section 310 Re-subdivision Procedures

For any re-platting or re-subdivision of land, the procedures, rules, and regulations shall apply, as prescribed herein for an original subdivision.

**ARTICLE IV
REQUIRED IMPROVEMENTS, DEDICATION, RESERVATION,
MINIMUM STANDARDS OF DESIGN**

Section 401. General

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

Section 402. Suitability of Land

402.1 Land which has been determined by the Town 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 plated for that purpose, unless and until the subdivider has taken the necessary measures to correct said conditions and to eliminate said dangers.

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

402.3

- a) All subdivision proposals shall be consistent with the need to minimize flood damage;
- b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electric and water systems located and constructed to minimize flood damage.

Section 403. Name Duplication

The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision within the Town of Newton Grove and its extraterritorial jurisdiction area.

Section 404. Subdivision Design

404.1 Blocks

- a) The lengths, widths, and shapes of blocks shall be determined with due regard to: provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements; needs for vehicular and pedestrian circulation; control and safety of street traffic; limitations and opportunities of topography; and convenient access to water areas.
- b) Blocks shall have sufficient width to allow two (2) 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.
- c) Where deemed necessary by the Town Board, a pedestrian crosswalk at least fifteen (15) feet in width may be required to provide convenient public access to a public area such as a park or school, to a water area, or to areas such as shopping centers, religious or transportation facilities.

404.2 Lots

- a) All lots in new subdivisions, shall conform with the dimensional requirements contained in the Town of Newton Grove Zoning Ordinance.
- b) Lots shall meet any applicable Sampson County Health Department Requirements.
- c) Double frontage lots shall be avoided wherever possible.
- d) Side lot lines shall be substantially at right angles to or radial to street lines.

404.3 Easements

Easements shall be provided as follows:

- a) Utility Easements

Easements for underground or above ground utilities shall be provided, where necessary, across centered on rear or side lot lines and shall be at least fifteen (15) 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 (1) easement is sufficient or whether several easements are necessary to accommodate the various facilities and the subdivider shall provide the required easements.

b) **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.

Section 405. Streets

405.1 **Design Standards**

All subdivision lots shall abut on a public street. The design of all public and private streets within the jurisdiction of this ordinance shall be in accordance with the accepted policies of the North Carolina Department of Transportation, Division of Highways, as taken or modified from the American Association of State Highway Officials (AASHO) manuals. The N.C. Department of Transportation, Division of Highways' Subdivision Road Minimum Construction Standards, January, 2000 (or as updated or amended by reference), shall apply for any items not included in this ordinance, or where stricter than this ordinance. In those instances where public or private streets are not a part of the State Highway System, a written maintenance agreement with acceptable provisions for street maintenance and repair shall be included together with the final plat for approval.

405.2 **Other Requirements**

a) **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.

b) **Sidewalks**

Sidewalks may be required by the Town 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 (4) feet, and shall consist of a thickness of four (4) inches of concrete. All sidewalks shall be placed in the right-of-way, unless the development is plated as a planned unit or group development. Sidewalks shall consist of a minimum of six (6) inches of concrete at driveway crossings.

c) **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 Town Board.

d) **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.

e) **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.

f) **Wheelchair Ramps**

In accordance with Chapter 136, Article 2A, Section 136-44.14, all street curbs in North Carolina being constructed or reconstructed for maintenance procedures, traffic operations, repairs, correction of utilities, or altered for any reason, 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.

Section 406 **Utilities**

406.1 **Utilities**

a) **Public Water and Sewer Systems.**

All subdivisions developed within the municipal boundaries of the Town of Newton Grove shall be required to connect to the public water and/or sewer system. 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.

b) **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.

c) **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.

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

406.2 Surface Water Drainage

The subdivider shall provide a surface water drainage system constructed to the standards of the North Carolina Department of Transportation, as reflected in the Handbook for the Design of Highway Surface Drainage Structures, subject to review by the Town of Newton Grove Consulting Engineer.

- a) No surface water shall be channeled or directed into a sanitary sewer.
- b) Where feasible, the subdivider shall connect to an existing surface water drainage system.
- c) 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.
- d) Surface drainage courses shall have side slopes of at least three (3) feet of horizontal distance for each one (1) foot of vertical distance, and courses shall be of sufficient size to accommodate the drainage area without flooding, 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 the North Carolina Administrative Code Title 15, Chapter 4, and any locally adopted erosion and sedimentation control ordinances.
- e) The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one (1) foot in each two hundred (200) feet of horizontal distance.
- f) 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 North Carolina Sedimentation Pollution Control Act, G.S. 143-34.12, Chapter 113A, Article 4 and the North Carolina Administrative Code Title 15, Chapter 4.
- g) Anyone constructing a dam or impoundment within the subdivision must comply with the North Carolina Dam Safety Law of 1967 and the North Carolina Administrative Code Title 15, Subchapter 2 K.
- h) In all areas of special flood hazards, all subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

406.3 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.

Section 407. Other Requirements

407.1 Placement of Monuments

Unless otherwise specified by this ordinance, the Manual of Practice for Land Surveying as adopted by the N. C. State Board of Registration for Professional Engineers and Land Surveyors, under the provisions of Title 21 of the North Carolina Administrative Code, chapter 56 (21 NCAC 56), shall apply when conducting surveys for subdivisions; to determine the accuracy for surveys and placement of monuments, control corners, markers, and property corner ties; to determine the location, design, and material of monuments, markers, control corners, and proper corner ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions.

407.2 Construction Procedures

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.

No building, zoning or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this ordinance until the final plat is approved and all requirements have been met or appropriate sureties and/or bonds approved and on file. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the administrator of this ordinance 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.

407.3 Oversized Improvements

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

407.4 Lots Backing to Existing Streets and Highways

Where enough land exists in the proposed subdivision so that lots meet the zoning ordinance requirements, all lots created shall abut newly created streets and lots will backup to existing streets and highways. All lands owned by the subdivider in the immediate area shall be included when developing the proposed street pattern.

**ARTICLE V
DEFINITIONS**

Section 501. Subdivision Defined

For the purposes of this ordinance, “subdivision” means all divisions of, a tract or parcel of land into two (2) or more lots, building sites, or other divisions when any one (1) or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to any regulations enacted pursuant to this ordinance.

- a) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality as shown in this ordinance;
- b) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
- c) The public acquisition by purchase of strips of for the widening or opening of streets, and for public transportation system corridors; and
- d) The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality as shown in this ordinance.
- e) A GIFT LOT which is defined as a parent making a one-time gift to his/her child of a parcel of land divided from the parent’s property with proper access of at least 25 feet along a public right-of-way and which otherwise meets the zoning lot requirements for the district the lot is located in.

Section 502. Other Definitions

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

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 the subdivision plat boundary, with one-half (1/2) 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.

Lot of Record A lot which is part of a subdivision, a plat of which has been recorded in the office of Register of Deeds of Sampson County prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

Lot Types:

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 lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

Double Frontage Lot A continuous (through) lot which is accessible from both streets upon which it fronts.

Interior Lot A lot other than a corner lot with only one frontage on more than one street.

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 as double frontage lots.

Reversed Frontage Lot A lot on which the frontage is at right angles or approximately right angles (interior angles less than one hundred thirty-five (135) degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot, an interior lot or a through lot.

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.

Official Maps or Plans Any maps or plans officially adopted by the Newton Grove 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.

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 (2) 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 ordinance). The following classifications shall apply.

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.

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.

Major Collector. A road which serves major intra-county travel corridors and traffic generators and provides access to the arterial system.

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

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

Specific Type Rural or Urban Streets

Freeway Expressway or Parkway. Divided multilane 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 separation 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 parklike development.

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.

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.

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.

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.

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.

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

Section 503. Word Interpretation

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

Words used in the present tense include the future tense. Words used in the singular number include the plural and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.

The word “person” includes a firm, association, corporation, trust, and company as well as an individual.

The word “use for” shall include the meaning “designed for”.

The word “structure” shall include the word “building”.

The word “lot” shall include the words “plot”, “parcel” or “tract”.

The word “shall” is always mandatory and not merely directory.