

# **SUBDIVISION AND LAND DEVELOPMENT REGULATIONS**

## **Part 1: General Provisions**

### **Section 1.1 Purpose and Authority**

As required by NCGS 160D-804, the purpose of establishing this Article is to ensure the orderly growth and development of the City and extraterritorial jurisdiction, including the requirement that adequate public facilities are available to serve new subdivisions of land; to ensure the protection of environmentally sensitive areas; to provide for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities; to provide for the dedication or reservation of recreation areas serving residents of the immediate neighborhood or within the subdivision; to provide rights-of-way or easements for street and utility purposes including the dedication of rights-of-way; to provide 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; and to provide that the final plat show sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line easement boundary line, and other property boundaries to appropriate accuracy and in conformance with good survey practices.

### **Section 1.2 Applicability**

- A.** The requirements of this Article shall apply to any subdivision or land development activity, as defined in Section 1.59 of this Ordinance, within the corporate limits of the City or the extraterritorial jurisdiction.
- B.** Land that has been subdivided prior to the effective date of these regulations should, whenever possible, be bought within the scope of these regulations to further the purposes of this Ordinance. However, all existing preliminary plats that were approved under the prior Ordinance shall remain valid unless or until the approval expires. Nonconforming lots of record shall be governed by Zoning Ordinance Section 4.2 and the other applicable provisions of Zoning Ordinance Article IV.

### **Section 1.3 Authority and Jurisdiction**

- A.** The Planning and Zoning Board shall be vested with the authority to review, approve, conditionally approve and disapprove applications for preliminary plats.
- B.** The City Manager or his designee shall be vested with the authority to review and approve sketch plans, and to approve, conditionally approve and disapprove applications for final plats of minor subdivisions and final plats of major subdivisions.
- C.** The City Manager or his designee in coordination with the Director of Public Works and the Fire Chief shall be vested with the authority to review and approve construction plans and financial guarantee agreements.
- D.** The City Council shall be vested with the authority to accept all public dedications including, but not limited to rights-of-way, easements, park facilities, and open space.

### **Section 1.4: Subdivision Plat Required**

- A.** From and after the effective date of this ordinance, the owner or proprietor of any tract of land who desires to subdivide land shall be required to submit a plat of such subdivision to the City Manager or his designee, whom is hereby charged with the responsibility for coordinating the processing of such plats. The subdivision plat submitted to the City Manager or his designee shall be made in

accordance with the regulations set forth in this Ordinance and comply with the standards set forth in Appendix B (Mapping Standards).

- B.** No person shall create a subdivision of land without making and recording a plat and complying fully with the provisions of this Article and other state and local laws and regulations applying to subdivisions.
- C.** No person shall sell or transfer ownership of any lot or parcel of land by reference to a plat of a subdivision before such plat has been duly recorded with the Richmond County Register of Deeds, unless such subdivision was created prior to the adoption of this Ordinance and any other subdivision ordinance applicable thereto.
- D.** No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of this Ordinance, and no construction of any public or private improvements shall be commenced, except in conformity with the requirements of this Ordinance.
- E.** A final subdivision plat shall be approved by the City Manager or his designee before the subdivision of a parcel may be recorded. No land may be subdivided through the use of any legal description other than with reference to a plat approved by the City Manager or his designee in accordance with these regulations.

**Section 1.5            Subdivision Plat Not Required**

- A.** The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the City as set forth in this Ordinance.
- B.** The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.
- C.** The public acquisition by purchase of strips of land for the widening or opening of streets.
- D.** The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality, as shown in this Ordinance.
- E.** 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.

Plats for proposed subdivisions of land exempted from the requirements of this ordinance pursuant to NCGS 160D-802 must still be reviewed by the city and the review officer to verify that the proposed subdivision is exempt.

**Section 1.6            Recordation of Unapproved Plat Prohibited**

- A.** The Richmond County Register of Deeds shall not file or record any subdivision plat required by this Ordinance until such plat shall have been approved, and such approval evidenced thereon, in accordance with the regulations set forth in this Ordinance.
- B.** The approval of any final plat shall be contingent upon such plat being recorded at the Richmond County Register of Deeds within sixty (60) days after the date the Certificate of Approval is signed by the City Manager or his designee.

**Section 1.7            Sale of Property in Violation of this Ordinance Prohibited**

No land described in this Section shall be subdivided or sold, or transferred until the subdivider or his agent has submitted and obtained approval of the sketch plat, a preliminary plat (when required), and a final plat as provided in this Ordinance; and the subdivider or his agent files the final plat with the Richmond County Register of Deeds.

**Section 1.8 Enforcement and Penalties for Violation of this Ordinance**

- A.** Violation a Misdemeanor. Violations of any provision of this ordinance, including but not limited to violations of any condition imposed on the approval of a preliminary or final plat, shall constitute a misdemeanor, punishable as provided in NCGS 14-4.
- B.** Violation Punishable by Civil Penalty
  - 1. Any act constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements, including but not limited to violations of any condition imposed on the approval of a preliminary or final plat, shall also subject the offender to a civil penalty of Fifty 00/100 Dollars (\$50.00) per day per violation.
  - 2. A notice of civil penalty shall inform the violator that the penalty is due upon receipt of the notification and, if applicable, that successive civil penalties shall accrue each day that the violation continues. The notice shall also inform the violator that if the civil penalty is not paid within ten (10) days of receipt of the notice, the penalty may be recovered by the city in a civil action in the nature of debt.
- C.** Each day's continuing violation shall be a separate and distinct offense.
- D.** This ordinance may also be enforced by any appropriate equitable action including but not limited to injunction and orders of abatement.
- E.** Additional remedies for transferring lots in an unapproved subdivision.
  - 1. Any person who subdivides his or her land in violation of this ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved pursuant to this ordinance and recorded in the Richmond County Register of Deeds office, shall be guilty of a Class 1 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.
  - 2. The city may also bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this ordinance.
  - 3. Building permits required pursuant to NCGS 160D-1110 may be denied for lots that have been illegally subdivided.
  - 4. In addition to other remedies, the city may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.
  - 5. The provisions of this subsection shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved, provided that the owner or its agent complies with the requirements of NCGS 160D-807.

- F. Any one, all, or combination of the foregoing penalties and remedies may be used to enforce this ordinance.

**Section 1.9 Appeals.**

- A. Appeals of plat decisions. Preliminary and final plat approvals under this ordinance are administrative in nature. Pursuant to NCGS 160D-1403, any party aggrieved by the decision to approve or deny a preliminary or final plat may seek to have the decision reviewed by filing an action in the Richmond County Superior Court seeking appropriate declaratory or equitable relief. Such an action must be filed within thirty (30) days from receipt of the written notice of the decision, which notice shall be made as provided in G.S. 160D-403(b).
- B. Appeals of other matters. Any other matters, including an appeal of a civil penalty levy, shall be appealed to the Hamlet Board of Adjustment in the manner provided in Zoning Ordinance Article XII.

**Part 2: Minor Subdivisions**

**Section 1.10 Minor Subdivision Defined**

- A. A minor subdivision shall be defined as a division of land that creates not more than three (3) lots (excluding the parent tract) where no new street right-of-way dedication is required, and all resultant lots conform to the requirements set forth in this Ordinance.
- B. Not more than a total of three (3) lots shall be created from one tract by means of the minor subdivision approval process within a five (5) year period.

