

CITY OF LOCUST

SUBDIVISION ORDINANCE

Adopted by Locust City Council April 4, 1997

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1.000 PURPOSE AND APPLICABILITY

1.100 SHORT TITLE

This ordinance will be known and may be cited as the Locust Subdivision Ordinance.

1.200 PURPOSE

The provisions of this ordinance are adopted pursuant to the authority conferred by Section 160A-371 through Section 160A-376 of the General Statutes of North Carolina for the purpose of providing for the orderly development of the City of Locust, North Carolina and its environs by regulating the subdivision of land. The regulations contained herein are intended to coordinate proposed development with existing development and with officially adopted plans for future development of the city; to coordinate streets within subdivisions with existing or planned streets or with public facilities; to secure or protect adequate rights-of-way and easements for street or utility purposes; to secure adequate spaces for recreation and school sites; to provide for the distribution of population and traffic in a manner which shall avoid congestion and overcrowding; to protect and enhance environmental quality; to ensure the proper legal description, monumentation, and recording of subdivided land; and to create conditions essential to public health, safety, convenience, and the general welfare.

1.300 JURISDICTION

The provisions of this ordinance shall apply to all subdivision activities, as defined in Section 2.100 of this ordinance, within the corporate limits and the extraterritorial zoning jurisdiction of the City of Locust, North Carolina as now or hereafter established. Any subdivision for which a preliminary plan has been approved by Stanly County prior to becoming subject to the Locust Subdivision Ordinance, may, at the option of the developer, be developed in its entirety in accordance with the Stanly County Subdivision Ordinance. Any subdivision for which a preliminary plan has been submitted to Stanly County, but not approved prior to becoming subject to the Locust Subdivision Ordinance, shall comply with Locust ordinance standards.

1.400 SEPARABILITY

If any section, paragraph, subdivision, clause or provision of this Ordinance is adjudged invalid by a court of competent jurisdiction, such adjudication will apply only to such section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance will be deemed valid and effective.

1.500 COMPLIANCE WITH ORDINANCE

All plats for the subdivision of land must conform to the requirements of this ordinance, and be submitted in accordance with the procedures and specifications established herein. The description by metes and bounds in an instrument of transfer

or other document used in the process of selling or transferring land will not exempt the transaction from compliance with this ordinance. No utility shall be extended nor any permit be issued by an administrative agent of the City of Locust or Stanly County for the construction of any building or other improvement upon any land for which a plat is required until the requirements of this ordinance have been met and the final plat approved.

1.600 EFFECTIVE DATE

This ordinance shall become effective April 4, 1997.

Wilson J. Barbee / Mayor

2.000 DEFINITIONS AND RULES OF CONSTRUCTION

2.100 DEFINITIONS

As used in this ordinance, the following terms will have the meanings indicated in this section:

Alley.

A vehicular way used for providing service access along rear or side property lines of lots which are also served by one of the listed street types defined herein or in Article 5 of the Locust Zoning Ordinance. An alley may be accepted for public maintenance only if it serves a broad public function. Residential alleys will generally remain private.

Appeal.

An action requesting reversal or modification of an interpretation or decision made by City staff or Administrative Agent in the application of these regulations.

Build-to line.

A line extending through a lot which is generally parallel to the front property line and marks the location from which the principle vertical plane of the front building elevation must be erected; intended to create an even building facade line on a street. The build-to line is established on the record plat (final plat).

Building face.

The dominant structural plane of the elevation of any side of a building. For example, the building face of a two-story dwelling with one-story porch is considered to be the two-story elevation of such structure.

Building Setback Line.

A line extending through a lot which is parallel to the front property line and between which and such line no building shall be erected.

City Council.

The City Council of Locust.

City Manager.

The City Manager of Locust.

Collector Street Plan.

The system of streets shown on the Locust Land Development Plan which indicates the conceptual network of primary connecting streets expected to connect arterials and/or provide access to public institutions within the Locust Planning Area.

Consulting Engineer.

A North Carolina Registered Engineer appointed from time to time by the City Council of Locust.

Corner Lot

A lot which abuts the right-of-way of two streets at their intersection.

Designated Administrative Agent (also Designee).

A government agency or consulting professional which has been designated by the Locust City Council through contract or agreement to administer the Subdivision Ordinance.

Easement.

A grant by the property owner for use by the public, a corporation, or person(s) of a strip of land for specified purposes.

Land Clearing and Inert Debris (LCID) Landfill.

A landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth or other solid wastes meeting the standards of the State of North Carolina.

Lot

A portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or for development.

Lot Front.

That side of a lot which fronts on a street. In the case of a corner lot, the subdivider shall designate the front of the lot for purposes of these regulations and the Locust Zoning Ordinance by labeling the front and side building lines as such on the final plat.

Open Space.

Any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements. In the Farmhouse Cluster, open space may also include deed restricted portions of private building lots. **Urban Open Space** assumes one or more of the forms detailed in Article 7 of the Locust Zoning Ordinance, and may contain recreation equipment and amenities as indicated. **Rural Open Space** is site specific in its designation. Golf courses and other neighborhood and outdoor recreational uses which are designed and sited to preserve rural appearance will be construed, in whole or in part, to be rural open space.

Planning Area.

The land located within the boundaries of the City limits of Locust and its extra-territorial jurisdiction (ETJ).

Planning Board.

The Planning Board of the City of Locust.

Plat

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

Reverse Frontage.

The configuration of lots or a development site so that vehicular access to the lots or development site does not involve individual driveway connections to the street to which access is restricted, but rather is from another means such as a public or private street or easement which either intersects or runs parallel to the street to which access is restricted. Reverse frontage does not relate to any particular orientation of a structure to the street.

Streets (by classification).

Freeway or Expressway (Class I).

A multi-lane, grade-separated, limited access major road connecting this region, major activity centers or major roads with other regions, major activity centers or major roads. It is designed to accommodate large volumes at high speeds. Such a facility may be part of the interstate, federal, or state primary highway system. A Class I road will be built to or approaching interstate design standards.

Limited Access Arterial (Class II).

A multi-lane limited access major road connecting major activity centers or major roads. It is designed to accommodate large volumes of traffic at moderate speed. Intersections are at grade, with access only at cross streets, rather than at individual driveways. All types of land uses are acceptable along this road with proper consideration to environmental stresses related to the road.

Major Arterial (Class III).

A multi-lane major roadway connecting Class I, II, or III streets with lesser streets in the network. The Class III road may also provide connections between this and other regions. It is designed to accommodate large volumes of traffic at moderate speeds, but it is not intended to provide primary access to adjoining high trip generating uses.

Commercial Arterial (Class III-C).

A multi-lane, major roadway connecting Class I or II roads with lesser streets in the network, the Class III-C road may also connect this region to other regions. It is designed to accommodate large volumes of traffic at moderate speeds while also providing direct access to nonresidential high trip generating land uses. A Class III-C road may be part of state primary or secondary highway systems.

Minor Arterial (Class IV).

A roadway, frequently two lanes, providing a connection from Class II and Class III roads to other lesser roads in the system. It is designed to accommodate moderate volumes of traffic at moderate speeds. It does not have a significant function in connecting this region to other regions. Therefore, it usually only handles trips for short to moderate distances.

Collector (Class V).

A roadway which assembles traffic from local streets, and distributes it to the nearest arterial street. The Class V road provides direct primary access to low/medium density land uses. It is designed to carry low to moderate traffic volumes at low to moderate speeds. The Collector Street is characteristic of conventional subdivisions approved prior to April 3, 1997, the effective date of this Ordinance. Its function is replaced by one or a combination of the City Street types defined in Article 5, Locust Zoning Ordinance.

Local (Class Vi).

This is a two lane roadway which provides access directly to adjoining low/medium density land uses. It also conducts traffic to local limited and Class V streets which serve the area. The Class VI road is designed to accommodate low volumes of traffic at low speeds. A local limited street (Class VI-L) serves the same system function as the Class VI street but is located in residential environments which have been created through special conditions or design considerations. These unique environments include innovative housing developments and other similar techniques, or cul-de-sac streets in conventional subdivisions. A Class VI-L street may not provide vehicular access to elementary, junior or senior high schools, colleges, or official sites for such schools or to proposed places of public assembly including public or private parks, recreation facilities, or greenways. The Local (Class VI) street is characteristic of conventional subdivisions approved prior to April 3, 1997. It is replaced by one or more of the City Street types defined in Article 5, Locust Zoning Ordinance.

Cul-de-sac.

A short minor street having one end open to traffic and the other permanently terminated by a vehicular turnaround. Cul-de-sac may not exceed 250 feet in length and must be accessed from a street providing internal or external connectivity. They are permitted where topography makes a street connection impracticable.

Marginal Access Street.

A public or private street adjoining or parallel to an arterial street to relieve the arterial street of the necessity of providing access to abutting property.

City Streets.

The street types defined in Article 5 of the Locust Zoning Ordinance, intended to serve developments submitted and approved after April 3, 1997, the effective date of this amendment.

Street, Private.

An interior circulation road designed and constructed to carry vehicular *traffic* from public streets within or adjoining a Highway Commercial Zoning District where existing development or limited access arterial prohibits extension and connection of the public street network; not dedicated to or maintained by the public.

Street Right-of-Way.

Street right-of-way shall mean any public right-of-way set aside for public travel which has been accepted for maintenance by the State of North Carolina or the City of Locust or Stanly County, if so authorized, or has been dedicated for public travel by the recording of a plat or a subdivision which has been approved or is subsequently approved by the City of Locust, or has otherwise been established as a public street prior to the adoption of this ordinance.

Subdivision.

