

**SUBDIVISION REGULATIONS**  
FOR THE  
TOWN OF CONNELLY SPRINGS, NORTH CAROLINA

PREPARED BY THE CONNELLY SPRINGS TOWN COUNCIL

&

THE WESTERN PIEDMONT COUNCIL OF GOVERNMENTS

1997

Amended August 2, 2021



ORDINANCE NO.

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES

OF THE TOWN OF CONNELLY SPRINGS

SUBDIVISION REGULATIONS

WHEREAS, the Board of Aldermen of the Town of Connelly Springs deems it necessary and desirable to promote and enhance the quality of land development in the Town; and

WHEREAS, the Planning Board has conducted a public hearing and has considered the proposed amendment and recommended said amendment be approved by the Board of Aldermen; and

WHEREAS, notification of the proposed amendment has been duly published; and

WHEREAS, the Board of Aldermen has conducted a public hearing to consider comments relative to the proposed amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF CONNELLY SPRINGS:

That the Board of Aldermen of the Town of Connelly Springs, North Carolina, hereby adopts the following Ordinance of Subdivision Regulations:

TABLE OF CONTENTS

Page		
SECTION 200.	INTRODUCTORY PROVISIONS .....	4
	Section 200.1. Title .....	4
	Section 200.2. Purpose.....	4
	Section 200.3. Authority .....	4
	Section 200.4. Jurisdiction.....	4
	Section 200.5. Prerequisite to Plat Recordation.....	4
	Section 200.6. Acceptance of Streets.....	4
	Section 200.7. Thoroughfare Plans .....	5
	Section 200.8. School Sites on Land Use Plan .....	5
	Section 200.9. Zoning and Other Plans .....	5

TABLE OF CONTENTS (cont.)

	Page
SECTION 210. LEGAL PROVISIONS.....	6
Section 210.1. General Procedure for Plat Approval.....	6
Section 210.2. Statement by Owner.....	6
Section 210.3. Effect of Plat Approval on Dedications.....	6
Section 210.4. Penalties for Violation.....	6
Section 210.5. Separability.....	8
Section 210.6. Variances.....	8
Section 210.7. Amendments.....	9
Section 210.8. Abrogation.....	9
Section 210.9. Administrator.....	9
SECTION 220. PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS.....	10
Section 220.1. Plat Shall be Required on Any Sub-division of Land or Any Manipulation of Property Lines of Boundaries.....	10
Section 220.2. Approval Prerequisite to Plat Recordation.....	10
Section 220.3. Procedures for Review of Major and Minor Subdivisions.....	10
Section 220.4. Approval Process for Minor Subdivisions.....	11
Section 220.5. Procedure for Review of Minor Subdivisions.....	11
Section 220.6. Dispute of Findings.....	12
Section 220.7. Final Plat for Minor Subdivisions.....	12
Section 220.8. Certifications to be Depicted on Final Plats for Minor Subdivisions.....	13
Section 220.9. Sketch Plan for Major Subdivisions.....	14
Section 220.10. Preliminary Plat Submission and Review.....	15
Section 220.11. Performance, Defects, and Maintenance Guarantees.....	17
Section 220.12. Final Plat Submission and Review.....	20
Section 220.13. Information to be Contained in or Depicted on Preliminary and Final Plats.....	25
Section 220.14. Recombination of Land.....	31
Section 220.15. Resubdivision Procedures.....	32
SECTION 230. REQUIRED IMPROVEMENTS, DEDICATION, RESERVATION, MINIMUM STANDARDS OF DESIGN.....	33
Section 230.1. General.....	33
Section 230.2. Suitability of Land.....	33
Section 230.3. Name Duplication.....	33
Section 230.4. Subdivision Design.....	33
Section 230.5. Type of Street Required.....	35
Section 230.6. Subdivision Street Disclosure Statement.....	35

Section 230.7. Half Streets.....	35
Section 230.8. Marginal Access Streets.....	35
Section 230.9. Access to Adjacent Properties .....	36
Section 230.10. Non-residential Streets.....	36
Section 230.11. Design Standards of Streets .....	36
Section 230.12. Rights-of-Way Widths .....	36
Section 230.13. Pavement Widths .....	37
Section 230.14. Geometric Characteristics .....	38
Section 230.15. Other Requirements .....	41
Section 230.16. Utilities.....	42
Section 230.17. Buffering, Recreation, and Open Space.....	43
Section 230.18. Placement of Monuments .....	44
Section 230.19. Construction Procedures .....	45
Section 230.20. Oversized Improvements .....	45
 SECTION 240.       DEFINITIONS.....	 46
Section 240.1. Subdivision Defined.....	46
Section 240.2. Other Definitions .....	46
Section 240.3. Word Interpretation.....	51
Section 240.4. Adoption and Effective Date .....	51

## **SECTION 200           INTRODUCTORY PROVISIONS**

### Section 200.1. Title

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

### Section 200.2. 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 Connelly Springs. 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 200.3. Authority

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

### Section 200.4. Jurisdiction

The regulations contained herein, as provided in (G.S. 160D-200; 202; 903) shall govern each and every subdivision within the Town of Connelly Springs.

### Section 200.5. Prerequisite to Plat Recordation

After the effective date of this ordinance, each major subdivision plat of land within the Town's jurisdiction shall be approved by the Board of Aldermen on recommendation from the Town Planning Board. Minor subdivisions, as defined in this ordinance, shall be approved by the Subdivision Administrator.