**Section 1.11 Sketch Plan**

A subdivider shall submit a sketch plan of the proposed subdivision to the City Manager or his designee for a conceptual review and determination as to whether the minor subdivision approval process is applicable and as to whether modifications are necessary to comply with the requirements of this Ordinance. The subdivider shall provide any information deemed relevant by the City Manager or his designee in order for such determinations to be made. The City Manager or his designee shall advise the subdivider of any pertinent issues that may affect final plat approval.

**Section 1.12 Final Plat**

- A. No preliminary plat review and approval shall be required for minor subdivisions.
- B. Only a final plat submittal will be required for these expedited subdivisions meeting the following criteria:
  - 1. The tract or parcel to be divided is not exempted under G.S.160D-802(a).
  - 2. No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.
  - 3. The entire area of the tract or parcel to be divided is greater than 5 acres.
  - 4. After division, no more than three lots result from the division.
  - 5. After division, all resultant lots comply with all of the following:

- a. All lot dimension size requirements of the applicable land-use regulations, if any.
  - b. The use of the lots is in conformity with the applicable zoning requirements, if any.
  - c. A permanent means of ingress and egress is recorded for each lot.
- C. Following the review of the sketch plan, the subdivider shall proceed to prepare and submit a final plat that complies with all requirements set forth in this Ordinance to the City Manager or his designee. The final plat shall be prepared in accordance with the requirements set forth in Appendix B (Mapping Standards). The City Manager or his designee shall review and approve the proposed subdivision plat unless the proposed subdivision plat does not comply with any applicable requirements set forth in this Ordinance.
- D. If the proposed subdivision plat is disapproved, the City Manager or his designee shall promptly furnish the subdivider with a written statement of the reason(s) for disapproval.

### **Part 3: Major Subdivisions**

#### **Section 1.13 Major Subdivision Defined**

All divisions of land that are not exempted by state statute or do not meet the criteria for a minor subdivision as set forth in this Ordinance shall be processed as a major subdivision.

#### **Section 1.11 Sketch Plan**

A subdivider shall submit a sketch plan of the proposed subdivision to the City Manager or his designee for a conceptual review and determination as to whether modifications are necessary to comply with the requirements of this Ordinance. The subdivider shall provide any information deemed relevant by the City Manager or his designee in order for such determinations to be made. The City Manager or his designee shall advise the subdivider of any pertinent issues that may affect preliminary plat approval.

#### **Section 1.15 Preliminary Plat**

- A. Following the review of the sketch plan, the subdivider shall proceed to prepare and submit a preliminary plat to the City Manager or his designee for consideration by the Planning and Zoning Board. The preliminary plat shall be prepared in accordance with the requirements set forth in Appendix B (Mapping Standards).
- B. The Planning and Zoning Board shall hold a public hearing on the proposed subdivision. Notification of such public hearing shall follow the procedural requirements set forth in Zoning Ordinance.
- C. The Planning and Zoning Board shall review and approve, conditionally approve, or deny the preliminary plat. The City Manager or his designee shall notify, in writing, the subdivider of any action taken by the Planning and Zoning Board.

#### **Section 1.16 Construction Plans**

- A. Following approval of the preliminary plat, the subdivider shall have prepared, by a professional engineer, registered in the State of North Carolina, construction plans, consisting of complete construction drawings and specifications for all easements, streets, traffic control devices, street lights, sanitary sewer, storm water facilities, water system facilities, sidewalks and other required improvements set forth in this Ordinance.

- B. Construction plans shall be submitted to the City Manager or his designee, who shall coordinate the review of such plans with other City departments. Where approval of construction plans is required by other public agencies, the subdivider shall be responsible for obtaining such approval, and shall provide written documentation of such approval to the City Manager or his designee.
- C. Approval of the construction plans shall authorize the subdivider to proceed with construction of the required improvements. No construction, including but not limited to grading, shall be commenced without approval of the construction plans.

**Section 1.17 Completion of Required Improvements**

All installations of improvements shall conform to the approved construction plans. If the subdivider chooses to make modifications in design and/or specifications prior to construction such changes shall first be approved by the City Manager or his designee in advance of any of the changes to be made from the approved drawings. In the event that actual construction work deviates from that shown on the approved construction plans, such unapproved work shall constitute a violation of this Ordinance. The subdivider shall be required to correct the installed improvements to conform to the approved construction plans.

**Section 1.18 As-Built Drawings**

Prior to final plat approval, the applicant shall submit to the City Manager or his designee two (2) sets of as-built engineering drawings for each of the required improvements that have been completed. Such as-built drawings shall be signed and sealed by a licensed engineer.

**Section 1.19 Financial Guarantee in Lieu of Immediate Installation for Approval**

As authorized by NCGS 160D-804.1, performance guarantees assure the successful completion of the required improvements. In lieu of requiring the completion, installation and inspection of all or any part of the required improvements as described in these regulations prior to final plat approval, the City may accept a financial guarantee whereby the subdivider shall agree to complete all required improvements. Once the security required herein is provided, the final plat may be approved if all other requirements of these regulations are met. To secure this procedure, the subdivider shall provide either of, or a combination of, the following guarantees to cover the costs of the proposed improvements:

- A. The subdivider shall post a surety bond by any company authorized to do business in NC, deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the City or in escrow with a financial institution. The type of guarantee used shall be at the election of the developer. The amount of deposit shall be equal to one hundred and twenty-five percent (125%) of the estimated cost, as approved by the City Manager, of responsibility of the subdivider and certified by his engineer, but the approval of the final cost estimate shall be made by the City Manager.
- B. If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with the City 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 City 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 within the time allotted, the financial institution shall, upon notification by the City and submission by the City to the financial institution of an estimate of the amount needed to complete the improvements, immediately either pay to the City the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the City and other instruments readily convertible to cash, fully endorsed or otherwise made payable in full to the City.

**Section 1.20 Duration of Financial Guarantees**

- A. The duration of the performance guarantee shall initially be one year, unless the developer determines that the scope of work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one year from the date the bond is issued, unless the developer determines that the scope of work for the required improvements necessitates a longer duration.

A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension. If the improvements are not completed to the specifications of the local government, and the current performance guarantee is likely to expire prior to completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period. An extension under this subdivision shall only be for a duration necessary to complete the required improvements.

**Section 1.21 Default**

Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as specified in the guarantee agreement, the surety or the financial institution holding the financial account shall, if requested by the City, at its discretion, may expend such portion of said funds as deemed necessary to complete all or any portion of the required improvements. The City shall return to the subdivider any funds not spent in completing the improvements. Default on a project shall not release the subdivider from liability/responsibility, financial or otherwise, for the completion of the improvements.

**Section 1.22 Release of Guarantee Security**

The performance guarantee shall be returned or released, as appropriate, in a timely manner upon the acknowledgement of the City Manager that the improvements are complete. Prior to such release the subdivider shall provide the City Manager with a set of 'as built' drawings certified by his engineer. The City shall return letters of credit or escrowed funds upon completion of the required improvements to its specifications or upon acceptance of the required improvements, if the required improvements are subject to local government acceptance. When required improvements that are secured by a bond are completed, the local government shall timely provide written acknowledgement that the required improvements have been completed.

