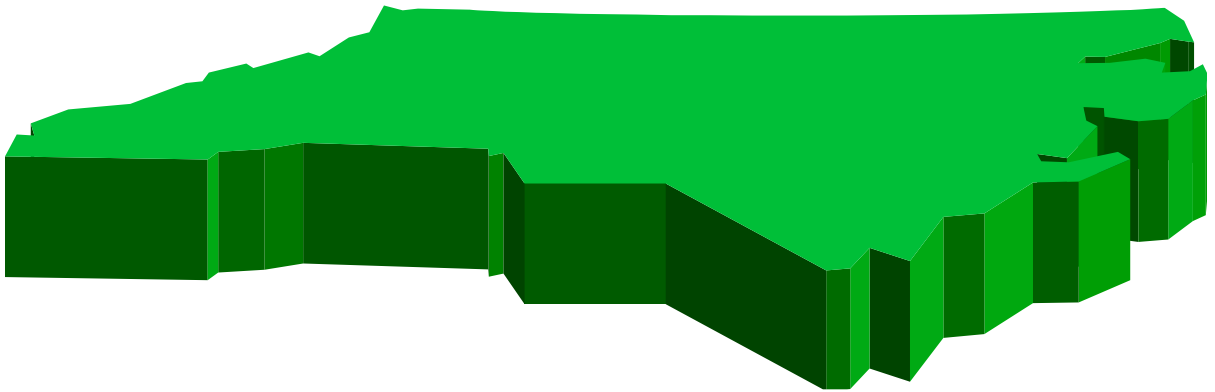


**TOWN OF GAMEWELL**  
**NORTH CAROLINA**  
**SUBDIVISION REGULATIONS**



**Adopted July 16, 1990**

**Amendments:**

**08-09-99**  
**01-06-00**  
**05-08-00**  
**07-10-00**  
**04-09-01**  
**09-10-01**  
**05-10-2021**

Updated February 12, 2004

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## **INTRODUCTORY PROVISIONS**

### **Section 31.01 Title**

This ordinance shall be known and may be cited as the Subdivision Regulations of the Town of Gamewell, North Carolina, and may be referred to as the Subdivision Regulations.

### **Section 31.02 Purpose**

The purpose of this ordinance is to establish procedures and standards for the development and subdivision of land within the territorial jurisdiction of the Town of Gamewell. It is further designed to provide for the orderly growth and development of the Town; for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities; for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare. This ordinance 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.

### **Section 31.03 Authority**

This ordinance is hereby adopted under the authority and provisions of the General Statutes of North Carolina, Chapter 160D-801 et. seq.

### **Section 31.04. Jurisdiction**

The regulations contained herein, as provided in (General Statutes 160D-200; 202; 903) shall govern each and every subdivision or development within the corporate limits of the Town of Gamewell.

### **Section 31.05 Prerequisite to Plat Recordation**

After the effective date of this ordinance, plats shall be prepared and approved pursuant to the provisions of this ordinance whenever land is subdivided. A final plat must be prepared, approved, and recorded pursuant to this chapter whenever a subdivision of land occurs. The Town Council on recommendation from the Town Planning Board shall approve all major subdivision plats of land within the Town's jurisdiction. All other subdivision of land shall be approved by the subdivision administrator.

### **Section 31.06 Acceptance of Streets**

No Street shall be maintained by the Town nor street dedication accepted for ownership and maintenance in any subdivision for which a plat is required to be approved unless and until such final plat has been approved by the Town of Gamewell.

**Section 31.07 Thoroughfare Plans**

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

**Section 31.08 School Sites on Land Use Plan**

If the Town of Gamewell and the Caldwell County Board of Education have jointly determined the specific location and size of any school sites to be reserved and this information appears in the comprehensive land use plan, the Town Planning Board shall immediately notify the Board of Education whenever a sketch plan for a subdivision is submitted which includes all or part of a school site to be reserved. The Board of Education shall promptly decide whether it still wishes the site to be reserved. If the Board of Education does not wish to reserve the site, it shall so notify the Planning Board. If the Board of Education does wish to reserve the site, the subdivision shall not be approved without such reservation. The Board of Education shall then have eighteen (18) months beginning on the date of final approval of the subdivision within which to acquire the site by purchase by initiating condemnation proceedings. If the Board of Education has not purchased or begun proceedings to condemn the site within eighteen (18) months, the subdivider may treat the land as freed of the reservation. (G.S. 160D-804)

**Section 31.09 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.

## **LEGAL PROVISIONS**

### **Section 31.20 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 as set forth in Section 31.05 of this ordinance, and until this approval is entered in writing on the face of the plat by the Subdivision Administrator or Town Council, as set forth in Section 31.05, and attested by the Town Clerk.

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

### **Section 31.21 Statement by Owner**

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

### **Section 31.22 Effect of Plat Approval on Dedications**

Pursuant to G.S. 160D-806, the approval of a plat shall not be deemed to constitute or effect the acceptance by the municipality or public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, the Town Council may by resolution accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its planning and development regulation jurisdiction. Acceptance of dedication of lands or facilities located within the planning and development regulation jurisdiction but outside the corporate limits of the municipality shall not place on the Town any duty to open, operate, repair, or maintain any street, utility line, or other land or facility, and the municipality shall in no event be held to answer in any civil action or proceeding for failure to open repair or maintain any street located outside its corporate limits.