A subdivision will include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development of any type (including both residential and non-residential multiple building sites and multi-site projects even if there is no division of the underlying land into separate parcels for recordation with the Register of Deeds) and also includes all divisions of land involving the dedication of a new street or a new street right-of-way or a change in existing streets; provided, however, that the following will not be included within this definition nor be subject to the requirements of this ordinance:

1. The combination or recombination of portions of parcels platted and recorded prior to the effective date of this ordinance, or portions of lots platted in compliance with this ordinance after its effective date, where the total number of lots is not increased and the resultant lots are equal to the standards of this ordinance and the appropriate zoning classification.
2. The division of land into parcels greater than 5 acres where street right-of-way dedication or reservation is not involved.
3. The creation of strips of land for the widening or opening of streets or the location of public utility rights-of-way.
4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where street right-of-way dedication or reservation is not involved and where the resultant lots are equal to or exceed the standards of the appropriate zoning classification.
5. The division of land into plots or lots for use as a cemetery.

6. The creation of a separate lot or property interest by a less than fee simple instrument, such as a lease, when the property interest created is divided from the original parcel for less than 10 years including option to renew.
7. The division of a tract or parcel into separate tracts or parcels, or the creation of interest in lots or parcels, by means of (a) a deed of trust, mortgage, or similar security interest solely for the purpose of securing any bona fide obligation (including transfers of such parcels or tracts pursuant to foreclosure or deeds in lieu of foreclosure) and (b) releases from the liens and operation of such deeds of trust, mortgages, or similar security interests.
8. Easements for the purposes of utilities, driveways, parking, footpaths, trails or other similar purposes.
9. Proceedings to partition interests in lots or parcels pursuant to Chapter 46 of the North Carolina General Statutes (or any successor statute) resulting in the division of a lot or parcel into two or more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this Ordinance.
10. Transfers of tracts or parcels by inheritance or bona fide gift.
11. Condemnation or deed in lieu of condemnation, by either a public or private condemnor; provided, however, that the condemnor must comply with the requirements of this ordinance as to the property acquired, either prior to the commencement of any development of the property acquired, or prior to the issuance of any building permit on the property acquired, or within six months following the date of acquisition, whichever occurs first.

Subdivision Administrator.

The person designated by the City Council to assume the duties of the Subdivision Administrator.

Subdivision, Limited.

A subdivision that is not otherwise exempt from the provisions of this ordinance and where the tract or parcel of land retained by the owner submitting the land for subdivision approval is in excess of ten (10) acres. For such subdivisions the owner shall be required to plat only the parcel(s) to be transferred or leased and only said parcel(s) shall be subject to the requirements of this ordinance.

Subdivision, Major.

A subdivision not otherwise exempt from these regulations that involves any of the following:

1. The creation of any new public street or street right-of-way, or improvements to an existing street.
2. A future public school, park, greenway, or open space site shown in any adopted plan or policy document.

3. The extension of any needed right-of-way or easement for the water or sewer system operated by the City of Locust and/or the Tams ,Utility Departments.
4. The installation of drainage improvements through one or more lots to serve one or more other lots.
5. The installation of a private waste water treatment plant or a private water supply system for more than one lot or building site.

Subdivision, Minor.

A subdivision that is not otherwise exempt from the provisions of this ordinance and that does not involve any of the following:

1. The creation of any new public street or street right-of-way, or improvements to an existing street.
2. A future public school, park, greenway, or open space site shown in any adopted plan or policy document.
3. The extension of any needed right-of-way or easement for the water or sewer system operated by the Utility Department.
4. The installation of drainage improvements through one or more lots to serve one or more other lots.
5. The installation of a private waste water treatment plant or a private water supply system for more than one lot or building site.

Thoroughfare.

Any street designated on the adopted thoroughfare plan or any street which is an extension of any street on the thoroughfare plan and which extends into the area not covered by the thoroughfare plan. The words thoroughfare and arterial are used synonymously and indicate streets which are designated as Class I, II, III, III-c, or IV.

Thoroughfare Plan.

The most recent map adopted by the Locust City Council and the Board of County Commissioners which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck, and transit transportation. The words thoroughfare plan and arterial street plan are used synonymously.

Through Lot.

A lot with frontage on two streets.

Variance.

An action requesting consideration for relief from the strict enforcement of the standards of the ordinance where special circumstances or unusual considerations may exist on the parcel of land.

2.200 RULES OF CONSTRUCTION

For the purposes of these regulations, the following rules of construction apply.

1. These regulations will be construed to achieve the purposes for which they are adopted.
2. In the event of any conflict in limitations, restrictions, or standards applying to a project, the provision more consistent with the Locust Zoning Ordinance shall apply.
3. The words "shall", "must", and "will" are mandatory in nature, implying an obligation or duty to comply with the particular provision.
4. The word "may" is permissive in nature except when used in the negative.
5. References to "days" will always be construed to be business days, excluding weekends and holidays, unless the context of the language clearly indicates otherwise.

3.000 DECISION MAKING AND ADMINISTRATIVE BODIES

3.100 CITY STAFF

In addition to any authority granted to the Subdivision Administrator by other ordinances of the City of Locust, the Subdivision Administrator and the employees under his or her direction, and such agent as may, from time to time, be designated by the Locust City Council to administer the Subdivision Ordinance (Designee), will have the following duties in accordance with these regulations.

1. To review all petitions for subdivisions of land, within the authority and jurisdiction of these regulations, and comment on completeness of petitions and conformity to the requirements of these regulations.
2. To review and provide comments on variance petitions.
3. To maintain files and other public records related to the administration and enforcement of these regulations.
4. To comment on proposed amendments to these regulations.
5. To interpret the provisions of these regulations.
6. To coordinate all local, state, and other appropriate agency review and comment on all subdivisions proposed under these regulations.
7. To establish such procedures as necessary and proper for the administration of their responsibilities under these regulations.
8. To approve for recordation in the Stanly County Register of Deeds those divisions of land which, according to the definition of Subdivision found in Section 2.100, are not subject to the requirements of this ordinance.
9. To approve for recordation in the Stanly County Register of Deeds those divisions of land, defined as Limited Subdivisions and Minor Subdivisions in Section 2.100, which meet the standards of the Subdivision Ordinance and Zoning Ordinance, except as otherwise provided in Section 6.550.
10. To approve Major Subdivision Preliminary Plans and Final Plats which are identical to, or include only minor revision(s) to the approved sketch plan. **Major revisions** include, but are not limited to, the addition of lots, the addition of streets, change(s) to the pattern of street connections, changes to open space provisions, reduction in dedications to the public, or any other feature(s) of the subdivision which assumed significance at the time of sketch plan approval.
11. To approve minor revisions to preliminary plans and final plats; **Minor revisions** include, but are not limited to, removal of lots, minor shifts in street and open space location, and other changes which do not alter the overall layout of the plan.

3.200 PLANNING BOARD

In addition to any authority granted to the Planning Board by other ordinances of the City of Locust, the Planning Board will have the following powers and duties to be carried out in accordance with these regulations.

1. To hear and make advisory recommendations on proposed amendments to the text of these regulations; to propose, as needed, amendments to change the text of these regulations.
2. To review and make recommendation on sketch plans for major subdivisions and major changes to approved sketch or preliminary plans for major subdivisions within the authority and jurisdiction of these regulations.
4. To hear and make recommendation on appeals from the interpretation of any provisions of this ordinance by the City staff or Designated Administrative Agent. The Planning Board may recommend reversal or modification of any action under appeal upon finding an error in the application of these regulations.

In all of these matters, the Planning Board may recommend approval of the request, denial of the request, or approval of the request with conditions relating to the intent and standards of this ordinance.

3.300 CITY COUNCIL OR DESIGNATED ADMINISTRATIVE AGENT

In addition to all other authority reserved to the City Council by other ordinances, the City Council will have the following powers and responsibilities in accordance with these regulations.

1. To hear and decide proposed amendments to the text of these regulations.
2. To review and decide all applications for approval of Major Subdivision Sketch Plans and major changes to approved sketch plans or preliminary plans for Major Subdivisions.
3. To hear and decide requests for variances from the standards of this ordinance in accordance with the provisions of Section 4.000.
4. To hear and decide appeals from the interpretation of any provisions of this ordinance by the City staff or Designated Administrative Agent. The City Council may reverse or modify any action under appeal upon finding an error in the application of these regulations.

In all of these matters, the City Council may approve the request, deny the request, or approve the request with conditions relating to the intent and standards of this ordinance.

3.400 STAFF TO THE PLANNING BOARD

The Subdivision Administrator and the employees under his or her direction, will have the following additional powers and duties to be carried out in accordance with these regulations:

1. To maintain the text of these regulations.
2. To recommend and prepare amendments to the text of these regulations.
3. To accept and file petitions for variances.
4. To accept and file notices of appeals within ten (10) days of the day an administrative interpretation or decision is issued.

4.000 APPEALS AND VARIANCES

4.100 AUTHORITY

The Planning Board may recommend and the City Council shall decide petitions for appeals from an interpretation or decision made by the City staff or Designated Administrative Agent and petitions for variances from the requirements of these regulations. Any reversal, modification or affirmation of an interpretation or any variance thus authorized will be entered in writing in the minutes of the City Council with the justification set forth.

4.200 INITIATION

A petition for an appeal of an administrative interpretation or decision may be initiated by any person aggrieved or by any *officer* or department of the City of Locust. A petition for variance may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or a person having a written contractual interest in the affected property.