**Section 1.23 Warranty Against Defects**

Prior to the approval of the final plat or acceptance by the City of any improvements in any development, the developer shall furnish to the City a written warranty against defects, which shall guarantee the material and workmanship for a period of not less than one year from the date of such acceptance. Upon the failure of an improvements to perform within the generally accepted standards for the type improvement as determined by the City Manager, the subdivider shall be notified and given a reasonable period of time to correct the defects. Should the subdivider fail to act, fail to act in a timely manner, or otherwise fail to correct the defect(s), the subdivision shall be deemed to be in violation of this ordinance.

**Section 1.24 Final Plat Approval**

Final plats shall be submitted to the City Manager or his designee, who shall in turn approve or deny the final plat. No final plat shall be approved for recording until all required improvements are installed and approved, or until the subdivider provides an appropriate Financial Guarantee as set forth in these regulations. In addition, no final plat shall be approved for recording unless such a plat is in substantial agreement, as determined by the City Manager or his designee, with the approved preliminary plat. Final plats not in substantial agreement shall be resubmitted as preliminary plats. Final plats shall be prepared in accordance with the requirements set forth in Appendix B (Mapping Standards).

**Section 1.25      Dedication of Improvements**

- A. Approval and recording of the final plat shall constitute an offer of dedication by the subdivider of the right-of-way of each public street and utility and drainage easements shown on such plat. Such dedication, however, shall not constitute acceptance by the City of such right-of-way, nor shall it constitute acceptance for maintenance or for other purposes of the improvements within such rights-of way and easement such as pavements, sidewalks, drainage facilities and other utility lines. Such right-of-way and improvements may be accepted by the City Council by resolution upon completion by the subdivider and inspection by the appropriate City staff or by the City actually exercising control and maintaining such facilities. In addition, land designated on an approved and recorded final plat as public open space and similar public purposes shall be considered to be offered for dedication until the City has by resolution accepted such dedication and such land is deeded to the City. Until such offer of dedication has been accepted, land so offered may be used for open space purposes by its owner or his designees and the City shall be held harmless of any liability involving such land. Land so offered for dedication shall not be used for any purpose inconsistent with the proposed public use without the express approval of the City Council.
  
- B. Rights-of-way in subdivisions constructed in the extraterritorial jurisdiction shall be either offered for dedication to the State of North Carolina or constructed and maintained as private roads in accordance with the requirements of this ordinance.

**Section 1.26      Completing Development in Phases**

If a subdivision or land development activity is to be constructed in phases, then the requirements set forth in the Ordinance shall apply to each phase as if it were the entire development. A phasing plan shall be submitted that clearly delineates the boundaries of the various phases proposed as part of the overall subdivision or land development activity.

**Section 1.27      Guaranteeing Completion of Work**

Entering into an agreement with the City guaranteeing the completion of the required work may take the place of or be combined with a performance guarantee. The agreement is to be binding on subsequent purchasers of the property and is subject to approval by the City Council at a legislative hearing pursuant to G.S. 160D-1005. All development agreements must be completed in conformance of the requirements outlined in Article 10 of G.S. 160D. The developer shall record the agreement with the register of deeds in the county where the property is located within 14 days after the City and developer execute an approved development agreement. No development approvals may be issued until the development agreement has been recorded. The agreement shall provide that satisfactory security be furnished guaranteeing the completion of the necessary improvements before each section is developed.

**Part 4: Design Standards**

**Section 1.28      Appropriate to Physical Conditions**

- A. The general design of the development shall take advantage of and be adjusted to the contour of the land so as to produce usable building sites and streets of reasonable gradients. Development plans shall be drawn in consideration of the suitability of the land its capability to support and maintain the proposed development. Due consideration shall be given to such factors as topography, soil conditions, flood damage prevention, erosion control, wetland preservation, storm water management, solar energy, tree preservation, noise and pollution control, habitat for endangered species, areas of historical, archaeological or architectural significance, and land use relationships in addition to other factors including those prescribed by this ordinance.

- B. Land which has been determined by the permit-issuing authority, on the basis of engineering surveys or other expert reports, 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 demonstrates that the necessary measures to eliminate said dangers will be taken. The permit-issuing authority may accept a sealed report from an engineer or other qualified expert as conclusive evidence of the adequacy of any proposed measure.
- C. Land that has been used for disposal of solid waste shall not be subdivided unless tests by the Richmond County Health Department, a structural engineer or a soils expert determine that the land is suitable for the purpose proposed.

**Section 1.29 Street Classifications**

- A. All streets within and adjoining a proposed development shall be classified according to function by the Planning and Zoning Board during the preliminary plat review and approval process. Each street segment shall be classified as one of the following types:
  1. Arterial: A major street in the City's street system that serves as an avenue for the circulation of traffic into, out, or around the city. An arterial street typically carries high volumes of traffic usually in excess of 8,000 trips per day.
  2. Collector: A street whose principal function is to carry traffic between minor, local, and subcollector streets and arterial streets, but that may also provide direct access to abutting properties. A collector street typically carries volumes of traffic between 3,000 and 8,000 trips per day.
  3. Subcollector: A street whose principal function is to provide access to abutting properties, but is also designed to connect minor and local streets with collector and arterial streets. A subcollector street typically carries volumes of traffic between 1,000 and 3,000 trips per day.
  4. Local: A street whose sole function is to provide access to abutting properties. A local street typically carries volumes of traffic between 300 and 1,000 trips per day.
  5. Minor: A street whose sole function is to provide access to abutting properties. A minor street typically carries volumes of traffic less than 300 trips per day.
- B. The classification of a street segment shall determine the cross-section and minimum design specifications to which that proposed street segment shall be designed and constructed.

**Section 1.30 Street Design Standards and Specifications**

- A. All streets offered for acceptance by the city shall comply with the standards of this section. Streets constructed in the city's extraterritorial jurisdiction and offered for acceptance by the State of North Carolina shall comply with the NCDOT Subdivision Roads Minimum Construction Standards Manual and any other applicable standards.
- B. All streets shall be designed and constructed to meet the minimum specifications set forth in Table 1-A below.

**Table 1-A: Schedule of Street Design and Minimum Specifications**

<b>Street Classification</b>	<b>Minimum ROW Width (in feet)</b>	<b>Minimum Pavement Width (in feet)</b>	<b>Curb &amp; Gutter Required</b>	<b>Sidewalk Required</b>	<b>Stopping Site Distance (in feet)</b>	<b>Minimum Center Line Radius (in feet)</b>	<b>Minimum sight Distance on Vertical Curve (in feet)</b>	<b>Design Speed (mph)</b>
<b>Collector</b>	<b>60</b>	<b>28</b>	<b>Yes</b>	<b>Both sides</b>	<b>400</b>	<b>500</b>	<b>200</b>	<b>35</b>
<b>Subcollector</b>	<b>60</b>	<b>24</b>	<b>Yes</b>	<b>Both sides</b>	<b>250</b>	<b>300</b>	<b>200</b>	<b>30</b>
<b>Local Residential</b>	<b>50</b>	<b>22</b>	<b>Yes</b>	<b>No</b>	<b>200</b>	<b>200</b>	<b>150</b>	<b>25</b>
<b>Local Nonresidential</b>	<b>50</b>	<b>24</b>	<b>Yes</b>	<b>No</b>	<b>325</b>	<b>300</b>	<b>150</b>	<b>30</b>
<b>Minor Residential</b>	<b>40</b>	<b>20</b>	<b>Yes</b>	<b>No</b>	<b>200</b>	<b>150</b>	<b>150</b>	<b>25</b>
<b>Minor Nonresidential</b>	<b>50</b>	<b>24</b>	<b>Yes</b>	<b>No</b>	<b>325</b>	<b>200</b>	<b>150</b>	<b>30</b>