### **Section 31.23 Penalties for Violation**

(A) After the effective date of this ordinance, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this ordinance, thereafter subdivides his land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this ordinance and recorded in the Office of the Caldwell County Register of Deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The Town of Gamewell through its attorney or other official designated by the Town Council may enjoin illegal subdivision, transfer or sale of land by action for injunction. Further, violators of this ordinance shall be subject, upon conviction, to civil fines ~~fine and/or imprisonment as provided by G.S. 14-4.~~

(B) The violation of any provision of this ordinance shall subject the offender to a civil penalty in the amount of \$50 to be recovered by the Town. Violators shall be issued a written citation, which must be paid within ten (10) days.

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

(D) Notwithstanding Subsection 31.23(A) above, this ordinance 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.

### **Section 31.24 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 31.25 Variances**

The Board of Adjustments may authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Board of Adjustments 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 Board of Adjustments finds all of the following:

(A) Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

(B) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

(C) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

(D) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice is achieved.

### **Section 31.26 Amendments**

The Town Council may from time to time amend the terms of this ordinance (but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation. The Planning Board shall have thirty (30) days from the time the proposed amendment is submitted to it within which to submit its report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have recommended approval of the amendment.

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 Gamewell area at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall appear not more than twenty-five (25) nor less than ten (10) days prior to the hearing date. In

computing the ten (10)-twenty-five (25) day period, the date of publication is not to be counted, but the date of the hearing is.

**Section 31.27 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 31.28 Re-Enactment and Repeal of Existing Subdivision Ordinance**

(Reserved)

**Section 31.29 Effective Date**

This ordinance shall take effect and be in force from and after July 16, 1990.

**Section 31.30 Adoption**

Duly adopted by the Town Council of the Town of Gamewell, North Carolina, this the 16<sup>th</sup> day of July 1990.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**Section 31.31 Administrator**

The Mayor or his designee (Town Clerk, Town Public Works Director, or Town Planner) is hereby appointed to serve as subdivision administrator.

## PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

### **Section 31.40 Plat Shall Be Required on Any Subdivision of Land**

Pursuant to G.S. 160D-804; 804.1, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this ordinance whenever any subdivision of land takes place.

### **Section 31.41 Approval Prerequisite to Plat Recordation**

Pursuant to G.S. 160D-803 no final plat of a subdivision within the jurisdiction of the Town of Gamewell as established in Section 31.04 of this ordinance shall be recorded by the Register of Deeds of Caldwell County until it has been approved by the Subdivision Administrator or Town Council as provided herein. To secure such approval of a final plat, the subdivider shall follow the procedures established in this article.

### **Section 31.42 Procedures for Review of Major and Minor Subdivisions**

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 31.44 through 31.46. Minor subdivisions shall be reviewed in accordance with the provisions in Section 31.43. 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. Furthermore, the abbreviated 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.

**For purposes of these regulations, a minor subdivision is defined as:**

- (1) a subdivision involving not more than five (5) lots fronting on an existing approved street;
- (2) not involving any new street or prospectively requiring any new street for access to interior property;
- (3) not requiring extension of public sewage or water lines or creation of new drainage easements through lots to serve property at the rear;
- (4) not adversely affecting the development of the remainder of the parcel or of adjoining property; creating no new or residual parcels not conforming to the requirements of these regulations, and
- (5) all included land must be under ownership of one sponsor.

### **Section 31.43 Procedure for Review of Minor Subdivisions-(amended 4-9-01)**

**(A) Sketch Plan for Minor Subdivisions.** Prior to submission of a final plat, the subdivider shall submit to the subdivision administrator three (3) copies of a sketch plan of the proposed subdivision containing the following information:

- (1) A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;
- (2) The boundaries of the tract and the portion of the tract to be subdivided;

- (3) The total acreage to be subdivided;
- (4) The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;
- (5) The existing street layout and right-of-way width, lot layout and size of lots;
- (6) The name, address and telephone number of the owner;
- (7) The name, if any, of the proposed subdivision;
- (8) Streets and lots of adjacent developed or platted properties;
- (9) The zoning classification of the tract and of adjacent properties;
- (10) A statement from the Caldwell County Health Department that a copy of the sketch plan has been submitted to them, if septic tanks or other on-site water or wastewater systems are to be used in the subdivision.

The sketch plan shall be submitted to the Subdivision Administrator for review prior to the submission of a final plat. The Subdivision Administrator shall review the sketch plan 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 final plat.

**(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 ordinance.

The subdivider shall submit the final plat so marked, to the subdivision administrator 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.

Five 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 Caldwell County Register of Deeds.

The final plat shall be of a size suitable for recording with the Caldwell 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 as set in the Town's Fee Schedule.*

The final plat shall meet the specifications in Section 31.47. The following signed certificate shall appear on all five (5) copies of the final plat:



**(4) Review Officer Certificate**

Review Officer

State of North Carolina, Caldwell County, I \_\_\_\_\_, Review Officer of Caldwell County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

\_\_\_\_\_  
Review Officer

20\_\_\_\_.  
Date

The Subdivision Administrator shall review the final plat and shall approve or disapprove of the final plat with reasons within 30 days of its first consideration of the plat.

During the review of the final plat the Town may appoint an engineer or surveyor to confirm the accuracy of the final plat (if agreed to by the Town Council). If substantial errors are found, the costs shall be charged to the subdivider and the plat shall not be recommended for approval until such errors have been corrected.

If the Subdivision Administrator disapproves the final plat, the administrator shall instruct the subdivider concerning resubmission of a revised plat and the subdivider may make such changes as will bring the plat into compliance with the provisions of this ordinance and resubmit same for reconsideration by the Subdivision Administrator, or appeal the decision to Planning Board.

Failure of the Subdivision Administrator to act on the final plat within 40 days after its submittal shall constitute grounds for the subdivider to apply to the Town Planning Board.