### Section 200.6. 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 Connelly Springs.

### Section 200.7. 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 thoroughfare plan and at the width specified in the thoroughfare plan or this ordinance.

Section 200.8. School Sites on Land Use Plan

If the Town of Connelly Springs and the Burke 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 or 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 200.9. Zoning and Other Plans

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

## **SECTION 210. LEGAL PROVISIONS**

### Section 210.1. General Procedure for Plat Approval

- (a) After the effective date of this ordinance, no subdivision plat of land within the Town's jurisdiction shall be filed or recorded until it has been submitted to and approved by the appropriate Board or official as set forth in Section 200.5 of this ordinance, and until this approval is entered in writing on the face of the plat by the Board of Aldermen and attested by the Town Clerk for major subdivisions, or the Subdivision Administrator for minor subdivisions.
- (b) 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 210.2. 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 Connelly Springs.

### Section 210.3. 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 Board of Aldermen may by resolution accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision regulation jurisdiction. Acceptance of dedication of lands or facilities located within the subdivision regulation jurisdiction but outside the corporate limits of the 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 210.4. 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 Burke County Register of Deeds, shall be guilty of a misdemeanor (G.S. 160D-807). 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. Building permits may be denied for lots that have



been illegally subdivided. The Town of Connelly Springs through its attorney or other official designated by the Board of Aldermen may enjoin illegal subdivision, transfer or sale of land by action for injunction. Further, violators of this ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S. 14-4.

1. The provisions of this section do 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 under the subdivision regulation or recorded with the register of deeds, provided the contract does all of the following:
  - a. Incorporates as an attachment a copy of the preliminary plat referenced in the contract and obligates the owner to deliver to the buyer a copy of the recorded plat prior to closing and conveyance.
  - b. Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary and final plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final recorded plat differs in any material respect from the preliminary plat.
  - c. Provides that if the approved and recorded final plat does not differ in any material respect from the plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than five days after the delivery of a copy of the final recorded plat.
  - d. Provides that if the approved and recorded final plat differs in any material respect from the preliminary plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than 15 days after the delivery of the final recorded plat, during which 15-day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.
2. The provisions of this section do not prohibit any owner or its agent from entering into contracts to sell or lease land by reference to an approved preliminary plat for which a final plat has not been properly approved under the subdivision regulation or recorded with the register of deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential, commercial, or industrial buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under the subdivision regulation and recorded with the register of deeds.

- (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 section 210.4(b) above, this ordinance may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.
- (e) The Town of Connelly Springs may also withhold all permits for lots that have been illegally subdivided.
- (f) 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 210.5. 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 210.6. 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 (G.S. 160D-705):

1. Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence or the variance, no reasonable use can be made of the property.
2. 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.
3. 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.

4. 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 210.7. Amendments

- (a) The Board of Aldermen 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.
- (b) No amendment shall be adopted by the governing body until they have held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the Town of Connelly Springs 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-to-twenty-five day period, the date of first publication shall be counted, but the date of the hearing shall not be counted.

#### Section 210.8. Abrogation

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

#### Section 210.9. Administrator

The Town Council or their designee(s) (Town Clerk, or Town Planner) are hereby appointed to serve as subdivision administrator.

**SECTION 220. PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS**

Section 220.1. Plat Shall Be Required on Any Subdivision of Land or Any Manipulation of Property Lines or Boundaries

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. Whenever any manipulation of property lines or property boundaries takes place within the jurisdiction of the Town of Connelly Springs as established in Section 200.4 of this ordinance that is exempt from these regulations as provided by Section 240.1 of this ordinance, a plat clearly displaying such change must be presented to the subdivision administrator. Said plat must also be presented to the Burke County Register of Deeds for recordation.

Section 220.2. Approval Prerequisite to Plat Recordation

Pursuant to G.S. 160D-803, no final plat of a subdivision within the jurisdiction of the Town of Connelly Springs as established in Section 200.4 of this ordinance shall be recorded by the Register of Deeds of Burke County until it has been approved by the proper Board or official as provided herein. To secure such approval of a final plat, the subdivider shall follow the procedures established in this article.

Section 220.3. Procedures for Review of Major and Minor Subdivisions

- (a) 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 220.9 through 220.13. Minor subdivisions shall be reviewed in accordance with the provisions in Section 220.4 through 220.8.
- (b) For purposes of these regulations, a minor subdivision is defined as a subdivision:
  - (1) 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;
  - (5) Creating no new or residual parcels not conforming to the requirements of these regulations; and
  - (6) All included land must be under ownership of one sponsor.

Section 220.4. Approval Process for Minor Subdivisions

If the land to be subdivided meets the requirements of a minor subdivision as defined in Section 220.3 above, the subdivider will not have to follow the same procedures as for a major subdivision. The review process for minor subdivisions shall be adequate to protect the public interest, but shall also provide minimum delay and expense to the subdivider. A preliminary plat is not required. The subdivider may go from a sketch plan to a final plat with the approval of the subdivision administrator. However, the following minor plat approval process may be used only where the subdivision meets the requirements of Section 220.3 above.