- C.** All streets shall be constructed with either standard 90-degree concrete curb and gutter or roll-type concrete curb and gutter. Street pavement width shall be measured from curb face to curb face where 90-degree curb is installed, and from the center of the curb where roll type curb is installed.
- D.** Sidewalks shall be constructed to NCDOT specifications and shall comply with all applicable ADA requirements.
- E.** All permanent dead end streets (as opposed to temporary dead end streets as set forth in Section 1.28) shall be developed as cul-de-sacs. Cul-de-sacs shall not exceed eight hundred (800) feet in length unless necessitated by topography, property accessibility or other extenuating circumstances as determined by the Planning and Zoning Board. Such measurement shall be made from the point where the centerline of the cul-de-sac street intersects with the centerline of a general circulation street to the center of the turnaround of the -cul-de-sac. For the purposes of this subsection, the general circulation street used to determine the length of the cul-de-sac shall be the street from which the cul-de-sac originates. Where one cul-de-sac extends from another cul-de-sac, the end of each cul-de-sac shall be no more than eight hundred (800) feet from a general circulation as measured by the centerline of the streets.
- F.** The minimum radius for the right-of-way of a cul-de-sac shall be fifty (50) feet. The minimum radius of the paved portion of the cul-de-sac shall be thirty-five (35) feet. If a landscape island is provided in the center of the cul-de-sac, then the pavement around the landscape island shall be a minimum of eighteen (18) feet in width.
- G.** Half streets (i.e., streets of less than the full required right-of-way and pavement width) shall not be permitted except where such streets, when combined with a similar street (developed previously or simultaneously) on property adjacent to the subdivision, creates or comprises a street that meets the right-of-way and pavement requirements set forth herein.

- H. Blocks shall not be less than four hundred (400) feet nor more than twelve hundred (1,200) feet in length except as the Planning and Zoning Board considers necessary to secure efficient use of land or desired features of street patterns.

**Section 1.31                      Coordination with Surrounding Streets**

- A. The street system of a subdivision shall be coordinated with existing, proposed, and anticipated streets outside the subdivision. Except where the Planning and Zoning Board determines a different scheme is more appropriate, the proposed street system shall extend existing streets at no less than the required minimum width for such street classification as set forth herein.
- B. Whenever connections to anticipated or proposed surrounding streets are required by the Planning and Zoning Board, the street right-of-way shall be extended and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected. In addition, the Planning and Zoning Board may require temporary turnaround to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicle. Notwithstanding the other provisions of this subsection, no temporary dead-end street in excess of one thousand (1,000) feet may be created unless no other practicable alternative is available.

**Section 1.32                      Access to Lots**

- A. Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use.
- B. Except as otherwise provided in this section, all lots created after the effective date of this Ordinance shall abut a public street at least to the extent necessary to comply with the access requirement set forth in subsection (A) above. For purposes of this subsection, the term “public street” includes a preexisting public street or a street created by the subdivider that meets the public street standards of this Ordinance and is dedicated for public use. Unless the recorded subdivision plat clearly shows a street to be private, the recording of such a plat shall constitute an offer of dedication of such street to the public.
- C. A subdivision in which the access requirement of subsection (A) is satisfied by a private road that does not meet the public street standards may be developed so long as, since the effective date of this Ordinance not more than three (3) lots have been created out of that same tract; and not more than three (3) single family detached units are or will be accessed via such private road. Subdivisions for the development of other types of residential or nonresidential uses that would tend to generate more traffic than that customarily generated by three single-family detached residences and are accessed by a private road that does not meet the public street standards shall be prohibited.
- D. Private roads shall meet or exceed the minimum construction set forth in Section 503 of the North Carolina Fire Prevention Code.
- E. No final plat in which the resultant lots created are served by a private road shall be recorded without the following notations:

*“Further subdivision of any lot shown on this plat served by a private road shall be prohibited pursuant to the City of Hamlet Subdivision Ordinance.”*

**Section 1.33      Restriction of Access**

- A. Reserve strips and non-access easements adjoining street rights-of-way for the purpose of preventing access to or from adjacent property shall be permitted only upon the approval of the Planning and Zoning Board.
- B. Where a major subdivision abuts or contains an existing or proposed arterial street, the Planning and Zoning board may require marginal access streets, through lots with screen plantings or a landscaped berm contained in a non-access reservation along the rear property line, or such other treatment as may be necessary in order to ensure adequate separation of through and local traffic and to minimize points of ingress and egress to arterial streets.

**Section 1.34      Street Intersections**

- A. Streets shall 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. Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of such street. In any event, where a centerline offset occurs at an intersection, the distance between centerlines of the intersecting streets shall be no less than two hundred (200) feet.
- C. Except when no other alternative is practicable or legally possible, no two streets may intersect with any other street on the same side at a distance of less than four hundred (400) feet measured from centerline to centerline of the intersecting streets. When intersected street is an arterial, the distance between intersecting streets shall be at least one thousand feet (1,000) feet.
- D. Streets crossing streams shall cross at or as near right angles as possible within the limits of the topographic conditions.

**Section 1.35      Sight Distance at Intersections**

- A. At no-stop intersections, the intersection shall be constructed so that a person standing at a location on the centerline of any street ninety (90) feet from the intersection of the street centerlines has an unobstructed view to a point located on the centerline of the intersecting street ninety (90) feet (in either direction) from the intersection of the street centerlines.
- B. Subject to subsection (C) below, at stop intersections, the intersection shall be constructed so that a person standing ten (10) feet back of the intersection of right-of-way lines on the stop street has an unobstructed view to a point on the right-of-way line of the intersecting through street located seventy (70) feet from the intersection of the right-of-way lines.
- C. At stop intersections where a residential street intersects with a state-maintained primary road, the intersection shall be constructed so that a person standing thirty (30) feet back of the intersection of right-of-way lines on the stop street has an unobstructed view to a point on the centerline of the through street located one hundred fifty (150) feet from the intersection of the street right-of-way lines.

### **Section 1.36 Entrance to Streets**

All driveway entrances and other openings onto streets within the city's planning jurisdiction shall be designed and constructed so that:

- A. Vehicles can enter and exit from the property in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling on abutting streets; and
- B. Interference with the free and convenient flow of traffic on abutting or surrounding streets is minimized.

### **Section 1.37 Pedestrian Access Easements**

Whenever, the Planning and Zoning Board determines that a means of pedestrian access is necessary or desirable from the proposed subdivision to schools, parks, playground, streets, or other facilities and that such access is not conveniently provided by sidewalks adjacent to streets, the subdivider may be required to reserve an unobstructed easement of at least ten (10) feet in width to provide such access.