If the Planning Board receives a minor subdivision plat appeal or from failure of the Subdivision Administrator to act, the Planning Board shall review and approve or disapprove the final plat at the next regular meeting agenda of the Planning Board. The Planning Board shall have final approval authority, and, where applicable, all final plats shall contain information and/or conditions approved by the Planning Board. The Planning Board in all appeals shall make a findings of fact in support of its decision. The subdivider shall be notified, in writing, of the Planning Board's decision within ten (10) days after the decision is made.

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 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 Planning Board 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 by the Subdivision Administrator.

If the final plat is approved, 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, and one (1) print shall be returned to the Subdivision Administrator for the Planning Department's records.

The Town Clerk shall file the approved final plat with the Register of Deeds of Caldwell County within 15 days of approval; otherwise such approval shall be null and void.

**Section 31.44 Sketch Plan for Major Subdivisions**

**(A) Number of Copies and Contents.** Prior to the preliminary plat submission, the subdivider shall submit to the subdivision administrator two (2) copies of a sketch plan of the proposed subdivision containing

the following information:

- (1) A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads and waterways;
- (2) The boundaries of the tract and the portion of the tract to be subdivided;
- (3) The total acreage to be subdivided;
- (4) The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;
- (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;
- (10) A statement from the Caldwell County Health Department that a copy of the sketch plan has been submitted to them, if septic tanks or other on-site water or wastewater systems are to be used in the subdivision.

**(B) Submission and Review Procedure.**

The sketch plan shall be submitted at least 20 days prior to the Planning Board meeting at which it will be reviewed. The Planning Board shall review the sketch plan for general compliance with the requirements of this ordinance and the zoning ordinance; the Planning Board 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 copy of the sketch plan shall be retained as a part of the minutes of the Planning Board with the other copy being returned to the subdivider or his authorized agent.

**Section 31.45 Preliminary Plat Submission and Review**

**(A) Submission Procedure.** For every subdivision within the territorial jurisdiction established by Section 31.04 of this ordinance, which does not qualify for the abbreviated procedure, the subdivider shall submit a preliminary plat which shall be reviewed by Planning Board and approved by Town Council before any construction or installation of improvements may begin.

Five copies of the preliminary plat (as well as any additional copies which the subdivision administrator determines are needed to be sent to other agencies) shall be submitted to the administrator of this ordinance at least 20 days prior to the Planning Board meeting at which the subdivider desires the Planning Board to review the preliminary plat.

***Preliminary plats shall meet the specifications in Section 31.47.***

**(B) Review by Other Agencies.** After having received the preliminary plat from the subdivider, the subdivision administrator shall submit copies of the preliminary plat and any accompanying material to other officials and agencies concerned with new development including, but not limited to:

- (1) *The district highway engineer as to proposed streets, highways, and drainage systems;*
- (2) *The county health director as to proposed water or sewerage systems;*
- (3) *Any other agency or official designated by the board of commissioners.*

**(C) Review Procedure.** The Planning Board shall review the preliminary plat at or before its next regularly scheduled meeting, which follows at least 20 days after the subdivision administrator receives the preliminary plat and the comments from the appropriate agencies.

The Planning Board shall, in writing, recommend approval, conditional approval with recommended changes to bring the plat into compliance, or disapproval with reasons within 20 days of its first consideration of the plat.

If the Planning Board recommends approval of the preliminary plat, it shall retain one (1) copy of the plat for its minutes and transmit two (2) copies of the plat, to Town Council with its recommendation.

If the Planning Board recommends conditional approval of the preliminary plat it shall keep one (1) copy of the plat for its minutes, transmit two (2) copies of the plat and its recommendation to Town Council, and return the remaining copies of the plat and its recommendation to the subdivider.

If the Planning Board recommends disapproval of the preliminary plat, it shall retain one (1) copy of the plat and its recommendation to the Town Council, and return the remaining copy of the plat and its recommendation to the subdivider.

If the preliminary plat is disapproved, the subdivider may make the recommended changes and submit a revised preliminary plat, or appeal the decision to Town Council.

If the Planning Board does not make a written recommendation within 40 days after its first consideration of the plat, the subdivider may apply to the Town Council for approval or disapproval.

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

#### **Section 31.46 Final Plat Submission and Review**

**(A) Preparation of Final Plat and Installation of Improvements.** Upon approval of the preliminary plat by Town Council, the subdivider may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this ordinance. Prior to approval of a final plat, the subdivider shall have installed the improvements specified in this ordinance or guaranteed their installation as provided herein. No final plat will be accepted for review by the Planning Board or the Town Council unless accompanied by

written notice by the Town Clerk acknowledging compliance with the improvement and guarantee standards of this ordinance. The final plat shall constitute only that portion of the preliminary plat, which the subdivider proposes to record and develop at that time; such portion shall conform to all requirements of this ordinance.

**(B) 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 of Gamewell may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements. Once said both parties sign agreement and the security required herein is provided, the final plat may be approved by Town Council, if all other requirements of this ordinance are met. To secure this agreement, the subdivider shall provide, subject to the approval of Town Council, 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 North Carolina. The bonds shall be payable to the Town of Gamewell and shall be in an amount equal to 1.25 times the entire cost, as estimated by the subdivider and approved by Town Council, of installing all required improvements. The duration of the bond(s) shall be until such time as Town Council accepts the improvements.*

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

1. That said escrow account shall be held in trust until released by the Town Council 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 Council, and submission by the Town Council 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.
3. 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 Council pay all or any portion of the bond or escrow fund to the Town of Gamewell up to the amount needed to complete the improvements based on an engineering estimate. Upon payment, the Town Council, 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.

