

DREXEL SUBDIVISION REGULATIONS

Amended June 1, 2021

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ARTICLE A

INTRODUCTORY PROVISIONS

9-2001 SHORT TITLE.

This chapter shall be known and may be cited as the Subdivision Regulations of the *Town of Drexel, North Carolina*.

9-2002 AUTHORITY.

The town council of the Town of Drexel, pursuant to the authority conferred by an Act of the General Assembly of the State of North Carolina, (General Statutes 160D-801 et seq) does hereby ordain and enact into law these articles and sections.

9-2003 JURISDICTION.

The provisions of this chapter shall apply within the corporate limits of Drexel and within the territory beyond such corporate limits referred to as the town's extraterritorial jurisdiction as shown on the official zoning map of Drexel.

9-2004 PURPOSE.

The purpose of this chapter is to establish procedures and standards for the development and subdivision of real estate within the corporate limits and extraterritorial jurisdiction of the Town of Drexel in an effort to, among other things, insure proper legal description, identification, monumentation, and recordation of real estate boundaries; further the orderly layout and appropriate use of the land; provide safe, convenient and economic circulation of vehicular traffic; provide adequate building sites which are readily accessible to emergency vehicles; assure the proper installation of streets and utilities; promote the eventual elimination of unsafe or unsanitary conditions because of undue concentration of population; and help conserve and protect the physical and economic resources of the Town of Drexel and its environs.

9-2005 THOROUGHFARE PLANS.

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

9-2006 ZONING AND OTHER PLANS.

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

9-2007 RESERVED.

ARTICLE B

DEFINITIONS

9-2008 SUBDIVISION DEFINED.

For the purpose of this chapter, subdivision regulations shall be applicable to all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be subject to the regulations authorized by this chapter:

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the town as required by this chapter.
- (2) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
- (4) The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) 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 of Drexel Subdivision Regulations, as amended.
- (5) The division of a track of land into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

9-2009 OTHER DEFINITIONS.

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

- (1) *Block.* A piece of land bounded on one (1) or more sides by streets or roads.
- (2) *Building setback line.* A line establishing the minimum allowable distance between the nearest portion of the building foundation and the nearest right-of-way line or property line when measured perpendicular thereto.
- (3) *Dedication.* A gift, by the owner, or a right to use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument and is completed with an acceptance.
- (4) *Easement.* A grant by the property owner of a strip of land for a specified purpose and use by the public, a corporation, or persons.
- (5) *Half street.* A street whose centerline coincides with a subdivision plat boundary, with one-half the street right-of-way being contained within the subdivision plat. Also, any existing street to which the parcel of land to be subdivided abuts on only

- one (1) side.
- (6) *Lot*. A parcel of land occupied or capable of being occupied by a building or a group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to same.
 - (7) *Lot of record*. A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Burke County Register of Deeds prior to the adoption of this chapter, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this chapter.
 - (8) *Lot types*:
 - a. *Corner lot*. A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of more than (45) degrees and less than one hundred thirty-five (135) degrees with each other. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal, in which case the owner shall be required to specify which is the front when requesting a zoning compliance certificate.
 - b. *Double frontage lot*. A continuous (through) lot which is accessible from both streets upon which it fronts.
 - c. *Interior lot*. A lot other than a corner lot with only one (1) frontage on the street.
 - d. *Through lot or a double frontage lot*. A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.
 - e. *Reversed frontage lot*. A lot one which the frontage is at right angles or approximately right angles (interior angles less than one hundred thirty-five (135) degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot, an interior lot, or a through lot.
 - f. *Single-tier lot*. A lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.
 - g. *Flag lot*. A lot which does not meet the minimum frontage requirements and access is provided by a narrow driveway leading to the major portion of the lot.
 - (9) *Official maps or plans*. Any maps or plans officially adopted by the Town of Drexel.
 - (10) *Open space*. An area (land and/or water) generally lacking in man-made structures and reserved for enjoyment in its unaltered state.
 - (11) *Planned unit development*. A form of development characterized by a unified site design for a number of housing units, clustering of buildings and providing common open space, density increases, and a mix of building types. It permits the planning of a project and a calculation of densities over the entire development rather than on an individual lot-by-lot basis. The site must include two (2) or more principal buildings. Such development shall be based on a plan which allows for flexibility of design most available under normal district requirements.

- (12) *Planning and zoning board.* The planning and zoning board of the Town of Drexel, North Carolina.
- (13) *Plat.* A map or plan of a parcel of land which is to be or has been subdivided or meets the exemption requirements of section 9-2008.
- (14) *Public sewage disposal system.* A system serving two (2) or more dwelling units and approved by the Burke County Health Department.
- (15) *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.
- (16) *Reservation.* A reservation of land does not involve any transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period of time.
- (17) *Street.* A dedicated, recorded, and accepted public right-of-way for vehicular and pedestrian circulation. The following classifications shall apply:
- a. *Rural roads:*
 1. *Principal arterial.* A rural link in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel and existing solely to serve traffic. This network would consist of interstate routes and other routes designed as principal arterials.
 2. *Minor arterial.* A rural link in a network joining cities and larger towns and providing intrastate and intercounty service at relatively high overall travel speeds with minimum interference to through movement. This network would primarily serve traffic.
 3. *Major collector.* A road which serves major intracounty travel corridors and traffic generators and provides access to the arterial system.
 4. *Minor collector.* A road which provides service to small local communities and links locally important traffic generators with their rural hinterland.
 5. *Local road.* A local road serves primarily to provide access to adjacent land and for travel over relatively short distances.
 - b. *Urban streets:*
 1. *Major thoroughfares.* Major thoroughfares consist of interstate, other freeway and expressway links, and major streets that provide for the expeditious movement of volumes of traffic within and through urban areas.
 2. *Minor thoroughfares.* Minor thoroughfares are important streets in the urban system and perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system by

facilitating a minor through traffic movement and may also serve abutting property.

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

c. *Specific type rural or urban streets:*

1. *Freeway, expressway, or parkway.* Divided multi-lane roadway designed to carry large volumes of traffic at relatively high speeds. A freeway is a divided highway providing for continuous flow of vehicles with no direct access to abutting property or streets and with access to selected crossroads provided via connecting ramps. An expressway is a divided highway with full or partial control of access and generally with grade separations at major intersections. A parkway is a highway for noncommercial traffic, with full or partial control of access, and usually located within a park or a ribbon of park-like development.
2. *Residential collector street.* A local access street which serves as a connector street between local residential streets and the thoroughfare system. Residential collector streets typically collect traffic from one hundred (100) to four hundred (400) dwelling units.
3. *Local residential street.* Cul-de- sacs, loop streets less than two thousand five hundred (2,500) feet in length, or streets less than one (1) mile in length that do not connect thoroughfares, or serve in major traffic generators, and do not collect traffic from more than one hundred (100) dwelling units.
4. *Cul-de-sac.* A short street having but one (1) end open to traffic and the other end being permanently terminated and a vehicular turnaround provided.
5. *Frontage road.* A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.
6. *Alley.* A public or private thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

(18) *Subdivider.* Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

(19) *Town council.* The town council of the Town of Drexel, North Carolina.