Section 220.5. Procedure for Review of Minor Subdivisions

- (a) 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, if any, of the proposed subdivision;
  - (7) The name, address and telephone number of the owner;
  - (8) Streets and lots of adjacent developed or platted properties;
  - (9) The zoning classification of the tract and of adjacent properties;
  - (10) The location of water and sewer facilities serving the proposed minor subdivision, if applicable
  - (11) A statement from the Burke 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) The subdivision administrator shall review the sketch plan for general compliance with the requirements of this article, and shall advise the subdivider or his authorized agent of the regulations pertaining to the proposed minor subdivision and the procedures to be followed in the preparation and submission of the final plat.
- (c) The subdivision administrator, after determining that all requirements of this article have been met, shall advise the subdivider to proceed with the preparation of a final plat which

conforms to the submitted sketch plan. The approval of the sketch plan shall in no way be construed as constituting official approval of the final plat.

#### Section 220.6. Dispute of Findings

In the event that the subdivider disagrees with any findings of the subdivision administrator concerning approval of a sketch plan of a minor subdivision, the matter shall be taken to the Board of Aldermen for a decision. No final plat shall be prepared until the Board of Aldermen has acted on the disputed sketch plan.

#### Section 220.7. Final Plat for Minor Subdivisions

- (a) The subdivision administrator shall review the final plat for complete compliance with the requirements outlined for final plat approval of these minor subdivision regulations. The final plat shall be complete and show all information required for final plats in Section 220.13, and all certifications and notarizations required in Section 220.8 for final plat approval of a minor subdivision.
- (b) 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.
- (c) Three (3) copies of the final plat shall be submitted to the subdivision administrator. One (1) of these shall be on reproducible material; two (2) 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 Burke County Register of Deeds.
- (d) The final plat shall be of a size suitable for recording with the Burke 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.

Section 220.8. Certifications to be Depicted on Final Plats for Minor Subdivisions

(a) The final plat shall meet the specifications in Section 220.13. The following signed certificates shall appear on all three (3) copies of the final plat:

(1) Certificate of Ownership and Dedication

I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the Town of Connelly Springs and that I hereby adopt this plan of subdivision with my free consent and establish minimum building setback lines as noted.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

(2) Certificate of Survey and Accuracy

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

On the face of each map prepared for recordation there shall appear a certificate acknowledged before an officer authorized to take acknowledgments and executed by the person making the survey or map including deeds and any recorded data shown thereon. The certificate shall include a statement of error of closure calculated by latitudes and departures. Any lines on the map which were not actually surveyed must be clearly indicated on the map and a statement included in the certificate revealing the source of information. The certificate shall take the following general form:

State of North Carolina

Burke County

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

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

Official Seal

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

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

(3) I (officer authorized to take acknowledgments) do hereby certify that (name of registered surveyor) personally appeared before me this day and acknowledged the due execution of this certificate. Witness my hand and (where an official seal is required by law) official seal this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature of Officer

- (b) During its review of the final plat the subdivision administrator may appoint an engineer or surveyor to confirm the accuracy of the final plat (if agreed to by the Board of Aldermen). 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.
- (c) If the subdivision administrator finds that the minor subdivision final plat is in full compliance with the requirements of this article, such approval shall be shown on each copy of the final plat by the following signed certification:

I hereby certify that the minor subdivision plat hereon has been found to comply with the minor subdivision regulations for the Town of Connelly Springs and is hereby approved for recording in the office of the Register of Deeds by the subdivider within ninety (90) days of the date of this approval.

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

\_\_\_\_\_  
Date

- (d) If the subdivision administrator recommends disapproval of the final plat, he 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 article and resubmit same for reconsideration by the subdivision administrator, or appeal to the Board of Aldermen. If the subdivider appeals to the Board of Aldermen, the Board of Aldermen shall review and approve or disapprove the final plat within thirty (30) days after they receive the plat and recommendations of the subdivision administrator.

#### Section 220.9. Sketch Plan for Major Subdivisions

- (a) 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 Burke 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) 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 220.10. Preliminary Plat Submission and Review

- (a) For every subdivision within the territorial jurisdiction established by Section 9-4-4 of this ordinance, which does not qualify for the abbreviated procedure, the subdivider shall submit a preliminary plat which shall be reviewed and approved by the Planning Board before any construction or installation of improvements may begin.
- (b) Ten 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.
- (c) Preliminary plats shall meet the specifications in Section 220.13.
- (d) 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 Planning Board or Town official.
- (e) 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.
- (f) 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.
- (g) 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 Board of Aldermen with its recommendation.
- (h) 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 Board of Aldermen, and return the remaining copies of the plat and its recommendation to the subdivider.
- (i) If the Planning Board recommends disapproval of the preliminary plat, it shall retain one (1) copy of the plat for its minutes, transmit two (2) copies of the plat and its recommendation to the Board of Aldermen, and return the remaining copy of the plat and its recommendation to the subdivider.
- (j) If the preliminary plat is disapproved, the subdivider may make the recommended changes and submit a revised preliminary plat, or appeal the decision to Board of Aldermen.
- (k) 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 Board of Aldermen for approval or disapproval.
- (l) If the subdivider appeals the decision of the Planning Board, he shall present the preliminary plat to the Board of Aldermen at its next regularly scheduled meeting which follows the Planning Board's decision by at least twenty (20) days.
- (m) If the Board of Aldermen approves the preliminary plat in the case of an appeal, such approval shall be noted on two (2) copies of the plat. One (1) copy of the plat shall be retained by Board of Aldermen and one (1) copy shall be returned to the subdivider. If the Board of Aldermen approves the preliminary plat with conditions, approval shall be noted on two (2) copies of the plat along with a reference to the conditions. One (1) copy of the plat along with the conditions shall be retained by the Board of Aldermen and one (1) copy of the preliminary plat along with the conditions shall be returned to the subdivider. If the Board of Aldermen 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 Board of Aldermen and one (1) copy shall be returned to the subdivider.