4. Release of Guarantee Security. The Town Council may release a portion of any security posted as the improvements are completed and recommended for approval by Planning Board. Within 30 days after receiving the Planning Board recommendation, the Town Council shall approve said improvements. If the Town Council approves said improvements, then it shall immediately release any security posted.

(C) **Submission Procedure.** The subdivider shall submit the final plat, so marked, to the subdivision administrator not less than 20 days prior to the Planning Board meeting at which it will be reviewed; further, the final plat for the first stage of the subdivision shall be submitted not more than twelve (12) months after the date on which the preliminary plat was approved; otherwise such approval shall be null and void, unless a written extension of this limit is granted by the Town Council on or before the twelfth month anniversary of the approval.

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**.

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 Caldwell County Register of Deeds.

The final plat shall be of a size suitable for recording with the Caldwell 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 \$20.00.*

**The final plat shall meet the specifications in Section 31.47 of this ordinance.**

**The following signed certificates shall appear on all five (5) copies of the final plat:**

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

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 Gamewell 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 Gamewell.

\_\_\_\_\_  
Owners

\_\_\_\_\_  
Date

(2) Certificate of Survey and Accuracy. In accordance with the **Manual of Practice for Land Surveying in North Carolina**, on the face of each map prepared for recordation there shall appear a certificate acknowledged before an officer authorized to take acknowledgments and executed by the person making the survey or map



During its review of the final plat the Planning Board may appoint a Registered Land Surveyor to confirm the accuracy of the final plat (if agreed to by the Town Council). If substantial errors are found, the costs shall be charged to the subdivider and the plat shall not be recommended for approval until such errors have been corrected.

If the Planning Board recommends approval of the final plat, it shall transmit all copies of the plat and its written recommendations to the Town Council through the subdivision administrator.

If the Planning Board recommends conditional approval of the final plat with modifications to bring the plat into compliance, it shall retain one (1) print of the plat for its minutes, return its written recommendations and two (2) reproducible copies of the plat to the subdivider, and transmit one (1) print of the plat and its written recommendation to the Town Council through the subdivision administrator.

If the Planning Board recommends disapproval of the final plat, it shall instruct the subdivider concerning resubmission of a revised plat and the subdivider may make such changes as will bring the plat into compliance with the provisions of this ordinance, and resubmit same for reconsideration by the Planning Board, or appeal the decision to the Town Council.

Failure of the Planning Board to make a written recommendation within 40 days shall constitute grounds for the subdivider to apply to the Town Council for approval.

If the Planning Board recommends approval or conditional approval with modifications to bring the plat into compliance, or the subdivider appeals to the Town Council, the Town Council shall review and approve or disapprove the final plat within 30 days after the plat and recommendations of the Planning Board have been received by the subdivision administrator.

**If the Town Council 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 Gamewell, North Carolina and that this plat has been approved by Town Council for recording in the Office of the Register of Deeds of Caldwell County.

\_\_\_\_\_  
Mayor Town of Gamewell, North Carolina

\_\_\_\_\_  
Date

If the final plat is disapproved by Town Council, the reasons for such disapproval shall be stated in writing, specifying the provisions of this ordinance with which the final plat does not comply. One (1) copy of such reasons and one (1) print of the plat shall be retained by the Town Council as part of its proceedings; one (1) copy of the reasons and three (3) copies of the plat shall be transmitted to the subdivider. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance and resubmit same for reconsideration by the Planning Board and Town Council or by Town Council as determined by Town Council.

If the final plat is approved by Town Council, 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,

and one (1) print shall be returned to the Planning Board for its records.

The Town Clerk shall file the approved final plat with the Register of Deeds of Caldwell County within 15 days of Town Council approval; otherwise, such approval shall be null and void.

**Section 31.47 Information to be Contained in or Depicted on Preliminary and Final Plats.**

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

| <u>Information</u>  | <u>Preliminary</u> | <u>Final</u> |
|---|--------------------|--------------|
| <b>(A) Title Block Containing:</b>  |                    |              |
| - 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            |
| <b>(B) The name of the subdivider</b>   | x                  | x            |
| <b>(C) A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area</b> | x                  | x            |
| <b>(D) Corporate limits, township boundaries county lines if on the subdivision tract</b>                       | x                  | x            |

| <b><u>Information</u></b>   | <b><u>Preliminary</u></b> | <b><u>Final</u></b> |
|---|---------------------------|---------------------|
| (E) The names, addresses and telephone numbers of all owners, mortgagees, registered land surveyors, land planners architects, landscape architects, and professional engineers responsible for the subdivision | x                         | x                   |
| (F) The registration numbers and seals of the professional engineers  | x                         | x                   |
| (G) Date of plat preparation  | x                         | x                   |
| (H) North arrow and orientation   | x                         | x                   |
| (I) The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and distances shown  | x                         | x                   |
| (J) The exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands   | x                         | x                   |
| (K) The names of owners of adjoining properties   | x                         | x                   |
| (L) The names of any adjoining subdivisions of record or proposed and under review  | x                         | x                   |
| (M) Minimum building setback lines  | x                         | x                   |
| (N) The zoning classifications of the tract to be subdivided and adjoining properties   | x                         | x                   |
| (O) Existing property lines on the tract to be subdivided and adjoining properties  | x                         | x                   |