### **Section 1.38 Road and Sidewalk Requirements in Unsubdivided Developments**

- A. Within unsubdivided developments, all private roads and access ways shall be designed and constructed to facilitate the safe and convenient movement of vehicular and pedestrian traffic. The Parking Regulations set forth in Article 8 of the Zoning Ordinance shall determine the width of roads, use of curb and gutter, and paving specifications. To the extent that the requirements set forth in this ordinance may be relevant to the roads in unsubdivided developments, the requirements of this ordinance may be applied to satisfy the standard set forth in the first sentence of this subsection.
- B. Whenever a road in an unsubdivided development connects two or more public streets in such a manner that any substantial volume of through traffic is likely to make use of such road, then such road shall be dedicated. In other cases when roads in unsubdivided developments within the city are constructed in accordance with the specifications for subdivision streets, the city may accept an offer of dedication of such streets.
- C. In all unsubdivided residential development, sidewalks shall be provided linking dwelling units with other dwelling units, the public street, and on-site activity centers such as parking areas, laundry facilities, and recreational areas and facilities. Notwithstanding the foregoing, sidewalks shall not be required where pedestrians have access to a road that serves not more than nine (9) dwelling units.
- D. Whenever the permit-issuing authority finds that a means of pedestrian access is necessary from an unsubdivided development to schools, parks, playgrounds, or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the roads, the developer may be required to reserve an unobstructed easement of at least ten (10) feet to provide such access.
- E. The sidewalks required by this section shall be at least four (4) feet wide and constructed according to the specifications set forth in Appendix C, Specifications for Street Construction, except that the permit-issuing authority may permit the installation of walkways constructed with other suitable materials when it concludes that:
  - 1. Such walkways would serve the residents of the development as adequately as concrete sidewalks; and

2. Such walkways could be more environmentally desirable or more in keeping with the overall design of the development.

**Section 1.39                    Development Entrance Markers and Landscaped Medians**

The Planning and Zoning Board may permit development entrance markers and landscape medians within the public right-of-way subject to the following conditions and any additional conditions the Planning and Zoning Board may find to be appropriate in the individual circumstance:

- A. The City will not be responsible for maintenance.
- B. An entity responsible for maintenance shall be created.
- C. No such improvements shall interfere with sight distances or with normal maintenance requirements or otherwise pose a hazard to vehicular or pedestrian traffic.
- D. In the event of loss, damage, or lack of improvements, the City may remove all improvements and maintain the area in accordance with City standards.

**Section 1.40                    Street Construction Standards and Specifications**

Construction standards and specifications for streets, sidewalks, and curb and gutters are contained in Appendix C, Specifications for Street Construction, and such facilities shall be completed in accordance with such standards. Streets, sidewalks, and curb and gutters constructed in the city's extraterritorial jurisdiction and offered for acceptance by the State of North Carolina shall comply with the NCDOT Subdivision Roads Minimum Construction Standards Manual and any other applicable standards.

**Section 1.41                    Bridges**

All bridges shall be constructed in accordance with the standards and specifications of the North Carolina Department of Transportation, except that bridges on roads not intended for public dedication may be approved if designed and certified by a licensed engineer.

**Section 1.42                    Lighting Requirements**

- A. All public streets, sidewalks, and other common areas or facilities in subdivisions created after the effective date of this Ordinance shall be sufficiently illuminated to ensure the security of property and the safety of person using such streets, sidewalks, and other common areas or facilities.
- B. All roads, driveways, sidewalks, parking lots, and other common areas and facilities in unsubdivided developments shall be sufficiently illuminated to ensure the security of property and the safety of persons using such roads, driveways, sidewalks, parking lots, and other common areas and facilities.
- C. All entrances and exits in substantial buildings used for nonresidential purposes or residential developments (except single family detached) shall be adequately lighted to ensure the safety of persons and the security of the buildings.
- D. Streets lights shall be installed on all streets intended for public dedication adequate to illuminate the intersection for safe use by vehicular and pedestrian traffic. Additional fixtures shall be placed at approximately 400 feet intervals proceeding from points of intersection. When single block

lengths are between 600 feet and 1000 feet, a fixture shall be located as close to a center of the block as is feasible.

- E. Lighting within any lot that unnecessarily illuminates any other lot and substantially interferes with the use or enjoyment of such other lot is prohibited. Lighting unnecessarily illuminates another lot if it clearly exceeds the standards set forth herein or if the standards set forth herein could reasonably be achieved in a manner that would not substantially interfere with the use or enjoyment of neighboring properties.

**Section 143 Street Naming and Numbering**

- A. The Planning and Zoning Board shall have the authority to assign street names. Proposed streets that are in alignment with existing streets shall be given the same name. Newly created streets shall be given names that neither duplicate nor are phonetically similar to existing streets within the city's jurisdiction, regardless of the use of different suffixes.
- B. Street names shall include a suffix such as but not limited to "street", "avenue", "circle", "court", "place", "way", "loop", or "trail".
- C. The Richmond County Addressing Department shall assign building numbers for those properties inside the city limits and those properties inside the extraterritorial jurisdiction.
- D. The City Council shall have the authority to change existing street names upon a recommendation by the Planning and Zoning Board.

**Section 1.44 Utility Ownership and Easement Rights**

In any case in which a developer installs or causes the installation of water, sewer, electrical power, telephone, or cable television facilities and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

**Section 1.45 Lots Served by Governmentally Owned Water or Sewer Lines**

- A. Whenever it is legally possible and practicable in terms of topography to connect a lot with a city water or sewer line by running a connecting line not more than two hundred (200) feet from the lot to such line, then no use requiring water or sewage disposal service shall be made of such lot unless connection is made to such line.
- B. Connection to such water or sewer line is not legally possible if, in order to make connection with such line by a connecting line that does not exceed two hundred (200) feet in length, it is necessary to run the connecting line over property not owned by the owner of the property to be served by the connection, and, after diligent effort, the easement necessary to run the connecting line cannot reasonably be obtained.
- C. For purposes of this article, a lot is "served" by a city-owned water or sewer line if connection is required by this section.
- D. Sewage disposal systems and water supply systems, including but not limited to when and how such systems must be connected to the City of Hamlet sewer and water systems, shall also be governed by Code of Ordinances Article 21, "Water and Sewers."

**Section 1.46 Sewage Disposal Facilities Required**

- A. Every principal use and every lot within a subdivision shall be served by a sewage disposal system this is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.
- B. Primary responsibility for determining whether a proposed development will comply with the standard set forth in subsection (A), often lies with an agency other than the city, and the developer must comply with detailed standards and specifications of such other agency. Whenever any such agency requires detailed construction or design drawings before giving its official approval to the proposed sewage disposal system, the authority issuing a permit under this Ordinance may rely upon a preliminary review by such agency of the basic design elements of the proposed sewage disposal system to determine compliance with subsection (A). However, construction of such system may not be commenced until the detailed plans and specifications have been reviewed and any appropriate permits issued by such agency.
- C. Sewage disposal systems, including but not limited to when and how such systems must be connected to the City of Hamlet sewer system, shall also be governed by Code of Ordinances Article 21, "Water and Sewers."

**Section 1.47 Water Supply System Required**

- A. Every principal use and every lot within a subdivision shall be served by a water supply system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.
- B. Primary responsibility for determining whether a proposed development will comply with the standard set forth in subsection (A), often lies with an agency other than the city, and the developer must comply with detailed standards and specifications of such other agency. Whenever any such agency requires detailed construction or design drawings before giving its official approval to the proposed water supply system, the authority issuing a permit under this Ordinance may rely upon a preliminary review by such agency of the basic design elements of the proposed sewage disposal system to determine compliance with subsection (A). however, construction of such system may not be commenced until the detailed plans and specifications have been reviewed and any appropriate permits issued by such agency.
- C. Water supply systems, including but not limited to when and how such systems must be connected to the City of Hamlet water system, shall also be governed by Code of Ordinances Article 21, "Water and Sewers."

**Section 1.48 Approval of Water and Sewage System Required**

- A. Any entity proposing to build sanitary sewers to connect directly or indirectly into the city's sanitary sewerage system or water lines to connect to the City water supply system shall conform its plans and specifications to the requirements of this and other applicable statutes, regulations and ordinances. An engineer licensed in the state or North Carolina shall prepare the plans and specifications. The developer shall be required to obtain the approval of any and all local, county and state authorities having jurisdiction over such proposed system.
- B. The following administrative procedures shall be followed:

1. Submit preliminary construction plans to the City Manager or his designee in sufficient detail to indicate location, system layout, line sizes, service connections, flows, character of sewage, relationship with and connection to the City's system, pump station location and specifications, and other information deemed relevant by the City Manager or his designee.
  2. Receive preliminary approval from the City Manager or his designee and other jurisdictional agencies.
  3. Prepare construction drawings and documents for approval by City Manager or his designee.
  4. Secure all other necessary agency approvals of construction drawings and contact documents.
  5. Upon receipt of required approvals, proceed with construction notifying the permitting authority of construction schedules.
  6. Provide the City Manager or his designee with permission for on-site inspection during construction.
  7. Furnish to the City Manager or his designee a certificate of completion, instrument of conveyance, and warranty together with such other legal documents as may be required for annexation, reimbursement and similar special provisions.
- C.** Construction of the proposed sewerage system or water system shall be accomplished by a registered contractor licensed under the laws of the State of North Carolina who shall have paid all business licenses required by the City of Hamlet.
- D.** Public bids must be received and tabulated for any portion of the proposed system, which qualifies for reimbursement from the City. These tabulated bids must be submitted to and approved by the City Manager or his designee before award of construction contracts.
- E.** Upon completion of construction, the engineer employed by the developer shall inspect and furnish to the permitting authority at no cost to the City, his certificate of completion indicating that the subject system has been constructed in accordance with the approved plans and specifications, and shall provide two (2) copies of "As Built" drawings.
- F.** The developer or his authorized agent shall submit a warranty, which is a legal instrument in which the developer warrants the materials, equipment, and construction of the system for twelve (12) months. The developer shall further warrant to the City Manager or his designee that all fees have been paid by him such that there is not outstanding indebtedness remaining and holding the City harmless in each instance.
- G.** All known sewer taps and water taps shall be made during construction and the location of all taps shall be recorded on the "As Built" drawings.
- H.** All sewerage system and water system extensions must be compatible with present and future plans and needs of City.
- I.** When all other requirements of this Ordinance have been met and approved, the developer shall prepare and submit to the City Manager or his designee an Instrument of Conveyance, conveying the constructed system to the City, at no cost to the City, and the system shall thereafter be owned,

operated and maintained by the City as provided for in this Ordinance. The Instrument of Conveyance shall also include permanent easements and rights-of-way fully described and duly recorded at the appropriate authority.

**Section 1.49 Fire Hydrants**

- A.** Every development (subdivided or unsubdivided) that is served by a public water system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within such development.
- B.** The presumption established by this ordinance is that to satisfy the standard set forth in subsection (A), fire hydrants must be located so that all parts of every building within the development may be served by a hydrant by laying not more than five hundred (500) feet of hose connected to such hydrant. However, the fire chief may authorize or require a deviation from this standard if in his professional opinion another arrangement more satisfactorily complies with the standard set forth in subsection (A).
- C.** The Fire Chief shall determine the precise location of all fire hydrants, subject to the other provisions of this section. In general, fire hydrants shall be placed six (6) feet behind the curb line of publicly dedicated streets.
- D.** The Fire Chief shall determine the design standards of all hydrants based on fire flow needs. Unless otherwise specified by the Fire Chief, all hydrants shall have two 2 ½-inch hose connections and one 4 ¼-inch hose connection. The 2 ½-inch hose connections shall be located at least 21 ¼-inches from the ground level. All hydrant threads shall be national standards threads.
- E.** Water lines that serve hydrants shall be at least six-inch lines, and, unless no other practicable alternative is available, no such lines shall be dead-end lines.

**Section 1.50 Electric Power**

Every principal use and every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every lot within such subdivision. Compliance with this requirement shall be determined as follows:

- A.** If the use is not a subdivision and is located on a lot that is served by an existing power line and the use can be served by a simple connection to such power (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center), then no further certification is needed.
- B.** If the use is a subdivision or is not located on a lot served by an existing power line or a substantial internal distribution system will be necessary, then the electric utility service provider must review the proposed plans and certify to the city that it can provide service that is adequate to meet the needs of the proposed used and every lot within the proposed subdivision.

**Section 1.51 Underground Utilities**

All electric power lines, (excluding transformers or enclosures containing electrical equipment such as switches, meters, or capacitor which may be pad mounted), telephone, gas distribution, and cable television lines in subdivisions constructed after the effective of this Ordinance shall be installed underground.

**Section 1.52 Utilities To Be Consistent With Internal and External Development**

- A. Whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments, such utility facilities (e.g., water or sewer lines) shall be located and constructed so that extensions can be made conveniently and without undue burden or expense or unnecessary duplication or service.
- B. All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

**Section 1.53 Dumpster Pad and Screening Requirements**

Every development that utilizes a dumpster for the purpose of solid waste collection shall comply with the following requirements:

- A. Each dumpster shall be located so as to facilitate collection and minimize any negative impacts on persons occupying the development site, neighboring properties, or public rights-of way.
- B. Each dumpster shall be located on a concrete pad with three-sided screening constructed in accordance with the specifications set forth in Appendix D.

**Section 1.54 Reservation of Open Space Required**

- A. Except as provided for in subsection (B) (C) and (D), every residential development shall be required to reserve a minimum of seven (7) percent of the gross development area as permanent usable open space. An area shall constitute usable open space if such area:
  - 1. Is not encumbered with any substantial structure;
  - 2. Is not devoted to use as a roadway, parking area, or sidewalk, or other impervious surface area;
  - 3. Is left (as of the date development begins) in its natural or undisturbed state if wooded, except for the cutting of trail for walking or jogging; or if not wooded at the time of development, is landscaped for ball fields, picnic areas, or similar facilities, or is properly vegetated and landscaped with the objective of creating a wooded or natural area;
  - 4. Is capable of being used and enjoyed for purposes of informal and unstructured, passive recreation and relaxation;
  - 5. Is legally and practically accessible to the residents of the development from which the required open space is reserved, or to the general public if dedicated to the Coty;
- B. Residential subdivisions, where less than twenty-five (25) lots are created from the original parent tract within a ten (10) year period shall be exempt from the requirements for the reservation of open space.
- C. Residential subdivisions, where the average lot size is one (1) acre or more shall be exempt from the requirements for the reservation of open space.

- D. Unsubdivided residential developments containing less than ten (10) units shall be exempt from the requirements for the reservation of open space.
- E. The permit-issuing authority shall be authorized to permit deviations from the requirements for the reservation of usable open space when it determines that peculiarities in the proposed subdivision or development eliminate the need for or make the reservation of open space not feasible.

**Section 1.55 Ownership and Maintenance of Required Open Space and Common Areas**

- A. Except as otherwise provided for herein, open space reserved pursuant to the requirements of this Ordinance shall be owned and maintained by the developer (or his successor), a homeowners' association, or similar type organization.
- B. The entity identified in subsection (A) above as having the right of ownership and control over such recreational facility shall be responsible for the continuing upkeep and proper maintenance of such open space. Proper maintenance shall constitute the removal of litter, refuse, and debris; and weeding and mowing.
- C. Homeowners' associations or similar legal entities that are responsible for the maintenance and control of open space and /or common areas shall be established in such a manner that:
  - 1. Provisions for the establishment of the association or similar entity is made before any lot in the development is sold or any building occupied;
  - 2. The association or similar legal entity has clear legal authority to maintain and exercise control over such common areas and facilities;
  - 3. The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities; and
  - 4. The association will establish a capital fund for the maintenance and upkeep of common areas and facilities and a method of contributing to that fund which will spread the costs of said maintenance and upkeep to the residents over a number of years.
- D. Open space reserved in residential subdivisions shall be clearly delineated as a separate parcel(s) and identified on the final plat with the notation "*Reserved as Open Space. Development prohibited pursuant the authority of the City of Hamlet Planning and Zoning Board*". The subdivider may offer such open space for dedication to the City, but the City shall not be obligated to accept such open space.

**Section 1.56 Storm Water Management**

- A. To the extent practicable, all development shall conform to the natural contours of the land, and natural and preexisting man-made drainage ways shall remain undisturbed.
- B. To the extent practicable, lot boundaries shall be made to coincide with natural and preexisting man-made drainage ways within subdivisions to avoid the creation of lots that can be built upon only by altering such drainage ways.

- C.** All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:
  - 1. The retention is the intentional result of a technique, practice or device deliberately installed as part of an approved sedimentation or storm water runoff control plan; or
  - 2. The retention is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless such retention presents a danger to health or safety.
- D.** No surface water may be channeled or directed into a sanitary sewer.
- E.** Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets.
- F.** Private roads and access ways within unsubdivided developments shall utilize curb and gutter and storm drains to provide adequate drainage if the grade of such roads or access ways is too steep to provide drainage in another manner or if other sufficient reasons exist to require such construction.
- G.** All developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such developments. More specifically:
  - 1. No development may be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher adjacent properties across such development, thereby unreasonable causing substantial damage to such higher adjacent properties; and
  - 2. No development may be constructed or maintained so that surface waters from such development are unreasonable collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties.

**Section 1.57                      Sedimentation and Erosion Control**

- A.** No zoning or special use permit shall be issued and no construction plan for subdivisions shall be approved for any development that would cause land disturbing activity subject to the jurisdiction of the N.C. Department of Environmental Quality – Sedimentation Control Commission, until the commission has certified to the city, either that:
  - 1. An erosion control plan has been submitted to and approved by the commission; or
  - 2. The commission has examined the preliminary plans for the development and it reasonably appears that an erosion control plan can be approved upon submission by the developer of more detailed construction or design drawing. However, in this case, construction of the development may not begin (and no building permits shall be issued) until the commission approves the erosion control plan.
- B.** For the purposes of this section, land disturbing activity means any use of the land by any person in residential, industrial, educational, institutional, or commercial development, and highway and road construction and maintenance that results in a change in the natural cover or topography to

one (1) acre or more of land and that may cause or contribute to sedimentation. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity, or ice from the site of its origin.

- C. If land disturbing activities occur on land that is less than once (1) acre in area, the applicant or developer shall take such action necessary to prevent any undue erosion or sedimentation of the soil, especially if the sedimentation would migrate onto neighboring lands or adjacent streams, by use of hay bales, silt fences, or other acceptable means.

## **Part 5: Definitions and Interpretation**

### **Section 1.59 Interpretation of Certain Words and Phrases**

- A. Words in the present tense include the future tense.
- B. Words or phrases not specifically defined herein shall have their customary meanings as defined in a standard dictionary.
- C. 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.
- D. The word "lot" shall include the words, "plot," "parcel," or "tract."
- E. The word "person" includes a firm, association, corporation, trust, and company as well as an individual.

### **Section 1.59 Basic Terms Defined**

Unless otherwise specifically provided or clearly required by the context, the words and phrases defined in this Article shall have the meaning indicated below:

#### **Abutting.**

Having property or district lines in common. For example, two lots are abutting if they have property lines in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a railroad, street, alley, or other transportation corridor. The terms "adjacent", "adjoining", and "contiguous" shall be interchangeable with the term abutting".

#### **Access.**

A way of approaching or entering a property. The term "access" shall be interchangeable with the terms "ingress", "egress", and "access way".

#### **Block.**

A tract of land of a lot or group of lots bounded by streets, public parks, golf courses, railroad right-of-way, water courses, lakes, unsubdivided land, or a boundary line or lines of the county or its towns or any combination of the above.

#### **Buffer.**

A strip of land established to protect one type of land use from another.

#### **Building Setback Line.**

A line parallel to the property line. No structure shall be erected closer to property boundary than the setback line. The front building setback line shall be measured from the street/road right-of-way line.

**Built-Upon Area.**

Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: wooden slatted decks and the water area of a swimming pool is considered pervious.)

**City.**

Unless the context clearly discloses a contrary intent, the word "City" shall mean the City of Hamlet.

**City Council.**

The City Council of the City of Hamlet

**Code of Ordinances.**

The City of Hamlet Code of Ordinances.

**Condominium.**

The term condominium shall apply to residential and commercial development where portions of buildings are separately owned and where land and other improvements are held in undivided interested.

**Contour Line.**

A contour line is an imaginary line on the surface of the earth that connects all points that are of equal height above some reference plane, usually sea level.

**Contour Map.**

A contour map is a drawing which shows the location of the contour lines for a particular parcel of land which, in turn, show the topography of the parcel.

**Dedication.**

The offer to transfer property from private to public ownership. Such transaction is not completed unless and until the appropriate public agency accepts the offer.

**Developer.**

A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

**Development.**

Unless the context clearly indicates otherwise, the term means any of the following:

- A. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- B. The excavation, grading, filling, clearing, or alteration of land.
- C. The subdivision of land as defined in G.S. 160D-802.
- D. The initiation or substantial change in the use of land or the intensity of use of land.

(May also be referred to as "land development activity").

**Driveway.**

That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

**Dwelling.**

Any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that for purposes of Article 12 of GS 160D, it does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.

**Dwelling Unit.**

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**Easement.**

A right given by the owner of land to another party for specific limited use of that land. For example, a property owner may give an easement on his property to allow utility facilities, like power lines or pipelines; to allow light to reach a neighbor's windows; or to allow access to another property.

**Effective Date of this Ordinance.**

Whenever this Ordinance refers to the effective date or this Ordinance, the reference shall be deemed to include the effective date of any amendments to this Ordinance if the amendment, rather than this Ordinance as originally adopted, creates a nonconforming situation.

**Erosion.**

The wearing away of land surface by the action of wind, water, gravity or any combination thereof.

**Family.**

1) An individual; 2) two (2) or more persons related by blood, marriage, or adoption living together in a dwelling unit, and (unless the dwelling contains an accessory dwelling unit) may also include not more than two (2) unrelated persons; or 3) a group of not more than four (4) persons who need not be related by blood, marriage, or adoption living together in a dwelling unit. A family may include five (5) or fewer foster children placed in a family foster home licensed by the State but shall not include fraternities, sororities, boarding or rooming houses, tourist homes, or family care homes.

**Land Development Activity.**

See "development".

**Land Disturbing Activity.**

Per NCGS 113A-52(6), any use of the land by any person in residential, commercial, industrial, educational or institutional development, highway and road construction and/or maintenance that results in a change in the natural cover or topography of the land that may cause or contribute to sedimentation.

**Lot.**

A parcel of land which is either a "lot of record" or a "zoning lot."

**Lot Area.**

The total area circumscribed by the boundaries of a lot, except that when the legal instrument creating a lot shows the boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel thirty (30) feet from the center of the traveled portion of the street, and in a residential district, when a private road that serves more than three (3) dwelling units is located along any lot boundary, then the lot

boundary for purposes of computing the lot area shall be the inside boundary of the traveled portion of that road.

**Lot, Corner.**

A lot located at the intersection of two (2) or more streets.

**Lot Coverage.**

The portion of a lot covered by building(s) or roofed structures(s), excluding allowed projected eaves, balconies, and similar features.

**Lot Depth.**

The distance between the front lot line and the rear lot line, measured from the midpoint of the front lot line to the midpoint of the rear lot line.

**Lot Frontage.**

The distance along which the front boundary of the lot and the street lines or right-of-way lines are coincident. On a corner lot the principal frontage shall be the shorter of the street frontages, measured from the point of intersection of the lot lines abutting such street. Where two (2) such frontages are equal in length, the owner shall designate which is the front for building purposes.

**Lot Interior.**

A lot other than a corner or reversed corner lot.

**Lot Line, Rear.**

The rear lot line is that opposite to the front lot line. Where lot lines are irregular, the rear lot line shall be assumed to be a line not less than twenty (20) feet long, lying within the lot and parallel to the front lot line at its midpoint.

**Lot of Record.**

A lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Richmond County; or a parcel of land, the deed of which was recorded in the office of said Register of Deeds prior to the adoption of this Ordinance.

**Lot Width.**

The distance between the side lot lines of a lot measured at right angles to the depth and at the required front yard setback lines.

**Mean Sea Level.**

For purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. The FIRM panels are adopted by reference and declared to be part of this Ordinance. The incorporated maps shall be kept on file in digital or paper format with the City Clerk, and is available for public inspection during normal business hours.

**Ordinance.**

This Ordinance, including any amendments. Whenever the effective date of the ordinance is referred to, the reference includes the effective date of any amendment to it.

**Permit-Issuing Authority.**

The entity responsible for the approval of a specific type of permit as set forth in this Ordinance. Also referred to a "permitting authority".

**Plan.**

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

**Planning and Zoning Board.**

The public agency in a community empowered to prepare a comprehensive plan and to evaluate proposed changes in land use, either by public or private developers, for conformance with the plan. The Planning Board hears, deliberates, and makes recommendations to City Council on all Ordinance and map amendments.

**Plat.**

A map showing the location, boundaries, and ownership of individual properties.

**Plat, Final.**

A drawing and related materials showing the layout of lots, streets, and other natural or man-made features in a proposed subdivision which must be approved pursuant to this Ordinance prior to recordation and prior to the transfer of any lots.

**Plat, Preliminary.**

A drawing and related material showing the layout of a proposed subdivision, including improvements details, which must be approved pursuant to this Ordinance prior to the preparation of a final plat.

**Private Drive, Road, or Street.**

An easement or right-of-way not dedicated to the public which provides access to not less than two (2) abutting properties or dwelling units; and is permitted only where specifically authorized by this Ordinance. Included also are roads or streets, within a mobile home park, travel trailer campground, multi-family housing project, commercial center, industrial park or other planned unit development which is not publicly maintained and is used for access by occupants of the development, their guests and the general public.

**Public Sewer.**

A sewage system which is owned by the City of Hamlet, by any other unit of government or authority, or by a private corporation, person or association and which is designed to serve uses locating along existing lines or within the service area of the system, should additional collection lines be constructed.

**Public Water Supply System.**

Any approved water supply system furnishing potable water to ten (10) or more dwelling units or businesses or any combination thereof.

**Register of Deeds.**

The Register of Deeds for Richmond County, North Carolina.

**Reservation**

An obligation by a property owner to keep certain land free from development for a stated period of time. A reservation does not involve transfer of property rights but allows the public to acquire such land within the stated time period. Building setback lines shall observe the reserved line of a street during the stated time period.

**Residential Development.**

Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages and their associated outbuildings such as garages, storage buildings, gazebos, and customary home occupations.

**Review Officer.**

Pursuant to NCGS 47-30.2, that person or persons designated by Richmond County designated to determine whether proposed subdivisions of land comply with all statutory requirements.

**Roadway.**

The portion of a street, road, highway or alley intended for vehicular use. The surface that vehicles normally travel on; i.e., the surfaced portion within the right-of-way.

**Sedimentation.**

The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land disturbing activity or into a lake or natural water source.

**Sketch Plan.**

A crude conceptual map indicating a subdivider's intent to subdivide a tract.

**Solid Waste Disposal Site.**

As defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

**Start of Construction.**

The date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filing; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundation of the erection of temporary forms; nor does it include the installation on property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

**Street, Alley.**

A strip of land providing secondary access to properties otherwise abutting a street.

**Street, Cul-de-Sac.**

A street that terminates in a vehicular turnaround.

**Street Frontage.**

A lot line abutting on the side of a street, or on a permanent turnaround at the end of a street; also, the distance along such line.

**Street, Marginal Access.**

A street that is parallel to and adjacent to an arterial street or thoroughfare and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

**Street, Public.**

A dedicated public right-of-way in which the roadway has been accepted or constructed to public standards for vehicular traffic but not an alley.

**Street, Thoroughfare.**

A traffic artery designed primarily to carry heavy volumes of through vehicular traffic as shown on the major street plan.

**Structure.**

Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground.

**Subdivider.**

Any person, firm, or corporation who creates or proposes to create a subdivision as defined herein.

**Subdivision.**

All divisions of tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purposes 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 pursuant to NCGS 160D-802, the following shall not be included within the definition:

- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to exceed the standards of the municipality as shown in its subdivision regulations;
- (2) The division of and into parcels greater than ten (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; and
- (4) The division of a tract in single ownership whose entire area is not greater than two (2) acres into not more than three (3) lots, where no street extension or right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this Ordinance.
- (5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession

**Subdivision, Major.**

Any subdivision other than a minor subdivision.

**Subdivision, Minor.**

A division of land that creates not more than three (3) lots (excluding the parent tract where no new street right-of-way dedication is required, and all resultant lots conform to the requirements set forth in this Ordinance.

**Tract.**

The term is used interchangeable with the term lot, particularly in the context of subdivisions, where one "tract" is subdivided into several "lots".

**Use.**

The purpose for which land or structures thereon is designed, arranged, or intended to be occupied or used, or for which it is occupied, maintained, rented or leased.

**Use, Accessory.**

Any use which is clearly incidental, secondary, and/or supportive of a principal use.

**Use, Principal Permitted.**

Any use listed as Permitted Use in any Zoning District, except those which by definition or their nature are accessory uses.

**Utility Facilities.**

Any above-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any

purpose by the [the appropriate provision of state law] and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals.