

## **CHAPTER 153: SUBDIVISIONS**

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## ***GENERAL PROVISIONS***

### **§ 153.01 TITLE AND APPLICATION.**

(A) Short Title. This chapter shall be known as the "SUBDIVISION REGULATIONS OF THE TOWN OF FRANKLINTON" and referred to as the "Subdivision Regulations."  
(Ord. passed 7-20-83)

### **§ 153.02 PURPOSE.**

(A) The purpose of this chapter is to:

- (1) Establish procedures and standards for subdivisions within the Town's jurisdiction.
- (2) Provide for the orderly growth and development of the Town.
- (3) Coordinate streets within proposed subdivisions with existing or planned streets and other public facilities.
- (4) Provide recreation areas, and street and utility rights-of-way or easements for residents of the immediate neighborhood within the subdivision.
- (5) Distribute population and traffic in a manner that will avoid congestion and overcrowding and create conditions essential to public health, safety, and the general welfare.
- (6) Facilitate adequate provision of water, sewerage, parks, schools, and playgrounds.
- (7) Facilitate the division of tracts into smaller parcels of land.

### **§ 153.03 AUTHORITY.**

These subdivision regulations are adopted and enforced under the authority and provisions of the North Carolina General Statutes (G.S.), Chapter 160A, Article 19, Part 2.

### **§ 153.04 APPLICABILITY AND EXEMPTIONS.**

Subdivisions within the corporate limits of the Town of Franklinton and its duly adopted Extraterritorial Jurisdiction (ETJ) shall comply with these regulations. The following are exempted from these regulations:

(A) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of these subdivision regulations.

(B) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.

(C) The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.

(D) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the Town, as shown in its subdivision regulations.

#### **§ 153.05 SUBDIVISION ADMINISTRATOR.**

The designated Zoning Administrator is hereby appointed as Subdivision Administrator.

#### **§ 153.06 INTERPRETATION.**

The interpretation and application of the provisions of this chapter shall be the minimum requirements adopted for the protection of the public health, safety, and general welfare.

#### **§ 153.07 PREREQUISITE FOR RECORDING FINAL SUBDIVISION PLAT.**

No final subdivision plat shall be recorded in the Franklin County Register of Deeds Office or have any validity until the plat is approved pursuant to these regulations.

#### **§ 153.08 BUILDING PERMITS.**

Building permits may be denied if the requirements of these regulations are not fully complied with, pursuant to G.S. 160A-417

#### **§ 153.09 SEPARABILITY.**

If any section, subsection, sentence, clause or phrase of this ordinance is found to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

**§ 153.10 CONFLICT.**

It is not intended that this chapter repeal, abrogate, annul, impair, or interfere with existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law.

When a conflict exists between minimum standards of these regulations and those contained in other official regulations of the Town, the most restrictive standards shall apply.

**§ 153.11 REPEAL.**

Existing ordinances that are in conflict with this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.

**§ 153.12 VARIANCES.**

When severe topographical or conditions peculiar to the site would cause unnecessary hardship for strict adherence to the provisions of this Ordinance, the Town Board of Commissioners may authorize a variance to the terms of this ordinance to the extent necessary to relieve the unnecessary hardship and to uphold the intent of this ordinance.

**§ 153.13 AMENDMENTS.**

(A) No amendment to this ordinance shall be approved until after the Town Board of Commissioners holds a public hearing.

(B) A notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the Franklinton area.

(C) The notice shall be published the first time no less than ten (10) days and no more than twenty five (25) days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

(D) No amendment shall become effective until after the Planning Board submits its recommendation to the Town Board of Commissioners.

(E) The Planning Board shall submit its report to the Town Board of Commissioners within thirty (30) days from the date the proposed amendment is submitted.

(F) If the Planning Board fails to submit a report as required, the Town Board of Commissioner shall deem that the Planning Board has made a recommendation to approve the amendment.

## ***DEFINITIONS AND INTERPRETATIONS***

### **§ 153.15 RULES OF INTERPETATION.**

The text of this ordinance shall be interpreted under the following rules of construction:

(A) The singular number includes the plural, and the plural the singular.

(B) The present tense includes the past and future tenses.

(C) The word "shall" is mandatory and the word "may" is permissive.

(D) The masculine gender includes the feminine and neutral.

(E) Whenever a word or term defined hereinafter appears in the text of this Code, its meaning shall be construed as set forth in such definition thereof.

(F) All measured distances expressed in feet shall be the nearest tenth of a foot.

### **§ 153.16 DEFINITIONS.**

As used in this ordinance, the following words, terms, and phrases shall have the following meanings:

***ALLEY.*** A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

***APPLICANT.*** The developer or any person that the developer authorizes, in writing, to submit an application for subdivision approval.

***ARTERIAL, MINOR.*** A rural link in a network joining cities and larger towns and providing intrastate and inter-county service at relatively high overall travel speeds with minimum interference to through movement. This network would primarily serve traffic.

***ARTERIAL, PRINCIPAL.*** A rural link in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel and existing solely to serve vehicular traffic.

***ASSOCIATION.*** An organization established to maintain or operate open space, recreation facilities, detention or retention facilities, and other common areas within a planned development. It may include a homeowners' association, tenants association, condominium association, or other similar entity.

**AUTHORITY.** Any board, commission, official, or agency authorized to set, review, or permit a development standard or improvement.

**BUFFER AREA.** A strip of land established to protect one type of land use from an incompatible land use. Normally the area is landscaped and kept as open space but may also include screening.

**CLUSTER SUBDIVISION.** A subdivision in which the lot sizes are reduced below the minimum required by the zoning ordinance in return for the provision of permanent open space.

**COLLECTOR, MAJOR.** A road which serves major intra-county travel corridors and traffic generators and provides access to the arterial system.

**COLLECTOR, MINOR.** A road which provides service to small local communities and links locally important traffic generators with their rural hinterland.

**COLLECTOR, RESIDENTIAL.** A local access street which serves as a connector street between residential local streets and the thoroughfare system. Residential collector streets typically collect traffic from one hundred (100) to four hundred (400) dwelling units.

**COMMON AREA.** An area of land that is used, maintained, or operated by the owners or tenants of a development. Examples may include landscaped medians, buffer areas, dedicated open space.

**COMPREHENSIVE PLAN.** A map or plan adopted by the Town Board of Commissioners to guide development in Franklinton's Planning Jurisdiction. It includes land use plans, small area plans, neighborhood plans, transportation plan, capital improvement plans, and the official zoning map, and the development regulations adopted by the Town to implement these plans.

**CONSTRUCTION PLAN.** Plans, profiles, studies, cross sections and other required specifications for the planned improvements.

**CUL-DE-SAC.** A dead-end having but one end open to traffic and the closed end being permanently terminated with a vehicular turnaround provided.

**DEDICATION.** Land conveyed as a grant to the public and accepted on behalf of the public.

**DENR.** The NC Department of Environment and Natural Resources and its divisions.

**DEVELOPER.** A person with legal authority to develop tracts of land within the bounds of a proposed subdivision either as the owner or with the written consent of the owner.

**DEVELOPMENT.** A construction project that results in a material change in the use or appearance of a structure or property, or a division of land into two (2) or more parcels. "Development" includes the planning for and all other activity customarily associated with it unless otherwise specified.

**DEVELOPMENT PERMIT.** A building permit, zoning permit, subdivision approval, special use or conditional use permit, or any official action that authorizes the use or development of land. Permits from federal, state, and local authorities are included in this definition.

**DEVELOPMENT REGULATIONS.** Zoning, subdivision, building, or other government rule, law, or order stating what may or may not be done or how something must be done with regard to the development of land.

**EASEMENT.** A right to use land of another for designated purposes as shown on a recorded subdivision plat or deed.

**FRONTAGE.** The length of the front of a building or piece of land that abuts a street, river, or lake.

**FRONTAGE ROAD.** A local street or road that is parallel to a full or partial access control facility and functions to provide access to adjacent land.

**HALF-STREET.** A street whose centerline coincides with a subdivision plat boundary, with one-half the street right-of-way width being contained within the subdivision plat. Also any existing street to which the parcel of land to be subdivided abuts on only one side.

**HEALTH DEPARTMENT.** The Franklin County Health Department.

**IMPROVEMENT.** Any structure, lot, infrastructure, or other facility that contributes a physical betterment of real property.

**INFRASTRUCTURE, PRIVATE.** Any water, sewer, drainage structure, roadway, sidewalk, off-street parking area, or other facility for which a non-governmental entity will assume responsibility for maintenance and operation.

**INFRASTRUCTURE, PUBLIC.** Any water, sewer, and/or drainage structure, roadway, parkway, sidewalk, off-street parking area, or other facility for which the Town will assume the responsibility for maintenance and operation, or which will affect an improvement for which local government responsibility is established.

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



**LOT.** An area of land with legally defined boundaries intended as a unit of transfer of ownership, for development, or both.

**LOT AREA.** The total calculated square footage or acreage of a lot.

**LOT, CORNER.** A lot of which at least two adjacent sides abut upon streets or public places, for their full length, which must not be less than a code-specified distance.

**LOT, DOUBLE FRONTAGE.** A lot having frontage on two (2) parallel or approximately parallel streets other than alleys.

**LOT, FLAG.** A lot, often irregular in shape, which provides little more street frontage than that required for access by a vehicle.

**LOT, INTERIOR.** A lot bounded by a street on one side only.

**LOT OF RECORD.** A lot which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of Franklin County prior to the adoption of this chapter, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this chapter.

**LOT, THROUGH LOT.** A lot (with the exception of a corner lot) that has frontage on two public streets.

**NCDOT.** The NC Department of Transportation and its divisions.

**OFF-SITE IMPROVEMENT.** Any improvement located outside the boundary of a subdivision.

**ON-SITE IMPROVEMENT.** Any improvements located on land within the boundary of a subdivision.

**OPEN SPACE.** Land within a development that is left undeveloped and serves as an amenity to surrounding occupants.

**OWNER.** A person or designee, with recorded title to real property.

**PERFORMANCE GUARANTEE.** A contract and surety that may be accepted by the Town to assure that a required improvement will be installed within a specified time frame.

**PERSON.** An individual, corporation, business or land trust, estate, trust, partnership, association, two (2) or more persons with joint or common interest, public agency, or any legal entity.

**PLANNING BOARD.** Franklinton’s designated Planning Agency established pursuant to G.S. 160A-361.

**PLAT.** A map prepared by a licensed surveyor showing the features of a subdivision including streets, lots, easements, common areas, and utilities.

**PLAT, FINAL.** A final subdivision plat that will be recorded in the register of deeds.

**PLAT, PRELIMINARY.** The survey map that shows the features of a proposed subdivision and serves as a draft of the final plat.

**PROPERTY.** Real property subject to development regulations, including any improvements or structures customarily regarded as a part of real property.

**RECREATION AREA OR PARK.** An area of land or combination of land and water resources that is developed for active and/or passive recreation pursuits with various man-made features that accommodate such activities.

**RESERVATION.** A reservation of land that does not involve a transfer of property rights, but constitutes an obligation to keep property free from development for a stated period.

**RESERVE STRIP.** A narrow strip of land overlying a dedicated street to control access to adjacent property.

**REVERSE FRONTAGE LOT.** A lot on which the frontage is at right angles or approximately right angles (interior angles less than 135’) to the general pattern in the area. A reversed frontage lot may also be a corner lot, an interior lot or a through lot.

**RIGHT-OF-WAY.** A strip of land dedicated as public way in which facilities such as streets, sidewalks, railroads, streetlights, or utility lines are built.

**SKETCH PLAN.** A drawing or sketch showing the conceptual layout and design of a proposed subdivision to be used for informal discussion and classification.

**STREET.** Public or private roads, highways, alleys, and other rights-of-way designed for travel by motorized vehicles. Streets are further classified by the function they serve (travel and access).

**STUB STREET.** A temporary dead-end street intended to be extended in conjunction with the development of the subdivision and development of the adjacent land.

**SUBDIVISION ADMINISTRATOR.** Administers the Town’s subdivision ordinance and ensures compliance with all processes, rules and regulations.

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

**THOROUGHFARES, MINOR.** Minor thoroughfares are important streets in the urban system and perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system by facilitating minor through traffic movement and may serve abutting property.

**TOWN BOARD.** The Board of Commissioners of the Town of Franklinton.

**TOWN ENGINEER.** The registered professional Engineer retained by the municipality as staff or a consultant.

**TRANSPORTATION CORRIDOR.** A linear pathway for a particular mode of transportation. It includes built pathways as well as designated pathways which involve no construction at all.

**UTILITY.** Infrastructure for electricity, gas, telephone, cable, and water services such as power plants, sewage treatment plants and others.

## ***SUBDIVISION PROCEDURES***

### **§ 153.20 PURPOSE.**

The purpose of this chapter is to insure that new subdivision development will conform to Town of Franklinton development regulations and standards.

### **§ 153.21 GENERAL PROCEDURES.**

(A) Political boundaries. No singular plat shall extend over a political boundary line without documented notification to affected units of government.

(B) Minor subdivisions. A subdivision is considered minor when:

- (1) No new street improvements or utility extensions are involved.
- (2) No new right-of-way, easements, or common area will be dedicated.
- (3) The size of the tract to be subdivided is five (5) acres or less.

(4) No more than four (4) lots will be created.

(5) No lot that was a part of a previous minor subdivision is involved.

(6) No property in which the developer holds a legal or equitable interest is located adjacent to or directly across a right-of-way from the tract to be subdivided.

(C) Major Subdivision. Subdivisions not considered minor subdivisions shall be major subdivisions.

(D) Review Procedures. The required approvals for minor and major subdivisions are as prescribed below:

(1) Minor subdivision: Sketch plan and final plat.

(2) Major subdivision: Sketch plan, preliminary plat, and final plat.

(3) The abbreviated procedures for minor subdivisions may not be used a second time within three (3) years by anyone who had a legal or equitable interest in the original subdivision at the time it received preliminary or final plat approval.

(E) Application Submission and Distribution:

(1) A complete application shall include the appropriate forms and filing fees, along with the requisite number of copies of the subdivision plat. Application forms are available at the office of the Subdivision Administrator.

(2) The Subdivision Administrator shall determine if the application is complete. If the application is not complete, the applicant shall be sent a written notice of deficiencies.

(3) After finding the application complete, the Subdivision Administrator shall distribute copies to the appropriate members of the Planning Board and outside authorities.

(F) Filing Fees: Filing fees shall be set by the Town Board of Commissioners to defray the costs associated with the application. Such cost may include but is not limited to: the costs involved to process and review the application, the cost to advertising meetings and hearings on the application, and the cost to inspect improvements in the subdivision.

(G) Deadline and Expiration Dates.

(1) Deadlines for review and action shall begin on the date a complete application is submitted.

(2) Submission deadlines and expiration dates established in this ordinance shall extend to the close of business on the specified date or the next business day when the Town is closed for business.

(3) The applicant may waive review deadlines by making a written request for waiver to the Subdivision Administrator.

(H) Review by Outside Authorities.

(1) The developer is responsible for securing permits from the appropriate outside authorities.

(2) Such authorities may include but are not limited to: the Health Department, the County Soil Conservation Service, NCDOT District Engineer (four copies) and DENR, utility companies, or any outside agency or official responsible for setting or enforcing development standards. (Ord. passed 7-20-83)

**§ 153.22 SKETCH PLAN APPROVAL.**

(A) The purpose of the sketch plan review is to allow the developer to consult informally with the Town about the general design of the subdivision. Such consultation can help the developer avoid having to make revisions after preparing the preliminary and final plat and detailed construction plans.

(B) Application and Distribution.

The developer shall provide with the sketch plan application six (6) copies of the sketch plan, which shall contain the following:

(1) A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;

(2) The boundaries of the tract and the portion of the tract to be subdivided;

(3) The acreage of the tract and of the portion of the tract to be subdivided;

(4) The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;

(5) The existing and proposed street layout, right-of-way width, lot layout, setback, and lot size;

different;

- (6) The name, address, and telephone number of the owner and developer if

- (7) The proposed name of the proposed subdivision;

- (8) Streets and lots of adjacent developed or platted properties;

- (9) The zoning classification of the tract and of adjacent properties;

- (10) If septic tanks or other onsite water or wastewater systems are proposed for any lot in the subdivision, a statement from the Franklin County Health Department that a copy of the sketch plan has been submitted to them.

(C) After finding the application complete, the Subdivision Administrator shall distribute copies to the appropriate staff members and interested outside authorities.

(D) Administrative Meeting.

- (1) The Subdivision Administrator shall schedule a meeting with the applicant and staff to discuss the application and report.

- (2) The staff recommendations may be appealed to the Planning Board.

- (3) The Planning Board's decision may be appealed to the Town Board of Commissioners.

(E) Effect of Sketch Plan Approval.

- (1) Sketch plan approval is conceptual and does not constitute formal approval of the subdivision plat.

- (2) It merely authorizes the applicant to proceed with the next stage of the review process.

(F) Effective Period of Sketch Plan Approval.

- (1) Sketch plat approval shall be effective for six (6) months after the date of approval unless extended for good cause by the Town Board of Commissioners after the applicant makes a written request justifying the extension.

#### **§ 153.23 PREMILIMINARY PLAT APPROVAL.**

(A) Preliminary approval required.

(1) The purpose of the preliminary plat is to present plans for constructing the subdivision and its improvements as well as a draft of the final plat of the subdivision.

(2) During preparation of the preliminary plat, it is recommended that the developer consult with staff members and outside authorities concerned with the subdivision and associated improvements.

(3) The preliminary plat and construction plans shall be based upon the general design shown on the approved sketch plat together with the recommended changes.

(4) Preliminary plat applications shall be reviewed and acted upon as a special use permit.

(B) Application Submission and Distribution.

(1) The developer shall submit twelve (12) black or blue line copies of the preliminary plat and five (5) copies of the engineering construction plans containing the information and documents described in this chapter along with the appropriate application forms and fees.

(2) Additional copies may be required as needed for affected outside reviewing authorities.

(3) If a change in zoning is required, an application for rezoning may be considered in conjunction with the preliminary plat application.

(4) If the application is complete, the Subdivision Administrator shall distribute one (1) copy of the preliminary plat and two (2) copies of the construction plans to the Town Engineer and the remaining copies shall be routed to the staff members and affected outside reviewing authorities and utility companies.

(C) Staff Report.

(1) The staff shall review the preliminary plat and provide its written comments to the Subdivision Administrator within five (5) days of its receipt.

(2) The Subdivision Administrator shall prepare a report of staff recommendations and forward copies to the applicant.

(3) The Planning Board shall be mailed copies of the preliminary plat application, staff report, and any comments from outside agencies at least five (5) days before the date of the meeting where it will first consider the application.

(D) Planning Board Review and Recommendation.

(1) The Planning Board shall first consider the preliminary plat at the next regular meeting held at least fifteen (15) days after application is submitted.

(2) The Planning Board shall have thirty (30) days after first considering the application to send (along with the staff report) to the Town Board of Commissioners its written recommendation to approve, approve with conditions, or deny the application.

(3) The Town Board of Commissioners by a unanimous vote may extend the time allotted for review for an additional period of no more than sixty (60) days.

(4) If the Planning Board fails to send its recommendation within the allotted review period, they may appeal to the Town Board of Commissioners for approval of the preliminary plat.

(E) Public Hearing:

(1) No preliminary plat may be approved until after the Town Board of Commissioners holds a public hearing on the application.

(2) Said hearing shall be held within thirty (30) days after receiving the Planning Board's written recommendation or from the date the applicant appeals to the Town Board of Commissioners.

(F) Notice of Hearing: The notice advertising the public hearing shall meet the following requirements:

(1) Contents of the notice shall:

- (a) Describe the purpose of the hearing.
- (b) Provide the date, time, and location of the hearing.
- (c) Describe the location of the proposed subdivision.

(2) The notice shall be mailed as follows:

(a) A notice shall be mailed to the developer, the property owner, owners of neighboring properties adjacent to all sides as listed in the Franklin County Tax records.



(b) The notice shall be deposited in the mail between ten (10) and twenty five (25) days before the date of the public hearing.

(c) The person mailing such notices shall certify that fact to the Town Board of Commissioners and such certificate shall be deemed conclusive in the absence of fraud.

(3) The notice shall be published as follows:

(a) A notice shall also be advertised once a week for two (2) successive calendar weeks in a newspaper having general circulation in Franklinton.

(b) The first notice shall be published between ten (10) and twenty five (25) days before the date of the hearing.

(c) In computing such period, the day of publication shall not to be included but the day of the hearing shall be included.

(4) The notice shall be posted: One or more signs prominently located on or in the immediately vicinity of the tract to be subdivided.

(G) Town Board Action.

(1) The Town Board of Commissioners shall have thirty (30) days after the close of the public hearing to approve, approve with conditions, or deny the preliminary plat.

(2) The concurring vote of a majority of Board members is required to approve a preliminary plat.

(3) The Town Board of Commissioners shall consider the application, the evidence presented at the hearing, and the Planning Board recommendation in rendering its decision.

(H) Preliminary Plat Approval:

(1) Preliminary plat shall be approved if it conforms to the requirements of this Ordinance and the conditions listed under Section 154.056 of the Zoning Code.

(2) The Town Board of Commissioners motion to approve the preliminary plat shall include language stating that all of the findings required for approval are satisfied.

(3) A notation of approval shall be stamped on three (3) copies of the plat: one (1) copy retained by the Subdivision Administrator, one (1) copy given to the Town Engineer, and one (1) copy returned to the applicant.

(4) If the plat is denied, the reasons shall be noted on one (1) copy of the preliminary plat retained by the Town and one (1) copy returned to the applicant.

(5) If the Town Board of Commissioners finds that the plat requires revision or additional information is needed before making a decision, the hearing shall be continued pending submittal of revisions or additional information.

(I) Effects of preliminary plat approval. If preliminary plat is approved, the applicant may proceed with preparing the final plat and with constructing improvements pending approval of construction plans by the appropriate authorities.

(J) Effective Period of Preliminary plat.

(1) Approval shall be valid for two (2) years unless a longer period is otherwise provided by the Town Board of Commissioners.

(2) Extensions may be granted by the Town Board of Commissioners if the developer submits a letter justifying the request for extension and the Town Board of Commissioners finds that:

(a) Exceptional circumstances or extraordinary hardship justify such requests,

(b) Work is actively progressing on completing the improvements, and

(c) No change in conditions within or adjoining the preliminary plat has occurred to warrant revising the design of the original preliminary plat.

#### **§ 153.24 CONSTRUCTION AND INSPECTION OF IMPROVEMENT.**

(A) Construction of improvements.

(1) No construction shall begin and no preliminary work shall be done except during the effective period of preliminary plat approval and after construction plans are approved by the appropriate authorities.

(2) The developer shall provide the Town Engineer with documented evidence that required permits are secured and with written notice of when construction will begin.

(B) Observation during construction.

(1) The Town Engineer may observe construction of improvements to be dedicated to the Town to determine compliance with these regulations.

(2) The developer shall install and maintain improvements in a manner that will allow the Town Engineer and the appropriate authorities to observe improvements.

(C) As-built plans.

(1) Upon completing improvements in the subdivision and before scheduling final inspection, the developer will have a registered Engineer or surveyor check the final as-built elevations and locations of all improvements shown on the approved construction plans and preliminary plat; and this information will be recorded on as-built reproducible drawings, which four (4) copies shall be provided to the Subdivision Administrator who will distribute.

(2) Any variations from the original plans will be reviewed by the Town Engineer. Should the Town Engineer reject such variation, the developer shall immediately take the necessary corrective measures to ensure the subdivision complies with the original plans.

(D) Final Inspection

(1) Upon receiving a copy of the as-built drawings, the Town Engineer shall make a final inspection of improvements that will be dedicated to the Town.

(2) Inspection fees covering the anticipated cost of inspection shall be paid by the developer before a zoning permit can be issued on any lot in the subdivision.

(3) If the Town Engineer finds that improvements are defective or deficient, the Town Engineer shall send the developer a written punch list of defects or deviations.

(4) The applicant shall have sixty (60) days to take the necessary corrective measures to ensure the improvements comply with the approved plans.

(E) Certificate of Completion.

(1) No dedication of required and proposed improvements will be accepted by the Town unless the Town Engineer certifies that the completed improvements comply with town standards and the approved construction plans.

(2) The subdivision's water, sewage, and other utility systems must have final approval of the appropriate public authority and utility company immediately after construction of these systems and before they will be accepted for public dedication and maintenance.

(F) Performance guarantee.

(1) Performance Guarantee. The developer may post a performance guarantee in lieu of completing improvements before final plat approval.

(2) The performance guarantee shall include:

(a) A contract where the developer promises to satisfactorily complete improvements no later than two (2) years from the date final plat is approved or any additional period specified in the contract.

(b) A guarantee deposit equal to 8 percent of the estimated cost of improvements, including associated engineering, legal, and administrative fees, as provided by the developer's Engineer and approved by the Town Engineer.

(c) These funds may only be used to pay the costs associated with completing the improvements in case of developer default.

(3) The developer may guarantee the contract with one or a combination of the following instruments:

(a) A Surety Bond issued by a surety bonding company authorized to do business in North Carolina. The bonds duration shall be until the improvements are accepted by the Town.

(b) An Irrevocable Letter of Credit issued by or confirmed by a financial institution approved by the Town Board of Commissioners. Any such credit shall bear an expiration date that exceeds the expiration date of the guarantee contract by at least six (6) months.

(c) Cash, cashier's check, certified check, or other instrument readily convertible to cash deposited with the Town or in escrow with an official depository of the Town. Instruments other than cash shall be subject to Town Board of Commissioners approval. If a cash escrow is used, the escrow agreement shall provide:

(1) That the escrow account be held in trust until released by the Town Board of Commissioners and may not be used or pledged in any other manner except as stated in the guarantee contract; and

(2) If the applicant fails to complete improvements satisfactorily within two (2) years, the escrow agent will immediately deliver the funds to the Town whenever the Town Board of Commissioners submits an Engineer's estimate of the amount needed to complete the improvements satisfactorily, up to the full balance of the escrow account.

(G) Extension of Performance Guarantee. Upon proof of extenuating circumstances by the applicant, the Town Board of Commissioners may extend the completion date set in the performance contract and may require an increase in the guarantee amount to cover increases in cost.

(H) Reduction or Release of Guarantee.

(1) The Town Board of Commissioners shall reduce the guaranteed amount when improvements have been certified as complete, but only to the ratio that the completed improvements bears to the total cost of improvements for the subdivision.

(2) In no event shall funds be reduced to less than twenty five (25) percent of the original principal amount or \$5,000, whichever is greater.

(3) When the Town Board of Commissioners accepts dedication of the final portion of improvements, it shall release the remaining funds.

#### **§ 153.25 FAILURE TO COMPLETE IMPROVEMENTS:**

(A) The developer shall be deemed to have failed to complete the subdivision improvements if said improvements are not certified as complete within the timeframe established by this ordinance or the performance contract.

(B) If a performance guarantee was not posted, previous plat approvals for the subdivision shall be void and future applications shall be subject to current regulations.

(C) If a performance guarantee was posted; the Town may declare the developer in default of the agreement and may take any of the following actions:

(1) Require that improvements be installed immediately;

(2) Obtain funds from the security deposit and complete the improvements itself or through a third party; or

(3) Exercise other remedies allowed by law to complete improvements.

#### **§ 153.26 MAINTENANCE OF IMPROVEMENTS PRIOR TO DEDICATION.**

The developer shall maintain subdivision improvements until the appropriate Town or other public authority formally accepts the improvements for maintenance or the party to be responsible for maintaining the improvement is legally established and the developer has recorded a declaration of covenants and restrictions, articles of incorporation, by-laws, and

other instruments that will provide for the permanent maintenance and control of such improvements.

**§ 153.27 EFFECT OF PLAT APPROVAL ON DEDICATIONS.**

(A) Pursuant to G.S. §160-374, plat approval shall not constitute or effect the acceptance by the Town or public of the dedication of any public improvement shown on the plat. However, the Town Board of Commissioners may, by resolution, accept any dedication of lands or facilities made to the public for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within the jurisdiction of these regulations.

(B) Acceptance of dedication of lands or facilities located within the subdivision regulation jurisdiction but outside the corporate limits of the Town shall not place on the Town any duty to open, operate, repair, or maintain any street, utility line, or other land or facility and the Town shall in no event be held to answer in any civil action or proceeding for failure to open, repair or maintain any street located outside its corporate limits.

**§ 153.28 REVISIONS TO AN APPROVED PRELIMINARY PLAT.**

(A) Unless deemed minor by the Subdivision Administrator, revisions to an approved preliminary plat shall be reviewed and decided following the procedures for preliminary plat approval. Minor revision may be approved by the Subdivision Administrator.

(B) Minor revisions include:

- (1) Insignificant shifts in street and common areas locations.
- (2) Minor changes to lot size, unit size, or distribution.
- (3) Minor shifts in lot lines.

(4) Changes that do not alter the layout and intensity of the approved plat, continue to meet the requirements of this ordinance, and have no significant impact on existing or proposed infrastructure improvements.

(C) Major revisions include revisions that are not deemed minor, including revisions that constitute a public interest.

**§ 153.29 FINAL PLAT APPROVAL.**

(A) Final plat approval required. No final plat shall be recorded in the register of deeds except as approved by the Town Board of Commissioners.

(B) Application. Applications for final approval shall include:

- (1) A fully executed application form.
- (2) One (1) original reproducible tracing and five (5) black or blue line copies of the final plat. Additional copies may be required of the developer as needed for review by other agencies.
- (3) Appropriate filing fees, inspection fees, and water and sewer fees, recreation fees.
- (4) One (1) copy of the proposed covenants and restrictions to be filed with the subdivision.

(C) Review by staff. The Subdivision Administrator shall confer with a consulting register land surveyor, the Town Engineer, and other staff members to verify that the plat is accurate and complete, and conforms to the standards under subsection (E) of this section.

(D) Final Action by Subdivision Administrator.

(1) The Subdivision Administrator is authorized to approve a final plat on behalf of the Town Board of Commissioners.

(2) The Subdivision Administrator shall have ten (10) days after the final plat application is submitted to approve or deny the final plat.

(3) If the Subdivision Administrator fails to render a decision within the allotted review period, the applicant may appeal directly to the Town Board of Commissioners for final action.

(4) If final plat is deficient, the Subdivision Administrator shall disapprove the plat and advise the applicant of deficiencies.

(5) The applicant may correct the deficient items and submit a revised plat for reconsideration, or may appeal the decision to the Town Board of Commissioners.

(6) Approval of the final plat shall be noted on the face of the final plat.

(E) Required findings. Before final plat can be approved:

(1) The plat must conform with the approved sketch plan and preliminary plat, conditions stipulated by the Town Board of Commissioners, and applicable development regulations.

(2) The appropriate authorities must have certified that the required and proposed subdivision improvements are complete or the developer must have posted sufficient performance guarantee for any incomplete improvement.

(F) Appeals to the Town Board of Commissioners. Appeals shall be filed within thirty (30) days after the Subdivision Administrator takes final action or fails to take final action within the allotted time. The Town Board of Commissioners shall take final action on appeals within sixty five (65) days after it has been filed.

#### **§ 153.30 RECORDING THE FINAL PLAT.**

(A) If the final plat is approved, the applicant shall record the original tracing with the Franklin County Register of Deeds within ten (10) days after the date of approval or the approved plat shall expire.

(B) The applicant is responsible for filing fees charged for recordation.

(C) The applicant must provide the Subdivision Administrator with four (4) blue line copies of the recorded plat before a zoning permit can be issued for any lot in the subdivision.

#### **§ 153.31 FINAL PLATTING A PORTION (PHASE) OF A SUBDIVISION.**

(A) The applicant may record final plats in phases subject to the provisions of this section.

(B) Each phase must contain area sufficient to install improvements economically. If possible, each phase shall contain at least twenty (20) lots.

(C) The initial phase of the final plat must be approved by the effective date of preliminary plat approval. For the period within five (5) years of original approval of the preliminary plat, approval of one phase of the final plat shall automatically extend preliminary approval for the remaining section by one (1) year so long as construction is in progress in any section. Beyond this five year period, an extension in accordance with this chapter shall be required.

#### **§ 153.32 RECOMBINATION AND RESUBDIVISION OF LAND.**

(A) Before any lot is sold, the owner may vacate any part of a subdivision plat by a written instrument declaring same to be vacated. A copy of the plat shall be attached to said instrument. Such an instrument shall be approved by the agencies that approved the final plat.



(B) The Town Board of Commissioners may reject any such instrument, which abridges or destroys any public rights in any of its public uses, improvements, easements or right-of-ways.

(C) Such an instrument shall be executed, acknowledged or approved, and recorded and filed in the same manner as a final plat; and being duly recorded or filed, shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.

(D) When lots have been sold, the plat may be vacated in the manner provided in divisions (A) through (C) by all owners of the lots in such plat joining in the execution of such writing. (Ord. passed 7-20-83)

(E) For any platting or re-subdivision of land, the procedures, rules, and regulations governing the original subdivision shall apply.

### ***PLAT REQUIREMENTS AND CERTIFICATIONS***

#### **§ 153.35 GENERAL REQUIREMENTS.**

(A) Preliminary and final plats shall be prepared by a Registered Land Surveyor or Professional Engineer licensed to practice in North Carolina, and drawn to comply with GS 47-30.1 and the latest version of the “Manual of Practice for Land Surveying in North Carolina.”

(B) Final plats shall be of reproducible material and size suitable for recording in the Franklin County Register of Deeds. Prints shall be at a legible scale of at least one (1) inch equals 100 feet. Plats may be placed on more than one (1) sheet with appropriate match lines.

(C) Plats shall show sufficient detail determined by the Planning Board or Town Board of Commissioners to be pertinent to the review of the plat, and shall contain or be accompanied by the following information and documents unless judged by the Town Board of Commissioners as unnecessary to complete subdivision review.

<b>Information</b>	<b>Preliminary Plat</b>	<b>Final Plat</b>
<b>X – required to submit</b>		
<b>Title Block and Site Information:</b>		
<b>Name of subdivision</b>	<b>Proposed</b>	<b>Approved</b>
Stage of approval (Preliminary Plat, Final Plat)	X	X
Property location (including city, township, county, state)	X	X

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Information	Preliminary Plat	Final Plat
<b>X – required to submit</b>		
Date map prepared and revised if applicable.	X	X
Date of survey	X	X
Scale of map: in feet per inch in text or figures	X	X
A bar graph	X	X
Name, address, and telephone number of land surveyors, engineers, architects, planners, etc. responsible for subdivision	X	X
Developer's name, address, and telephone number	X	X
Name, address, and telephone number of property owners (if not developer), mortgagees, and lien holders	X	X
Names of adjoining property owners and subdivisions of record or under review	X	X
Zoning districts within tract to be subdivided and adjacent properties	X	X
Tax map, block, and parcel number of tracts to be subdivided	X	X
Vicinity map, showing relationship of subdivision to surrounding properties, streets within 250 feet, and waterways	X	X
Acreage of tract to be subdivided	X	X
Acreage in parks and recreation areas, and other common areas	X	X
Total number of lots proposed	X	X
Linear feet of streets	X	X
Acreage in newly dedicated right-of-way	X	X
Map Details		
North arrow and orientation	X	X
Proposed lot lines and dimensions	X	X
Lot and block numbers, numbered consecutively throughout subdivision	X	X
Size of lots in subdivision: square footage if less than 1 acre, acreage if more than 1 acre.	X	X
Town limits, county lines, and etj boundaries located within 200 feet of the tract	X	
Boundaries of the tract to be subdivided distinctly and accurately represented with all bearings and distances	X	X
Boundaries of tract to be subdivided, fully dimensioned by length, bearings, and locations of intersecting boundary lines of adjoining properties		X
Existing property lines on tract to be subdivided and adjoining properties. If existing property lines are to change, label as "old property line" and show as dashed lines	X	X

Information	Preliminary Plat	Final Plat
<b>X – required to submit</b>		
Location of existing buildings to remain on the site and adjoining properties, indicating setbacks from proposed lot lines.	X	X
Name and location of local, state, or nationally designated historic property or building on the tract to be subdivided and adjoining properties	X	X
Railroad lines and right-of-way, bridges, culverts, and storm drains on the site and adjoining properties	X	X
Location and dimensions of areas to be dedicated or reserved for public use, school sites, open space or common areas, buffer areas, private recreation, with the purpose of each stated.	X	X
Location, dimension, and type of easements	X	X
A schedule of zoning district requirements including minimum lot size, width, depth, yard setbacks, building coverage, etc.	X	
Environmental Conditions	X	
Water courses, lakes, ponds, and streams	X	X
Wetlands delineated	X	
Location of mature trees 12 inches or more in diameter	X	
Location of flood hazard areas from FHB and other known flood prone areas	X	X
Field located properly sized drainage easements with dimensions from centerline of easement to property line and location of course changes	X	
Boundary and name of water supply watershed within the tract being subdivided.	X	
Topographic map featuring contours of no greater than 2 feet at a scale of not less than 1 inch = 200 feet.	X	X
Any other natural feature affecting the site	X	
Proposed Streets	X	X
Existing and proposed rights-of-way lines and centerlines within and adjacent to tract being subdivided	X	X
Right-of-way width and dimensions within and adjacent to tract being subdivided	X	X
Pavement width of existing and proposed streets within and adjacent to the tract being subdivided	X	X
Approximate grades	X	
Design engineering data for all corners and curves	X	X
Typical street cross sections	X	X
Names of existing and new streets within and adjacent to property being subdivided.	Proposed	Approved

Information	Preliminary Plat	Final Plat
<b>X – required to submit</b>		
Signatures and Notations		X
Registration number and seal of land surveyor and engineer	X	X
Location and description of monuments, markers, and control corners.	X	X
Notes, Certificates, and Endorsements (See Section 153.36 for wording)	X	X
Notes of restrictions or conditions for approval	X	X
Deed references		X
Documents		X
Soil Classification Survey	X	
Construction plans and specifications for improvements	X	
Disclosure statement (Private Streets only)		X
Deed restrictions and covenants	X	X
Association agreements if common areas or private recreation areas are involved	X	X
Statement of approval of Public Improvements, if completed and accepted		X
Approved performance guarantee for incomplete Improvements		X
A copy of soil erosion plan submitted to appropriate authority if required		X

### § 153.36 NOTES, CERTIFICATES, AND ENDORSEMENTS.

The following notes, certificates, and endorsements shall appear on all copies of the Final Plat, as applicable.

#### (A) CERTIFICATE OF OWNERSHIP AND DEDICATION

I hereby certify that I am the owner of the property shown and described herein, is located in the jurisdiction of the Town of Franklinton, and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines and dedicate all streets, alleys, parks, and other sites and easements to public and private use as noted. Furthermore, I hereby dedicate all storm water collection systems to the Town of Franklinton.

Owner: \_\_\_\_\_,

Title (if a corporation) \_\_\_\_\_

\_\_\_\_\_  
Date

(B) CERTIFICATE OF SURVEY AND ACCURACY

I, **[name of registered surveyor]**, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book \_\_\_\_\_, page \_\_\_\_\_, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book \_\_\_\_\_, page \_\_\_\_\_; that the ratio of precision as calculated is 1:\_\_\_\_\_; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this \_\_\_\_\_ day of **[month]**, **[year]**.

\_\_\_\_\_  
Surveyor

Seal or Stamp of Surveyor

Registration Number

(C) CERTIFICATE OF APPROVAL OF THE DESIGN AND INSTALLATION OF STREETS, UTILITIES, AND OTHER REQUIRED IMPROVEMENTS.

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

\_\_\_\_\_  
Subdivision Administrator  
(Ord. passed 7-20-83)

(D) CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of Franklinton North Carolina and that this plat has been approved by Town Board of Commissioners for recording in the Office of the Register of Deeds of Franklin County.

---

Subdivision Administrator  
Franklinton, North Carolina

---

Date

(E) REVIEW OFFICER'S CERTIFICATION

State of North Carolina  
County of Franklin

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

---

Review Officer

---

Date

***SUBDIVISION DESIGN AND IMPROVEMENTS***

**§ 153.37 SUBDIVISION DESIGN STANDARDS.**

The design and layout of subdivisions (including street alignment, grades, and width; alignment, and width of easements and right-of-way for drainage and sanitary sewers, and other utilities; and the arrangement, orientation, and dimensions of lots, common areas, and open space) shall comply with the standards of these regulations and the official Town comprehensive plan, including the Future Land Use Plan, the Transportation Plan, the Zoning Code, and all other applicable development regulations.

**§ 153.38 IMPROVEMENTS REQUIRED.**

(A) The improvements required by this ordinance or proposed by the developer to serve the proposed subdivision shall be designed and constructed in accordance with the standards and procedures set forth by the Town of Franklinton and with sound engineering practices.

(B) Additionally, all subdivision improvements shall comply with federal, state, and county government regulations and the standards of utility companies serving the proposed

subdivision. The design and construction of improvements shall be approved by the Town Engineer and the appropriate permitting authority and utility provider.

(C) The developer shall be responsible for any improvements that are required to accommodate the increased demand generated by the development of the new subdivision.

**§ 153.39 LAND SUITABILITY.**

(A) Land known to be subject to inundation or in areas which, for other reasons such as topography, are unsuitable for subdivision development, shall not be subdivided or developed unless the developer make adequate provisions to solve the problems created by the unsuitable condition. Such land shall be set aside or develop for such uses that do not pose a threat or danger to public health, safety, or welfare of inhabitants of the subdivision or the surrounding areas.

(B) Land subject to inundation shall be clearly indicated on the plat

(C) Areas used for solid waste disposal shall not be subdivided unless tests by the Health Department, a structural Engineer, and a soils expert find that the land is suitable for the intended purpose.

(D) Flood Prevention.

(1) Subdivision proposals shall be consistent with the need to minimize flood damage.

(2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed to minimize flood damage. (Ord. passed 7-20-83)

(E) Natural Features. Subdivision and other development site design shall protect and preserve stands of mature trees and other areas of significant natural vegetation, water courses, historic sites or similar features which, if preserved, will add attractiveness and stability to the proposed development.

**§ 153.40 SUBDIVISION NAME.**

(A) The name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in Franklin County.

(B) The Town Board of Commissioners shall have final approval on the name of the subdivision.

(C) A homeowners or similar association shall maintain subdivision identification signs and the area in which they are located.

**§ 153.41 MONUMENTS.**

(A) Permanent reference monuments in the subdivision shall be placed as specified by state rules or law and as approved by a Registered Land Surveyor.

(B) Unless otherwise specified, the “Manual of Practice for Land Surveying” as adopted by the State Board of Registration for Professional Engineers and Land Surveyors shall apply when conducting surveys for subdivisions to determine the accuracy for surveys and placement of monuments, control corners, markers, and property corner ties; to determine the location, design, and material of monuments, markers, control corners, and property corner ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions.

**§ 153.42 LOTS.**

Lots in each subdivision shall be designed and improved as prescribed in this section.

(A) Lot Design.

(1) Lot dimensions shall conform to the requirements of the Zoning Ordinance.

(2) Lots where a private water or sewer system is proposed shall also comply with the requirements of the County Health Department.

(3) Corner lots shall be of sufficient dimensions as to allow buildings to conform to front yard setback requirements on both streets except where, in the opinion of the Town Board of Commissioners, a waiver should be granted.

(4) Areas subject to inundation of water, wetlands, and other areas considered unbuildable shall not be included in computation of lot area.

(5) Buffer areas shall not count toward meeting lot area and setback requirements.

(6) Lot sizes, shapes and locations shall be made with due regard to topographic conditions, their contemplated use, and the character of the surrounding area.

(7) Commercial and industrial lots shall be of sufficient size to accommodate off-street parking for patrons and employees and off-street loading requirements for businesses.

(8) Side lot lines shall be approximately at right angles to street lines or radial to curved street lines.



(9) Every lot must abut an improved public or private street for a minimum width of thirty five (35) feet at the lot line.

(10) Double-frontage lots shall be prohibited except where needed to minimize direct access to major streets or to overcome specific disadvantages of topography and orientation.

(11) Where double-frontage lots are permitted, access to those lots shall be restricted to one street. Such restrictions shall be noted on the final plat.

(12) Lot lines common to the street right-of-way shall be the front lot line.

(13) Lots shall be arranged, wherever feasible, so that the rear lot line does not abut the side lot line.

(B) Lot Drainage.

(1) Lot layout shall provide positive drainage away from buildings.

(2) Individual lot drainage shall be coordinated with the general storm drainage patterns for the area.

(3) Drainage design shall avoid concentrating storm water from one lot to an adjacent lot.

(C) Lot Remnants. Remnants of lots left over after subdividing a larger tract that does not meet zoning standards must be added to adjacent lots rather than remain as an undevelopable or substandard parcel.

**§ 153.43 BLOCKS.**

(A) Block Widths.

(1) Blocks widths shall allow two (2) tiers of lots of appropriate depth except where topography, highway, railroads, utility lines, or other physical features would not permit.

(2) Blocks widths in business or industrial development shall be suitable for their respective use.

(3) Block Lengths. Blocks shall be between four hundred (400) feet and twelve hundred (1200) feet long except where topography or other conditions justify a departure from this requirement.

(4) A pedestrian easement of not less than fifteen (15) feet wide may be required in blocks longer than eight hundred (800) feet when the Town Board finds it essential for safe and convenient access to schools, playgrounds, shopping areas, utilities, and other community facilities.

(5) Block Numbers. Block numbers shall conform to the Town's street numbering system. (Ord. passed 7-20-83)

**§ 153.44 STREETS AND ALLEYS.**

(A) Street design standards.

(1) Street design shall provide for:

(a) Safe and efficient movement of traffic;

(b) Convenient access to lots in the subdivision, parks, schools, and other places of public assembly, shopping, and other community activities;

(c) An important link to the Town's drainage system; and

(d) Safe on-street parking.

(2) Public streets shall be improved to the latest version of the NCDOT Subdivision Roads Minimum Construction Standards or Town standards, whichever is stricter.

(3) Nonresidential subdivision streets shall be designed and constructed in accordance with F-4 of the NCDOT Subdivision Roads Minimum Construction standards or with Town standards, whichever are stricter. (Ord. passed 7-20-83).

(4) NCDOT Permit.

(a) A permit from NCDOT is required to connect subdivision streets or driveway to the state road system.

(b) The applicant shall secure said permit prior to construction of any improvement.

(c) Applications are available at the office of the District Engineer of the Division of Highways.

(B) Types of streets required. (Ord. passed 7-20-83)

(1) Public streets shall be dedicated to the Town or State as determined appropriate by the Town Board of Commissioners.

(2) Public streets to be dedicated to NCDOT must be approved and accepted by the NC Department of Transportation.

(3) Public streets not dedicated to the Town which are eligible for acceptance into the State Highway System shall be constructed to the standards necessary to be put on the State Highway System or the standards in this chapter, whichever is stricter, in regard to each particular item and shall be put on such system.

(4) Streets not dedicated to the Town which are not eligible to be put on the State Highway System because there are too few lots or residences shall be dedicated to the public and shall conform to the standards in this chapter or the standards necessary to be put on the State Highway System, whichever is stricter in regard to each particular item, so as to be eligible to be put on the system at a later date.

(5) A written agreement with provisions for maintenance of the street until it is put on the State System shall be included with the final plat.

(C) Street Disclosure Statement. (Ord. passed 7-20-83)

(1) Streets shown on the final plat shall be designated as public or private in accordance with G.S. §136-102.6 and designation as public shall be conclusively presumed an offer of dedication to the public.

(2) Where streets are dedicated to the public but not accepted into Town or State system, a statement explaining the status of the street shall be included with the final plat.

(D) Half Streets.

(1) The dedication of half streets of less than sixty (60) feet at the perimeter of a new subdivision shall be prohibited.

(2) If circumstances render this impracticable, adequate provision for the concurrent dedication of the remaining half of the street shall be furnished by the developer.

(3) Where a half-street exists in an adjoining subdivision, the remaining half shall be provided by the proposed subdivision. However, in circumstances where more than sixty (60) feet of right-of-way as required, a partial width right-of-way, not less than sixty (60) feet in width, may be dedicated when adjoining undeveloped property is owned or controlled by the developer; provided that the width of the partial dedication

is such as to permit the installation of such facilities as may be necessary to serve abutting lots.

(4) When the adjoining property is subdivided, the remainder of the full required right-of-way shall be dedicated. (ord. Passed 7-20-83)

(E) Access to Major Streets. Where a subdivision adjoins an arterial or collector street, highway, or other major street, one of the following may be required to minimize direct access to major streets,

(1) Common driveways shared by two or more lots fronting on the major street

(2) A marginal access road parallel to the major street, which functions as a service drive for lots fronting on the major street, or

(3) Lots along the major street may be double frontage lots with no direct access to the major street. Such restrictions shall be noted on the final plat.

(F) Coordination with existing street system and adjacent properties.

(1) The location, grade, width, and character of subdivision streets and street right-of-ways shall be coordinated with the existing or planned streets of the surrounding area and the official transportation plan.

(2) Where possible, new streets and rights-of-way shall align with existing or planned streets and rights-of-way.

(3) When necessary to provide access to adjacent properties, the Town Board may require streets in the proposed subdivision be improved or dedicated to the boundary of the adjacent property.

(4) Substandard streets adjacent to the proposed subdivision shall be improved to applicable Town and NCDOT standards.

(5) Where a proposed subdivision abuts a street improvement designated in the official transportation plan, the developer shall plat and dedicate the land required to accommodate said improvements in the location shown in the plan.

(6) The Town Board of Commissioners may require the developer to establish lots beyond the minimum standards in the zoning code to accommodate planned street improvements.

(G) Street right-of-way design.

(1) Right-of-way widths. Right-of-way widths shall be as shown in the transportation plan, and where not shown, shall be no less than the following:

<b>Rural</b>		<b>Minimum Right-of-Way (feet)</b>
Principal Arterial	Freeways	350
	Other	200
Minor Arterial		100
Major Collector		100
Minor Collector		100
<b>Urban</b>		<b>Minimum Right-of-Way (feet)</b>
Major Thoroughfare other than Freeway or Expressway		90
Minor Thoroughfare		70
Residential Collector		60*
Local Street		60*
Cul-de-sac		Variable**
* If curb and gutter is provided, 50 feet of right-of-way is adequate on local residential streets.		
**The right-of-way dimension will depend on radius of vehicular turnaround. Distance from edge of pavement of turnaround to right-of-way should not be less than distance from edge of pavement to right-of-way on street approaching turnaround.		

(2) Additional street right-of-way may be required where underground utilities, sidewalks, on-street parking, and drainage facilities cannot be located entirely within the minimum stated above.

(3) The developer will only be required to dedicate a maximum of one hundred (100) feet of right-of-way.

(4) Where more than one hundred (100) feet of right-of-way is desired, the developer will be required to reserve, rather than dedicate, the amount in excess of one hundred (100) feet.

(5) Where right-of-way is sought for an access controlled facility, the developer will only be required to make a reservation.

## (H) Street pavement width.

(1) Pavement widths for streets other than residential local and collector streets shall be as required by the thoroughfare plan.

(2) Pavement width of residential local and collector streets shall be no less than the following:

Street classification	Curb and gutter section	Shoulder section
Residential local street	26 feet, face to face of curb	20 feet to edge of pavement with 4 foot shoulders
Residential collector street	34 feet, face to face of curb	20 feet to edge of pavement, 6 foot shoulders

## (I) Geometric Characteristics.

(1) The standards outlines below shall apply to all subdivision streets proposed for addition to the State or municipal street system.

(2) In cases where a subdivision is sought adjacent to a proposed transportation corridor, the requirements of dedication and reservation discussed under Subsection (H): Street right-of-way design shall apply. (Ref: §153.16 Definitions)

(3) Design Speeds. The design speeds for subdivision-type streets shall be as follows:

Area	Design Speeds (mph)	
Rural	Desirable	Minimum
Minor Collector Roads	60	40
Residential Collectors and Local streets	50	40*
Urban		
Major Thoroughfares other than Freeway or Expressway	60	50
Minor Thoroughfares	60	40
Local Streets	40	30**

\*Based on projected annual average daily traffic of 400–750. In cases where road will serve a very limited area and small number of dwelling units, minimum design speeds can be reduced further, but in no case, below 25 mph.

\*\*Based on projected annual average daily traffic of 50–250.

(4) Minimum and maximum grades.

(a) The maximum grades in percent shall be as follows:

<i>Design Speed (mph)</i>	Maximum Grade (%)
60	4
50	5
40	6
30	9
20	—

(b) The minimum grade for curbed streets shall be 0.5% except where there is a high type pavement accurately crowned and in areas where special drainage conditions may control, in which case the minimum grade shall be 0.35 percent.

(c) Grades for one hundred (100) feet from intersection each way should not exceed 5%.

(d) Streets and roads with projected average daily traffic of less than two hundred fifty (250) vehicles, short grades less than five hundred (500) feet long may be 150% greater.

(5) Minimum sight distances. In the interest of public safety, the following minimum sight distances shall apply in every instance:

(a) Vertical curves that connect each change in grade shall be provided and calculated using the following parameters.

(b) Vertical curves to be multiples of fifty (50) feet. Calculated lengths shall be rounded up in each case.

	Design Speed (mph)				
	20	30	40	50	60
Stopping Sight Distance:					
Min. Stopping Distance (Feet)	150	200	275	350	475
Recommended Stopping Distance, Feet	150	200	300	450	650
Minimum K* Value for:					
Min. Crest Vertical Curve	16	28	55	85	160
Recommended Crest Vertical Curve	16	28	65	145	300
Min. SAG Vertical Curve	24	35	55	75	105
Recommended SAG Vertical Curve	24	35	60	100	155
Passing Sight Distance					
Min. Passing Distance, Feet (Two lane)	--	1100	1500	1800	2100
Min. K* Value for Crest Vertical Curve	—	365	686	985	1340
*K is a coefficient by which algebraic difference in grade may be multiplied to determine the length in feet of the vertical curve which will provide minimum sight distance.					

(c) Sight distance provided for stopped vehicles at intersections should be in accordance with “A Policy on Geometric Design of Rural Highways,” and the Zoning Code in Chapter 154.

(6) The maximum degree of curve and related maximum super elevation for design speeds are shown in the following table.

(a) The maximum rate of roadway super elevation (e) for rural roads with no curb and gutter is .08.

(b) The maximum rate of super elevation for urban streets with curb and gutter is .06 with .04 being desirable.



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Design Speed (mph)	Maximum Rate of Super Elevation	Minimum Radius (Rounded) Feet	Maximum Degree of Curve (Rounded) Degrees
20	.04	125	45.0
30	.04	300	19.0
40	.04	560	10.0
50	.04	925	6.0
60	.04	1410	4.0
20	.06	115	50.0
30	.06	275	21.0
40	.06	510	11.5
50	.06	830	7.0
60	.06	1260	4.5
20	.08	110	53.5
30	.08	250	23.0
40	.08	250	12.5
50	.08	760	7.5
60	.08	1140	5.0
*Equals rate of roadway super elevation, foot per foot.			

(J) Street intersections.

(1) Streets shall be laid out to intersect at right angles as nearly as possible.

(2) No street shall intersect another street at an angle of less than sixty (60) degrees.

(3) Street intersections shall align directly opposite of each other or have a centerline offsets of no less two hundred (200) feet unless the Town or NCDOT approves an exception.

(4) Intersections with arterials, highways, and thoroughfares shall be at least 1000 feet from intersection to intersection.

(5) No more than two (2) streets shall intersect at one point unless approved by the Town Board of Commissioners.

(K) Permanent dead-end street (Cul-de-sac).

(1) Cul-de-sacs shall provide a vehicular turnaround with a minimum right-of-way of fifty (50) feet and a minimum driving surface radius of forty (40) feet at the closed end.

(2) No cul-de-sac shall exceed five hundred (500) feet in length unless the Town Board of Commissioners for reasons of topography or property accessibility approves a variance. In no case shall the length exceed nine hundred (900) feet.

(3) When one dead-end street intersects with another dead-end street, the end of each cul-de-sac shall be no more than nine hundred (900) feet from a through street.

(4) The length of a cul-de-sac shall be measured from center point of the turnaround to the centerline of a through street or to the center point of the turnaround of another cul-de-sac.

(5) Cul-de-sacs should not be used to avoid connecting with an existing street or to avoid the extension of an important street, unless exception is granted by the Town Board of Commissioners.

(L) Topography.

(1) Streets shall be related to the topography.

(2) Grades of streets shall conform as closely as possible to original topography.

(3) Streets shall be arranged to obtain as many building sites at or above street grade as possible.

(4) A combination of steep slopes and curves shall be avoided.

(M) Curb and Gutter System.

(1) Curb and gutter shall be provided where deemed necessary by the Town Board of Commissioners with advice from the Street Maintenance Superintendent or the Town's Engineer in order to provide adequate drainage, or because high traffic volumes, soil conditions or other similar conditions or special problems exist. (Ord. passed 7-20-83).

(2) Curbs and gutters shall comply with NCDOT Standards and specifications.

(N) Wheelchair Ramps.

In accordance with G.S. §136-44.14, street curbs being constructed, reconstructed or altered shall have wheelchair ramps for the physically handicapped at all intersections where curb and gutter and sidewalks are provided and at other major points of pedestrian flow.

(O) Street Name and Signs.

(1) Street names shall not duplicate nor too closely approximate phonetically the name of any street within Franklin County.

(2) Where proposed streets are an extension of existing streets, the name of the existing street shall be used.

(3) Street names shall be approved by the Subdivision Administrator, who shall consult with Franklin County Emergency Management records to confirm non-duplication.

(4) Street name signs shall be provided and erected by the developer at street intersections.

(5) The design and location of signs shall comply with Town standards.

(P) Alleys.

(1) Alleys shall be dedicated along the rear of all lots to be used for business and industry unless the Town Board of Commissioners finds such alleys are unnecessary.

(2) Alleys are not required in residential areas except where the Town Board of Commissioners finds such alleys are necessary.

(3) The minimum width of an alley shall be twenty (20) feet.

(4) Dead-end alleys shall be avoided where possible, but if unavoidable, shall have adequate turnaround facilities at the dead-end as may be approved by the Town Board of Commissioners.

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

(6) All alleys shall be designated in accordance with the NCDOT standards.

(Q) Through Traffic Discouraged. Residential local and collector streets shall be laid out so that their use by through traffic is discouraged.

(R) Reserve Strips. Reserve strips next to a street that restricts access to other streets or adjacent properties shall be prohibited.

(S) Sidewalks.

(1) Sidewalks on one or both sides of the street may be required in areas where the Town Board of Commissioners find it likely to generate heavy pedestrian traffic such as near schools, parks, and shopping. Sidewalks requirements shall be determined at preliminary plat approval.

(2) Sidewalks shall be placed within the right-of-way and parallel to the street curb or pavement except to preserve topographical or natural features.

(3) Sidewalks in residential subdivisions shall be at least four (4) feet wide and placed at least three (3) feet behind the street curb or pavement, separated by a vegetated strip.

**§ 153.45 STREETLIGHTS.**

(A) Subdivisions where any lot is less than forty thousand (40,000) square feet shall have streetlights installed throughout the subdivision in accordance with the standards of electric utility. (Ord. passed 7-20-83).

(B) Streetlights shall be installed at intersections and alongside the street at intervals of three hundred (300) feet or less.

**§ 153.46 WATER FACILITIES.**

(A) Each lot in the subdivision shall have a suitable source of potable water supply.

(B) When an approved public water supply is reasonably accessible, the developer shall install improvements so that each lot or building site can connect to the public system. Improvements shall be installed by the developer and approved by the Town Engineer.

(C) If the Town Engineer determines that an approved public water system is not reasonably accessible; the developer may provide a private or individual water supply system subject to the approval of the County Health Department.

(D) Fire Hydrants. Fire hydrants of sufficient water pressure shall be installed in accordance with the Franklinton Fire Department standards for fire protection.

**§ 153.47 SANITARY SEWER.**

(A) The developer shall provide each lot in the subdivision with a safe and acceptable sanitary sewer system.

(B) Public sanitary sewer accessible. Where a public sanitary sewer is reasonably accessible, the developer shall install improvements so that each lot can connect to the public system.

(C) Private Sewer System.

(1) If the Town Engineer finds that an approved public sanitary sewer system is not accessible, the developer shall provide a suitable individual sewer system that complies with applicable State and County standards.

(2) Percolation tests shall be made and submitted to the Health Department in accordance with department policy and procedures.

(3) Private sewer systems, including the size of septic tanks and tile fields or other treatment devices, shall be approved by the County Health Officer.

(4) Such approval shall be indicated on the final plat.

#### **§ 153.48 UTILITIES.**

(A) Electric and telephone utilities shall be provided to every lot in the subdivision.

(1) Evidence of an agreement between the developer and the utility company setting forth terms and conditions for installation shall be submitted with the preliminary plat application.

(2) Preliminary plat approval may be conditioned upon receipt of said evidence from the applicant.

(B) All electric, telephone, television and other communication lines, both main and service connections, servicing new developments shall be provided by underground wiring within easements or dedicated rights-of-way, and installed in accordance with the prevailing standards and practices of the utility companies providing such services.

(C) Lots that abut existing easements or rights-of-way where overhead electric or telephone distribution supply lines and service connections have previously been installed may be supplied with electric service from the overhead lines, but the service connections from the overhead lines shall be installed underground.

(D) Exemptions.

(1) Major transmission lines and overhead wires, and structures providing temporary service may be allowed as an exception to this requirement.

(2) A zoning permit for temporary service addressing the nature and duration of service shall be required.

**§ 153.49 STORMWATER MANAGEMENT.**

(A) The storm water management system of the subdivision shall be designed to accomplish the following objectives:

(1) Provide a suitable building area on each lot that is safe from inundation and erosion.

(2) Comply with the standards and specifications for erosion control of the NC Sedimentation Pollution Control Act.

(3) Protect all roads, driveways, utilities, lots, buildings, and other types of development from flood damage and other hazards caused by improper storm water management and to reduce exposure to flood damage.

(4) Direct surface water away from sanitary sewer systems and adjacent lots.

(5) Transport surface waters to existing storm sewers, drainage facilities, or natural drainage ditches.

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

(C) The Town Engineer shall approve the design and construction of the drainage system.

**§ 153.50 EASEMENTS.**

(A) The width and location of easements shall allow convenient access to maintain water and sewer lines, utilities, and other public facilities.

(B) Easements shall be centered along rear property lines and along side lot lines as required by public utilities.

(C) No easement shall be less than twenty (20) feet wide. Larger easements may be required for major utility lines, unusual terrain, topography, or drainage problems.

(D) Property owners will be responsible for the maintenance and upkeep of these easement areas, as well as for removal and replacement of fences that are in the easement area to allow utility work in the easement.

(E) Wherever a subdivision is traversed by a stream or drainage way, easements shall have sufficient width to allow access and maintain drainage and conform with the lines of such stream or drainage way.

**§ 153.51 SITES FOR PUBLIC USE.**

(A) Referral to Public Body. The Planning Board shall refer any subdivision of land that includes any part of a proposed school site, park, transportation, and other public improvements to the public body concerned with acquisition or maintenance of such facilities for its consideration, and shall allow the public body or agency twenty one (21) days for reply.

(B) Dedication of Recreation Sites.

(1) Dedication required. The developer of subdivisions with ten (10) or more residential lots shall dedicate land to the Town for parks, recreation, and open space sites to serve the residents of the neighborhood in which the subdivision is located.

(2) Amount of land to be dedicated. No less than one-half acre or 5% of the gross acreage of the subdivision, whichever is greater, shall be dedicated.

(3) Suitability of Land.

(a) Land provided for active recreational uses shall be suitable for use as play areas, ball fields, tennis courts, or similar active uses.

(b) After consulting with the Planning Board and the Recreation Advisory Committee, the Town Board of Commissioners shall determine the criteria for evaluating suitability of proposed recreation, park, and open space.

(4) Usability.

(a) Lakes may not be included in computing the amount of land to be dedicated unless acceptable to the Town Board of Commissioners.

(b) If the Town Board of Commissioners determines that other dedicated parcels or existing recreation facilities meet the active recreation needs of the subdivision, then land that is suitable for open space may be dedicated.

(5) Unity.

(a) The dedicated land shall be a single parcel or may be two (2) or more parcels if determined to be in the public interest by the Town Board of Commissioners.

(b) The Town Board of Commissioners may require that parcels be connected, and may require the dedication of a connecting path of up to sixty (60) feet wide, and in no case less than thirty (30) feet wide in addition to the land required to be dedicated in lieu of.

(6) Location. The dedicated land shall be located to serve the recreation needs of the immediate neighborhood within the subdivision.

(7) Accessibility.

(a) An abutting street or public easement shall provide public access to the dedicated land.

(b) Such easement may be up to sixty (60) feet but shall be no less than thirty (30) feet in width.

(8) Adjustments.

(a) After review and recommendation by Planning Board and Recreation Advisory Committee, the Town Board of Commissioners may allow, in cases of unusual or exceptional nature, adjustments in the dedication requirements established in or required by this chapter. (Ord. passed 7-20-83)

(C) Reservation of School Sites.

(1) If the Town Board of Commissioners and County Board of Education have jointly determined the location and size of future school sites and this information appears in the comprehensive plan, the Subdivision Administrator shall send a copy of the sketch plat to the County Board of Education when a proposed subdivision includes any part of a future school site.

(2) If the County Board of Education does not wish to reserve the site, it shall promptly notify the Town Board of Commissioners.

(3) If the County School Board wishes to reserve the site, the subdivision shall not be approved without such reservation.

(4) If the County School Board has not purchased the property or initiated condemnation proceedings within eighteen (18) months after final plat is approved, the land shall be freed of the reservation.



**§ 153.52 COMMON AREAS AND BUFFERS.**

(A) Common Areas.

(1) Common areas shall be maintained by the developer or dedicated to an established association.

(2) Covenants recorded in the register of deeds shall provide for the long term maintenance of a dedicated common area.

(B) Buffer Areas.

(1) A buffer area shall separate a residential subdivision from adjacent office, institutional, commercial or industrial uses or zones.

(2) The required buffer area shall include opaque screening at least six (6) feet in height and a strip of open land at least sixteen (16) feet wide along the perimeter of the subdivision. This area may be landscaped. Landscape design shall be submitted to the Tree Committee for approval.

(3) Other than fencing for screening purposes and underground utilities, no other structure shall be permitted within the buffer area.

(4) The buffer may be deeded as part of the lots on which it is located or as common area maintained by an association (Ord. passed 7-20-83).

(5) Required buffer areas shall not be calculated towards meeting lot dimensional and setback requirements.

**§ 153.53 OFF-SITE AND OVERSIZED IMPROVEMENTS.**

(A) Off-Site Improvements.

(1) When off-site public improvements are needed to serve a proposed subdivision, the Town Board of Commissioners may require the developer to pay a pro rata share of the cost of constructing such improvement.

(2) Funds paid pursuant to this section shall be expended only for the construction of those facilities for which payment was specifically required.

(3) Until so expended, funds shall be deposited in an interest-bearing account for the benefit of the developer.

(B) Oversized Improvements. (Ord. passed 7-20-83).

(1) The Town may require installation of certain oversized utilities or the extension of utilities to adjacent property when it is in the interest of future development.

(2) If the Town requires the installation of improvements in excess of the standards required in this chapter, including those adopted by reference, the town shall pay the cost differential between the improvement required and the standards in this chapter.

(3) The Town may recoup this cost through fees charged to future development.

### ***PENALTY***

#### **§ 153.99 PENALTY.**

(A) After the effective date of this chapter (i.e. July 20, 1983) any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this chapter, thereafter subdivides his land in violation of this chapter or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this chapter and recorded in the Office of the Franklin County Register of Deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The Town, through its Attorney or other official designated by the Town Board of Commissioners, may enjoin illegal subdivision, transfer or sale of land by action for injunction. Further, violators of this chapter shall be subject, upon conviction, to a fine of five hundred (500) dollars and/or imprisonment as provided by G.S. §14-4.

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

(C) Notwithstanding division (B) above, this chapter may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.

(D) Nothing in this section shall be construed to limit the use of remedies available to the Town. The Town may seek to enforce this chapter by using any one, all, or a combination of remedies. (Ord. passed 7-20-83)