4.210 FILING OF NOTICE OF APPEAL

A notice of appeal, in the form prescribed by the Subdivision Administrator, must be filed with the Planning Staff within 10 days of the day an administrative interpretation or decision is issued. The notice filed with the Planning Staff must be accompanied by a nonrefundable filing fee as established by the Locust City Council. Failure to timely file such notice and fee will constitute a waiver of any rights to appeal under this section. The filing of such notice will require the officer whose action is appealed to transmit to the City Manager and Subdivision Administrator all administrative papers, records, and other information regarding the subject matter of the appeal.

4.220 STANDARDS FOR GRANTING AN APPEAL

The Planning Board may advise and the City Council may decide to reverse or modify the decision or interpretation under appeal upon finding an error in the application of these regulations on the part of the officer rendering the decision or interpretation.

4.300 FILING OF VARIANCE PETITION

A petition for variance, in the form prescribed by the Subdivision Administrator, must be filed with the Planning Staff, accompanied by a nonrefundable filing fee as established by the City Council.

4.400 STANDARDS FOR GRANTING A VARIANCE

Before granting variance, the City Council must determine that

1. The difficulty or hardship would result only from these regulations and from no other cause, including the actions of the owner or previous owners of the property; and
2. (a) The difficulty or hardship is peculiar to the property in question and is not generally shared by other properties used for the same purposes; or
(b) The relationship of the property to natural topography or to the nature of adjoining properties warrants relief from the standard in question; or
(c) The difficulty or hardship from the application of these regulations would prevent the owner from making a reasonable use of the property. The fact that the property could be utilized more profitably with the variance than without the variance will not be considered as grounds for granting the variance; or
(d) The granting of a variance would permit the preservation of an historic structure or site, or a significant natural feature.

4.500 PLANNING BOARD REVIEW

After receipt of a complete variance petition, the Planning Board will review the petition and send a recommendation and supporting reasons for granting or denying the variance to the City Council. Recommendation and supporting reasons shall be recorded in the minutes of the Planning Board.

4.600 ACTION BY CITY COUNCIL

The City Council may approve or deny the variance application, or approve with conditions relating to the intent and standards of the ordinance. The reasons that the City Council used to reach its decision shall be recorded in the minutes.

4.700 REHEARING

When the City Council has denied any petition for a variance, it will not thereafter accept any other petition for the same variance affecting the same subdivision or any portion thereof, unless it finds that there have been substantial changes in the conditions or circumstances relating to the matter.

4.800 EFFECT OF GRANT OF VARIANCE

After the approval of a variance by the City Council, the petitioner will be required to follow the procedures for preliminary and final plat approval in order to proceed with development of the subject property. All decisions made by administrative officers under those procedures will comply with the variance to these regulations granted to the petitioner by the City Council.

5.000 AMENDMENTS

The Planning Staff may from time to time, and at the request of the Locust City Council or Planning Board shall, prepare certain improvements to the text of the subdivision ordinance to correct errors, update or modify the requirements, or otherwise improve the operation of the ordinance in regulating the subdivision of land.

Amendments to this ordinance may only be enacted pursuant to public notice and public hearing on the proposed amendments. Notice of such public hearing shall be published once per week for two successive weeks in a newspaper of general circulation in the City of Locust. The notice shall be first published not less than ten (10) days nor more than twenty-five (25) days prior to the date fixed for the hearing. The notice shall indicate the date, time, and place of the hearing and shall include a statement of the substance of the proposed amendment.

All text amendments must be referred to the Planning Board for a recommendation prior to final action by the elected officials. Failure of the Planning Board to act within forty-five (45) days following the public hearing will be deemed to constitute an affirmative recommendation on the proposed amendment. An action to defer a recommendation for cause will constitute an action for the purposes of this section.

6.000 THE SUBDIVISION PROCESS

6.100 COMPLIANCE REQUIRED

After the effective date of this ordinance, no plat of a subdivision of land subject to the jurisdiction of this ordinance will be filed or recorded by the Stanly County Register of Deeds until it has been submitted to and approved by the City of Locust in accordance with these regulations. This applies to all subdivision activities included in the definition of Subdivision, found in Section 2.100.

6.200 GENERAL REQUIREMENTS

The following statements provide general requirements and policies to be used in the design, review, and approval of any subdivision under the jurisdiction of this ordinance. Questions of interpretation of any of these provisions should be discussed with the Subdivision Administrator or Designated Administrative Agent at the earliest possible time in the development of a subdivision proposal. *(See Section 4.000 for appeal process).*

1. Consistency with adopted public plans and policies.

All subdivision of land approved under these regulations should be consistent with the most recently adopted public plans and policies for the area in which it is located. This includes general policy regarding development objectives for the area as well as specific policy or plans for public facilities such as streets, parks and open space, schools, and other similar facilities. Plans and policies for the community are on file in the offices of the City of Locust.

2. Conformity.

All proposed subdivisions should be planned so as to facilitate the most advantageous development of the entire neighboring area. In areas with established development, new subdivisions should be planned to protect and enhance the stability, environment, health, and character of neighboring areas. The geometry of streets and intersections and the location of street connections will be assessed to minimize the detrimental effects of high volume, high speed neighborhood through traffic. This assessment will consider the location of large scale traffic generating uses as well as the adopted thoroughfare plan and the Land Development Plan.

4. Access Between Adjoining Properties.

To the extent practicable, all streets shall connect to create a comprehensive network of public areas which allows free movement of automobiles, bicyclists, and pedestrians. The purposes, hierarchy, and design standards for City Streets, as further described in Article 5 of the Locust Zoning Ordinance, shall be met.

5. *Relation to topography.*

In sloping terrain, streets will generally parallel the contours of the land insofar as practicable, to avoid steep grades and the concentration of surface storm water runoff. Variations are allowed to meet design objectives for the development and/or to calm vehicular speeds.

6. *Mature trees and natural vegetation.*

Streets and development sites shall be designed to protect and preserve, to the greatest extent practicable, stands of mature trees and other areas of significant natural vegetation. Minor adjustment of street alignment on the ground is permitted to achieve this objective, so long as standard drainage requirements continue to be met and the actual location of the street on the ground is reflected on the final plat or an amended final plat.

7. *Access to parks, schools, etc.*

Streets and sidewalks shall be designed to assure convenient access to parks, greenways, playgrounds, schools, and other places of public assembly. Supplemental walkways not associated with streets may not be less than 10 feet in width and may be required to be large enough to provide vehicular access for maintenance vehicles.

8. *Discourage through traffic.*

Methods to discourage high volume, high speed through traffic should consider street geometry, intersection design, and other traffic calming measures.

9. *Relationship to railroad rights-of-way.*

When a subdivision adjoins a railroad right-of-way the subdivider may be required to arrange the street pattern to provide for future grade separation of street and railroad crossings.

10. *Half streets.*

Whenever an existing half street is adjacent to a tract of land to be subdivided the other half of the street should be platted within such tract. New half streets are prohibited except when essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where it will be practicable to require the dedication of the other half when the adjoining property is subdivided.

11. *Parallel streets along thoroughfares.*

Where a tract of land to be subdivided adjoins a federal or state highway or a major arterial street, the subdivider may be required to provide a marginal access street parallel to the highway.

12. *Public School and Public Park Sites.*

The subdivider shall determine if the tract of land to be subdivided appears in any adopted plan or policy document as a future public school, public park, greenway, or open space site by contacting the appropriate agency. The subdivider shall provide

certification to the Subdivision Administrator or Designated Administrative Agent to indicate whether or not the area proposed to be subdivided includes any identified future public school or public park site. If no certification is provided, the Subdivision Administrator or Designee shall make the determination by contacting the appropriate agencies. If such site(s) are included in the area to be subdivided, the Subdivision Administrator or Designee will notify the appropriate agency of the proposed subdivision and its effect on the future public site. The appropriate agency must decide within 30 days if it wishes to reserve the site for future acquisition. If the site is not to be reserved, then the subdivision will be processed in the normal fashion. If the agency does wish to reserve the site, then the subdivision will not be approved without such reservation. The appropriate agency will have 18 months from the date of preliminary plan approval to acquire the site by purchase, receipt of a dedication or by initiating condemnation proceedings. If, at the end of the 18 month period, none of the actions listed above have commenced, the subdivider may consider the land free of any reservation. The subdivider may choose to dedicate the area to be reserved and may transfer the development rights from the area to the remainder of the site in accordance with the "transfer of development rights" (on the same site) provisions found in the Zoning Ordinance.

13. Public Facilities.

When a tract of land that appears in any adopted plan or policy document as a future site for any community service facility, including but not limited to police and fire stations, libraries, public housing, and other public uses, falls within an area proposed to be subdivided, the Subdivision Administrator or Designated Administrative Agent will notify the appropriate agency of the proposed subdivision and its affect on the future public site. The appropriate agency must decide within 30 days if it wishes to reserve the site for future acquisition. If the site is not to be reserved, then the subdivision will be processed in the normal fashion. If the agency does wish to reserve the site, then the subdivision will not be approved without such reservation. The appropriate agency will have 18 months from the date of preliminary plan approval to acquire the site by purchase, receipt of a dedication or by initiating condemnation proceedings. If, at the end of the 18 month period, none of the actions listed above have commenced the subdivider may consider the land free of any reservation. The subdivider may choose to dedicate the area to be reserved and may transfer the development rights from the area to the remainder of the site in accordance with the "transfer of development rights" (on the same site) provisions found in the Zoning Ordinance.

14. Proposed street names

Proposed street names shall be coordinated with the Subdivision Administrator or staff, Stanly County, other or designee.

15. Easements.

Easements established to the width and in the locations required by the Consulting Engineer, Albemarle Utility Department, Oakboro Utility Department should be provided for open or piped storm drainage, sanitary sewers, water lines, and other

utilities. This requirement applies to such lines installed at the time of the development of the subdivision, and to easements for such lines which may reasonably be expected to be installed in the future.

16. Proposed water and sewerage system.

The preliminary subdivision plan must be accompanied by satisfactory evidence as to the proposed method of providing potable water and a system of sanitary sewage collection and disposal.

(a) Where, at the time of preliminary plan approval, these systems are to be a part of the public water and sanitary sewerage system owned and operated by the Albemarle and Oakboro Utility Departments, the preliminary subdivision plan shall be accompanied by a complete set of construction plans for the proposed systems, prepared by a registered engineer, which shall be required to meet the standards established by said utility owner/operator for connection to the system upon completion and dedication.

(b) Where, at the time of preliminary plan approval, the proposed systems to serve more than one structure do not contemplate the use of facilities owned and operated by the Albemarle and Oakboro Utility Department, the proposed systems must be reviewed and approved by the agency or agencies with jurisdiction over the approval. This shall also include, but not be limited to, review and approval by Charlotte-Stanly Utility Department to establish that construction plans meet public utility standards for adequacy and compatibility with the public system(s) in order to provide for the future orderly development of the city. Whether the proposed system serves one structure or more than one structure the developer must provide evidence prior to preliminary plan approval of the required discharge permit or a perk test for sewage disposal on each lot, whichever is applicable. Where lots are to be served by septic tank systems, the preliminary plan and the final plat shall clearly label any lots which do not perk and for which a building permit shall not be issued until alternate sewage disposal methods are available to such lots. Prior to final plat approval, evidence must be provided that both the sewage and water system designs have been approved for construction. Prior to the issuance of any certificate of occupancy for any structure, evidence must be provided that both the water and sewer systems have been approved and are operational for the structures in question.

6.300 SKETCH PLAN REQUIRED FOR MAJOR SUBDIVISIONS

Prior to the filing of an application for approval of a major subdivision Preliminary Plan, a Sketch Plan shall be submitted to the Subdivision Administrator and any Designated Administrative Agent for review. When submitted, this Sketch **Plan shall be on a topographical map showing original contours at intervals of not less than four feet and existing tree lines.** It should show in sketch form the proposed layout of streets, lots, and other features in relation to existing conditions. It should include the following information:

1. the boundary lines of the property being subdivided;
2. water courses on the land to be subdivided;
3. the location, names, and rights-of-way of any existing streets on or within 300 feet of the land to be subdivided;
4. the location of all property lines which intersect the boundaries of the property being subdivided; the zoning district of each adjacent property;
5. the location of proposed streets, lots, parks or other open spaces, reservations, building lines, street cross-sections, number and type of buildings, and the location of any building restriction flood lines rimed-by
6. zoning information for the proposed project site;
7. proposed front, rear, and side yard dimensions for each building type along each street type;
8. for projects within a regulated watershed protection area, the location of required buffers and high density option detention, if applicable;
9. the location of general buffers or screens required for the project area, as a whole;
10. the scale of the plan, which shall not be smaller than 100 feet to the inch; north point; date;
11. a small scale vicinity map. *6.310 SKETCH PLAN ALSO*

REQUIRED FOR MINOR SUBDIVISIONS

In order to facilitate the review and approval of a minor subdivision for which a preliminary plan is not required, a sketch plan must be submitted to the Subdivision Administrator and any Designated Administrative Agent, who will advise the applicant of any deficiencies that must be corrected prior to submission of the final plat.

6.320 REVIEW OF MAJOR SUBDIVISION SKETCH PLAN

Upon submission, the Subdivision Administrator and any Designated Administrative Agent shall have ten (10) working days to review and comment on the Sketch Plan. A technically deficient sketch plan shall be returned to the subdivider with comments; a technically correct sketch plan, or a resubmitted sketch plan which has been made technically correct, shall be forwarded to the staff to the Planning Board to place on the Planning Board's agenda for their next scheduled meeting.

If received by the staff to the Planning Board fourteen days before the next regular meeting date of the Planning Board, it can be reviewed by the Planning Board at their next regularly scheduled meeting date.

The Planning Board shall have forty-five (45) consecutive days from their first meeting to review and make a recommendation to the City Council on the Sketch

Plan. The Planning Board shall advise the applicant of any deficiencies that should be corrected prior to being placed on the City Council's agenda.

If there are no deficiencies in the Sketch Plan, it will be placed on the next City Council agenda for review and approval. If deficiencies exist, but the corrected plan is received by the staff of the Planning Board seven days before the next regular meeting date of the City Council, it will be reviewed and a decision rendered by the City Council at their next regularly scheduled meeting.

6.400 PRELIMINARY PLAN REQUIREMENTS

The preliminary subdivision plan must be drawn to the following specifications and must contain or be accompanied by the information listed below. No processing or review of a preliminary plan will proceed without all of the information listed. Detailed standards and specifications for construction of state standard roads are contained in the North Carolina Department of Transportation's Highway Design Manual. For City Streets, the standards of Article 5 of the Locust Zoning Ordinance shall control.

1. The boundary of the area to be subdivided and the location within the area, or contiguous to it, of any existing streets, railroad line, water courses, easements or other significant features of the tract.
2. The location, size, elevations of existing sanitary sewers, storm drains, and culverts within the tract and immediately adjacent thereto.
3. Original contours, including tree lines, shown at intervals of not less than 4 feet for the entire area to be subdivided and extended into adjoining property for a distance of 300 feet at all points where street rights-of-way connect to the adjoining property. These contours shall be referenced to mean sea level datum established by the U.S. Coast and Geodetic survey. Proposed contours for the full width of all street rights-of-way, along open drainage channels and in all other portions of the subdivision where extensive grading is proposed must be shown. These requirements shall not apply where the size of the subdivision and the topography make such information unnecessary.
4. The location of proposed streets, alleys, easements, lots, parks or other open spaces, reservations, other property lines, front build-to lines and rear and side yard dimensions for each lot, street dimensions, tentative building locations.
5. The location of all proposed storm drains and appurtenances with grades, inverts, and sizes indicated, together with a map of the drainage area or areas tributary to the proposed storm drains, a copy of the data used in determining the sizes of drainage pipes and structures.
6. The name of the subdivision; the name and signature of the owner or the owner's duly authorized agent; the name of the surveyor, engineer or designer; the names of proposed streets; the names of adjoining

subdivisions or property owners. The name assigned to the subdivision and the names assigned to streets at this time will be used throughout the review and approval process for preliminary and final plats and may not be changed without approval of the Subdivision Administrator and or Designated Administrative Agent.

7. The scale of the plan which shall not be smaller than 100 feet to the inch, north point, date.
8. Typical cross sections of internal or abutting streets showing width, sidewalk, and planting details and proposed construction of roadways.
9. Proposed profiles of roadways. Where a proposed street is an extension of an existing street the profile shall be extended to include 300 feet of the existing roadway and storm drains if present and a cross section of the existing street shall be shown. Where a proposed street within the subdivision abuts a tract of land that adjoins the subdivision and where said street may be expected to extend into said adjoining tract of land, the profile shall be extended to include 300 feet of the said adjoining tract.
10. The proposed method of water supply and sewer disposal.
11. A small scale vicinity map showing the location of the subdivision with respect to adjacent streets and properties.
12. The location of any existing LCID landfills on the site and the location of any proposed LCID landfills on the site.
13. A timetable for estimated project completion of the area covered by the preliminary plan.
14. The zoning district(s) in which the project is located.
15. For subdivisions within which open space is required, a draft of the documents by which irrevocable preservation of open space shall be assured.

6.500 PROCEDURES FOR APPROVAL

6.510 PRELIMINARY PLAN: SUBMISSION AND APPROVAL

A preliminary plan of the proposed subdivision developed in accordance with the specifications set forth in Section 6.400 must be submitted to the Subdivision Administrator or Designated Administrative Agent. The plan must be accompanied by an application in duplicate signed by the owner or his duly authorized agent on application forms to be furnished by the Subdivision Administrator or Designated Administrative Agent. At the time of submission, the applicant will be advised as to the number of copies of the plan and related data required in Section 6.400. Application for preliminary plan approval shall be accompanied by the appropriate development review fee(s) as established by ordinance.

The Subdivision Administrator or Designee shall have thirty (30) working days to review and comment on the initial preliminary plan. If subsequent corrections or changes to the initial preliminary plan are necessary, the reviewer shall have twenty (20) working days to review any revised plan. The preliminary plan time limits listed above do not apply to plans for which no sketch plan has been submitted, nor to plans which contain any proposed school, park, greenway, or other public facility for which reservation is required. The applicant may consent to an extension of any of the time limits. Upon determination by the Subdivision Administrator, Designee, or such other engineering agent designated by the City Council to review Subdivision Plans, that the preliminary plan is complete, correct, and in compliance with Section 6.200 as submitted, or has been resubmitted and found complete and correct, the plan is eligible for approval.

If the preliminary plan shows only minor revisions (see 3.100.11) to the approved sketch plan, the Subdivision Administrator or staff under his direction is authorized to approve the plan, approve with conditions, or deny the plan. Administrative decisions to deny approval of a preliminary plan may be appealed to the City Council.

If the preliminary plan includes major revisions (see 3.100.10) to the approved sketch plan, or if a sketch plan has not been submitted and approved by the City Council, the Subdivision Administrator will schedule consideration of the preliminary plan before the Planning Board within 30 business days. Upon receipt of the Planning Board's recommendation, the Subdivision Administrator will, within 30 business days, place the preliminary plan and the Planning Board's recommendation for approval, denial, or approval with conditions on the agenda of the City Council. The time limits do not apply to plans for which no sketch plan has been submitted to the Subdivision Administrator, nor to plans which contain any proposed street, school, park, greenway, or other public facility for which reservation may be required. The applicant may consent to an extension of any of the above time limits. Should the Subdivision Administrator or Designated Administrative Agent fail to respond within the time limits set out above, the application will be considered recommended for denial.

The City of Locust reserves the right to approve, disapprove in whole or in part, or condition its approval of the whole or any of its parts upon such requirements of this ordinance as may be necessary for the health, safety and general welfare, and to achieve compliance with Section 6.200. If a preliminary plan is disapproved, the Subdivision Administrator will furnish a written notice of the denial and the reasons for the denial upon request of the applicant. An administrative disapproval may be taken to the Planning Board and City Council in accordance with the provisions of Section 4.000.

6.520 EXCEPTIONS: WHEN PRELIMINARY PLAN NOT REQUIRED

The required preliminary plan may be waived by the Subdivision Administrator or Designee for subdivisions defined as Minor Subdivisions in Section 2.100 of these regulations provided:

1. A minor subdivision sketch plan has received approval.
2. A plat of the tract being subdivided, accompanied by two (2) applications signed by the owner or his duly authorized agent has been filed with the Subdivision Administrator or Designee, and the required fee submitted; and

The required preliminary plan may also be waived by the Subdivision Administrator for those subdivisions, including Limited Subdivisions, which do not involve the dedication of a new street, improvement to or right-of-way for an existing street, or site designated for a future public facility.

However, a final plat must be prepared and recorded as provided in Section 6.600.

6.530 EFFECT OF APPROVAL OF PRELIMINARY PLAN

An approved preliminary plan will be valid for a period of three (3) years from the date of approval. If no work in furtherance of the plan except grading on the site has commenced within the three year period, the preliminary plan approval will become null and void and a new application will be required to develop the site. If work on the site in furtherance of the plan has commenced, and such work involves any utility installations or street improvements except grading, the plan will remain valid and in force.

6.540 RELEASE OF GRADING PERMIT

Preliminary Plan approval is required for the issuance of a grading permit for any grading work on the site for the installation of any improvements in furtherance of the development. Once the preliminary plan is approved, further approvals under this provision are not required for grading permits for individual sites within the development, so long as grading conforms to the approved Preliminary Plan.

6.550 FINAL PLAT: SUBMISSION AND APPROVAL

Upon approval of the preliminary subdivision plan, the subdivider may proceed to comply with the other requirements of this ordinance, and the preparation of the final subdivision plat. The final plat may include all or only a portion of the subdivision as proposed and approved on the preliminary subdivision plan, provided that all required improvements to any existing or new streets shown on the preliminary plan within the boundaries of the final plat have been provided for or been assured by the posting of a surety as provided for in Section 8.400.3 prior to any final plat approval.

The final subdivision plat must be developed in accordance with the specifications set forth in Section 6.600. The official plat or plats, together with copies thereof sufficient for distribution, shall be presented for approval to the Subdivision Administrator or Designated Administrative Agent for review. The plat shall be accompanied by an application for final plat approval, submitted in duplicate and signed by the owner and/or his duly authorized agent. The reviewer shall have thirty (30) working days to review and comment on the final plat.

If the final plat for a major subdivision shows only minor revisions (see 3.100.11) to the approved preliminary plan and/or sketch plan, the Subdivision Administrator or staff under his direction is authorized to approve the plat.

If the final plat for a major subdivision includes major revisions (see 3.100.10) to the approved preliminary plan and/or sketch plan, the staff's comments along with final plat copies will be forwarded by the staff to the Locust Planning Board for Planning Board review at their next scheduled meeting date. The staff to the Planning Board must receive the final plat and staff comments at least fourteen (14) days before the next regularly scheduled meeting of the Planning Board in order to place the final plat on their agenda. If subsequent corrections or changes to the initial final plat are necessary, the reviewer shall have twenty (20) working days to review any revised plan.

The Planning Board shall recommend approval, disapproval, or approval with conditions of said plat. The final plat and Planning Board recommendation shall within 30 business days be presented to the City Council, which shall approve, disapprove, or approve with conditions. The City Council shall approve the final plat if all requirements of this ordinance, including Section 6.200, have been met.

The Subdivision Administrator or staff under his direction is authorized to approve plats of minor subdivisions and limited subdivisions which meet all the requirements of this ordinance, including Section 6.200. If the Subdivision Administrator determines that the final plat fails to meet any of the requirements of Section 6.200, or that the manner in which the tract is proposed for subdivision significantly affects the implementation of adopted public plans or policies, the Subdivision Administrator shall present the final plat to the Planning Board for recommendation and to the City Council for approval, approval with conditions, or disapproval, in the manner provided in this section. For Limited Subdivisions the owner shall be required to plat only the parcel to be transferred or leased and only that parcel shall be subject to the requirements of this ordinance. If a final plat is disapproved, the Subdivision Administrator will furnish a written notice of the denial and the reasons for the denial upon request of the applicant. An administrative disapproval may be taken to the Planning Board and City Council in accordance with the provisions of Section 4.000.

Upon approval, the final plat will be noted approved and made available to applicant for recordation in the Office of the Register of Deeds for Stanly County, North Carolina, which such Register of Deeds is authorized to accept the plat for recordation.

6.600 FINAL PLAT REQUIREMENTS

The final plat will be prepared by a registered surveyor and must be drawn to scale not smaller than 100 feet equal 1 inch, and must contain the following information:

1. The exact boundary of the tract of land being subdivided, showing clearly the disposition of all portions of the tract.
2. The lines and names of all streets, alley lines, lot lines, lot and block numbers, front build-to line and side and rear yard dimensions for each lot,

easements, reservations, and areas dedicated to public purposes with notes -- stating their purposes. In addition, on-site LCID landfills must be shown on the final plat and on deed(s) for affected lot(s).

For subdivisions within which open space is required, a designation on the plat denoting the area of preservation and the limitations on its use and a reference to the recorded documents by which irrevocable preservation of open space shall be assured. A copy of such documents shall also be provided to the Planning Department.

Any amendment to a previously approved final plat must note in writing on the amended plat the nature and extent of the changes and the deed or plat book and page number where previously recorded.

3. Sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, building line, easements required hereunder or of record in Stanly County or ascertainable by physical inspection of the property, and boundary lines of reserved or dedicated areas. All linear dimensions shall be in feet and hundredths thereof. The maximum allowable error of linear closure shall not be in excess of 1: 10,000. In closed traverses the sum of the measured angles shall vary with the theoretical sum by a difference not greater than an average of 7.5 seconds per angle, or the sum of the total shall not differ from the theoretical sum by more than 90 seconds, whichever is smaller.
4. Sufficient data to determine readily and reproduce accurately on the ground the location and extent of rural and/or urban open space to be preserved, the method of preservation, and any limits on use. In addition, the subdivider shall provide to the Locust Planning Staff a copy of any covenants and restrictions governing disposition and use of preserved open space.
5. "As built" drawings and plans of all water system, sewer system, and storm drainage system facilities. Such plans should show all easements and rights-of-way to demonstrate that the facilities are properly placed. These drawings need not be placed on the final plat but must be submitted at the time of request for final plat approval or release of any surety for required improvements, whichever comes later.

Any amendment to a previously approved final plat must note in writing on the amended plat the nature and extent of the changes and the deed or plat book and page number where previously recorded.

6. "As built" cross-sections of each city street type used in the development. Such cross-sections should show improvements in the public rights-of-way and in any easement associated with the detail of the street. Features to be shown will usually include: travel lanes, parking lanes (if any), curb and gutter (or ditch), planting strip, sidewalk, utility allocation. These

drawings need not be placed on the final plat, but must be submitted at the time of request for final plat approval or release of any surety for required improvements, whichever comes later.

7. The name of the township in which the subdivision is located, the name of the subdivision, the zoning district, the name of the owner, the name, registration number and seal of the registered surveyor under whose supervision the plat was prepared, the date of the plat and north point, with indication of whether the north point is true, magnetic, or grid, and a small vicinity map showing the location of the subdivision with respect to adjacent streets and properties.
8. The accurate location of monuments which must be established along the rear property lines of lots with a minimum of two (2) per block located along a common line, including coordinates computed from the North Carolina Plane Rectangular Coordinate System provided a control monument is within two thousand (2,000) feet of the subdivision. The corners of all lots and parcels must be marked with iron posts driven flush with the ground. The iron posts must be placed where lot boundaries intersect railroad and public street rights-of-way. As an alternative the iron posts for the lot corners intersecting street rights-of-way may be placed behind the curb and gutter on the same line as the property line if the locations of these irons are noted on the record plat.
9. The following signed certificates (lettered or stamped) shall appear on each copy of the final plat submitted by the subdivider:

(a) Certificate of Ownership and Dedication:

I hereby certify that I am the owner of the property shown and described hereon and that I hereby adopt this plan of subdivision with my free consent, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I dedicate all sewer lines and all water lines to the

Date

Owner(s)

Final written approval by the Subdivision Administrator or staff under his direction must be entered on the plat for recording. Changes or amendments to an approved final plat which already bears the written approval prior to recording the plat constitutes a violation of this ordinance. A copy of the sealed and recorded final plat must be delivered to the Locust Planning Department within 5 days of recording.

6.700 PLATS ALREADY ESTABLISHED BY SURVEY AND RECORD

Plats already established by survey and recorded in the Stanly County Register of Deeds prior to the effective date of this ordinance will be eligible for development and

other administrative permits without complying with the requirements of this ordinance, but must be developed in accordance with the provisions of the subdivision ordinance in effect at the time of the approval.

A subdivision for which a preliminary plan has been approved but for which a final plat has not been recorded in the Stanly County Register of Deeds prior to April 3, 1997 shall be approved for recording without complying with the requirements of this ordinance if final plats conform to the requirements of the subdivision ordinance in effect at the time of preliminary plan approval. Such subdivision will be inspected and must be developed in accordance with the provisions of the subdivision ordinance in effect at the time of preliminary plan approval.

6.800 MULTI-BUILDING SITES

The following requirements will apply for the preparation, submission, and approval of preliminary site plans for both residential and non-residential developments with more than one principal building on a single lot.

6.810 PRE-APPLICATION CONFERENCE

A pre-preliminary site plan conference will be arranged by the developer with both the Planning Staff and any other Designated Administrative Agent prior to the submission of a preliminary site plan for a multi-building site.

6.820 PRELIMINARY PLAN REQUIREMENTS

A developer must submit to the Subdivision Administrator or Designee a preliminary site plan and supplemental documents for review and approval. The preliminary site plan must be prepared in accordance with the requirements of Section 6.400 and must include the following additional information:

1. The use, approximate height, bulk, and location of all buildings and structures.
2. All proposed land uses and, for residential development, the densities of dwelling units.
3. In the case of plans which call for development over a period of years, a schedule showing the time within which application for final approval of all parts of the development are intended to be filed.
4. The proposed location, use, improvements, ownership, and manner of maintenance of common open space areas.
5. Final drafts of legal documents dedicating and restricting the common areas and establishing the means of common area ownership and maintenance.

6. Proposed off-street parking and circulation plan showing the location and arrangement of parking spaces and any driveways for ingress and egress to and from adjacent streets and highways.

6.830 PRELIMINARY PLAN REVIEW CRITERIA

The Subdivision Administrator or employees under his or her direction will review the preliminary site plan to ensure conformance with the requirements of the Zoning Ordinance. The Subdivision Administrator or Designated Administrative Agent will review the preliminary site plan to ensure conformance with the requirements of this ordinance. In addition, the multi-building site will be evaluated against the standards listed below.

1. The character, amount and arrangement of open space areas will adequately serve the needs of residential or non-residential occupants.
2. Proposed means of dedication, ownership, and maintenance of all common areas, the restrictions on its uses, and the organization and authority of such associations as may be established for ownership and maintenance of common areas will assure the continuance of such space for its designed purpose.
3. Site planning for the overall development will provide protection of the development from potentially adverse surrounding influences and protection of surrounding areas from potentially adverse influences within the development.
4. The terms and conditions proposed for development over a period of years are sufficient to protect the interests of the public and the occupants of the development.

6.840 PRELIMINARY PLAN APPROVAL AND FINAL PLAT

The Subdivision Administrator or staff under his direction is authorized to approve, approve with conditions, or disapprove the preliminary site plan for a multi-building site which adheres to or shows only minor revisions (Section 3.100.11) to:

- (1) an approved parallel conditional district or overlay district zoning plan which specifies the location of open space, edge conditions, approximate location of buildings, internal circulation, and relationship to public streets; or
- (2) a sketch plan which has been reviewed by the Planning Board and approved by the City Council in accordance with Section 6.300.

For multi-building sites which do not adhere to a detailed approved plan as described in (1) or (2) above, the Planning Board will recommend and the City Council will take action to approve, tentatively approve with conditions, or deny the preliminary site plan. When granted tentative approval with conditions, the developer must submit a revised plan that is in conformance with those conditions. If a preliminary site plan is disapproved, the Subdivision Administrator will furnish a written notice of the denial and the reasons for the denial upon request of the applicant.

The final plat for a multi-building site or innovative housing development shall be prepared in accordance with the requirements of Section 6.600 and shall contain the following additional information:

- (a) The use, height, bulk, and location of all buildings and structures;
- (b) All land uses;
- (c) The location, use, improvements, ownership, and manner of maintenance for all open space and for all common areas.

The Subdivision Administrator or staff under his direction is authorized to approve, approve with conditions, or disapprove the final plat for a multi-building site which adheres to or shows only minor revisions (3.100.11) to an approved preliminary plan. If the final plat includes major revisions to the approved preliminary plan, it will be placed on the agendas of the Planning Board for recommendation and the City Council for approval, approval with conditions, or disapproval.

An administrative disapproval may be taken to the Planning Board and City Council in accordance with the provisions of Section 4.000.

7.000 SUBDIVISION DEVELOPMENT REQUIREMENTS.

7.100 DESIGN STANDARDS FOR STREETS

Detailed construction standards and specifications for state standard streets are contained in the North Carolina Department of Transportation's Highway Design Manual. For City Streets, the standards of Article 5 of the Locust Zoning Ordinance shall control.

7.110 RIGHT-OF-WAY

1. On proposed streets, right-of-way must be of sufficient width to accommodate the required cross section. However, in no case will the dedicated and/or reserved right-of-way be proposed to be less than the standards below. The City Council, on the advice of the a designated consulting engineer, may certify that special circumstances exist which make the dedication and/or reservation of the full right-of-way unnecessary or impractical. Minimum R.O.W. by Street Classification

Street Type	
Freeway or Expressway (Class I)	250-350
Limited Access Arterial (Class II)	200
Commercial Arterial (Class III-C)	150
Major Arterial (Class III)	100
Minor Arterial (Class IV)	70
Collector (Class V)	60
City Streets	varies according to the standards of Article 5 of the Locust Zoning Ordinance

These standards represent the normally required rights-of-way for state standard streets. Additional right-of-way may be necessary in the area of interchanges, intersections, cut/fill areas, or areas where horizontal or vertical alignments must be improved and will be determined on a case by case basis. When a subdivider elects to establish a roadway divided with a center strip or median, the right-of-way width must be at least the proposed width of the center strip or median plus 62 feet.

2. Along existing streets, neither right-of-way dedication nor reservation is required unless
 - (a) an existing street has a right-of-way less than 60 feet wide and will provide access to the subdivision, in which case a right-of-way up to 30 feet on each side of the centerline may be required to be dedicated; or
 - (b) an existing street will provide access to the subdivision and volume of traffic projected to be generated by the subdivision necessitates intersection

and/or other improvement(s), in which case dedication of right-of-way sufficient for the subdivision developer to make intersection and/or other improvements to serve said subdivision may be required.

The City Council, after consulting applicable plans and programs and after consulting with appropriate county, state, and/or federal officials, is responsible for classifying streets or segments thereof within the zoning and subdivision jurisdiction of the City of Locust.

7.120 FREE WAYS/EXPRESSWAYS (NEW)

Whenever a tract of land to be subdivided includes any part of the right-of-way of a planned freeway or extension of a freeway, as shown on the adopted Thoroughfare Plan, and whenever such a right-of-way has been further defined by acceptable locational procedures sufficient to identify properties to be affected, the right-of-way for the freeway must be reserved, platted in the location and to the width specified in the plan, and remain undeveloped pending future acquisition by the state or other governmental unit. The subdivider is responsible for the reservation of the right-of-way in accordance with the provisions of Section 8.110, Improvement Responsibility. The entire right-of-way must be shown as such on the final plat. All measurements involving minimum lot standards under this ordinance and under the Zoning Ordinance will be made at the edge of the full right-of-way. Right-of-way that is dedicated by the subdivider will count toward the transfer of development rights on the same site.

7.130 ARTERIAL STREET RIGHT-OF-WAY (NEW STREETS)

Whenever a tract of land to be subdivided includes any part of a planned arterial or extension of an existing arterial street shown on the adopted Thoroughfare Plan, and whenever a right-of-way for such a street has been further defined by acceptable locational procedures sufficient to identify properties to be affected, a right-of-way for the arterial street must be platted in the location and to the width specified in the plan. The subdivider is responsible for the dedication and/or reservation of the right-of-way in accordance with the provisions of Section 8.110, Improvement Responsibility. The entire right-of-way (that which has been reserved and that which has been dedicated) must be shown as such on the final plat. All measurements involving minimum lot standards under this ordinance and under the Zoning Ordinance will be made at the edge of the full right-of-way. Arterial Street right-of-way that is dedicated by the subdivider will count toward the transfer of development rights in accordance with Section 7.135.

7.140 TRANSFER OF DEVELOPMENT RIGHTS —R/W DEDICATION

All of the area dedicated by the developer as right-of-way for any public street may be used in the computation of development rights on the site, but may not be used for the computation of lot area or open space, or fulfill storm water detention, or any other mandatory requirement. On-street parking which is planned, provided for, and approved will, however, be applied to the mandatory parking requirement. A developer may choose to dedicate the full right-of-way and thereby use the entire

dedicated area for the density calculation. Transfer-of development rights can only be used on the same parcel of land involved with the right-of-way dedication.

7.150 CUL-DE-SAC

Cul-de-sacs (streets designed to be permanently closed at one end), may not be longer than 250 feet and must be terminated by a vehicular turnaround design, as approved by the Subdivision Administrator provided, however, that this requirement may be waived where topographical or other unusual conditions exist.

7.160 STREET OFF-SETS

Where there is an off-set in the alignment of a street across an intersection, the off-set of the center lines should not be less than 300 feet for arterials. Off-sets for other street types will be determined based upon projected traffic volumes and the applicability of traffic calming measures.

7.170 BLOCK LENGTHS AND WIDTHS

Block lengths may generally not exceed 500 feet, except as hereinafter provided. Where a longer block will reduce the number of railroad grade crossings, major stream crossings, or where longer blocks will result in an arrangement of lots and public space more consistent with Articles 5 and 7 of the Locust Zoning Ordinance , the City Council may authorize greater block lengths.

7.200 DESIGN STANDARDS FOR LOTS

7.210 FRONTAGE ON STREET

Each lot must have frontage on a street, but with the following exceptions:

- .1 Any lot for which a residential use has been legally established prior to the effective date of this ordinance in accordance with provisions permitting establishment of use on a lot served by a private and exclusive recorded easement of at least 15 feet in width connecting said lot to a public street, may be used as if it abutted a street, provided that it is served by a driveway located on said easement.
- .2 Any lot for which a non-residential use has been legally established prior to the effective date of this ordinance in accordance with provisions permitting establishment of use on a lot served by a private, exclusive recorded easement of at least 15 feet in width connecting said lot to a public street, may be construed in the same manner as a lot abutting a street provided that it is served with a driveway built to appropriate standards located on the permanent, recorded easement.
- .3 Up to six residential lots may be served by a privately maintained easement with a minimum 20 foot right-of-way if designed according to the specifications of the Open Space District's (OPS) Farmhouse Cluster development found in the Locust Zoning Ordinance.

- .4 A site specific development plan may be considered for approval in certain zoning districts 1) where residential and/or non-residential structures front upon a private courtyard, carriageway, or pedestrian way, 2) where adequate access by emergency vehicles is maintained by way of a rear alley and 3) where the off-street placement of uses does not diminish the orientation of building fronts on the public street.
- .5 A site specific development plan may be considered for approval in the Campus Districts to permit interior lot access by private drives so long as business and emergency access is furnished to all interior building sites, and proposed buildings at the perimeter of the campus front upon public street(s).
- .6 In certain zoning districts in the Zoning Ordinance, an exception may be considered at specific locations where factors beyond developer control, such as a limited access highway, an existing development, or the location of an existing intersection, prohibit completing a street connection. A private drive may be substituted for the interior street which cannot be connected to the public network.

7.220 SIDE LINES

Side lot lines shall, as nearly as practicable, be at right angles or radial to street lines. Where side lot lines intersect at the rear of the lot, the angle of intersection shall not be less than 60 degrees.

7.230 LOT SIZES

Lot dimensions and yard dimensions are controlled by the Locust Zoning Ordinance.

7.240 BUILDING LINES

Building lines shall be established on all lots in residential subdivisions and shall be determined on the basis of zoning district and classification of any abutting streets, existing or planned, in accordance with Section 8.15 of the Locust Zoning Ordinance.

7.250 DRIVEWAY CONNECTIONS

Prior to the construction of any driveway or other connection within the right-of-way of a public street, a permit must be secured from the North Carolina Department of Transportation or the City of Locust, for a state or a local road respectively.

8.000 REQUIRED WORK ON THE GROUND

8.100 STANDARDS AND SPECIFICATIONS

1. Unless specifically noted, before any final plat of a subdivision is eligible for final approval, and before any street is accepted for maintenance by the City or the North Carolina Department of Transportation (NCDOT) minimum improvements (including drainage and soil erosion) must have been completed by the developer and approved by NCDOT or other designated engineer, in accordance with the standards and specifications of the NCDOT Highway Design Manual or Article 5 of the Locust Zoning Ordinance, whichever applies. Minimum improvements not completed and approved must be bonded in accordance with the provisions of Section 8.400.3 prior to final plat approval.
2. The intent of the specifications set out in this sub-section is to prescribe minimum requirements for storm drainage and street improvements to be undertaken by the developer. Satisfactory completion of these improvements, attested by approval of NCDOT or the City's designated engineer, will qualify streets in the City to be accepted for maintenance by the City and streets in the county to be considered for maintenance by the state.

8.110 STREET IMPROVEMENT RESPONSIBILITY

In order to facilitate the provision of street rights-of-way and necessary improvements, the following sections establish responsibilities for the installation of streets and related improvements for each class of street. Any area of right-of-way which must be reserved for future acquisition may be dedicated at the option of the developer or property owner in return for the transfer of development rights on the same site. In addition, all streets built by the developer will be credited to the developer for the transfer of development rights on the same site.

Class I (Freeway-Expressway):

- New Class I or extension of existing Class I street:
 - **Right-of-way** — Entire width reserved by developer for future acquisition, provided the certification in Section 8.115 can be made
 - **Improvements** — Installed by public
- Existing Class I street:
 - . No right-of-way or improvements required of developer

Class II (Limited Access Arterial):

- New Class II or extension of existing Class II street:

- **Right-of-way** — Entire width reserved by developer for future acquisition, provided the certification in Section 8.115 can be made
- **Improvements** — Installed by public

• Existing Class II street:

- . No right-of-way or improvements required of developer

Class III (Major Arterials):

- **Right-of-way** — For new Class III streets, the developer is responsible for the dedication of up to 100 feet of right-of-way (50 feet each side of the centerline). Along existing Class III streets, any development which requires specific improvements of the street to meet vehicular and/or pedestrian access needs of the particular development must dedicate the right-of-way necessary to accommodate those improvements.
- **Improvements** — Installed by the public in accordance with a schedule of public street improvements, except on existing streets where specific improvements are required to meet vehicular and/or traffic needs of the particular development in which case the developer must install the necessary improvements at the time of development. If, however, a public improvement project for the street is programmed and funded, the developer may be relieved of the actual construction, but remains liable for the costs of the improvements for which he or she would otherwise be responsible. The developer has the option, after consultation with the City Manager, NCDOT, and/or the City's designated engineer to construct all or a portion of a new or extended street if the developer wants to make use of the street for access to the development. Development along new Class III streets or extensions of Class III streets must limit access points to public streets or specifically approved street type entrances.

Class III-C (Commercial Arterial):

- **Right-of-way** — For new Class III-C streets, the developer is responsible for the dedication of up to 100 feet of right-of-way (50 feet each side of the centerline) and reservation of the remaining required right-of-way. Along existing Class III-C streets any development which requires specific improvements of the street to meet vehicular and/or pedestrian access needs of the particular development must dedicate the right-of-way necessary to accommodate those improvements.
- **Improvements** — Installed by the public in accordance with a schedule of public street improvements, except on existing streets where specific improvements are required to meet the vehicular and/or pedestrian access needs of the particular development in which case the developer must install the necessary improvements at the time of development. If, however, a public improvement project for the street is programmed and funded, the developer may be relieved of the actual construction, but

remains liable for the costs of the improvements for which he or she would otherwise be responsible. The developer has the option, after consultation with the City Manager and NCDOT and/or the City's designated consulting engineer, to construct all or a portion of a new or extended street if the developer wants to make use of the street for access to the development. Development along new Class III-C streets or extensions of Class III-C streets must limit access points to public streets or specifically approved street type entrances.

Class IV (Minor Arterial)

- **Right-of-way** — For new Class IV streets the developer is responsible for the dedication of up to 70 feet of right-of-way (35 feet each side of the centerline). Along existing Class IV streets any development which requires improvements of the street to meet vehicular and/or pedestrian access needs of the particular development must dedicate the right-of-way necessary to accommodate those improvements.
- **Improvements** — Installed by the public in accordance with a schedule of public street improvements, except where specific improvements are required to meet the vehicular and/or pedestrian access needs of the particular development in which case the developer must install the necessary improvements at the time of development. If, however, a public improvement project for the street is programmed and funded, the developer may be relieved of the actual construction, but remains liable for the costs of the improvements for which he or she would otherwise be liable. The developer has the option, after consultation with the City Manager, NCDOT, and/or the City's designated consulting engineer to construct all or a portion of a new or extended street if the developer wants to make use of the street for access to the development. Development along new Class IV streets or extensions of Class IV streets must limit access points to public streets or specifically approved street type entrances.

Class V (Collector):

- **Right-of-way** — Dedicated by the developer.

- **Improvement** — Constructed by the developer.

City Streets:

- **Right-of-way** --- Dedicated by the developer.

- **Improvements** -- Constructed by the developer.

All streets constructed in Locust shall be public and shall be constructed to comply with the minimum standards shown in NCDOT's Highway Design Manual or Article

5 of the Locust Zoning Ordinance, whichever applies, and all applicable city or state requirements. Public improvements will be made in accordance with adopted plans, programs, and budgets. It should not be expected that the occurrence of development will result in the immediate installation of public street improvements by the public sector unless those improvements are scheduled and funded in accordance with public policies and programs.

8.120 RESPONSIBILITY FOR STATE ROADS

No dedication or reservation of right-of-way for a new street or highway within a corridor for a street or highway on a plan established and adopted pursuant to N.C.G.S. 136-66.2 for a street or highway that is included in the Department of Transportation's "Transportation Improvement Program" will be required by the provisions of this ordinance unless and until the City Manager has determined and certified in writing (1) that the dedication or reservation does not result in the deprivation of a reasonable use of the original tract and (2) that the dedication or reservation is either reasonably related to the traffic generated by the proposed subdivision or use of the land remaining in the original tract, or the impact of the dedication or reservation is mitigated by measures provided in this Ordinance. For these purposes the term "original tract" will mean all contiguous land owned by the applicant. The ability of the applicant to transfer development rights attributable to the dedicated right-of-way to contiguous land owned by the same applicant is deemed to be a measure which mitigates the impact of the dedication or reservation.

8.130 DRAINAGE

1. Storm drainage adequate to accommodate a 10 year storm must be provided throughout the subdivision by means of storm drainage pipe or properly graded channels or natural drainage. Where adequate storm drainage has been provided by means of approved storm drainage pipe and the necessary easements to provide access to the drainage facilities, in accordance with the standards of NCDOT's current issue of Handbook for the Design of Highway Surface Drainage Structures and has been dedicated and accepted or otherwise conveyed to the City, the City will assume the responsibility for maintenance of the drainage pipe. Where adequate storm drainage has been provided by means of properly graded channels or ditches, the maintenance thereof will remain the responsibility of the property owner and must be so noted on the final plat and on deeds for the affected lots. Such "open shoulder" ditches are only allowed along lanes and alleys.
2. In addition to drainage improvements as required by this section, the subdivider may provide for storm water detention to serve the entire subdivision as part of the drainage plan to be approved by a designated engineering consultant. For the purposes of this subsection, the subdivision shall include the streets, sidewalks, driveways, rooftops and other

impervious surfaces proposed to be constructed upon completion of the subdivision.

8.140 CURB AND GUTTER

Standard curb and gutter must be constructed on all arterial and commercial streets, and on City streets or portions of City streets which serve primarily urban functions, such as that of the workplace or the shopping district. Standard curb and gutter is recommended for curb and gutter installations on all street types. Valley curb and gutter may be used on collector streets, on City streets that serve less urban purposes such as residential neighborhood streets. Curb and gutter are not required on alleys or lanes.

8.150 SIDEWALK

Sidewalks are required on both sides of new or existing collector streets, on both sides of city streets except lanes, alleys, and on the undeveloped edge of neighborhoods. Installation of sidewalks is the responsibility of the developer.

Sidewalks are required on both sides of new or existing arterial streets with installation by developer to meet the pedestrian access requirements of the development. Sidewalk construction may be waived by the City Council when accessibility by pedestrians does not now exist and is not expected to exist in the future.

Location. Approval of sidewalk construction plans must be obtained from the designated consulting engineer as part of the subdivision review process. The designated consulting engineer will review and comment on the location of the required facilities at the time of plan review. Except in unusual circumstances, sidewalks may not be located less than 5 feet, but preferably 7-10 feet, from the back of the curb or edge of pavement when no curb and gutter is required. If existing public street right-of-way is not available, the developer will be required to construct the sidewalk outside the street right-of-way on a permanent easement. While in most instances a sidewalk will be placed parallel to and off-set from the curb line, developers are encouraged and expected to meander sidewalks to preserve existing trees of significance. Adjustments may be made in the field to accommodate such circumstances.

Sidewalks must be a minimum of 5' in width. On streets which serve as main business streets, sidewalks should be a minimum of 7' in width.

8.160 STREET TREES

The developer shall install street trees along all streets within a development and along the abutting side of streets forming the perimeter of the development. Street trees shall be placed between the sidewalk, if present, and the back of curb or edge of pavement, when no curb and gutter is required. Large maturing trees should be planted 30' to 40' on center; small maturing trees should be planted 20' to 30' on

center. Street tree plantings conceived to produce a clear vertical edge to a street or plaza may require denser spacing. The planting plan shall adhere to Article 7 of the Locust Zoning Ordinance.

8.170 STREET LIGHTS

Street lighting will be installed in each new subdivision pursuant to a street lighting plan which shall be submitted to the City Manager for approval. This shall be the responsibility of the developer. Street lights compatible in height and scale with the streetscape are strongly recommended.

8.180 STREET MARKERS AND BARRICADES

1. Standard street markers must be installed by the developer at one corner of all street intersections, including private streets, before any certificates of occupancy may be issued for buildings or residences along those streets. The design, materials, location and installation of the signs must be submitted to the City manager for approval. Responsibility for the installation, maintenance, and replacement of non-standard street markers remains with the developer and subsequently with the homeowners. If maintenance and replacement of non-standard street markers is not provided by the developer or homeowners, the City shall install standard street markers as replacements are needed. All standard street markers will be maintained and replaced by the City once initial installation has been completed by the developer.
2. Barricades must be installed at the end of all dead-end streets except cul-de-sac streets which have been improved with a permanent turnaround as required by this Ordinance. Design, material and installation of the barricades must be in accordance with NCDOT standards.

8.190 UTILITIES

All utilities shall be placed underground. Easements shall be provided, where necessary, across lots or centered on rear or side lots and shall be at least twenty (20) feet wide for water and sanitary sewer lines and as required by the companies involved, for telephone, gas, and power lines.

The City Council will determine if one (1) easement is sufficient or whether several easements are necessary to accommodate the various facilities and the subdivider shall provide the required easements.

8.200 NO SERVICE UNLESS STREET ACCEPTED/APPROVED

No department, officer, agent, or employee of the City will accept for maintenance, lay out, open, improve, grade, pave or light any streets or authorize the laying of

water mains, sewers, electrical service extensions or other facilities or utilities in any street within the City unless:

1. such street has been accepted or opened as, or has otherwise received the legal status of, a public street prior to the effective date of this ordinance; or
2. for any new street, such street corresponds in its location and lines with a street shown on a preliminary subdivision plan, tentatively approved by the City Manager or Designated Administrative Agent; or
3. such street has been accepted as a public street by a vote of a majority of all the members of the City Council or by the State of North Carolina; or
4. such street has been accepted as a public street by the State of North Carolina.

8.300 MODIFICATION OF REQUIREMENTS; BOND

1. In subdivisions adjoining already established streets that have been accepted for maintenance by the North Carolina Department of Transportation, the requirements of Section 8.000 will apply as hereinafter provided; those requirements that would necessitate the general removal and reconstruction of established permanent pavements will not be applicable; where the adjoining established street is a part of the North Carolina Department of Transportation's street system, the adjoining street must be improved in accordance with either the requirements of Section 8.000 and the requirements of the City of Locust or the North Carolina Department of Transportation, whichever establishes the higher standard.
2. Plats for new lots fronting on already dedicated or established streets or roads that have not been accepted for maintenance by the City Council or the North Carolina Department of Transportation or which have been accepted for maintenance by the North Carolina Department of Transportation, but have not been improved with a paved roadway, will be eligible for final approval when the requirements of Section 8.000 have been complied with as closely as may be reasonably required considering the existing condition of the road, the extent of area to be platted and the cost of required improvements in relation to the comparative benefits to accrue to the subdivider and the other owners of property on both sides of the street or road.
3. Where the improvements required by this chapter have not been completed prior to the submission of the final subdivision plat for approval, the approval of the plat will be subject to the owner filing a surety bond or an irrevocable letter of credit with the City Manager or designated agency, in an amount to be determined by the City Manager in consultation with the City's consulting engineer, and other affected agencies or departments, with sureties satisfactory to the City Manager in order to guarantee the installation of the required improvements, allowing credit for improvements completed prior to the submission of the final plat. Upon completion of the improvements and the submission of "as built" drawings, written

notice thereof must be given by the subdivider to the designated consulting engineer. The designated consulting engineer will arrange for an inspection of the improvements and if found satisfactory, will notify the City Manager who will within 30 days of the date of such notification authorize in writing the release of the security given, subject to the warranty requirement below.

4. Maintenance Guarantee. All improvements required by this ordinance shall be guaranteed against defects in workmanship and materials by the subdivider for a period of one year from the date of the filing of the final plat or the date of the completion of the improvement, whichever is later. The subdivider shall file with the City Manager a maintenance bond with adequate sureties in an amount determined by the City Manager or designated consulting engineer to be sufficient to assure proper maintenance and repair of such improvements for the one year warranty period.

8.400 INSPECTION

1. The designated consulting engineer, or other responsible agency must be given sufficient advance notice of the work to be started so that he or she can arrange to make any and all necessary inspections of the work performed.
2. The inspector must be allowed access to all parts of the work, and must be furnished with every reasonable facility to ascertain whether or not the work as performed is in compliance with the specifications.
3. No materials may be placed nor any work performed except in the presence of the inspector without special permission of the appropriate agency. Such inspection, however, does not relieve the contractor from any obligation to perform all of the work strictly in accordance with the specifications.
4. In the case of any disputes arising as to the material furnished or the manner of performing the work, the inspector will have authority to reject materials or suspend work until the question or issue can be referred to and decided by the appropriate agency. The contractor must remove any work or material condemned as unsatisfactory by the inspector and must rebuild and replace the work or material to the standard required by the specifications, all at his or her own expense.

9.000 ENFORCEMENT

1. After the effective date of this ordinance, a plat of a subdivision within the jurisdiction of this ordinance which is filed or recorded in the office of the Register of Deeds of Stanly County without the approval of the City of Locust will be null and void for purposes of this ordinance.
2. Any person who, being the owner or the agent of the owner of any land located within the area of jurisdiction of this ordinance, subdivides land in violation of this ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this ordinance and recorded in the Office of the Register of Deeds of Stanly County shall, upon conviction, be guilty of a misdemeanor which shall be punishable by a fine not to exceed \$500.00, or imprisonment for not more than 30 days for each and every offense. The City of Locust through the City Attorney may enjoin such transfer or sale by action for injunction. All administrative actions relating to such land, including the issuance of any grading, construction, building, or occupancy permit will be suspended. This ordinance will not affect the sale or transfer of any land, a plat of which was recorded prior to the effective date of this ordinance.
3. In order to properly enforce the provisions of the subdivision regulations as stated in this ordinance prior to the beginning of any construction, reconstruction, use, or alteration of any land, building, or structure, the appropriate permit must be obtained from the Stanly County Inspection Department. No permit will be issued unless there has been a determination made that the proposed use, building, or structure complies with the requirements of this ordinance.

10.000 APPLICATION AND PROCESSING FEES

Fees for the submittal of preliminary and/or final subdivision plats and inspection of newly constructed city streets shall be established by the Locust City Council, and shall be collected when a subdivision application is submitted, or at the time of street inspections. Fees shall be collected by the City Manager, employees under his or her direction, or an Administrative Agent designated by the City Council to administer the Subdivision Ordinance.

Fees for variances and appeals of administrative decisions or interpretations shall be in accordance with the fee schedule established by the Locust City Council and shall be collected by the City Manager or employees under his or her direction at the time a variance or appeal is submitted.