Section 220.11. Performance, Defects, and Maintenance Guarantees

- (a) Upon approval of the preliminary plat by the Planning Board (or the Board of Aldermen in the event of an appeal), 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 Board of Aldermen unless accompanied by written notice by the Town Engineer 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) In lieu of requiring the completion, installation and dedication of all improvements prior to final plat approval, the Board of Aldermen may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by Board of Aldermen, if all other requirements of this ordinance are met. To secure this agreement, the subdivider shall provide, subject to the approval of Board of Aldermen, either one, or a combination of the following guarantees not exceeding 125 percent of the entire cost as provided herein (N.C.G.S 160D-804.1):
  - (1) Surety Performance Bond(s). The subdivider shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina. The bonds shall be payable to the Town of Connelly Springs and shall be in an amount equal to 125 percent of the entire cost, as estimated by the subdivider and approved by Board of Aldermen, of installing all required improvements. The duration of the bond(s) shall be until such time as the improvements are accepted by Board of Aldermen.
  - (2) Cash or Equivalent Security. The subdivider shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the Town or in escrow with a financial institution designated as an official depository of the Town. The use of any instrument other than cash shall be subject to the approval of the Board of Aldermen. The amount of deposit shall be equal to 125 percent of the cost, as estimated by the subdivider and approved by the Board of Aldermen, of installing all required improvements.

If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with the Board of Aldermen an agreement between the financial institution and himself guaranteeing the following:

- (I) That said escrow account shall be held in trust until released by the Board of Aldermen and may not be used or pledged by the subdivider in any other matter during the term of the escrow; and
  - (ii) That in the case of a failure on the part of the subdivider to complete said improvements, the financial institution shall, upon notification by the Board of Aldermen, and submission by the Board of Aldermen 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 improvements, 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.
- (c) Duration. - 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.
  - (i) The Board of Aldermen shall require a bond guaranteeing utility taps, curbs, gutters, street pavement, sidewalks, drainage facilities, water and sewer lines, and other improvements against defects for one (1) year. The bond shall be determined by the Town Engineer and shall be in cash or made by a surety company authorized to do business in North Carolina.
  - (ii) The Board of Aldermen shall require the subdivider to submit a letter to the Town Clerk in which he agrees to maintain all improvements and any ditch which has been dug in connection with the installation of such improvements. The letter shall be binding to the subdivider for a period of one (1) year following acceptance of the improvements by the Town.
- (d) Extension. - 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 Town, 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. If a new performance guarantee is issued, the amount shall be determined by the procedure provided in subdivision (3) of this subsection and shall include the total cost of all incomplete improvements.
- (e) Release. - The performance guarantee shall be returned or released, as appropriate, in a timely manner upon the acknowledgement by the Town that the improvements for which

the performance guarantee is being required are complete. The Town 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 Town acceptance. When required improvements that are secured by a bond are completed to the specifications of the Town, or are accepted by the Town, if subject to its acceptance, upon request by the developer, the Town shall timely provide written acknowledgement that the required improvements have been completed.

- (f) Amount. - The amount of the performance guarantee shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued. The Town may determine the amount of the performance guarantee or use a cost estimate determined by the developer. The reasonably estimated cost of completion shall include one hundred percent (100%) of the costs for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing. The additional twenty-five percent (25%) allowed under this subdivision includes inflation and all costs of administration regardless of how such fees or charges are denominated. The amount of any extension of any performance guarantee shall be determined according to the procedures for determining the initial guarantee and shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.
- (g) Timing. – The Town, at its discretion, may require the performance guarantee to be posted either at the time the plat is recorded or at a time subsequent to plat recordation.
- (h) Coverage. - The performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion.
- (i) Legal responsibilities. - No person shall have or may claim any rights under or to any performance guarantee provided pursuant to this subsection or in the proceeds of any such performance guarantee other than the following:
  - i. The Town to whom the performance guarantee is provided.
  - ii. The developer at whose request or for whose benefit the performance guarantee is given.
  - iii. The person or entity issuing or providing the performance guarantee at the request of or for the benefit of the developer.
- (j) Multiple guarantees. - The developer shall have the option to post one type of a performance guarantee as provided for in subdivision (1) of this section, in lieu of multiple bonds, letters of credit, or other equivalent security, for all development matters related to the same project requiring performance guarantees.

- (k) Exclusion. - Performance guarantees associated with erosion control and stormwater control measures are not subject to the provisions of this section.

Section 220.12. Final Plat Submission and Review

- (a) 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 Board of Aldermen on or before the twelfth month anniversary of the approval.
- (b) 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.
- (c) Ten (10) copies of the final plat shall be submitted; two (2) of these shall be on reproducible material; eight (8) 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 Burke County Register of Deeds.
- (d) The final plat shall be of a size suitable for recording with the Burke 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.
- (e) Submission of the final plat shall be accompanied by a fee of \$25.00, or 50 cents per lot, whichever is greater.
- (f) The final plat shall meet the specifications in Section 220.13 of this article.
- (g) The following signed certificates shall appear on all ten (10) copies of the final plat:
  - (1) Certificate of Ownership and Dedication

I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the Town of Connelly Springs 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 Connelly Springs.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
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 including deeds and any recorded data shown thereon. The certificate shall include a statement of error of closure calculated by latitudes and departures. Any lines on the map which were not actually surveyed must be clearly indicated on the map and a statement included in the certificate revealing the source on information.