(20) *Town engineer.* The consulting engineer retained by the Town of Drexel.

9-2010 WORD INTERPRETATION.

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

- (1) Words used in the present tense include the future tense.
- (2) Words used in the singular number include the plural and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.
- (3) The word "person" includes a firm, association, corporation, trust, and company as well as an individual.
- (4) The word "used for" shall include the meaning "designed for."
- (5) The word "structure" shall include the word "building."
- (6) The word "lot" shall include the words "plot", "parcel", or "tract."
- (7) The word "shall" is always mandatory and not merely directory.

ARTICLE C

PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

9-2011 PLAT SHALL BE REQUIRED ON ANY SUBDIVISION OF LAND OR ANY MANIPULATION OF PROPERTY LINES OR BOUNDARIES.

Pursuant to G.S. 160D-804, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this chapter whenever any subdivision of land takes place. Whenever any manipulation of property lines or property boundaries takes place within the jurisdiction of the Town of Drexel as established in section 9-2003 of this chapter that is exempt from these regulations as provided by section 9-2008 of this chapter, a plat clearly displaying such change must be presented to the subdivision administrator. Said plat must also be presented to the Burke County Register of Deeds for recordation.

9-2012 APPROVAL PREREQUISITE TO PLAT RECORDATION.

Pursuant to G.S. 160D-803, no final plat of a subdivision within the jurisdiction of the Town of Drexel as established in section 9-2003 of this chapter shall be recorded by the Register of Deeds of Burke County until it has been approved by the proper board or official as provided herein. To secure such approval of a final plat, the subdivider shall follow the procedures established in this article.

9-2013 PROCEDURES FOR REVIEW OF MAJOR AND MINOR SUBDIVISIONS

- (1) All subdivisions shall be considered major subdivisions except those defined as minor subdivisions in this section. Major subdivisions shall be reviewed in accordance with the procedures in section 9-2019 through 9-2022. Minor subdivisions shall be reviewed in accordance with the provisions in sections 9-2014 through 9-2018.
- (2) For purposes of these regulations, a minor subdivision is defined as a subdivision:
 - a. Involving not more than ten (10) lots fronting on an existing approved street;
 - b. Not involving any new street or prospectively requiring any new street for access to interior property;
 - c. Not requiring extension of public sewage or water lines or creation of new drainage easements through lots to serve property at the rear;
 - d. Not adversely affecting the development of the remainder of the parcel or of adjoining property;
 - e. Creating no new or residual parcels not conforming to the requirements of these regulations; and
 - f. All included land must be under ownership of one (1) sponsor.

9-2014 APPROVAL PROCESS FOR MINOR SUBDIVISIONS.

If the land to be subdivided meets the requirements of a minor subdivision as defined in section 9-2013 above, the subdivider will not have to follow the same procedures as for a major subdivision. The review process for minor subdivisions shall be adequate to protect the public interest, but shall also provide minimum delay and expense to the subdivider. A preliminary plat is required. The following minor plat approval process may be used only where the subdivision meets the requirements of section 9-2013 above.

9-2015 PROCEDURE FOR REVIEW OF MINOR SUBDIVISIONS

- (1) Prior to submission of a final plat, the subdivider shall submit to the subdivision administrator three (3) copies of a preliminary plat of the proposed subdivision containing the following information:
 - a. A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;
 - b. The boundaries of the tract and the portion of the tract to be subdivided;
 - c. The total acreage to be subdivided;
 - d. The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;
 - e. The existing street layout and right-of-way width, lot layout and size of lots;
 - f. The name, address and telephone number of the owner;
 - g. The name, if any, of the proposed subdivision;
 - h. Streets and lots of adjacent developed or platted properties;
 - i. The zoning classification of the tract and of adjacent properties;
 - j. The location of water and sewer facilities serving the proposed minor subdivision, if applicable;
 - k. A statement from the Burke County Health Department that a copy of the sketch plan has been submitted to them, if septic tanks or other on-site water or wastewater systems are to be used in the subdivision.
- (2) The subdivision administrator shall review the preliminary plat for general compliance with the requirements of this article, and shall advise the subdivider or his authorized agent of the regulations pertaining to the proposed minor subdivision and the procedures to be followed in the preparation and submission of the final plat.
- (3) The subdivision administrator, after determining that all requirements of this article have been met, shall advise the subdivider to proceed with the preparation of a final plat which conforms to the submitted preliminary plat. The approval of the sketch plan shall in no way be construed as constituting official approval of the final plat.

9-2016 DISPUTE OF FINDINGS.

In the event that the subdivider disagrees with any findings of the subdivision administrator concerning approval of a preliminary plat of a minor subdivision, the matter shall be taken to the town council for a decision (G.S. 160D-14-3). No final plat shall be prepared until the town council has acted on the disputed preliminary plat.

9-2017 FINAL PLAT FOR MINOR SUBDIVISIONS.

- (1) The subdivision administrator shall review the final plat for complete compliance with the requirements outlined for final plat approval of these minor subdivision regulations. The final plat shall be complete and show all information required for final plats in section 9-2022, and all certifications and notarizations required in section 9-2018 for final plat approval of a minor subdivision.
- (2) The final plat shall be prepared by a registered land surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. 47-30 and the Manual of Practice for Land Surveying in North Carolina.
- (3) Three (3) copies of the final plat shall be submitted to the subdivision administrator. One (1) of these shall be on reproducible material; two (2) shall be black or blue line paper prints. Material and drawing medium for the original shall be in accordance with the Manual of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Burke County Register of Deeds.
- (4) The final plat shall be of a size suitable for recording with the Burke County Register of Deeds and shall be at a scale of not less than one (1) inch equals two hundred (200) feet. Maps may be placed on more than one (1) sheet with appropriate match lines.

9-2018 CERTIFICATIONS TO BE DEPICTED ON FINAL PLAT (MINOR SUBDIVISION).

- (1) The final plat shall meet the specifications in section 9-2022. The following signed certificates shall appear on all three (3) copies of the final plat:
 - a. *Certificate of ownership and dedication:*

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

b. *Certificate of survey and accuracy:*

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

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

State of North Carolina	Burke County
<p>I, _____ certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book ____, Page ____, Book ____, Page ____, etc.) (Other); the ratio of precision as calculated by latitudes and departures is 1: ____ (that the boundaries not surveyed are shown as broken lines plotted from information found in Book ____, Page ____); that this map was prepared in accordance with G.S. 47-30 as amended.</p>	
<p>Witness my hand and seal this ____ day of _____ 20 ____.</p>	
<p>_____</p>	<p>Official Seal</p>
<p>Registered Land Surveyor</p>	
<p>_____</p>	
<p>Registration Number</p>	

c. *Review officer's certification:*

State of North Carolina	Burke County
<p>I, _____, review officer of Burke County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.</p>	
<p>_____</p>	<p>_____</p>
<p>Review Officer</p>	<p>Date</p>

- (2) During its review of the final plat, the subdivision administrator may appoint an engineer or surveyor to confirm the accuracy of the final plat (if agreed to by the town manager). If substantial errors are found, the costs shall be charged to the subdivider

and the plat shall not be recommended for approval until such errors have been corrected.

- (3) If the subdivision administrator finds that the minor subdivision final plat is in full compliance with the requirements of this article, he may then present the final plat to the town manager for the following certification:

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

Town Manager

Date

- (4) If the subdivision administrator recommends disapproval of the final plat, he shall instruct the subdivider concerning resubmission of a revised plat and the subdivider may make such changes as will bring the plat into compliance with the provisions of this article and resubmit same for reconsideration by the subdivision administrator, or appeal to the town council. If the subdivider appeals to the town council, the town council shall review and approve or disapprove the final plat within thirty (30) days after they receive the plat and recommendations of the subdivision administrator.

9-2019 PROCEDURE FOR REVIEW OF PRELIMINARY PLAT FOR MAJOR SUBDIVISIONS.

- (1) For every subdivision within the territorial jurisdiction established by section 9-2003 of this chapter, which does not qualify as a minor subdivision, the subdivider shall submit a preliminary plat which shall be reviewed and approved by the planning board before any construction or installation of improvements may begin.
- (2) Twelve (12) copies of the preliminary plat (as well as any additional copies which the subdivision administrator determines are needed to be sent to other agencies) shall be submitted to the administrator of this chapter at least twenty (20) days prior to the planning board meeting at which the subdivider desires the planning board to review the preliminary plat.
- (3) Preliminary plats shall meet the specifications in section 9-2022.
- (4) After having received the preliminary plat from the subdivider, the subdivision administrator shall submit copies of the preliminary plat and any accompanying material to other officials and agencies concerned with new development including, but not limited to:
- a. The district highway engineer as to proposed streets, highways, and drainage systems (required if new streets are to be placed on the state system);
 - b. The county health director as to proposed water or sewerage systems (required

if subdivision is in the extraterritorial jurisdiction);

- c. Any other agency or official designated by the planning board or town official.
- (5) The planning board shall review the preliminary plat at or before its next regularly scheduled meeting which follows at least twenty (20) days after the subdivision administrator receives the preliminary plat and the comments from the appropriate agencies.
 - (6) The planning board shall, in writing, recommend approval, conditional approval with recommended changes to bring the plat into compliance, or disapproval with reasons within twenty (20) days of its first consideration of the plat.
 - (7) If the planning board recommends approval of the preliminary plat, it shall retain one (1) copy of the plat for its minutes, and transmit two (2) copies of the plat to town council with its recommendation.
 - (8) If the planning board recommends conditional approval of the preliminary plat, it shall keep one (1) copy of the plat for its minutes, transmit two (2) copies of the plat and its recommendation to town council, and return the remaining copies of the plat and its recommendation to the subdivider.
 - (9) If the planning board recommends disapproval of the preliminary plat, it shall retain one (1) copy of the plat for its minutes, transmit two (2) copies of the plat and its recommendation to the town council, and return the remaining copy of the plat and its recommendation to the subdivider.
 - (10) If the preliminary plat is disapproved, the subdivider may make the recommended changes and submit a revised preliminary plat, or appeal the decision to town council.
 - (11) If the planning board does not make a written recommendation within forty (40) days after its first consideration of the plat, the subdivider may apply to the town council for approval or disapproval.
 - (12) If the subdivider appeals the decision of the planning board, he shall present the preliminary plat to the town council at its next regularly scheduled meeting which follows the planning board's decision by at least twenty (20) days.
 - (13) If the town council approves the preliminary plat in the case of an appeal, such approval shall be noted on two (2) copies of the plat. One (1) copy of the plat shall be retained by town council and one (1) copy shall be returned to the subdivider. If the town council approves the preliminary plat with conditions, approval shall be noted on two (2) copies of the plat along with a reference to the conditions. One (1) copy of the plat along with the conditions shall be retained by town council and one (1) copy of the preliminary plat along with the conditions shall be returned to the subdivider. If the town council disapproves the preliminary plat, the reasons for such disapproval shall be specified in writing. One (1) copy of the plat and the reasons shall be retained by town council and one (1) copy shall be returned to the subdivider.

9-2020 PERFORMANCE, DEFECTS, AND MAINTENANCE GUARANTEES.

- (1) Upon approval of the preliminary plat by the planning board, or the town council in the event of an appeal, the subdivider may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this chapter. Prior to approval of a final plat, the subdivider shall have installed the improvements specified in this chapter or guaranteed their installation as provided herein. No final plat will be accepted for review by the planning board or the town council unless accompanied by written notice by the town manager and/or town engineer acknowledging compliance with the improvement and guarantee standards of this chapter. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time, such portion shall conform to all requirements of this chapter.
- (2) Where the required improvements have not been completed prior to the submission of the final plat for approval, the approval of said plat shall be subject to the subdivider guaranteeing the installation of said improvements in one (1) of the following methods: (G.S. 160D-804.1)
 - i. Surety bond, issued by any company authorized to do business in this State, in the amount determined by the town. The bond shall be payable to the Town of Drexel, and its duration shall be until such time as the improvements are accepted by the Town Council.
 - ii. Letter of credit issued by any financial institution licensed to do business in this State. Depositing or placing in escrow a certified check or cash in an amount to be determined by the town. Portions of the security deposit may be released as work progresses.
 - iii. Entering into an agreement with the town guaranteeing the completion of the required work, said agreement to be binding on subsequent purchasers of the property and to be recorded at the option of the town. The agreement shall provide that satisfactory security be furnished guaranteeing the completion of the necessary improvements before each section is developed.
- b. Duration. - The duration of the performance guarantee shall initially be one year, unless the developer determines that the scope of work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one year from the date the bond is issued, unless the developer determines that the scope of work for the required improvements necessitates a longer duration.
- c. Extension. - A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension. If the improvements are not completed to the specifications of the local government, and the current performance guarantee is likely to expire prior to completion of the required improvements, the performance

guarantee shall be extended, or a new performance guarantee issued, for an additional period. An extension under this subdivision shall only be for a duration necessary to complete the required improvements. If a new performance guarantee is issued, the amount shall be determined by the procedure provided in 2(e) of this subsection and shall include the total cost of all incomplete improvements.

- d. Release. - The performance guarantee shall be returned or released, as appropriate, in a timely manner upon the acknowledgement by the local government that the improvements for which the performance guarantee is being required are complete. The local government shall return letters of credit or escrowed funds upon completion of the required improvements to its specifications or upon acceptance of the required improvements, if the required improvements are subject to local government acceptance. When required improvements that are secured by a bond are completed to the specifications of the local government, or are accepted by the local government, if subject to its acceptance, upon request by the developer, the local government shall timely provide written acknowledgement that the required improvements have been completed.
- e. Amount. - The amount of the performance guarantee shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued. The local government may determine the amount of the performance guarantee or use a cost estimate determined by the developer. The reasonably estimated cost of completion shall include one hundred percent (100%) of the costs for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing. The additional twenty-five percent (25%) allowed under this subdivision includes inflation and all costs of administration regardless of how such fees or charges are denominated. The amount of any extension of any performance guarantee shall be determined according to the procedures for determining the initial guarantee and shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.
- f. Coverage. - The performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion.
- g. Legal responsibilities. - No person shall have or may claim any rights under or to any performance guarantee provided pursuant to this subsection or in the proceeds of any such performance guarantee other than the following:
 - i. The local government to whom the performance guarantee is provided.
 - ii. The developer at whose request or for whose benefit the performance guarantee is given.
 - iii. The person or entity issuing or providing the performance guarantee at the request of or for the benefit of the developer.

9-2021 FINAL PLAT SUBMISSION AND REVIEW.

- (1) The subdivider shall submit the final plat, so marked, to the subdivision administrator

not less than twenty (20) days prior to the planning board meeting at which it will be reviewed; further, the final plat for the first stage of the subdivision shall be submitted not more than twelve (12) months after the date on which the preliminary plat was approved; otherwise such approval shall be null and void, unless a written extension of this limit is granted by the town council on or before the twelfth month anniversary of the approval.

- (2) The final plat shall be prepared by a registered land surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. 47-30 and the Manual of Practice for Land Surveying in North Carolina.
- (3) Thirteen (13) copies of the final plat shall be submitted; one (1) of these shall be on reproducible material; twelve (12) shall be black or blue line paper prints. Material and drawing medium for the original shall be in accordance with the Manual of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Burke County Register of Deeds.
- (4) The final plat shall be of a size suitable for recording with the Burke County Register of Deeds and shall be at a scale of not less than one inch equals two hundred (200) feet. Maps may be placed on more than one (1) sheet with appropriate match lines.
- (5) Submission of the final plat for subdivisions located outside the town limits, but within the extraterritorial planning jurisdiction shall be accompanied by a fee as established by the town council and the town schedule of fees. There is no fee for subdivisions located within the town limits. Additionally, at the discretion of the town manager, all fees associated with recording the plat at the Register of Deeds shall be paid to the Town of Drexel, and the town will have the plat recorded after final approval by the town council.
- (6) The final plat shall meet the specification in Section 9-2022 of this article.
- (7) The following signed certificates shall appear on all copies of the final plat:

a. *Certificate of ownership and dedication:*

I hereby certify that I am/we are the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of Drexel and that I/we hereby adopt this plan of subdivision with my free consent and establish minimum building setback lines as noted.	
_____	_____
Owner	Date

b. *Certificate of survey and accuracy:*

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

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

State of North Carolina	Burke County
<p>I, _____ certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book ____, Page ____, Book ____, Page ____, etc.) (Other); the ratio of precision as calculated by latitudes and departures is 1: ____ (that the boundaries not surveyed are shown as broken lines plotted from information found in Book ____, Page ____); that this map was prepared in accordance with G.S. 47-30 as amended.</p> <p>Witness my hand and seal this ____ day of _____ 20__.</p>	
<p>_____</p> <p>Registered Land Surveyor</p>	<p>Official Seal</p>
<p>_____</p> <p>Registration Number</p>	

c. *Certificate of approval of the design and installation of streets, utilities, and other required improvements:*

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

Town Engineer or Town Manager	Date
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d. *Certificate of approval of the design and installation of public streets.* If the subdivision is located outside town limits, then the following certification must be included on the final plat:

DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS SUBDIVISION ROAD CONSTRUCTION CERTIFICATION	
APPROVED: _____ DATE: _____	
District Engineer	

e. *Final plat certificate.* In accordance with the North Carolina General Statute 47-30, the following certification must be included on the final plat:

State of North Carolina	Burke County
I, _____, review officer of Burke County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.	
_____	_____
Review Officer	Date

- (8) The planning board shall review the final plat at or before its next regularly scheduled meeting which follows at least twenty (20) days after the subdivision administrator receives the final plat and shall recommend approval or dis- approval of the final plat with reasons within forty (40) days of its first consideration of the plat.
- (9) During its review of the final plat the planning board may appoint a registered land surveyor to confirm the accuracy of the final plat (if agreed to by the town council). If substantial errors are found, the costs shall be charged to the subdivider and the plat

shall not be recommended for approval until such errors have been corrected.

- (10) If the planning board recommends approval of the final plat, it shall transmit all copies of the plat and its written recommendations to the town council through the subdivision administrator. Such approval shall be shown on each copy of the final plat by the following signed certification:

The Drexel Planning Board hereby approves the final plat for the subdivision.	
_____	_____
Chairman, Drexel Planning Board	Date

- (11) If the planning board recommends disapproval of the final plat, it shall instruct the subdivider concerning resubmission of a revised plat and the subdivider may make such changes as will bring the plat into compliance with the provisions of this chapter, and resubmit same for reconsideration by the planning board, or appeal the decision to the town council.
- (12) Failure of the planning board to make a recommendation within forty (40) days shall constitute grounds for the subdivider to apply to the town council for approval.
- (13) If the planning board recommends approval, or if the subdivider appeals to the town council, the town council shall review and approve or disapprove the final plat within thirty (30) days after the plat and recommendations of the planning board have been received by the subdivision administrator.
- (14) If the town council approves the final plat, such approval shall be shown on each copy of the plat by the following signed certificate:

Certificate of Approval for Recording	
I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for the Town of Drexel, North Carolina and that this plat has been approved by Town Council for recording in the Office of the Register of Deeds of Burke County.	
_____	_____
Mayor, Town of Drexel, North Carolina	Date

- (15) If the final plat is disapproved by town council, the reasons for such disapproval shall be stated in writing, specifying the provisions of this chapter with which the final plat does not comply. One (1) copy of such reasons and one (1) print of the plat shall be retained by the town council as part of its proceedings; one (1) copy of the reasons and three (3) copies of the plat shall be transmitted to the subdivider. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance and resubmit for reconsideration by the planning board and town council or by town council as determined by town council.
- (16) If the final plat is approved by town council, the original mylar and one (1) print of the plat shall be retained by the subdivider. One (1) print shall be filed with the town clerk, and one (1) print shall be returned to the planning board for its records.
- (17) The subdivider shall file the approved final plat with the Register of Deeds of Burke County within six (6) months of town council approval; otherwise, such approval shall be null and void.