| <u>Information</u>  |   | <u>Preliminary</u> | <u>Final</u> |
|---|---|--------------------|--------------|
| (P) 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            |
| (Q) Proposed lot lines, lot and block numbers, and approximate dimensions   |   | x                  | x            |
| (R) The lots numbered consecutively throughout the subdivision  |   | x                  |              |
| (S) Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds and any other natural features affecting the site                               |   | x                  |              |
| (T) The exact location of the flood hazard, floodway and floodway fringe areas from the community's FHBM or other FEMA maps   |   | x                  | x            |
| (U) Base flood elevation data for subdivisions which contain at least five (5) lots or fifty (50) acres, whichever is less  | x |                    | x            |
| (V) 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, location and dimensions  |   | x                  | x            |
| - Pavement widths   |   | x                  | x            |
| - Approximate grades  |   | x                  | x            |

| <u>Information</u> |  | <u>Preliminary</u> | <u>Final</u> |
|--------------------|--|--------------------|--------------|
|--------------------|--|--------------------|--------------|

|   |   |   |
|---|---|---|
| - 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 31.64(B) of this ordinance  | x |   |
| - Type of street dedication; all streets must be designated either "public" or "private". (Where public streets are involved which will be dedicated to the | x | x |

*Town, the subdivider must submit street plans to the subdivision administrator for approval prior to preliminary plat approval. Where public streets are involved which will not be dedicated to the municipality, the subdivision administrator will submit the following documents to the NC 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.*

| <u>Information</u>  | <u>Preliminary</u> | <u>Final</u> |
|---|--------------------|--------------|
| - 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 31.64(B) of this ordinance.   |                    | x            |
| - If any street is proposed to intersect with a state maintained road, the subdivider shall apply for driveway approval as required by the NC Department of Transportation, Division of Highways' Manual on Driveway Regulations. |                    | x            |
| Evidence that the subdivider has obtained such approval.  | x                  |              |
| (W) The location and dimensions of all:   |                    |              |
| - Utility and other easements   | x                  | x            |
| - Riding trails   | x                  | x            |

| <u>Information</u> | <u>Preliminary</u> | <u>Final</u> |
|--------------------|--------------------|--------------|
|--------------------|--------------------|--------------|

|  |   |   |
|--|---|---|
| - 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:

|   |   |   |
|---|---|---|
| - sanitary sewers   | x | x |
| - storm sewers  | x | x |
| - other drainage facilities, if any   | x | x |
| - water distribution lines illustrating connections to existing systems, showing line sizes, the location of fire hydrants, blowoffs, manholes, force mains and gate valves | x | x |

| <u>Information</u>   | <u>Preliminary</u> | <u>Final</u> |
|--|--------------------|--------------|
| - natural gas lines  | x                  | x            |
| - telephone lines  | x                  | x            |
| - electric lines   | x                  | x            |
| - Plans for individual water supply and sewage disposal systems, if any  | x                  | x            |
| - profiles based upon Mean Sea Level datum for sanitary sewers and storm sewers  | x                  |              |
| (Y) 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                  |              |
| (Z) The name and location of any property or buildings within the proposed subdivision or within any contiguous property that is located on the US Department of Interior's National Register of Historic Places | x                  | x            |

**Information**

**Preliminary**

**Final**

|      |  |   |   |
|------|--|---|---|
| (AA) | 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 |   |
| (BB) | The accurate locations and descriptions of all monuments, markers and control points.  | x |   |
| (CC) | A copy of any proposed deed restrictions similar covenants. Such restrictions are mandatory when private recreation areas are established.   | x | x |
| (DD) | A copy of the erosion control plan submitted to the appropriate authority, if such a plan is required.   | x |   |
| (EE) | Topographic map with contour intervals of no greater than 20 ft. at a scale of no less than 1:24,000   | x |   |
| (FF) | All certifications required in Section 31.46   |   | x |
| (GG) | Any other information considered by either the subdivider, Planning Board or Town Council to be pertinent to the review of the plat.   | x | x |

**Required on final plat only for minor subdivisions.**

**Section 31.48 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 governing body may reject any such instrument, which abridges or destroys any public rights in any of its public uses, improvements, streets or alleys.
- (C) Such an instrument 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 Sections 31.48(A) through 31.48(C) by all owners of the lots in such plat joining in the execution of such writing.

**Section 31.49 Resubdivision Procedures.**

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

**Section 31.50 One Time Family Subdivision (amended 7-10-00) and (amended 9-10-01)**

**Initial Requirements:**

No property purchased following the passage of this Section (July 10, 2000) is eligible for the Family Subdivision Clause. This section to be enforced through deed being shown at time of subdivision plat submittal. A family member is defined as a grandparent, grandchild, stepchild, parent, or child. The Board of Adjustment shall decide all other interpretations of family member. The Town Council for acceptance to the Town Ordinances must review this type of subdivision.

**Types of Family Subdivision:**

- (A) One parcel, with net acreage of not more than one (1) acre of land, may be divided into two parcels without meeting the street standards required for all other subdivisions within the Town of Gamewell Zoning Jurisdiction if the parcel is dedicated to a family member. The following conditions must be met:
  - 1. Must have a (20) twenty-foot right-of-way on property actually being subdivided
  - 2. Must have at least a (12) twelve-foot gravel road in place
  - 3. Road will be limited to (2) two lots
  - 4. Disclosure statement on plat stating road not to be maintained by the Town of Gamewell
- (B) One parcel may be divided between three and seven parcels as a major subdivision with the following conditions:
  - 1. Must have a 45' right-of-way on property actually being subdivided
  - 2. Must have at least an (18) eighteen-foot graveled road is required.
  - 3. Road will be limited to a maximum of seven dwellings

4. Disclosure statement on plat stating road not to be maintained by the Town of Gamewell

***\*Town Council has final approval of all plat submitted under this format***

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

**Section 31.60 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 31.61 Suitability of Land.**

- (A) Land which has been determined by the Town Council on the basis of engineering or other expert surveys to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed shall not be platted for that purpose, unless and until the subdivider has taken the necessary measures to correct said conditions and to eliminate said dangers.
- (B) Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Caldwell County Health Department, a structural engineer and a soils expert determine that the land is suitable for the purpose proposed.
- (C) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

**Section 31.62 Name Duplication.**

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

**Section 31.63 Subdivision Design.**

**(A) Blocks.**

- (1) The lengths, widths, and shapes of blocks shall be determined with due regard to: provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements; needs for vehicular and pedestrian circulation; control and safety of street traffic; limitations and opportunities of topography; and convenient access to water areas.
- (2) Blocks shall not be less than 400 feet or more than 1600 feet.
- (3) 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.
- (4) Where deemed necessary by the Planning Board, a pedestrian crosswalk at least fifteen (15) feet in width may be required to provide convenient public access to a public area such as a park or school, to a water area, or to areas such as shopping centers, religious or transportation facilities.
- (5) Block numbers shall conform to the Town street numbering system, if applicable.

**(B) Lots.**

(1) All lots in new subdivisions shall conform to the zoning requirements of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the zoning ordinance. It is not sufficient merely for the average lot to meet zoning requirements.

(2) Lots shall meet any applicable Caldwell 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 or side lot lines and shall be at least 25 feet wide for water and sanitary sewer lines and as required by the companies involved, for telephone, gas and power lines. The Town Council will determine whether one (1) easement is sufficient or whether several easements are necessary to accommodate the various facilities and the subdivider shall provide the required easements.

(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.

**Section 31.64 Streets.**

**(A) Type of Street Required.** All subdivision lots shall abut on a public street. All public streets shall be built to the standards of this ordinance and all other applicable standards of the Town of Gamewell and the North Carolina Department of Transportation. Public streets not dedicated to the Town which are eligible for acceptance into the State Highway System shall be constructed to the standards necessary to be put on the State Highway System or the standards in this ordinance, whichever is stricter, in regard to each particular item and shall be put on such system. Streets not dedicated to the Town which are not eligible to be put on the State Highway System because there are too few lots or residences shall, nevertheless, be dedicated to the public and shall be in accordance with the standards in this ordinance or the standards necessary to be put on the State Highway System, whichever is stricter in regard to each particular item, so as to be eligible to be put on the system at a later date. A written maintenance agreement with provisions for maintenance of the street until it is put on the State System shall be included with the final plat.

**(B) Subdivision Street Disclosure Statement.** All streets shown on the final plat shall be designated in accordance with G.S. 136-102.6 and designation as public shall be conclusively presumed an offer of dedication to the public. Where streets are dedicated to the public but not accepted into a municipal or the State system, 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 sixty (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 sixty (60) feet of right-of-way is required, a partial width right-of-way, not less than sixty (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 Town Council, it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turnaround provided.
- (F) **Nonresidential Streets.** The subdivider of a nonresidential subdivision shall provide streets in accordance with the North Carolina Department of Transportation, Division of Highways' Subdivision Roads Minimum Construction Standards, July 1, 1985; and the standards in this ordinance, whichever are stricter in regard to each particular item.
- (G) **Design Standards.** The design of all streets and roads within the jurisdiction of this ordinance shall be in accordance with the accepted policies of the North Carolina Department of Transportation, Division of Highways, as taken or modified from the American Association of State Highway Officials (AASHO) manuals. The N.C. Department of Transportation, Division of Highways' Subdivision Roads Minimum Construction Standards, July 1, 1985 shall apply for any items not included in this ordinance, or where stricter than this ordinance.
- (1) **Right-of-Way Widths.** Right-of-way widths shall not be less than the following and shall apply except in those cases where right-of-way requirements have been specifically set out in the thoroughfare plan.

**Right-of Way Widths**

| <u>Rural</u>           | <u>Minimum Right-of- Way, Feet</u> |
|------------------------|------------------------------------|
| (a) Principal Arterial |                                    |
| Freeways               | 350                                |
| Other                  | 200                                |
| (b) Minor Arterial     | 100                                |
| (c) Major Collector    | 100                                |
| (d) Minor Collector    | 100                                |
| (e) Local Road         | 60*                                |

*\* The desirable minimum right-of-way is established as 60 feet. If curb and gutter is provided, 50 feet of right-of-way is adequate on local residential streets.*

**Right-of Way Widths**

| <u>Urban</u>   | <u>Minimum Right-of-Way, Feet</u> |
|--|-----------------------------------|
| (a) Major Thoroughfare<br>other than Freeway<br>and Expressway | 90                                |
| (b) Minor Thoroughfare   | 70                                |
| (c) Local Street   | 60*                               |
| (d) Cul-de-sac   | Variable**                        |

*\*\* The right-of-way dimension will depend on radius for vehicular turnaround. Distance from edge of pavement of turnaround to right-of-way should not be less than distance from edge of pavement to right-of-way on street approaching turnaround.*

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

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

- (a) Local Residential
  - 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, 6 foot shoulders

**(3) Geometric Characteristics.** The standards outlined below shall apply to all subdivision streets proposed for addition to the State Highway System (or Municipal Street System). In cases where a subdivision is sought adjacent to a proposed thoroughfare corridor, the requirements of dedication and reservation discussed under Right-of-Way shall apply.

**(a) Design Speed. Design speeds for subdivision-type streets shall be:**

|              | <u>Desirable</u> | <u>(Minimum)</u>                  |
|--------------|------------------|-----------------------------------|
|              | <u>Level</u>     | <u>Rolling</u> <u>Mountainous</u> |
| <b>Rural</b> |                  |                                   |

|  |    |    |    |    |
|--|----|----|----|----|
| Minor Collector Roads  | 60 | 50 | 40 | 30 |
| Local Roads including Residential Collectors and Local Residential | 50 | 50 | 40 | 30 |

**Urban**

|   |    |    |    |    |
|---|----|----|----|----|
| Major Thoroughfares other than Freeway and Expressway | 60 | 50 | 50 | 50 |
| Minor Thoroughfares                                   | 60 | 50 | 40 | 40 |
| Local Streets   | 40 | 40 | 30 | 20 |

**(b) Maximum and Minimum Grades**

- The maximum grades in percent shall be:

| <u>Design Speed</u> | <u>Level</u> | <u>Rolling</u> | <u>Mountainous</u> |
|---------------------|--------------|----------------|--------------------|
| 60                  | 3            | 4              | 6                  |
| 50                  | 4            | 5              | 7                  |
| 40                  | 5            | 6              | 8                  |
| 30                  |              | 9              | 10                 |
| 20                  |              |                | 12                 |

- 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.
- Grades for 100 feet each way from intersections should not exceed 5%.
- 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):

| <u>Design Speed, MPH</u>    | <u>20</u> | <u>30</u> | <u>40</u> | <u>50</u> | <u>60</u> |
|-----------------------------|-----------|-----------|-----------|-----------|-----------|
| Stopping Sight Distance -   |           |           |           |           |           |
| 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 Vert. Curve | 16 | 28 | 55 | 85  | 160 |
| Des. Crest Vert. Curve    | 16 | 28 | 65 | 145 | 300 |

|                         |    |    |    |     |     |
|-------------------------|----|----|----|-----|-----|
| b. Min. SAG Vert. Curve | 24 | 35 | 55 | 75  | 105 |
| Des. SAG Vert. Curve    | 24 | 35 | 60 | 100 | 155 |

**Passing Sight Distance -**      **30**   **40**   **50**   **60**

|  |      |      |      |      |
|--|------|------|------|------|
| Min. Passing Distance, Ft.<br>(2 lane) | 1100 | 1500 | 1800 | 2100 |
|--|------|------|------|------|

|   |     |     |     |      |
|---|-----|-----|-----|------|
| Min. K* Value for Crest<br>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", and the Zoning Ordinance for the Town of Gamewell.*

*\* 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.*

**(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.

| Design Speed<br>MPH | e*  | Radius of Curve            |  |
|---------------------|-----|----------------------------|--|
|                     |     | Minimum<br>Maximum<br>Feet | Maximum Degree<br>(Rounded)<br>Degrees |
| 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 | 110                        | 53.5                                   |
| 30                  | .08 | 250                        | 23.0                                   |
| 40                  | .08 | 460                        | 12.5                                   |
| 50                  | .08 | 760                        | 7.5                                    |
| 60                  | .08 | 1140                       | 5.0                                    |

**\* = rate of roadway superelevation, foot per foot.**

**(4) Intersections.**

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

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

(c) Offset intersections are to be avoided unless the Division of Highways grants exception. A minimum length of 200 feet between survey centerlines should separate intersections, which cannot be aligned.

(d) Intersections with arterials, collectors and thoroughfares shall be at least one thousand (1000) feet from centerline to centerline, or more if required by the North Carolina Department of Transportation.

**(5) Cul-de-sacs.**

Permanent dead-end streets should not exceed five hundred (500) feet in length unless necessitated by topography or property accessibility and in no case shall be permitted to be over nine hundred (900) feet. Measurement shall be from the point where the centerline of the dead-end street intersects with the center of a through street to the center of the turnaround of the cul-de-sac. Where one cul-de-sac intersects with another cul-de-sac, the end of each cul-de-sac shall be no more than 500 to 900 feet from a through street, measured as stated above. The distance from the edge of pavement on the vehicular turnaround to the right-of-way line shall not be less than the distance from the edge of pavement to 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 the Town Council grants exception.

**(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 twenty (20) feet.

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

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

(e) All alleys shall be designed in accordance with N.C. Department of Transportation Standards.

**(7) 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 Town Council 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 minimum thickness of four (4) 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 (6) 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 county irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be subject to the approval of the Town Council.

**(4) Street Name Signs.** The subdivider shall be required to provide and erect street name signs to the Town standards at all intersections with the subdivision.

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

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

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

**(8) Horizontal Width on Bridge Deck**

(a) The clear roadway widths for new and reconstructed bridges serving two (2) lane, two (2) way traffic shall be as follows:

**1. Shoulder Section Approach**

(i) 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.

- (ii) 800-2000 ADT Design Year  
Minimum 34 feet width face-to-face of parapets or rails or pavement width plus 12 feet, whichever is greater.
- (iii) Over 800-2000 ADT Design Year  
Minimum 40 feet. Desirable 44 feet width face-to-face of parapets or rails.

**2. Curbs and Gutter Approach**

- (i) Under 800 ADT Design Year. Minimum 24 feet face-to-face of curbs.
- (ii) 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 curbs on approaches in height, in width of face-to-face of curbs, and in crown drop. The distance from face of curb to face of parapet or rail shall be 1' 6" minimum, or greater if sidewalks are required.*

- (b) The clear roadway widths for new and reconstructed bridges having four (4) 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.  
**Min. 8'; Desirable 10'**
  - 2. Curb and Gutter Approach  
Width of approach pavement measured face-to-face of curbs.

- (9) **Curb and Gutter.**  
*Design standards as required by Town Engineer.*

**Section 31.65 Utilities.**

**(A) Water and Sanitary Sewer Systems.** Each lot in all subdivisions within the corporate limits of the Town of Gamewell shall be provided, at the subdivider's expense with an extension of the municipal water and sanitary sewer systems.

**(B) Storm Water Drainage System.** The subdivider shall provide a surface water drainage system constructed to the standards of the North Carolina Department of Transportation, as reflected in Handbook for the Design of Highway Surface Drainage Structures, 1973, subject to review by the Town Engineer.

- (1) No surface water shall be channeled or directed into a sanitary sewer.
  - (2) Where feasible, the subdivider shall connect to an existing storm drainage system.
  - (3) Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to protect

the proposed development from water damage.

(4) Surface drainage courses shall have side slopes of at least three (3) feet of horizontal distance for each one (1) foot of vertical distance, and courses shall be of sufficient size to accommodate the drainage area without flooding, and designed to comply with the standards and specifications for erosion control of the North Carolina Sedimentation Pollution Control Act, G.S. 243-34.12, Chapter 113A, Article 4 and the N.C. Administrative Code Title 15, Chapter 4, and any locally adopted erosion and sedimentation control ordinances.

(5) The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one (1) foot in each two hundred (200) feet of horizontal distance.

(6) 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.

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

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

#### **Section 31.66 Buffering, Recreation and Open Space Requirements.**

- (A) **Buffering.** Whenever a residential subdivision is located adjacent to an office, institutional, commercial or industrial use which does not have a buffer, or property zoned for these uses, and a buffer is not required between these and the subdivision, the subdivider shall provide a buffer as defined in Section 31.81. The width of the buffer shall be in addition to the lot area required by the Zoning Ordinance. The buffer shall become part of the lot on which it is located, or in the case of commonly-owned property, shall be deeded to the homeowners' association.
- (B) All new residential parcels must contain at least 21,780 (1/2 acre) square feet in order to provide separation and buffering.(amended 1-6-00) and (amended 5-8-00)

#### **Section 31.67 Other Requirements.**

- (A) No new parcel shall be allowed to develop as a flag lot except within the end or circular portion of a cul-de-sac. A flag lot (also known as a pipestem or panhandle lot) is defined as any parcel containing less than forty-five feet of road frontage.
- (B) **Placement of Monuments.** Unless otherwise specified by this ordinance, **the Manual of Practice for Land Surveying** as adopted by the N.C. State Board of Registration for Professional Engineers and Land Surveyors, under the provisions of Title 21 of the North Carolina Administrative Code, Chapter 56 (21 NCAC 56), shall apply when conducting surveys for subdivisions; to determine the accuracy for surveys and placement of monuments, control corners, markers, and property corner ties;

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

- (C) **Construction Procedures.** No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved, and the appropriate authorities have approved all plans and specifications.

*No building, zoning or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this ordinance until all the requirements of this ordinance have been met. 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.*

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

#### **Section 31.68 Other Restrictions:**

- (A) No new parcel shall be allowed to develop as a flag lot except within the end or circular portion of a cul-de-sac. A flag lot (also known as a pipe-stream or panhandle lot) is defined as any parcel containing less than forty-five feet of road frontage. (amended 8-9-99)

### **DEFINITIONS**

#### **Section 31.80 "Subdivision Defined".**

For the purpose of this Chapter, subdivision regulations shall be applicable to all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this Chapter (G.S. 160D-802):

- (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 local government as shown in its subdivision regulations.
- (2) The division of land into parcels greater than 10 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 or for public transportation system corridors.
- (4) The division of a tract in single ownership whose entire area is no greater than 2 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 local government, as shown in its subdivision regulations.
- (5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

## **Section 31.81 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.

### **Buffer Strip.**

A buffer strip as required by certain sections of this ordinance shall consist of a planting strip at least ten (10) feet in width, composed of deciduous or evergreen trees twenty (20) feet apart and not less than one (1) row of dense shrubs, spaced not more than five (5) feet apart, and said strip shall be planted and maintained in a healthy growing condition by the property owner. No buffer strip shall, however, extend nearer to a street right-of-way line than the established building line of the adjoining lot. In some instances a buffer strip may also include a fence or a wall in addition to the planting strip, the location and type to be determined by the Planning Board.

### **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 one-half (1/2) the street right-of-way being contained within the subdivision plat. Also, any existing street to which the parcel of land to be subdivided abuts on only one side.

### **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 the Register of Deeds of Caldwell 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 lot 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 a 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 to 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 Town of Gamewell.

**Open Space.**

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

**Planned Unit Development.**

A parcel of land under unified control which is planned and developed as a whole or in stages, not subdivided into the customary streets and lots and which will not be so subdivided, consisting of at least two (2) principal buildings.

**Plat.**

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

**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 street disclosure statement in accordance with G.S. 136-102.6.

**Public Sewage Disposal System.**

A system serving two (2) or more dwelling units and approved by the Caldwell County Health Department and the North Carolina Department of Economic and Community Development.

**Recreation Area or Park.**

An area of land or combination of land and water resources that is developed for active and/or passive recreation pursuits with various man-made features that accommodates such activities.

**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.

**Street.**

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

**Rural Roads:**

**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 intercounty 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 intracounty 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.** A local road serves primarily to provide access to adjacent land and for travel over relatively short distances.

**Urban Streets:**

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

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

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

**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 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.

**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 as herein defined.

**Section 31.82 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 "used 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.