The certificate shall take the following form:

State of North Carolina          Burke County

I, \_\_\_\_\_ certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book \_\_, Page \_\_, Book \_\_, Page \_\_, etc.)(other); that the ratio of precision as calculated by latitudes and departure is 1: \_\_\_\_\_, (that the boundaries not surveyed are shown as broken lines plotted from information found in Book \_\_, Page \_\_); that this map was prepared in accordance with G.S. 47-30, as amended. Witness my hand and seal this \_\_\_\_ day of \_\_\_\_\_, A.D. 19\_\_.

Official Seal

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

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

State of North Carolina          Burke County

(3) Review officer certification

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

\_\_\_\_\_

Review Officer

Date

- (4) Certificate of Approval of Installation of Streets, Utilities, and Other Required Improvements

I hereby certify that all streets, utilities and other required improvements have been installed in an acceptable manner and according to Town specifications and standards in the \_\_\_\_\_ Subdivision or that guarantees of the installation of the required improvements in an amount and manner satisfactory to the Town of Connelly Springs have been received, and that the filing fee for this plat, in the amount of \$ \_\_\_\_\_ has been paid.

\_\_\_\_\_  
City Engineer

\_\_\_\_\_  
Date

- (5) Certificate of Approval of the Design and Installation of Public Streets:

DEPARTMENT OF TRANSPORTATION

DIVISION OF HIGHWAYS

SUBDIVISION ROAD CONSTRUCTION CERTIFICATION

APPROVED \_\_\_\_\_  
District Engineer

DATE \_\_\_\_\_

- (h) The Planning Board shall review the final plat at or before its next regularly scheduled meeting which follows at least 20 days after the subdivision administrator receives the final plat and shall recommend approval or disapproval of the final plat with reasons within 40 days of its first consideration of the plat.
- (I) 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 Board of Aldermen). 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.
- (j) If the Planning Board recommends approval of the final plat, it shall transmit all copies of the plat and its written recommendations to the Board of Aldermen through the subdivision administrator. Such approval shall be shown on each copy of the final plat by the following signed certification:



The Connelly Springs Planning Board hereby approves the final plat for the Subdivision.

\_\_\_\_\_  
Chairman, Connelly Springs Planning Board

\_\_\_\_\_  
Date

- (l) 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 Board of Aldermen.
- (m) Failure of the Planning Board to make a recommendation within 40 days shall be grounds for the subdivider to apply to the Board of Aldermen for approval.
- (n) If the Planning Board recommends approval, or if the subdivider appeals, the Board of Aldermen 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.
- (o) If the Board of Aldermen 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 Connelly Springs, North Carolina and that this plat has been approved by the Board of Aldermen for recording with the Burke County Register of Deeds.

\_\_\_\_\_  
Connelly Springs Board of Aldermen Chairman

\_\_\_\_\_  
Date

- (p) If the final plat is disapproved by Board of Aldermen, 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 Board of Aldermen 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 or by the Board of Aldermen as determined by the Board of Aldermen.
- (q) If the final plat is approved by Board of Aldermen, 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.

- (r) The subdivider shall file the approved final plat with the Register of Deeds of Burke County within 15 days of Board of Aldermen approval; otherwise, such approval shall be null and void.

Section 220.13. 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>
-Title Block Containing		
-Property designation	x	x
-Name of owner	x	x
-Location (including township, county and state)	x	x

-Date or dates survey was conducted and plat prepared	X	X
-A scale of drawing in feet per inch listed in words or figures	X	X
-A bar graph	X	X
-Name, address, registration number and seal of the Registered Land Surveyor	X	X
-The name of the subdivider	X	X
-A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area	X	X
-Corporate limits, township boundaries county lines if on the subdivision tract	X	X
-The names, addresses and telephone numbers of all owners, mortgagees, registered land surveyors, land planners, architects, landscape architects, and professional engineers responsible for the subdivision	X	X
-The registration numbers and seals of the professional engineers	X	X
-The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and distances shown	X	X
-North arrow and orientation	X	X
-The names of owners of adjoining properties	X	X

Information

Preliminary

Final

-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
--	---	---

-The names of any adjoining subdivisions of record or proposed and under review	X	X
-Minimum building setback lines	X	X
-The zoning classifications of the tract to be subdivided and adjoining properties	X	X
-Existing property lines on the tract to be subdivided and adjoining properties	X	X
-Existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining	X	X
-Proposed lot lines, lot and block numbers, and approximate dimensions	X	X
-The lots numbered consecutively throughout the subdivision		X
-Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds and any other natural features affecting the site	X	
-The exact location of the flood hazard, floodway and floodway fringe areas from the community's FHBM or other FEMA maps	X	X
-Base flood elevation data for subdivisions which contain at least five (5) lots or fifty (50) acres, whichever is less	X	X

Information

Preliminary

Final

The following data concerning streets:

-Proposed streets	X	X
-Existing and platted streets on adjoining properties and in the proposed subdivision	X	X
-Rights-of-way locations and dimensions	X	X
1		
-Pavement widths	X	X
1		
-Approximate grades	X	X
-Design engineering data for all corners and curves	X	X
1		
-Typical street cross sections	X	X
-Street names	X	X
-Street maintenance agreement in accordance with Section 230.5 of this ordinance		X
-Type of street dedication; all streets must be designated "public". (Where public streets are involved which will be dedicated to the Town, the subdivider must submit all street plans to the subdivision administrator for approval prior to preliminary plat approval.) Where public streets are involved which will not be dedicated to a municipality, the subdivision administrator will submit the following documents to the NCDOT 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	X	X

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.