**9-2022 INFORMATION TO BE CONTAINED IN OR DEPICTED ON
PRELIMINARY AND FINAL PLATS.**

<i>INFORMATION</i>	<i>MINOR Preliminary</i>	<i>MINOR Final</i>	<i>MAJOR Preliminary</i>	<i>MAJOR Final</i>
Title Block Containing • Property designation • Name of Owner • Location (including township, county and state) • Date or dates survey was conducted and plat prepared • A scale of drawing in feet per inch listed in words or figures • Name, address, registration number of the registered land surveyor	Yes	Yes	Yes	Yes
Name of the subdivider	Y	Y	Y	Y
A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area	Y	Y	Y	Y
Corporate limits, township boundaries, county lines if on the subdivision tract	Y	Y	Y	Y
Names, addresses and telephone numbers of all owners, registered land surveyors and professional engineers responsible for the subdivision	Y	Y	Y	Y
Registration numbers and seals of professional engineers	Y	Y	Y	Y
The exact boundaries of the tract, or portion thereof, to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining parcels	Y	Y	Y	Y
Proposed lot lines, lot and block numbers, and approximate dimensions	Y	Y	Y	Y
Lots numbered consecutively throughout the subdivision	No	Y	No	Y
North arrow and orientation	Y	Y	Y	Y
Names of owners of adjoining properties	Y	Y	Y	Y
Names of any adjoining subdivisions of record or proposed and under review	Y	Y	Y	Y
Minimum building setback lines (either listed on the plat or drawn on each lot)	Y	Y	Y	Y
Zoning classifications of the tract to be subdivided and adjoining properties	Y	Y	Y	Y
Existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains on the land to be subdivided. Additionally, any of the same features located on adjacent properties which may be impacted by the subdivision.	Y	Y	Y	Y
Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds and any other natural features affecting the site	Y	Y	Y	Y

<i>INFORMATION</i>	<i>MINOR Preliminary</i>	<i>MINOR Final</i>	<i>MAJOR Preliminary</i>	<i>MAJOR Final</i>
<ul style="list-style-type: none"> • The exact location of the flood hazard, floodway and floodway fringe from the community's FEMA maps • Base flood elevation data for subdivisions which contain at least five (5) lots or fifty (50) acres, whichever is less 	Y	Y	Y	Y
A copy of any proposed deed restrictions or similar covenants. Such restrictions are mandatory when private recreation areas are established.	No	Y	No	Y
Topographic map with contour intervals of no greater than twenty (20) feet at a scale of no less than 1:24,000 (if deemed necessary by the Subdivision Administrator)	No	No	No	Y
A copy of the erosion control plan submitted to the appropriate authority, if such a plan is required	Y	Y	Y	No
All certifications required in sections 9-2018 and 9-2022	No	Y	No	Y
Any other information considered by either the subdivider, Planning Board or Town Council to be pertinent to the review of the plat.	Y	Y	Y	Y

<i>STREET INFORMATION</i>	<i>MINOR Preliminary</i>	<i>MINOR Final</i>	<i>MAJOR Preliminary</i>	<i>MAJOR Final</i>
Proposed streets	NA	NA	Yes	Yes
Existing and platted streets in the proposed subdivision and on adjoining properties	Y	Y	Y	Y
Rights-of-way locations and dimensions	Y	Y	Y	Y
Pavement widths	NA	NA	Y	Y
Approximate grades	NA	NA	Y	Y
Design engineering data for all corners and curves	NA	NA	Y	Y
Typical street cross sections	NA	NA	Y	Y
Street names	NA	NA	Y	Y
Street maintenance agreement in accordance with section 9-2034(e) of this chapter	NA	NA	No	Y

<i>STREET INFORMATION</i>	<i>MINOR Preliminary</i>	<i>MINOR Final</i>	<i>MAJOR Preliminary</i>	<i>MAJOR Final</i>
Type of street dedication; all streets must be designated "public". <i>Where public streets are involved which will be dedicated to the Town, the subdivider must submit all street plans to the subdivision administrator for approval prior to preliminary plat approval.</i> <i>Where public streets are involved which will not be dedicated to a municipality, the subdivision administrator will submit the following documents to the NCDOT District Highway Office for review:</i> <ul style="list-style-type: none"> • <i>A complete site layout, including any future expansion anticipated</i> • <i>Horizontal alignment indicating general curve data on the site layout plan</i> • <i>Vertical alignment indicated by percent grade, PI station and vertical curve length on site plan layout</i> • <i>The District Engineer may require the plotting of the ground profile and grade line for roads where special conditions or problems exist</i> • <i>Typical section indicating the pavement design and width, and the slopes, widths and details for either the curb and gutter or the shoulder and ditch proposed</i> • <i>Drainage facilities and drainage areas</i> 	NA	NA	Y	Y
Where streets are dedicated to the public, but not accepted into a municipal or the state system before lots are sold, a statement explaining the status of the street in accordance with section 9-2034(e) of this chapter.	NA	NA	NA	Y
If any street is proposed to intersect with a state maintained road, the subdivider shall apply for driveway approval as required by the NCDOT, Division of Highways' Manual on Driveway Regulations.	NA	NA	No	Y
Evidence that the subdivider has obtained such approval	NA	NA	Y	NA
<i>UTILITY INFORMATION</i>	<i>MINOR Preliminary</i>	<i>MINOR Final</i>	<i>MAJOR Preliminary</i>	<i>MAJOR Final</i>
Location and dimensions of all utility easements	Y	Y	Y	Y

<i>UTILITY INFORMATION</i>	<i>MINOR Preliminary</i>	<i>MINOR Final</i>	<i>MAJOR Preliminary</i>	<i>MAJOR Final</i>
If deemed necessary by the Subdivision Administrator, the plans for utility layouts including: <ul style="list-style-type: none"> • Sanitary sewers • Storm sewers • Other drainage facilities, if any • Water distribution lines • Natural gas lines • Telephone lines • Electric lines Plans should illustrate connections to existing systems, showing line sizes, the location of fire hydrants, blowoffs, manholes, force mains and gate valves.	NA	NA	Y	Y
Plans for individual water supply and sewerage disposal systems, if any	Y	Y	Y	Y

<i>SITE CALCULATIONS</i>	<i>MINOR Preliminary</i>	<i>MINOR Final</i>	<i>MAJOR Preliminary</i>	<i>MAJOR Final</i>
Acreage in total tract to be subdivided	Y	Y	Y	No
Acreage in parks and recreation areas, and other nonresidential uses	Y	Y	Y	No
Total number of parcels created	Y	Y	Y	No
Acreage of each lot in the subdivision	Y	Y	Y	Y
Linear feet in streets	NA	NA	Y	No
The name and location of any property or buildings within the proposed subdivision or within any contiguous property that is located on the US Department of Interior's National Register of Historic Places	Y	Y	Y	Y
Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line (with errors of closure), block line and building line, whether curved or straight, and including true north point. This should include the radius, central angle, point of tangency, tangent distance and arcs and chords of all curved streets and curved property lines. All dimensions should be to the nearest one-tenth ($\frac{1}{10}$) of a foot and angles to the nearest minute.	No	Y	No	Y
The accurate location and description of all monuments, markers and control points.	No	Y	No	Y

9-2023 RECOMBINATION OF LAND.

- (1) Any plat or any part of a plat may be vacated by the owner at any time before the sale of any lot in the subdivision by a written instrument to which a copy of such plat shall be attached, declaring the same to be vacated.
- (2) Such an instrument shall be approved by the same agencies as approved the final plat. The governing body may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets or alleys.
- (3) Such an instrument executed, acknowledged or approved and recorded and 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.
- (4) When lots have been sold, the plat may be vacated in the manner provided in section 9-2023(a) through (c) by all the owners of the lots in such plat joining in the execution of such writing.

9-2024 RESUBDIVISION PROCEDURES.

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

9-2025 – 9-2029 RESERVED.

ARTICLE D

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

9-2030 GENERAL.

Each subdivision shall contain the improvements specified in this article, which shall be installed in accordance with the requirements of this chapter and paid for by the subdivider, unless other means of financing is specifically stated in this chapter. Land shall be dedicated and reserved in each subdivision as specified in this article. Each subdivision shall adhere to the minimum standards of design established by this article.

9-2030.1 COST OF IMPROVEMENTS.

For land lying within the town limits of Drexel and when sufficient funds are available, the town will pay up to one-third the costs of street improvements (after approval of final grading), utilities and sidewalks. The subdivider is responsible for the remainder of the costs. For land lying outside the town limits and within the ETJ, the subdivider will bear all costs of improvements. The town will make all improvements only if a guarantee is provided in accordance with section 9-2020 of this chapter.

9-2031 SUITABILITY OF LAND.

- (1) Land which has been determined by the town council on the basis of engineering or other expert surveys to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed shall not be platted for that purpose, unless and until the subdivider has taken the necessary measures to correct said conditions and to eliminate said dangers.
- (2) Areas that have been used for disposal for solid waste shall not be subdivided.
- (3) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

9-2032 NAME DUPLICATION.

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

9-2033 SUBDIVISION DESIGN.

- (1) *Blocks.*
 - a. The lengths, widths, and shapes of blocks shall be determined with due regard to: provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements; needs for vehicular and pedestrian

circulation; control and safety of street traffic; limitations and opportunities of topography; and convenient access to water areas.

- b. Blocks shall be wide enough to allow two (2) tiers of lots of minimum depth, except where fronting on major streets or prevented by topographic conditions, in which case a single tier of lots may be approved.
- c. Reserved.
- d. Where deemed necessary by the planning board, a pedestrian crosswalk at least fifteen (15) feet in width may be required to provide convenient public access to a public area such as a park or school, to a water area, or to areas such as shopping centers, religious or transportation facilities.
- e. Block numbers shall conform to the county or town street numbering system, if applicable.

(2) *Lots.*

- a. All lots in new subdivisions shall conform to the zoning requirements of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the zoning ordinance. It is not sufficient merely for the average lot to meet zoning requirements.
- b. Lots shall meet any applicable Burke County Health Department requirements.
- c. Flag lots are discouraged, but may be permitted in unique circumstances with the approval of the planning board.
- d. Double frontage lots shall be avoided wherever possible.
- e. Side lot lines shall be substantially at right angles to or radial to street lines.

(3) *Easements.*

- a. Easements for underground or above ground utilities shall be provided, where necessary, across lots or centered on rear or side lot lines and shall be at least twenty-five (25) feet wide for water and sanitary sewer lines and as required by the companies involved, for telephone, gas and power lines. The town council will determine whether one (1) easement is sufficient or whether several easements are necessary to accommodate the various facilities and the subdivider shall provide the required easements.
- b. Where a subdivision is traversed by a stream or drainage way, a drainage easement shall be provided conforming with the lines of such stream and of sufficient width as will be adequate for the purpose.

9-2034 TYPE OF STREET REQUIRED.

- (1) All subdivision lots shall abut on a public street.
- (2) All public streets shall be built to the standards of this chapter and all other applicable standards of the Town of Drexel or the North Carolina Department of Transportation

(when outside the town limits).

- (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, nevertheless, be dedicated to the public and shall be in accordance with 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 maintenance agreement with provisions for maintenance of the street until it is put on the state system shall be included with the final plat.

9-2035 SUBDIVISION STREET DISCLOSURE STATEMENT.

- (1) All streets shown on the final plat shall be designated in accordance with G.S. 136-102.6 and designation as public shall be conclusively presumed an offer of dedication to the public.
- (2) Where streets are dedicated to the public but not accepted into a municipal system or the state system, before lots are sold, a statement explaining the status of the street shall be included with the final plat.

9-2036 HALF-STREETS.

The dedication of half streets of less than fifty (50) feet at the perimeter of a new subdivision shall be prohibited. If circumstances render this impractical, adequate provision for the concurrent dedication of the remaining half of the street must be furnished by the subdivider. Where there exists a half street in an adjoining subdivision, the remaining half shall be provided by the proposed development.

9-2037 MARGINAL ACCESS STREETS.

Where a tract of land to be subdivided adjoins a principal arterial street, the subdivider may be required to provide a marginal access street parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial. Where reverse frontage is established, private driveways shall be prevented from having direct access to the principal arterial.

9-2038 ACCESS TO ADJACENT PROPERTIES.

Where, in the opinion of the town council, it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turnaround provided. Adequate turnaround facilities shall be provided as determined by the planning board and approved by the town council.

9-2039 NONRESIDENTIAL STREETS.

The subdivider of a nonresidential subdivision shall provide streets in accordance with the North Carolina Department of Transportation, Division of Highways' Subdivision Roads Minimum Construction Standards, July 1, 1985, as amended, and the standards in this chapter, whichever are stricter in regard to each particular item.

9-2040 DESIGN STANDARDS OF STREETS.

The design of all streets and roads within the jurisdiction of this chapter shall be in accordance with the accepted policies of the North Carolina Department of Transportation, Division of Highways, as taken or modified from the American Association of State Highway and Transportation Officials (AASHTO) manuals. The N.C. Department of Transportation, Division of Highways' Subdivision Roads Minimum Construction Standards, July 1, 1985, as amended, shall apply for any items not included in this chapter, or where stricter than this chapter. Curb and gutter, swales, or ditches shall be installed as prescribed by the town engineer.

9-2041 RIGHTS-OF-WAY WIDTHS.

- (1) Right-of-way widths shall not be less than the following and shall apply except in those cases where right-of-way requirements have been specifically set out in the thoroughfare plan.

Rural	Minimum Right-of-Way (feet)
Principal arterial freeways	350
Other	200
Minor arterial	100
Major collector	100
Minor collector	60
Local Road	50

Urban	Minimum Right-of-Way (feet)
Major thoroughfare other than freeway and expressway	90
Minor thoroughfare	60
Local street	50
Cul-de-sac	50-foot radius

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

9-2042 PAVEMENT TYPE.

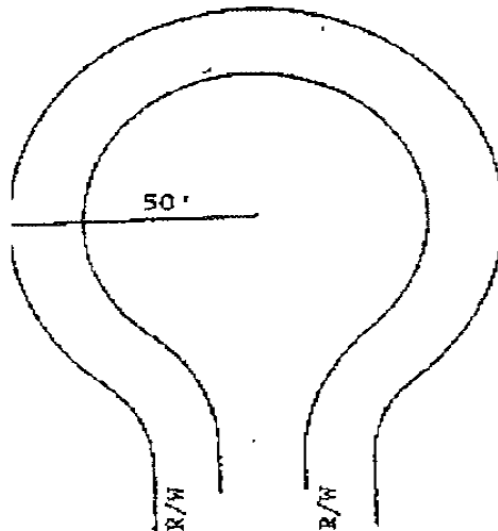
All road construction shall be in accordance with the latest edition of the Standard Specifications for Roads and Structures as published by the North Carolina Department of Transportation-Division of Highways. Condition of subgrade to be determined by the town engineer. The road base and pavement shall conform to minimum thickness as follows:

	ABC Base	1-2 Pavement
Good to excellent subgrade	6"	1.5"
Poor to fair subgrade	8"	2"

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

Road type	w/ Curb & Gutter (feet)	w/o Curb & Gutter (feet)
Local residential, local street	26, to face of curb	24
Residential collector	34	24
Cul-de-sac*		

**The distance from the edge of the pavement of the turnaround to the right-of-way line shall not be less than the distance from the edge of the pavement to the right-of-way line on the street approaching the turnaround, as illustrated below:*



9-2043 GEOMETRIC CHARACTERISTICS.

The standards outlined below shall apply to all subdivision streets proposed for addition to the state highway system (or municipal street system). In cases where a subdivision is sought adjacent to a proposed thoroughfare corridor, the requirements of dedication and reservation discussed in section 9-2034(b) shall apply.

- (1) *Design speed.* Minimum design speeds for subdivision-type streets shall be in accordance with A Policy on Geometric Design of Highways and Streets (AASHTO).
- (2) *Maximum and minimum grades:*
 - a. The maximum grades in percent shall be:

Design Speed	Level	Rolling	Mountainous
60	3	4	6
50	4	5	7
40	5	6	8
30		9	10
20			12

- b. A minimum grade for curbed streets normally should not be less than 0.5 percent, a grade of 0.35 percent may be allowed where there is a high type pavement accurately crowned and in areas where special drainage conditions may control.
 - c. Grades for one hundred (100) feet each way from intersections should not exceed five (5) percent.
 - d. For streets and roads with projected annual average daily traffic less than two hundred fifty (25) [vehicles], short grades, less than five hundred (500) feet long, may be no greater than fifteen (15.0) percent.
- (3) *Sight distance.* Sight distance provided for stopped vehicles at intersections shall be in accordance with A Policy on Geometric Design of Highways and Streets (AASHTO).
- (4) *Intersections:*
 - a. It is recommended that no street shall intersect any other street at an angle less than ninety (90) degrees. However, at the discretion of the planning board, a street may intersect at less than ninety (90) degrees but more than seventy-five (75) degrees. Under no circumstances may a street intersect at less than a 75-degree angle.
 - b. Property sight lines shall be maintained at all intersections of streets. Measured along the centerline, there shall be a clear sight triangle of seventy-five (75) feet, (one hundred fifty (150) feet for major streets), from a point of intersection. This shall be indicated on all plans. No building or obstruction shall be permitted in this area.

- c. Offset intersections are to be avoided unless the division of highways grants exception. Intersections which cannot be aligned should be separated by a minimum length of two hundred (200) feet between center lines.
- d. Intersections with arterials, collectors and thoroughfares shall be at least one thousand (1,000) feet from center line to center line, or more if required by the North Carolina Department of Transportation.

(5) *Cul-de-sacs:*

- a. Permanent dead-end streets shall not exceed one thousand (1,000) feet in length depending on topography and shall be provided with a turn-around having a right-of-way radius of fifty (50) feet.
- b. Where one (1) cul-de-sac intersects with another cul-de-sac, the end of each cul-de-sac shall be no more than one thousand (1,000) feet from a through street.
- c. The distance from the edge of pavement on the vehicular turnaround to the right-of-way line shall not be less than the distance from the edge of pavement to right-of-way line on the street approaching the turnaround, as illustrated in section 9-2042.
- d. Cul-de-sacs should not be used to avoid connection with an existing street or to avoid the extension of an important street, unless an exception is recommended by the planning board and granted by the town council.

(6) *Alleys:*

- a. Alleys shall be required to serve lots used for commercial and industrial purposes except that this requirement may be waived where other definite and assured provision is made for service access.
- b. The width of an alley shall be at least twenty (20) feet.
- c. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead-end as may be recommended by the planning board and approved by the town council.
- d. Sharp alignment or grade changes shall be avoided.
- e. All alleys shall be designed in accordance with N.C. Department of Transportation Standards.

9-2044 UTILITIES.

Storm and sanitary sewer, water mains, and fire hydrants shall be designed by a registered engineer and shall be approved by the town engineer.

- (1) *Water and sanitary sewer systems.* Each lot in all subdivisions within the corporate limits of the Town of Drexel shall be provided with an extension of the municipal water and sanitary sewer systems.

The water system shall be designed to meet the criteria as established by the North Carolina Department of Human Resources-Division of Health Services. All water lines

shall be a minimum of six (6) inches in diameter and shall be sized to provide peak design flow while maintaining a 30 PSI residual pressure throughout the system. Less than a six-inch line may be permitted at the discretion of the town manager and town engineer in instances where a smaller line is feasible. Fire protection shall be provided in accordance with all requirements of the insurance service office. All materials to be used shall have written approval from the town engineer prior to their use.

- (2) *Storm water drainage system.* The subdivider shall provide a surface water drainage system constructed to the standards of the North Carolina Department of Transportation, as reflected in Handbook for the Design of Highway Surface Drainage Structures, 1973, subject to review by the town engineer.
- (3) *Sanitary sewer system.* The sanitary sewer system shall be designed to facilitate gravity flow to the fullest extent possible.
 - a. All gravity sanitary sewer lines shall have a minimum diameter of eight (8) inches, a minimum slope of one half of one percent (0.5) and a maximum slope of twelve (12) percent.
 - b. An approved manhole shall be provided at all changes in alignment and grade.
 - c. All materials to be used shall have written approval from the town engineer prior to their use. All sanitary sewer systems shall meet the approval of the Burke County Health Department.

9-2045 OTHER REQUIREMENTS.

- (1) *Through traffic discouraged on (residential) local streets.* Local streets shall be laid out in such a way that their use by through traffic will be discouraged. Streets shall be designed or walkways dedicated to assure convenient access to parks, playgrounds, schools or other places of public assembly.
- (2) *Sidewalks.* Sidewalks shall be constructed on such streets as the planning board considers to be necessary. Such sidewalks shall be constructed to a minimum width of five (5) feet, and shall consist of a minimum thickness of four (4) inches of concrete. All sidewalks shall be placed in the street right-of-way, unless the development is platted as a planned unit or group development. Sidewalks shall consist of a minimum of six (6) inches of concrete at driveway crossings.
- (3) *Street names.* Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names in the county irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be subject to the approval of the town council.
- (4) *Street name signs.* The subdivider shall be required to provide and erect street name signs to the town standards at all intersections within the subdivision.
- (5) *Permits for connection to state roads.* An approved permit is required for connection to any existing state system road. This permit is required prior to any construction on the street or road. The application is available at the office of the nearest district engineer

of the Division of Highways.

- (6) *Offsets to utility poles.* Poles for overhead utilities should be located clear of roadway shoulders, preferably at least thirty (30) feet from the edge of pavement on major thoroughfares. On streets with curb and gutter, utility poles should be set back a minimum distance of six (6) feet from the face of curb.
- (7) *Wheelchair ramps.* In accordance with Chapter 136, Article 2A, section 136-44.14, all street curbs in North Carolina being constructed or reconstructed for maintenance procedures, traffic operations, repairs, correction of utilities, or altered for any reason after September 1, 1973, shall provide wheelchair ramps for the physically handicapped at all intersections where both curb and gutter and sidewalks are provided and at other major points of pedestrian flow.

9-2046 PLACEMENT OF MONUMENTS.

Unless otherwise specified by this chapter, the Manual of Practice for Land Surveying as adopted by the N.C. State Board of Registration for Professional Engineers and Land Surveyors, under the provisions of Title 21 of the North Carolina Administrative Code, Chapter 56 (21 NCAC 56), shall apply when conducting surveys for subdivisions; to determine the accuracy for surveys and placement of monuments, control corners, markers, and property corner ties; to determine the location, design and material of monuments, markers, control corners, and property corner ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions.

9-2047 CONSTRUCTION PROCEDURES.

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

9-2048 OVERSIZED IMPROVEMENTS.

The Town of Drexel may require installation of certain oversized utilities or the extension of utilities to adjacent property when it is in the interest of future development. If the town required the installation of improvements in excess of the standards required in this chapter, including all standards adopted by reference, the town shall pay the cost differential between the improvement required and the standards in this chapter.

9-2049 RESERVED.

ARTICLE E

LEGAL PROVISIONS

9-2050 GENERAL PROCEDURE FOR APPROVAL.

- (1) After the effective date of this chapter, no subdivision plat of land within the town's jurisdiction shall be filed or recorded until it has been submitted to and approved by the appropriate board or official as set forth in section 9-2013 of this chapter, and until this approval is entered in writing on the face of the plat by the town council for major subdivisions, or the town manager for minor subdivisions.
- (2) The register of deeds shall not file or record a plat of a subdivision of land located within the territorial jurisdiction of the town that has not been approved in accordance with these provisions, nor shall the clerk of superior court order or direct the recording of a plat if the recording would be in conflict with this section.

9-2051 STATEMENT BY OWNER.

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

9-2052 EFFECT OF PLAT APPROVAL ON DEDICATIONS.

Pursuant to G.S. 160D-806, the approval of a plat shall not be deemed to constitute or affect the acceptance by the municipality or public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, the town council may by resolution accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its planning and development regulation jurisdiction. Acceptance of dedication of lands or facilities located within the planning and development regulation jurisdiction but outside the corporate limits of the municipality shall not place on the town any duty to open, operate, repair, or maintain any street, utility line, or other land or facility, and the municipality shall in no event be held to answer in any civil action or proceeding for failure to open, repair or maintain any street located outside its corporate limits. Unless the town operating a water system shall have agreed to begin operation and maintenance of the water system or water system facilities within one year of the time of issuance of a certificate of occupancy for the first unit of housing in the subdivision, the town shall not, as part of its subdivision regulation applied to facilities or land outside the corporate limits of the town, require dedication of water systems or facilities as a condition for subdivision approval.

9-2053 PENALTIES FOR VIOLATION.

- (1) After the effective date of this chapter, any person who, being the owner or agent of the owner of any land located within the planning and development jurisdiction of this

chapter, thereafter subdivides his land in violation of the regulation 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 Burke County Register of Deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The Town of Drexel through its attorney or other official designated by the town council may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision regulation (G.S. 160D-807). Further, violators of this chapter shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S. 14-4.

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

lease it may become effective until after the final plat has been properly approved under the subdivision regulation and recorded with the register of deeds.

- (2) The violation of any provision of this chapter shall subject the offender to a civil penalty in the amount of fifty dollars (\$50.00) to be recovered by the town. Violator shall be issued a written citation which must be paid within ten (10) days.
- (3) Each day's continuing violation of this chapter shall be a separate and distinct offense.
- (4) Notwithstanding section 9-2050(b) above, this chapter may be enforced by appropriate equitable remedies issued from a court of competent jurisdiction.
- (5) 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.

9-2054 SEVERABILITY.

Should any section or provision of this chapter be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

9-2055 VARIANCES.

The Board of Adjustments may authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Board of Adjustments shall make the findings required below, taking into account the nature of the proposed subdivision, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Board of Adjustments finds all of the following (G.S. 160D-705):

1. Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

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

9-2056 AMENDMENTS.

- (1) The town council may from time to time amend the terms of this chapter, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the planning board for review and recommendation. The planning board shall have forty-five (45) days from the time the proposed amendment is submitted to it within which to submit its report. If the planning board fails to submit a report within the specified time, it shall be deemed to have recommended approval of the amendment.
- (2) No amendment shall be adopted by the governing body until they have held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the town's area at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall appear not more than twenty-five (25) nor less than ten (10) days prior to the hearing date. In computing the ten- to twenty-five-day period, the date of first publication shall be counted, but the date of the hearing shall not be counted.

9-2057 ABROGATION.

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

9-2058 ADMINISTRATOR.

The town manager or his designee(s) (town clerk, town public works director, or town planner) is hereby appointed to serve as subdivision administrator.

9-2059 RE-ENACTMENT AND REPEAL OF EXISTING SUBDIVISION ORDINANCE.

This chapter in part carries forward by re-enactment some of the provisions of the subdivision regulations of Drexel, adopted by the town council in September, 1966, as amended, and it is not the intention to repeal but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued hereunder are preserved and may be enforced. All provisions of the subdivision regulations of the Town of Drexel enacted in September, 1966, as amended, which are not continued in effect are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of any subdivision regulations heretofore in effect, which are now pending in any of the courts of this state or the United States, shall not be abated or abandoned by reason of the adoption of this chapter, but shall be prosecuted to their finality the same as if this chapter had not been adopted, any and all violations of the

existing subdivision regulations, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted, and nothing in this chapter shall be construed as to abandon, abate or dismiss any litigation or prosecution now pending, and/or which may heretofore have been instituted or prosecuted.

9-2060 ADOPTION AND EFFECTIVE DATE.

On a motion by Alderperson Queen and a second by Alderperson Anthony, this Ordinance [chapter] was adopted on the first day of June, 1999.