-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 230.6 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	
The location and dimensions of all:		
-Utility and other easements	x	x
-Riding trails	x	x
-Natural buffers	x	x
-Pedestrian or bicycle paths	x	x
-Parks and recreation areas with specific type indicated	x	x
-School sites	x	x
-Areas to be dedicated to or reserved for public use	x	x
-Areas to be used for purposes other than residential with the purpose of each stated	x	x

-The future ownership (dedication or reservation for public use to governmental body, for owners to duly constituted homeowners' association, or for tenants remaining in subdivider's ownership) of recreation and open space lands. x

<u>Information</u>	<u>Preliminary</u>	<u>Final</u>	
The plans for utility layouts including:			1
-sanitary sewers	x	x	1
-storm sewers	x	x	1
-other drainage facilities, if any	x	x	1
-water distribution lines	x	x	1
-natural gas lines	x	x	1
-telephone lines	x	x	1
-electric lines	x	x	
illustrating connections to existing systems, showing line sizes, the location of fire hydrants, blowoffs, manholes, force mains and gate valves			
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		
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 of each lot in the subdivision	X	X
-linear feet in streets	X	
-The name and location of any property or buildings within the proposed subdivision or within any contiguous property that is located on the US Department of Interior's National Register of Historic Places	X	X

Information

Preliminary

Final

-Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings or deflection angles, radii, central angles, and tangent distance for the center line of curved property lines that are not the boundary line of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.		X
-The accurate locations and descriptions of all monuments, markers and control points.		X
-A copy of any proposed deed restrictions or similar covenants. Such restrictions are mandatory when private recreation areas are established.	X	X
-A copy of the erosion control plan submitted to the appropriate authority, if such a plan is required.	X	
-Topographic map with contour intervals of no greater than 20 ft. at a scale of no less than 1:24,000	X	



- |  |   |   |
|--|---|---|
| -All certifications required in Section 230.13.  | x |   |
| -Any other information considered by either the subdivider, Planning Board or Board of Aldermen to be pertinent to the review of the plat. | x | x |

1 = Not required on final plat for minor subdivisions.

Section 220.14. 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 220.14(a) through 220.14(c) by all owners of the lots in such plat joining in the execution of such writing.

Section 220.15. 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 230. REQUIRED IMPROVEMENTS, DEDICATION, RESERVATION,  
AND  
MINIMUM STANDARDS OF DESIGN**

Section 230.1. 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 230.2. Suitability of Land

- (a) Land which has been determined by the Board of Aldermen 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.
- (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 230.3. Name Duplication

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

Section 230.4. Subdivision Design

230.4.1 Blocks

- (a) The lengths, widths, and shapes of blocks shall be determined with due regard to: provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements; needs for vehicular and pedestrian circulation; control and safety of street traffic; limitations and opportunities of topography; and convenient access to water areas.
- (b) Blocks shall not be less than 400 feet or more than 1600 feet.
- (c) 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.

- (d) 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.
- (e) Block numbers shall conform to the Town or County street numbering system, if applicable.

#### 230.4.2 Lots

- (a) 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.
- (b) Lots shall meet any applicable Burke County Health Department requirements.
- (c) Double frontage lots shall be avoided wherever possible.
- (d) Side lot lines shall be substantially at right angles to or radial to street lines.
- (e) Every lot must front on a public street by at least 35 feet, but must meet the mean lot width in the district in which it is located.

#### 230.4.3 Easements

- (a) 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 Board of Aldermen will determine whether one (1) easement is sufficient or whether several easements are necessary to accommodate the various facilities and the subdivider shall provide the required easements.
- (b) Where a subdivision is traversed by a stream or drainage way, a drainage easement shall be provided conforming with the lines of such stream and of sufficient width as will be adequate for the purpose.

#### Section 230.5. Type of Street Required

- (a) All subdivision lots shall abut on a public street.
- (b) All public streets shall be built to the standards of this ordinance and all other applicable standards of the Town of Connelly Springs and the North Carolina Department of Transportation.
- (c) 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.
- (d) 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.
- (e) 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.

#### Section 230.6. Subdivision Street Disclosure Statement

- (a) 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.
- (b) Where streets are dedicated to the public but not accepted into a municipal system or the State system, before lots are sold, a statement explaining the status of the street shall be included with the final plat.

#### Section 230.7. Half-Streets

The dedication of half streets of less than fifty (50) feet at the perimeter of a subdivision shall be prohibited.

#### Section 230.8. 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.

#### Section 230.9. Access to Adjacent Properties

Where, in the opinion of the Board of Aldermen, 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.

Section 230.10. 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, as amended, and the standards in this ordinance, whichever are stricter in regard to each particular item.

Section 230.11. Design Standards of Streets

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, as amended, shall apply for any items not included in this ordinance, or where stricter than this ordinance. Curb and gutter, swales, or ditches shall be installed as prescribed by the City Engineer.

Section 230.12. Rights-of-Way Widths

(a) 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.

(1) <u>Rural</u>	<u>Minimum Right-of-Way, Feet</u>
(I) Principal Arterial	
Freeways	350
Other	200
(ii) Minor Arterial	100
(iii) Major Collector	100
(iv) Minor Collector	60
(v) Local Road	50
	Minimum

(2)	<u>Urban</u>	<u>Right-of-Way, Feet</u>
	(I) Major Thoroughfare other than Freeway and Expressway	90
	(ii) Minor Thoroughfare	60
	(iii) Local Street	50
	(iv) Cul-de-sac	50' radius

(b) 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.

Section 230.13. Pavement 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:

(1) Local Residential:

Curb and gutter section - 27 feet, face to face of curb;  
Shoulder section - 22 feet to edge of pavement, 6 foot shoulders

(2) Residential Collector:

Curb and gutter section - 35 feet, face to face of curb, 8 foot shoulders

(3) Cul-de-sac:

The distance from the edge of the pavement of the turnaround to the right-of-way line shall not be less than the distance from the edge of the pavement to the right-of-way line on the street approaching the turnaround.

Section 230.14. 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 in Section 230.12(b) shall apply.

230.14.1 Design Speed

Design speeds for subdivision-type streets shall be:

	(Minimums)			
	<u>Desirable</u>	<u>Level</u>	<u>Rolling</u>	<u>Mountainous</u>
<u>Rural</u>				
Minor Collector Roads	60	50	40	30
Local Roads including Residential Collectors and Local Residential	50	50	40	30
<u>Urban</u>				
Major Thoroughfares other than Freeway and Expressway	60	50	50	50
Minor Thoroughfares	60	50	40	40
Local Streets	40	40	30	20

230.14.2 Maximum and Minimum Grades

(a) 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

- (b) 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.
- (c) Grades for 100 feet each way from intersections should not exceed 5%.
- (d) For streets and roads with projected annual average daily traffic less than 250, short grades, less than 500 feet long, may be no greater than 15.0%.

### 230.14.3 Sight Distance

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 of the Town of Connelly Springs.

### 230.14.4 Intersections

- (a) No street shall intersect any other street at an angle less than ninety (90) 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 exception is granted by the Division of Highways. Intersections which cannot be aligned should be separated by a minimum length of 200 feet between survey center lines.

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

#### 230.14.5 Cul-de-sacs

- (a) Permanent dead-end streets in excess of 1,600 feet in length are discouraged, but not prohibited. Measurement shall be from the point where the center line of the dead-end street intersects with the center of a through street to the center of the turnaround of the cul-de-sac.
- (b) Where one cul-de-sac intersects with another cul-de-sac, the end of each cul-de-sac shall be no more than 1,600 feet from a through street, measured as stated above in Section 230.14.5(a).
- (c) 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.
- (d) Cul-de-sacs should not be used to avoid connection with an existing street or to avoid the extension of an important street, unless an exception is recommended by the Planning Board and granted by the Board of Aldermen.

#### 230.14.6 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.
- (b) Alleys shall not be provided in residential subdivisions unless necessitated by unusual circumstances.
- (c) The width of an alley shall be at least twenty (20) feet.
- (d) 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 recommended by the Planning Board and approved by the Board of Aldermen.

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

## Section 230.15. Other Requirements

### 230.15.1 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.

### 230.15.2 Sidewalks

Sidewalks may be recommended by the Planning Board and required by the Board of Aldermen 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.

### 230.15.3 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 Board of Aldermen.

### 230.15.4 Street Name Signs

The subdivider shall be required to provide and erect street name signs to the City standards at all intersections with the subdivision.

### 230.15.5 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.

### 230.15.6 Offsets to Utility Poles

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

#### 230.15.7 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.

### Section 230.16. Utilities

#### 230.16.1 Underground Utilities Required

Each lot in all new subdivisions within the jurisdiction of the Town of Connelly Springs shall be served with underground utilities, unless necessitated by topography or other unusual characteristics of the land.

#### 230.16.2 Water and Sanitary Sewer Systems

Each lot in all subdivisions within the corporate limits of the Town of Connelly Springs shall be provided, at the subdivider's expense, with an extension of the municipal or local water and sanitary sewer systems.

#### 230.16.3 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) Streambanks and channels downstream from any land disturbing activity shall be protected from increased degradation from 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 230.17. Buffering, Recreation, and Open Space Requirements

### 230.17.1 Buffering

Whenever a residential subdivision is located adjacent to an existing institutional, commercial, or industrial use which does not already have a buffer, the subdivider shall provide a buffer as defined in Section 240.2(2) of this Ordinance. The buffer area shall be a part of the lot on which it is located.

### 230.17.2 Recreation and Open Space

- (a) Land dedicated for recreation and open space shall be a single parcel except where it is determined that two or more parcels would be in the public interest. The Board of Aldermen may require that parcels be

connected, and may require the dedication of a connecting right-of-way of up to sixty (50) feet, and in no case less than thirty (30) feet in width.

- (b) The dedicated land shall be located so as to serve the recreation needs of the immediate neighborhood within the subdivision.
- (c) Public access to the dedicated land shall be provided either by an abutting street or public easement. Such easement may be required up to sixty (60) feet, but in no case less than thirty (30) feet in width.
- (d) The dedicated land shall be usable for active recreation (play areas, ballfields, tennis courts, etc.). Lakes may not be included in computing amount of land to be dedicated unless acceptable to the Board of Aldermen.

#### Section 230.18. 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.

#### Section 230.19. Construction Procedures

- (a) No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved, and all plans and specifications have been approved by the appropriate authorities.
- (b) No building, zoning or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this ordinance until all the requirements of this ordinance have been met.
- (c) The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the administrator of this ordinance to provide for adequate inspection.
- (d) The approving authorities having jurisdiction or their representatives shall inspect and approve all completed work prior to release of the sureties.

#### Section 230.20. Oversized Improvements

The Town of Connelly Springs 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 240        DEFINITIONS

### Section 240.1. "Subdivision Defined"

For the purpose of this ordinance, "subdivision" means 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 ordinance:

- 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 240.2. Other Definitions.

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

- (1) Block. A piece of land bounded on one or more sides by streets or roads.
- (2) Buffer. A buffer a required by certain sections of this Ordinance shall be on of or equal to the following:
  - (a) A six-foot high wooden, basket-weave type fence;
  - (b) A six-foot high solid picket type fence, with the pickets being placed facing the subdivision lots;
  - (c) A six-foot high planting of evergreen vegetation planted such that it achieve 75% opacity within three years after planting;
  - (d) A six-foot high sold masonry wall.



- (3) Building Setback Line. A line establishing the minimum allowable distance between the nearest portion of any building (excluding the outermost three (3) feet of any uncovered porches, steps, eaves, gutters, and similar fixtures), and the nearest right-of-way line or property line when measured perpendicular thereto.
- (4) 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.
- (5) 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.
- (6) 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.
- (7) Lot. A parcel of land occupied or capable of being occupied by a building or a group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to same.
- (8) Lot of Record. A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Burke County Register of Deeds 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.
- (9) Lot Types:
  - (a) Corner Lot. A lot which occupies the interior angle at the intersection of two street lines which make an angle of more than (45) degrees and less than 135 degrees with each other. The street line forming the least frontage shall be deemed the front of the lot except where the two street lines are equal, in which case the owner shall be required to specify which is the front when requesting a zoning compliance certificate.
  - (b) Double Frontage Lot. A continuous (through) lot which is accessible from both streets upon which it fronts.
  - (c) Interior Lot. A lot other than a corner lot with only one frontage on a street.
  - (d) 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.

- (e) 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.
- (f) 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.
- (10) Official Maps or Plans. Any maps or plans officially adopted by the Town of Connelly Springs.
- (11) Open Space. An area (land and/or water) generally lacking in man-made structures and reserved for enjoyment in its unaltered state.
- (12) Planned Unit Development. A form of development characterized by a unified site design for a number of housing units, clustering of buildings and providing common open space, density increases, and a mix of building types. It permits the planning of a project and a calculation of densities over the entire development rather than on an individual lot-by-lot basis. The site must include two or more principal buildings. Such development shall be based on a plan which allows for flexibility of design most available under normal district requirements.
- (13) Plat. A map or plan of a parcel of land which is to be or has been subdivided or meets the exemption requirements of Section 240.1.
- (14) 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.
- (15) 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.
- (16) Public Sewage Disposal System. A system serving two (2) or more dwelling units and approved by the Burke County Health Department and the North Carolina Department of Economic and Community Development.
- (17) 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.
- (18) 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.

(19) Street. A dedicated, recorded, and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties. The following classifications shall apply:

(a) Rural Roads

1. Principal Arterial. A rural link in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel and existing solely to serve traffic. This network would consist of interstate routes and other routes designed as principal arterials.
2. 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.
3. Major Collector. A road which serves major intracounty travel corridors and traffic generators and provides access to the arterial system.
4. Minor Collector. A road which provides service to small local communities and links locally important traffic generators with their rural hinterland.
5. Local Road. A local road serves primarily to provide access to adjacent land and for travel over relatively short distances.

(b) Urban Streets

1. 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.
2. 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.
3. 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.

(c) Specific Type Rural or Urban Streets

1. 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.

2. Residential Collector Street. A local access street which serves as a connector street between local residential streets and the thoroughfare system. Residential collector streets typically collect traffic from 100 to 400 dwelling units.
  3. 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.
  4. 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.
  5. 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.
  6. Alley. A public or private thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.
- (20) Subdivider. Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

### Section 240.3. Word Interpretation

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

- (1) Words used in the present tense include the future tense.

- (2) 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.
- (3) The word "person" includes a firm, association, corporation, trust, and company as well as an individual.
- (4) The word "used for" shall include the meaning "designed for".
- (5) The word "structure" shall include the word "building".
- (6) The word "lot" shall include the words "plot", "parcel", or "tract".
- (7) The word "shall" is always mandatory and not merely directory.

Section 240.4. Adoption and Effective Date.

On a motion by \_\_\_\_\_ and a second by \_\_\_\_\_, this Ordinance was adopted on this the 5th day of May, 1997.

\_\_\_\_\_  
Kermit Holshouser, Mayor  
Town of Connelly Springs

ATTEST:

\_\_\_\_\_  
Annemarie Baker, Town Clerk

SEAL: