

Town of Spring Hope

Subdivision Ordinance

Adopted <August 13, 2007>

Town of Spring Hope

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ARTICLE I - GENERAL PROVISIONS

101 AUTHORITY AND ENACTMENT

In pursuance of the authority conferred by Article 19, Part 2 of Chapter 160A of the General Statutes of North Carolina as amended; NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE TOWN OF SPRING HOPE, NORTH CAROLINA DOES HEREBY ORDAIN AND ENACT INTO LAW, THE FOLLOWING ARTICLES AND SECTIONS.

102 TITLE

These regulations shall be known, cited, and referred to as the Subdivision Regulations of the Town of Spring Hope, North Carolina and may be referred as the Subdivision Regulations.

103 POLICY

- 103.1 It is hereby declared to be the policy of the Town of Spring Hope to consider the subdivision of land and the subsequent development of the subdivided plat as subject to control of the town pursuant to the prevailing comprehensive plan in an effort to ensure that orderly, planned, and efficient growth is realized.
- 103.2 Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace and land shall not be subdivided until available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and improvements.
- 103.3 The proposed public improvements to be encumbered by the developer shall conform to the recommendations of the prevailing comprehensive plan or other applicable studies which address said improvements.

104 PURPOSE

The regulations as herein described are adopted for the following purposes:

- 104.1 To establish procedures and standards of design for the development and subdivision of land within the territorial jurisdiction of the Town of Spring Hope.
- 104.2 To protect and provide for the public health, safety and general welfare of the citizens of Spring Hope and to its extraterritorial jurisdiction.
- 104.3 To provide for the orderly growth and development of the Spring Hope planning area in accordance with the prevailing comprehensive plan.
- 104.4 To prevent the pollution of air, streams, and parks; to secure safety from fire, flood, and danger; to assure the adequacy of drainage facilities; to protect the water table; and to encourage the rational and efficient utilization and

management of natural resources in order to preserve the integrity, stability, and beauty of the community and the value of the land.

- 104.5 To coordinate the use of land and buildings and the circulation of traffic, with particular regard for the avoidance of congestion in the streets and highways, and the creation of pedestrian facilities appropriate for the various uses of the land and buildings.
- 104.6 To facilitate adequate provision of water, sewerage, schools, parks, playgrounds, recreation and other public requirements and facilities sufficient to accommodate the needs of the proposed subdivision.
- 104.7 To provide for the dedication or reservation of recreation areas and open spaces serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for street and utility purposes
- 104.8 To protect and conserve the value of land, the value of buildings or other improvements thereupon, and to minimize the conflicts among the uses of land and buildings.

105 JURISDICTION

- 105.1 The subdivision regulations shall govern each and every subdivision of land lying within the Town of Spring Hope and its extraterritorial jurisdiction.
- 105.2 No land shall be subdivided within the subdivision jurisdiction of the town until said subdivision has received the approval of the Town of Spring Hope pursuant to the provisions of this ordinance.
- 105.3 No plat for the subdivision of land within the Town of Spring Hope shall be filed, accepted for recording, or recorded, nor shall the Clerk of the Superior Court order the recording of a plat until it has been submitted to and approved by the Town of Spring Hope.
- 105.4 No building permit, certificate of occupancy or any other permit required by other applicable laws or ordinances shall be issued for any parcel or plot of land which was created by subdivision after date of, and not in conformity with, the provisions of these regulations, and, no excavation of land or construction of any public or private improvements shall commence except in accordance with the provision as herein expressed.

106 CONDITIONS

Regulation of the subdivision of land and the attachment of reasonable conditions thereupon is a valid exercise of the policy power granted to the Town of Spring Hope by the State of North Carolina. The developer must encumber the responsibility to comply with conditions imposed by the Planning Board and/or Board of Commissioners for design, dedication, improvement, and restrictive use of the property in question.

107 COMPLIANCE WITH ZONING

Subdivisions of land 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.

108 LEGAL PROVISIONS

108.1 SEPARABILITY

Should any section or provision of these regulations be for any reason held void or invalid by the courts, such decision shall not affect the validity of the ordinance as a whole or any part other than the part so declared to be unconstitutional or invalid.

108.2 ABROGATION

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

Wherever the provisions of any other lawfully adopted ordinance, regulation, rules, deed restrictions, or covenants impose higher standards than are required by the provisions of this ordinance, the provisions of such law, ordinance or regulations shall govern.

108.3 SAVING PROVISION

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations; or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue or as affecting the liability of any person, firm, or corporation; or as waiving any right of the town under any section or provision existing at the time of adoption of the regulations; or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the county except as shall be expressly provided for in these regulations.

108.4 REPEAL

Upon adoption of these regulations as prescribed by law, all ordinances of the Town of Spring Hope are hereby repealed to the extent necessary to give this ordinance full force and effect.

108.5 EFFECTIVE DATE

This Ordinance, adopted by the Board of Commissioners of Spring Hope, North Carolina, shall take effect and be in force from and after this the _____ day of _____, 20__.

108.6 ADOPTION

Duly adopted by the Board of Commissioners of the Town of Spring Hope,
North Carolina,

Clerk

Mayor

ARTICLE II - INTERPRETATION OF TERMS AND DEFINITIONS

201 GENERAL PROVISIONS

For the purpose of interpreting this ordinance, certain words or terms are defined in this article. Except as defined herein or in other sections of this ordinance, all words used in this ordinance shall have their customary dictionary definition. Unless the context clearly indicates otherwise, the terms defined in this ordinance shall have the meanings indicated below.

202 INTERPRETATION OF TERMS

- 202.1 Words used in the present tense include the future tense.
- 202.2 Words used in the singular number include the plural and words uses in the plural number include the singular. Words used in the masculine gender include the feminine gender.
- 202.3 The word "person" includes a firm, joint venture, association, organization, partnership, corporation, trust, and company, as well as an individual.
- 202.4 The word "lot" includes the words "plot," "parcel," or "tract."
- 202.5 The word "building" includes the word "structure."
- 202.6 The word "shall" is always mandatory and not merely directory.
- 202.7 The word "use," as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used."
- 202.8 The word "may" is conditional and should not be construed as mandatory.
- 202.9 The word "street" includes the words "road and highway."
- 202.10 The words "town board," "governing body," and "Spring Hope Board of Commissioners" shall refer the Board of Commissioners of the Town of Spring Hope, North Carolina.
- 202.11 The words "planning board" shall refer to the Planning Board of the Town of Spring Hope, North Carolina.

203 DEFINITIONS

- 203.1 **Accessory Building**, means a detached subordinate structure operated and maintained under he same ownership and located on the same lot as the principal structure and is not used for residential occupancy.
- 203.2 **Alley**, means a minor right-of-way privately or publicly owned, primarily for service access to the rear or side of properties, which have principal frontage on some other street.

- 203.3 **Block**, means a tract of land bordered by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines or water courses or boundary lines of municipalities.
- 203.4 **Board of Commissioners**, means the Board of Commissioners of the Town of Spring Hope, North Carolina.
- 203.5 **Bond**, means any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Town of Spring Hope.
- 203.6 **Building**, means any structure, either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal or property of any kind, including tents, awnings, or vehicles situated on private property and used for purposes of building.
- 203.7 **Building Setback Line**, means a line located a minimum horizontal distance from the right-of-way line of a street or property line parallel thereto between which and the street right-of-way line or property line no building or parts of a building may be erected, altered, or maintained except as otherwise provided herein.
- 203.8 **Building Inspector**, means the person designated by the Town of Spring Hope to enforce the building codes within its territorial jurisdiction.
- 203.9 **Building Permit**, means a permit which is issued by the building inspector before a building or structure is started, improved, enlarged or altered as proof that such action is in compliance with the building code.
- 203.10 **Buffer Strip**, means an area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing trees, shrubs, fences, and/or berms, designed to limit continuously the view of and/or the sounds from the site to adjacent sites and properties.
- 203.11 **Capital Improvements Program**, means a any building or infrastructure project that will be owned by a governmental unit and purchased or built with direct appropriations from the governmental unit, or with bonds backed by its full faith and credit, or in whole or in part, with federal or other public funds , or in any combination thereof.
- 203.12 **Central Sewer System**, means any sewage disposal system whether operated publicly or privately other than a pit privy or a septic tank located on the lot and approved by the Nash County Health Department.
- 203.13 **Central Water System**, means a system operated publicly or privately, whereby the watercourse is not located on the lot of the consumers and the number of connections must be at least ten (10) and approved by the Nash County Health Department.

- 203.14 **Certificate of Occupancy**, means a statement signed by the Zoning Administrator setting forth that the building, structure or use complies with the Zoning Ordinance and any applicable construction codes, and that the same may be used for the purposes stated herein.
- 203.15 **Common Area**, means land within a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development. The may include complementary structures and improvements.
- 203.16 **Condominium**, means an estate in real property consisting of an undivided interest in common in a portion of a parcel in real property, together with separate interest in the space in a residential, industrial, or commercial building on such real property such as an apartment, office, or store.
- 203.17 **Construction Plan**, means the maps of drawings accompanying a subdivision plat, depicting the specific location and design of improvements to be installed therein.
- 203.18 **Crosswalk**, means a public right-of-way used primarily for pedestrian travel through or across any portion of a block.
- 203.19 **Dedication**, means an offer of real property by its owner(s) and its acceptance by the town for any general or public use.
- 203.20 **Developer**, means the owner of land proposed to be subdivided or his representative.
- 203.21 **Dwelling**, means a building or structure or portion thereof designed for occupancy by one household for residential purposes. In no case shall a motor home, trailer coach, automobile chassis, tent, or other portable building be considered.
- 203.22 **Extraterritorial Jurisdiction (ETJ)**, means an area adjacent to and outside of the Town of Spring Hope in which the town has authority to exercise planning, zoning, and subdivision regulations.
- 203.23 **Easement**, means authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his or her property.
- 203.24 **Fee In-Lieu Dedication**, means cash payments that may be required of an owner or developer as a substitute for dedication of land or physical improvements.
- 203.25 **Frontage**, means all property abutting on one (1) side of a street measured along the street line.
- 203.26 **Grade**, means the slope of a road, street, or other public way specified in percentage (%) terms.

- 203.27 **Grading**, means the act of excavating, filling, or any combination thereof, or any leveling to smooth horizontal or sloping surface on a property.
- 203.28 **Improvements** (see Lot Improvement).
- 203.29 **Individual Sewage Disposal System** means a septic tank, seepage tile sewage disposal system or any other approved sewage treatment device.
- 203.30 **Individual Water System** means the provision of a potable water system by means of an on-site well.
- 203.31 **Lot**, means a contiguous parcel of land in identified ownership throughout, bounded by other lots or streets, and used or set aside and available for use as the site of one or more buildings or other definite purpose.
- 203.32 **Lot Area**, means the parcel of land enclosed within the boundaries formed by the property lines plus one-half of any alley abutting the lot between the boundaries of the lot, if extended.
- 203.33 **Lot, Corner**, means any parcel of land having frontage on more than one street (road) which abuts an intersection of those streets roads.
- 203.34 **Lot Depth**, means the depth of a lot, for the purpose of this ordinance, is the distance measured in the mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite lot line.
- 203.35 **Lot, Double Frontage**, means a continuous lot of the same depth as the width of a block, accessible from both rights-of-way upon which it fronts.
- 203.36 **Lot, Flag**, means a tract or lot of land of uneven dimensions in which the portion fronting on a street is less than the required minimum width required for construction of a building or structure on that lot.
- 203.37 **Lot Improvement**, means any building, structure, place, work of art, or other object, or improvement of the land in which said improvements is situated which contributes a physical betterment of real property or any part of such betterment.
- 203.38 **Lot Line**, means any boundary of a parcel of land.
- 203.39 **Lot Line, Front**, means any boundary line of a lot running along a street right-of-way line.
- 203.40 **Lot Line, Rear**, means the property line(s) which is (are) opposite the front property line. If no property line is deemed to be opposite the front property line and no minimum building line exists on the final plat to establish a rear lot line, then there shall be no rear lot line; however, the rear yard setback shall be maintained from the point (apex) on the property's perimeter, which is the furthest removed from the midpoint of the front line. The rear yard minimum building line shall be a line perpendicular to a straight line connecting said apex and the midpoint of the front lot line.

- 203.41 **Lot Line, Side**, means a boundary line which is not defined as a front or rear lot line which intersects a front lot line.
- 203.42 **Lot of Record**, means a lot which has been recorded in the Office of the Register of Deeds of Nash County or a lot described by metes and bounds, the description of which has been recorded in the aforementioned office.
- 203.43 **Lot Width**, means the horizontal distance between the sidelines measured along the front building line as specified by the applicable front yard setback in this ordinance.
- 203.44 **Nonresidential Subdivision**, means a subdivision having intended use other than residential, such as commercial or industrial or recreational.
- 203.45 **Office Plan**, means any plan officially adopted by the Board of Commissioners of the Town of Spring Hope as a guide for the development of the Town consisting of maps, charts, and/or texts.
- 203.46 **Open Space**, means land or water areas retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state.
- 203.47 **Ordinance**, means any legislative action, however denominated, of a local government, which has the force of law, including any amendment or repeal thereof.
- 203.48 **Owner**, means any person, firm, partnership, association, estate, trust, or corporation or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.
- 203.49 **Planning Board**, means for the purposes of this ordinance the Spring Hope Planning Board.
- 203.50 **Plat**, means a map or plan of a parcel of land which is to be, or has been subdivided.
- 203.51 **Plat, Final**, means the final map or plan of a subdivision and any accompanying material as described herein submitted to the Subdivision Administrator and in such a form as required by Nash County for the purpose of recording.
- 203.52 **Plat, Preliminary**, means the preliminary map or plan and any accompanying material described herein, indicating the proposed manner or layout of the subdivision, to be submitted to the Subdivision Administrator, in the case of a minor subdivision, and Planning Board, in the case of a major subdivision, for approval.
- 203.53 **Private Street**, means a vehicular right-of-way not dedicated or offered for dedication as a public street, serving residential lots within a subdivision and

dedicated for the exclusive use of property owners abutting the street ~~therein~~ and permitted guests. Private road maintenance responsibilities are shared jointly by abutting property owners.

- 203.54 **Public Improvement**, means any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking areas, lot improvement, or other facility for which the local government may ultimately assume for the maintenance or operation thereof, or which may affect an improvement for which the local government responsibility is established.
- 203.55 **Public Street**, means a dedicated public right-of-way for vehicular traffic which has been accepted by NCDOT or the Town of Spring Hope for maintenance, or has not yet been accepted, but in which the roadway design and construction have been approved under public standards for vehicular traffic. Alleys are specifically excluded.
- 203.56 **Reserve Strip**, means a narrow strip of land overlying a dedicated street for the purpose of controlling access to adjacent property.
- 203.57 **Resubdivision**, means a change in a map of an approved or recorded subdivision plat if such change affects any street layout or such map or area reserved thereon or public use or if said resubdivision reduces any lot or other tract of land smaller than the area as originally depicted.
- 203.58 **Right-of-Way**, means a strip of land dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, crosswalks, lawn strips, sidewalks, lighting, and drainage facilities.
- 203.59 **Right-of-Way Width**, means the distance between property lines measured at right angles to the center line of the street.
- 203.60 **Road** (see "street")
- 203.61 **Same Ownership**, means ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity or, unincorporated association.
- 203.62 **Setback**, means the distance between the minimum building line and the street right-of-right line where no street right-of-way is involved, the property line shall be used in establishing the setback.
- 203.63 **Sidewalk**, means an improved pedestrian surface that is typically located adjacent to a roadway.
- 203.64 **Site**, means a lot or group of lots with frontage on a street, devoted or intended for use or occupied by a building or group of buildings.

- 203.65 **Site Triangle**, means a triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.
- 203.66 **Sketch Plan**, means a rough sketch of a proposed subdivision or site, showing roads, lots, and any other information of sufficient accuracy to be used for discussion of the road system and the proposed development pattern.
- 203.67 **Street**, means a public thoroughfare which affords access to abutting property and is recorded as such in the office of the Nash County Register of Deeds. Particular kinds are as follows:
- 203.67(a) **Collector Street**, means a street whose principal function is to carry traffic between local streets and streets of higher classification, but which may also provide direct access for abutting properties.
- 203.67(b) **Cul-de-Sac**, means a short local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.
- 203.67(c) **Dead End Street**, means a street generally less than 2,500 feet in length, open only at one end without special provision for turning around and have no collector characteristics.
- 203.67(d) **Residential Collector**, means a street whose principal function is to provide access to abutting properties, but which is also designed to be used or is used to connect local streets and streets of higher classification.
- 203.67(e) **Minor Street Residential Street**, means a street which has been designed primarily to afford access to abutting properties.
- 203.67(f) **Marginal Access Street**, means a minor street which is parallel to and adjacent to major highways; and which provides access to abutting properties and protection from through traffic.
- 203.67(g) **Major Thoroughfare**, means a thoroughfare consisting of interstate, other freeway, expressway, or parkway links, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.
- 203.67(h) **Minor Thoroughfare**, means a thoroughfare that collects traffic from collector and local streets and carries it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating movement of moderate volumes of traffic within and through urban areas and may also serve abutting property.
- 203.68 **Stub Street**, means a nonpermanent dead-end street intended to be extended in conjunction with the subdivision and development of the adjacent land.

- 203.69 **Subdivider**, means any person, firm, partnership, association, estate, trust, or any other group or combination, acting as a unit, dividing or proposing to divide land so as to constitute a subdivision, as defined herein, and including any agent of the subdivider.
- 203.70 **Subdivision**, means 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, whether immediate or future, of sale or building development, and all division of land involving the dedication of new streets or a change in existing streets; provided, however, that the following shall not be included within the this definition:
- 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 as contained herein.
 - B. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.
 - C. The public acquisition by purchase of strips of land for the widening or opening of streets.
 - D. The division of a tract in single ownership whose entire area is no greater than two (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 as prescribed herein.
 - E. The division of land for use as gravesites.
- 203.71 **Subdivision, Major**, means all subdivisions not classified as a minor subdivision including but not limited to subdivisions of five (5) or more lots, or any size subdivision requiring any new street or extension of local government facilities, or the creation of any public improvements.
- 203.72 **Subdivision, Minor**, means any subdivision containing not more than four (4) lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provisions or portion of the comprehensive plan and zoning ordinance.
- 203.73 **Vested Right**, means the right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan or an approved phased development plan.

ARTICLE III - PROCEDURES FOR REVIEW AND APPROVAL OF SUBDIVISIONS

301 APPLICABILITY AND DEFINITION OF SUBDIVISION

- 301.1 The provisions of this Section apply to any "subdivision" as defined herein. A subdivision is any division 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, whether immediate or future, of sale or building development, and includes all division of land involving the dedication of new streets or a change in existing streets. The following divisions of land are not included in this definition and are not subject to this article:
- 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 as contained herein.
 - B. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.
 - C. The public acquisition by purchase of strips of land for the widening or opening of streets.
 - D. The division of a tract in single ownership whose entire area is no greater than two (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 as prescribed herein.
 - E. The division of land for use as gravesites.
 - F. In (b) and (d) above, the phrases "where no street right-of-way dedication is involved" and "where no widening or opening of streets is involved" mean that adequate access to such lots is provided by an approved existing street (public or private) without the need for additions or improvements to existing street rights-of-way or easements.
- 301.2 Pursuant to G.S. 160A-373, no final plat of a subdivision within the jurisdiction of the Town of Spring Hope shall be recorded by the Register of Deeds of Nash County until it has been approved as provided by the requirements of this ordinance. To secure such approval of a final plat, the subdivider shall follow the procedures established in this article.
- 301.3 Plats deemed an exception to the provisions of this ordinance as specified in subsection 301.1, or divisions of land not involving immediate or future building development or sale of lots, such as court ordered settlements, may be recorded provided the owner desiring to record such plats shall obtain a Certificate of Exception, to be shown on the face of the plat, from the Subdivision Administrator or his designee, as provided for in Appendix 2. The

owner shall present such plat showing the Certificate of Exception to the recorder as proof the exception condition is present.

302 MINOR SUBDIVISION REVIEW PROCEURES

302.1 Applicability and General Procedures

- A. Procedures as expressed herein are established in an effort to condense and simplify the review process for routine minor subdivisions with due regard to protection of the public interest.
- B. As contained in Article II, a minor subdivision constitutes any subdivision of land containing not more than four (4) lots, including all contiguous land under the ownership of the sponsor, fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the comprehensive plan and zoning ordinance.
- C. The applicant for minor subdivision plat approval is encouraged to confer with the Subdivision Administrator prior to submitting a minor subdivision plat for a determination of whether the approval process authorized by this section can and should be utilized. The Subdivision Administrator may require the applicant to submit information necessary to determine whether or not the proposed subdivision is eligible for approval under the minor subdivision approval process.

302.2 Preliminary Plat Review and Approval for Minor Subdivisions

- A. In lieu of the procedural requirements contained herein for major subdivisions, the subdivider may receive preliminary approval for any minor subdivision through procedures expressed herein.
- B. Procedural requirements for procuring minor preliminary subdivision plat approval are as follows:
 - 1. The subdivider shall submit to the Subdivision Administrator or his designated agent any required application form, application fee, and six (6) blue line prints of the plat of the proposed minor subdivision. Copies of the plat may be distributed to a representative of the Health Department, Soil Conservation Service, and Tax Office for perusal and compliance with other applicable standards.
 - 2. The minor preliminary plat shall be prepared by a registered land surveyor or engineer licensed to render said service in the State of North Carolina at a scale of no less than one (1) inch to one hundred (100) feet and shall contain all information outlined in Appendix 1: Information Required with Submission Applications.
 - 3. The Subdivision Administrator may waive the topographical requirements of a minor subdivision plat if, after making a field

investigation with the soil conservationist and a representative of the Nash County Health Department, it is evident beyond a doubt that the topography of the site is such that a survey showing contours is not required.

- C. The Subdivision Administrator or his designated agent shall review the preliminary plat of the proposed minor subdivision and shall render the determination that the proposal constitutes a minor subdivision and meets all requirements for minor subdivisions. Based upon those findings, the Subdivision Administrator shall approve, disapprove or conditionally approve the preliminary minor subdivision plat. The Subdivision Administrator shall render a decision within ten (10) working days after receipt of the proposed minor subdivision. Failure of the Subdivision Administrator to render a decision within said time shall constitute approval thereof.
- D. If the subdivision is disapproved or conditionally approved, the Subdivision Administrator shall promptly furnish the applicant with a written statement of the reasons for disapproval, or in the case of conditional approval, the items necessary to bring the plat into compliance with this ordinance.
- E. If approval is granted, written confirmation shall be made on three (3) copies of the preliminary plat. One copy of the approved preliminary plat shall be returned to the applicant and two (2) copies retained on file with the Town of Spring Hope. Preliminary plat approval shall be valid for a period of twelve (12) months from the date of approval of the plat by the Subdivision Administrator unless a longer time period is established under the vested right provision. Preliminary plats whose approval has lapsed shall be resubmitted in accordance with subsection 302.2.
- F. The decision of the Subdivision Administrator may be appealed to the Planning Board by the subdivider.

302.3 Final Plat Review and Approval Procedures for Minor Subdivisions

- A. In lieu of the procedural requirements establishment herein for major subdivisions the developer may procure final approval for minor subdivisions pursuant to the requirements expressed herein.
- B. The procedural requirements for procuring minor final subdivision plat approval are as follows:
 - 1. The subdivider shall submit to the Subdivision Administrator or his designated agent at least six (6) blue-line prints of the plat of the proposed minor subdivision of a size that is acceptable for recording by the Nash County Register of Deeds.
 - 2. The minor final plat shall be prepared by a registered land surveyor or engineer licensed to render said service in the State of North Carolina at a scale of no less than one (1) inch to one hundred (100) feet and

shall contain all information outlined in Appendix 1: Information Required with Submission Applications, and all applicable certificates required in Appendix 2: Certificates.

- C. The Subdivision Administrator or his designated agent shall review the final plat of the proposed minor subdivision and shall render the determination that said plat does constitute a minor subdivision and meets all requirements for minor subdivisions. Based upon those findings, the Subdivision Administrator shall approve or disapprove the proposed final minor subdivision plat. The Subdivision Administrator shall render a decision within ten (10) working days after receipt of the proposed minor subdivision. Failure of the Subdivision Administrator to render a decision shall constitute approval thereof.
- D. If the subdivision is disapproved, the Subdivision Administrator shall promptly furnish the applicant with a written statement of the reasons for disapproval, specifying the provisions of this ordinance with which the final plat does not comply.
- E. If approval is granted, written confirmation shall be made on four (4) copies of the final plat. Two (2) copies of the plat shall be returned to the subdivider and two (2) copies shall be filed with the Town of Spring Hope.
- F. The decision of the Subdivision Administrator may be appealed to the Planning Board by the subdivider.

303 MAJOR SUBDIVISION REVIEW PROCEDURES

303.1 Applicability and General Procedures

- A. As contained in Article II, a major subdivision includes all subdivisions not classified as a minor subdivision, including but not limited to subdivisions of five (5) or more lots, or any size subdivision requiring any new street or extension of local government facilities, or the creation of any public improvements.
- B. The procedures for the review of a major subdivision generally involve: (1) sketch plan review (required for all subdivisions of 30 or more lots); (2) preliminary plat review and approval by the Technical Review Committee (TRC) and Planning Board; and (3) final plat review and approval by the Subdivision Administrator.
- C. In the event that a subdivision is to be developed in phases, a preliminary plat shall be submitted for the entire development. A final plat may be submitted separately for each phase of the subdivision.

303.2 Sketch Plan Submission

- A. Procedural Requirements

1. It is recommended that the applicant for subdivision approval submit a sketch/concept plan for review by the Subdivision Administrator or his designee and a sub-committee of the Planning Board. This plan should, in simple sketch form, show the location of the development, size of the property, proposed layout of streets, lots and other features, and location of the property in relation to existing streets and surrounding areas.
2. Sketch Plans shall be a requirement for any subdivision of thirty (30) lots or more.
3. The subdivider shall submit four (4) copies of the proposed sketch plan, prepared in accordance with the requirements of this ordinance, to the Subdivision Administrator or his designated agent. Within ten days (10) following the submission, the Subdivision Administrator will schedule a meeting with the subdivider to review and discuss the sketch plan proposal.
4. The Subdivision Administrator shall review the sketch plan for general compliance with the requirements of the subdivision and zoning ordinances, and shall advise the subdivider of the regulations applicable to the proposed subdivision and procedures to be followed in preparation and submission of the preliminary plat. This review shall in no way be construed as constituting an official action of subdivision approval. No review fee shall be required for pre-application conferences or sketch plans.
5. The sketch plan shall include all information required in Appendix 1: Information Required with Subdivision Applications. The Subdivision Administrator may waive specific information required on sketch plans as specified in Appendix 1, if such information is not necessary to convey a general overview of the proposed size, layout, and lot features of the subdivision. No specific size requirements apply to sketch plans and no certification is required.
6. Following the sketch plan review, two (2) copies of the sketch plan shall be retained on file with the Town of Spring Hope, and the other two (2) copies returned to the subdivider.

303.3 Preliminary Plat Review and Approval Procedures for Major Subdivisions

A. Submission Requirements

1. The subdivider shall submit ten (10) blueline prints of the plat of the proposed subdivision, prepared in accordance with the requirements of this ordinance, to the Subdivision Administrator or his designated agent no less than twenty-five (25) working days prior to the regularly scheduled Planning Board meeting at which time the plat will be considered. The applicant shall also submit any required application forms and fee.

2. If the subdivision includes a new public road(s) or an extension of an existing road, four (4) complete sets of road construction plans in conformance with the most current road standards for the Town of Spring Hope and NC Division of Highways shall be submitted with the preliminary plat.
 3. The major preliminary plat shall be prepared by a registered land surveyor or engineer licensed to render said service in the State of North Carolina at a scale of no less than one (1) inch to one hundred (100) feet and shall include all information included in Appendix 1: Information Required with Subdivision Applications.
- B. Review and Recommendation by Technical Review Committee
1. The preliminary plat shall conform substantially to the sketch plan, if applicable.
 2. Upon receipt of the requisite copies of the preliminary plat, the Subdivision Administrator or his designated agent shall distribute copies of the preliminary plat of the proposed major subdivision to various agencies representing the Technical Review Committee (TRC) for review of street design, erosion and sedimentation control, sewage disposal systems, water and sanitary sewer systems, stormwater management, public safety, and public services.
 3. The Subdivision Administrator shall consult with members of the Technical Review Committee (TRC) to review the preliminary plat. Following its review, the TRC shall provide its findings and recommendations in writing to Subdivision Administrator.
 4. The Subdivision Administrator shall forward the TRC findings and recommendations, along with the preliminary plat of the major subdivision, to the Planning Board for review and approval at least five (5) days prior to the Planning Board meeting. If the TRC determines that the preliminary plat is incomplete, the Subdivision Administrator shall notify the applicant of the deficiencies in writing. Preliminary plats shall not be forwarded to the Planning Board until all deficiencies have been corrected.
- C. Planning Board Review and Approval: After considering any input and/or recommendations received in connection with the proposed subdivision, in addition to any comments the subdivider may have, the Planning Board shall approve, disapprove or conditionally approve the proposed major subdivision preliminary plat in accordance with the following:
1. If the Planning Board grants the conditional approval of the preliminary plat, the conditions and reasons thereof shall be stated in writing.
 2. If the Planning Board disapproves the preliminary plat, the reasons for disapproval shall be stated in writing and references shall be made to

the specific section(s) of this ordinance with which the plan does not comply. The subdivider may make the recommended changes and resubmit the revised preliminary plat in accordance with subsection 303.3.

3. If approval is granted, written confirmation shall be made on three (3) copies of the preliminary plat. One (1) copy of the approved preliminary plat shall be returned to the applicant and two (2) copies retained on file with the Town of Spring Hope.
 4. Failure of the Planning Board to render a decision within sixty-five (65) days after the preliminary plat is received by the Subdivision Administrator shall constitute approval thereof.
- D. Preliminary plat approval shall be valid for a period of twelve (12) months from the date of approval by the Planning Board. The Planning Board, at its discretion, may grant an extension for a period not to exceed two (2) years beyond the date of original preliminary plat approval. Due consideration shall be given for the health, safety, and welfare of the public in granting extensions. Preliminary plats whose approval has lapsed shall be resubmitted in accordance with Section 303.3.
- E. Following Planning Board approval of the preliminary plat, the developer is authorized to proceed with the installation or arrangement for the required improvements and the preparation of a final plat. Prior to approval of the final major subdivision plat, the subdivider shall have installed the improvements specified on the plat or guaranteed their installation as provided for in Section 306.
- F. No preliminary plat approval shall be granted with respect to any development that would cause land disturbing activity requiring prior approval of an erosion and sedimentation control plan by the NC Sedimentation Control Commission under NCGS 113a-57(4) unless the Commission has certified to the Town, either that:
1. An erosion control plan has been submitted to and approved by the commission;
 2. The Commission has examined the preliminary plans for development and it reasonably appears that an erosion control plan can be approved upon submission by the developer of more detailed construction plan. In this case, construction of the development may not begin and no building permits may be issued until the Commission approves the sedimentation and erosion control plan.

'Land disturbing activity' means any use of the land by any person in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation except activities that are exempt under NCGS 113A-53(6).

303.4 Final Plat Review and Approval Procedures for Major Subdivisions

A. Submission Requirements

1. The subdivider shall submit ten (10) blue-line prints of the final plat of the proposed subdivision, in a size acceptable to the Nash County Register of Deeds and prepared in accordance with the requirements of this ordinance, of the proposed subdivision to the Subdivision Administrator or his designated agent. When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision.
2. The major final plat shall be prepared by a registered land surveyor or engineer licensed to render said service in the State of North Carolina at a scale of no less than one (1) inch to one hundred (100) feet and shall contain all information outlined in Appendix 1: Information Required with Submission Applications, and all applicable certificates required in Appendix 2: Certificates.

B. Conformance with Preliminary Plat

The final plat shall conform substantially to the approved preliminary plat. If the submitted final plat deviates in its overall design from the approved preliminary plat, or if the applicant requests a waiver from any of the standards of this ordinance, the Subdivision Administrator shall consult with the Technical Review Committee and refer the findings and recommendations of the TRC to the Planning Board for decision. Such review shall follow the same review and approval procedures set forth in Section 303.3C.

C. Review and Approval by Subdivision Administrator

1. The major final plat shall be reviewed by the Subdivision Administrator for compliance with the approved preliminary plat. The Subdivision Administrator, with Planning Board and Town Board concurrence, may appoint an engineer to certify the final plat against the subdivision's actual layout for correctness, charging the costs to the subdivider if the plat is found to be in error.
2. If the major final plat is in compliance with the ordinance and consistent with the preliminary plat, or the Planning Board approved any amendments made from a conditionally approved preliminary plat, the Subdivision Administrator shall approve the final plat. If approval is granted, written confirmation shall be made on four (4) copies of the final plat. Two (2) copies of the plat shall be returned to the subdivider and two (2) copies shall be filed with the Town of Spring Hope.

3. If the final plat is disapproved by the Subdivision Administrator, the applicant shall be furnished with a written statement of the reasons for disapproval and reference shall be made to the specific section(s) of this ordinance with which the plat does not comply.
4. The Subdivision Administrator shall take expeditious action on a final plat. If the Subdivision Administrator fails to act within thirty (30) days after the final plat is submitted, the applicant may request that the final plat be reviewed for final plat approval according to the same review and approval procedures set forth in Section 303.3 for preliminary plats. The Subdivision Administrator may at any time, however, refer an application for final plat approval to the TRC and the Planning Board.

D. Required Improvements

No major final plat shall be approved until all improvements are installed as specified in the approved preliminary plat and construction plans, or until the subdivider has issued performance guarantees as established in Section 306, and the certificates as depicted thereon have been signed. The required improvements include:

1. Roads within the subdivision and improvements to existing roads required for safe and adequate access to the subdivision.
2. Public or community water supply and sewage disposal systems.
3. Drainage facilities and easements, and stormwater management devices.
4. Essential utilities.
5. Erosion and sedimentation control devices.
6. Any other improvement required as a condition for preliminary plat approval.

E. Appeals from Decision of Subdivision Administrator

If a final plat is disapproved by the Subdivision Administrator, the applicant may appeal the decision by requesting that the final plat be scheduled for review by the Planning Board according to the same review and approval procedures set forth in subsection 303.3C.

304 RECORDATION OF FINAL PLATS

304.1 Recording of Final Plat

Upon procuring approval of the final plat by the Subdivision Administrator, the subdivider shall file the plat with the Nash County Register of Deeds within sixty (60) days or such action shall become null and void.

304.2 Dedication and Acceptance

A. Rights of Way

The approval and recordation of a final plat does constitute an offer to dedicate, but does not constitute dedication to and acceptance for maintenance responsibility by the town or the public of any public road, alley, or utility or drainage easement shown on such plat. Improvements within such rights-of-way or easements, such as utility lines, road paving, drainage facilities, or sidewalks may, however, be accepted for maintenance by the North Carolina Department of Transportation or by the private utility provider upon compliance with applicable NCDOT and private utility provider guidelines and standards.

B. Open Space

Land designed as public open space on a final plat shall be considered to be offered for dedication until such offer is officially accepted by the town. The offer may be accepted by the town through:

1. Express action by the Board of Commissioners;
2. Express action by an administrative officer designated by the Board of Commissioners;
3. Conveyance of fee simple marketable title (unencumbered financially and environmentally) of the property to the town at the time of final plat recordation.

Until such dedication has been accepted, land so offered may be used for open space purposes by the owner or owners' association. Land so offered for dedication shall not be used for any purpose inconsistent with the proposed public use.

304.3 Permits and Certificates of Occupancy

Unless otherwise provided in this Ordinance, upon recordation of the final plat, the applicant shall be eligible to apply for building and any other permits required by this ordinance, if the roads are determined by the Subdivision Administrator to be in a passable condition. No certificates of occupancy shall be issued until all improvements are complete and approved by NCDOT.

305 OWNERS' ASSOCIATIONS

305.1 Establishment of Owner's Associations

- A. An Owner's Association shall be established to fulfill the requirement of the North Carolina Condominium Act or to accept conveyance and maintenance of all common areas and facilities within a development containing common areas.

- B. Where developments have common areas for facilities servicing more than one dwelling unit, these areas shall be conveyed to the Owners' Association in which all owners of lots in the development shall be members. All areas other than public road rights-of-way, other areas dedicated to the town, and lots shall be shown and designated as common areas. The fee-simple title of the common area shall be conveyed by the subdivider or developer to the Owners' Association.
- C. Common areas shall not be subsequently subdivided or conveyed by the Owners' Association unless a revised preliminary plat and a revised final plat showing such subdivision or conveyance have been submitted and approved.

305.2 Submission of Owners' Association Declaration

Prior or concurrently with the submission of the final plat for review and approval, the applicant shall submit a copy of the proposed Bylaws of the Owners' Association containing covenants and restraints governing the Association, plats, and common areas. The submitted documents shall be reviewed by the Town Attorney and a recommendation made to the Planning Board as to their sufficiency. The restrictions shall include provisions for the following:

- A. The Owners' Association declaration shall be organized and in legal existence prior to the conveyance, lease-option, or other long-term transfer of control of any unit or lot in the development.
- B. Membership in the Owners' Association shall be mandatory for each original buyer and each successive buyer of a lot or unit. Provisions shall be made for the assimilation of owners in subsequent sections of the development.
- C. The Owners' Association Declaration shall state that the association is responsible for:
 - 1. The payment of premiums for liability insurance and local taxes;
 - 2. Maintenance of recreational and/or other facilities location on common areas; and
 - 3. Payment of assessments for public and private improvements made to or for the benefit of the common areas.
- D. Default of Owners' Association. Upon default by the Owners' Association in the payment to the town any assessments for public improvements or ad valorem taxes levied against common areas, which default shall continue for a period of six (6) months, each owner of a lot in the development shall become personally obligated to pay to the town a portion of the taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the town by the total number of

lots in the development. If the sum is not paid by the owner within thirty (30) days following receipt of notice of the amount due, the sum shall become a continuing lien on the property of the owner, his heirs, devisees, personal representatives and assigns. The town may either bring an action at law against the owner personally obligated to pay the same, or may elect to foreclose the lien against the property of the owner.

- E. Power of the Association. The Owners' Association is empowered too levy assessments against the owners of lots or units within the development. Such assessments shall be for the payment of expenditures made by the Owners' Association for the items set forth in this Section, and any assessments not paid by the owner against whom such assessments are made shall constitute a lien on the lot of the owner.
- F. Easements. Easements over the common areas for access, ingress, and egress from and to public roads and walkways and easements for enjoyment of the common areas, and for parking, shall be granted to each lot owner.

305.3 Nonresidential Condominiums

- A. If the condominium is a nonresidential condominium, the declaration shall contain the following provision:

Parking spaces shall be allocated among the individual lots or units in such a manner that each unit is entitled to a sufficient number of parking spaces to comply with this Ordinance for the use intended to be located therein. The Owners' Association shall maintain a register listing the total number of parking spaces in the development and the number of parking spaces allocated to each lot or unit. A copy of this register shall be available to the Zoning Administrator at his request. The Owners' Association shall not reduce the number of parking spaces allocated to an individual lot or unit without the express written consent of the owner thereof, and in no case shall the number of parking spaces allocated to an individual unit be reduced to a number below that required by this Ordinance.

306 PERFORMANCE GUARANTEES

- 306.1 In the event that the required improvements have not been completed prior to the submission of the major final plat, the developer shall guarantee the completion of the required improvements in a subdivision by means of a bond with surety or other guarantees satisfactory to the Board of Commissioners in an amount equal to one hundred and fifty (150) percent of the estimated cost of the required improvements whereby improvements may be made and utilities installed within a reasonable period of time as agreed upon by the developer and Board of Commissioners. One of the following methods may be pursued by the developer to ensure the installation of said improvements:

- A. filing a performance or surety bond with the developer/property owner as principal and a surety approved by the Board of Commissioners upon recommendation of the Planning Board; or;
 - B. depositing or placing in escrow a certified check or cash in an amount to be determined by the Board of Commissioners upon recommendation of the Planning Board. Portions of the security deposit may be released as the work progresses; or
 - C. filing an irrevocable letter of credit guaranteeing payment to the Town of Spring Hope in the event of default in an amount to be determined by the Board of Commissioners upon recommendation of the Planning Board;
- 306.2 When the required improvements have been completed, the developer shall notify the Subdivision Administrator. The Subdivision Administrator shall request comments relative to those improvements from the North Carolina Department of Transportation, the Soil Conservation Service and the Nash County Health Department, who will notify the Subdivision Administrator that the improvements have been installed to their satisfaction. The Subdivision Administrator shall request in writing to the Town Manager to release the bond, letter of credit or funds from escrow. In the event of default by the developer, the Town Manager is authorized to call for payment of the bond or letter of credit or to release security from escrow and to utilize such funds for the completion of improvements in a manner as determined by the Board of Commissioners.

307 RESUBDIVISION PROCEDURES

- 307.1 For any replatting or resubdivision of land, the same procedure, rules and regulations shall apply as prescribed herein for an original subdivision except that lot sizes may be varied on an approved plat after recording, provided that (1) no lot or tract of land shall be created or sold that is smaller than the size shown on the approved plat; (2) drainage, easements or rights of-way shall not be changed; (3) street alignment and block sizes shall not be changed; (4) the property lines between the back of the lot shall not be changed; (5) the rear portion of lots shall not be subdivided from the front part; (6) the character of the area shall be maintained.

ARTICLE IV - DESIGN STANDARDS

401 GENERAL PROVISIONS

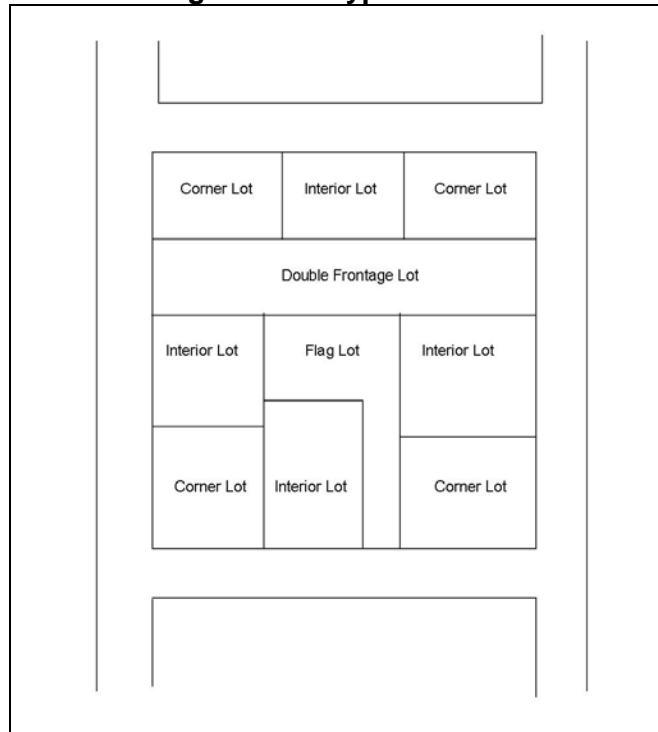
- 401.1 Design: All proposed subdivisions, including group developments, shall comply with this Article, shall be designed to promote beneficial development of the community, and shall bear a reasonable relationship to the approved plans of the Town.
- 401.2 Development Name: In no case shall the name of a proposed subdivision duplicate or be phonetically similar to an existing development name in the Town of Spring Hope or Nash County, unless the proposed development lies adjacent to the existing development.
- 401.3 Reasonable Relationship: All required improvements, easements, and rights-of-way (other than required reservations) shall substantially benefit the development or bear a reasonable connection to the need for public facilities attributable to the new development.
- 401.4 Natural Features and Assets: In the subdividing of land, due regard shall be shown for all natural features, such as tree growth, watercourses, historic sites, or similar conditions which, if preserved, will add attractiveness to the proposed development and safety from hazards.

402 LOT DIMENSIONS AND STANDARDS

- 402.1 Adequate Buildable Area Required: Lot sizes, shapes, and locations shall be made with due regard to topographic conditions, contemplated uses, and the surrounding area. Each lot shall contain an adequate building site not subject to flooding and outside the limits of any existing easements or required building setback lines. Land subject to flooding, improper drainage or erosion, and land deemed by the Town Board to be uninhabitable for other reasons shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard; but such land may be set aside for such uses as will not be endangered by periodic or occasional inundation, or will not produce unsatisfactory living conditions.
- 402.2 Conformance with Zoning Ordinance: All lots shall conform to the minimum standards or dimensions noted herein and those contained in any applicable zoning ordinance, building codes, or other official regulations.
- 402.3 Lot Remnants: All remnants of lots left over after subdivision of a larger tract and smaller than the required minimum lot size that is required, must be added to adjacent lots, rather than allowed to remain as separate parcels. The Subdivision Administrator may permit a lot remnant for a specific purpose such as a detention pond, provided that access and design is appropriate and the lot remnant is restricted to specific non-building uses.

- 402.4 Corner Lots: Corner lots for residential use shall have an extra width of ten (10) feet from the side yard that adjoins the side street to allow for adequate building setback from side streets.
- 402.5 Double Frontage Lots (see Figure 4-1): All efforts should be made to avoid double frontage lots, except where required to separate residential development from thoroughfares, where a recorded alley provides rear access to lots, or to overcome specific disadvantages of topography or orientation. If double frontage lots must be included, private driveways shall be prevented from having direct access through the lot.

Figure 4-1: Types of Lots



- 402.6 Flag Lots: No lot shall be approved which constitutes a flag lot except with special approval from the Planning Board due to extreme topographic or natural circumstances. No flag lots shall be approved in major subdivisions under any circumstance. (See Figure 4-1)
- 402.7 Side Lot Lines: Side lot lines shall be at or near right angles or radial to curved street lines. No intersection lot lines shall have an angle of less than 60 degrees.
- 402.8 Lot Lines and Drainage: Lot boundaries shall coincide with natural and pre-existing man-made drainageways to the extent practicable to avoid lots that can be built upon only by altering such drainageways.

- 402.9 Access Requirements: Every lot shall front or abut on a dedicated public street and have frontage meeting the requirements set forth in the Spring Hope Zoning Ordinance, except lots of record provided that there is recorded access and the use is limited to only one (1) single family dwelling and its accessory structures.
- 402.10 Lots on Roads with Capacity Deficiencies: Subdivisions shall not be approved that propose individual residential lots with direct vehicular access to roads that are recognized as having significant traffic mobility concerns as identified by the North Carolina Department of Transportation (NC DOT) Functional Classification System. This includes all Major Arterials, Major Collectors, and Minor Collectors with a current Average Daily Trips (ADT) over 1000 (ADT shall be calculated by using the latest NCDOT published data plus 3% for each year in which current information is not available and then adding ten (10) trips per lot proposed in the subdivision), except as follows:
- A. The minimum lot width shall at least be at least 1.5 times the minimum width for the zoning district in which the lot is located;
 - B. The property may not be further subdivided below the required frontage as provided for in subsection 401.10(A); and
 - C. Only one principal structure is allowed per lot.
- 402.11 Water and Sewage Disposal: Every subdivision lot intended for building purposes shall be served by a central water supply system and central sewage disposal system that: 1) is adequate to accommodate the reasonable needs of the proposed use of the lot, and 2) complies with all applicable health regulations. Where public water and sewer facilities are not available and individual water supplies or individual sewage disposal system are planned, the subdivider, at his own expense, shall have the site investigated under the supervision of the Nash County Health Department or other person approved by the Nash County Health Department to determine whether or not such individual facilities are feasible. The subdivider shall present proof to the Planning Board that appropriate soil tests have been conducted and each lot in the subdivision not served by public water or sewage disposal system has been approved by the County Health Department for individual water supplies and/or sewage disposal systems.

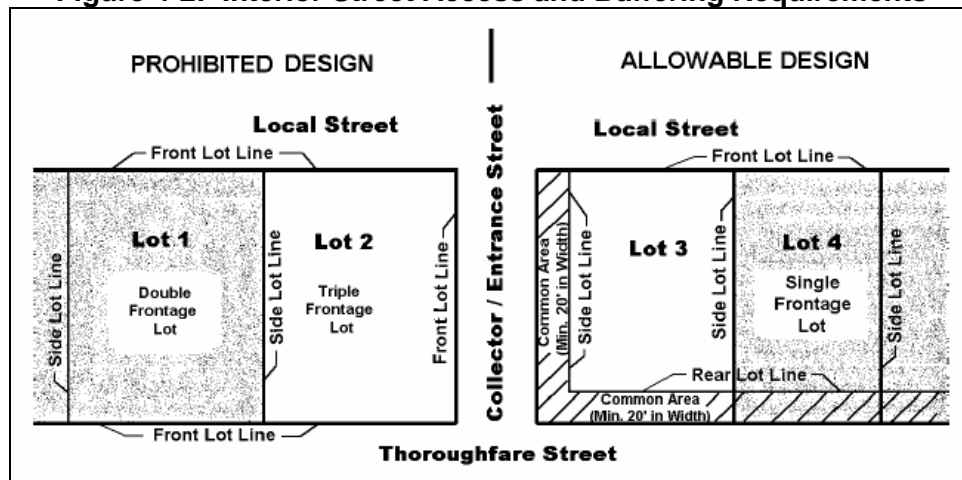
403 STREET STANDARDS

- 403.1 Conformance with Plans: In any new subdivision, the street layout shall conform to the arrangement, width and location included on any official plans for the Town of Spring Hope. In areas for which such plans have not been completed, the streets shall be designed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, and to the proposed use of land to be served by such streets.
- 403.2 Dedication of Future Right-of-Way: Whenever a tract to be subdivided embraces any part of a major thoroughfare, designated in the Official Plans for

Nash County or the Town of Spring Hope, such part of such proposed public way shall be platted and dedicated by the subdivider in the location and at the width specified.

- 403.3 Conformance with Adjoining Road Systems: The proposed street layout shall be made according to good land planning practice for the type of development proposed, and shall be coordinated with the street system of the surrounding areas. Proposed streets shall connect to or intersect with adjacent existing streets where possible.
- 403.4 Frontage: All subdivisions shall have direct access from a public street improved to the Town of Spring Hope and the North Carolina Department of Transportation standards.
- 403.5 Access to Thoroughfares: Access to major thoroughfares from lots in the subdivision shall be managed to minimize vehicle conflict points. Where a tract of land to be subdivided adjoins a major thoroughfare, the subdivider may be required to provide a marginal access street parallel to the highway or reverse frontage on an interior street for the lots to be developed adjacent to the highway. The subdivider shall be required to provide a twenty (20) foot easement on the rear and side of the property abutting the higher volume road, parallel and adjacent to the right-of-way of the road. Such easement shall be restricted to the planting of trees or shrubs for screening purposes and shall be in addition to all other easements required by this Ordinance. (see Figure 4-2)

Figure 4-2: Interior Street Access and Buffering Requirements



- 403.6 Access to Adjoining Property: All streets shall provide for the continuation or approximate projection of principal streets in surrounding areas and provide reasonable means of ingress and egress for surrounding acreage tracts.
 - A. A proposed street shall be extended to an adjacent property, or a connecting street shall be provided to the adjacent property as a through road within the local road network. Such street shall be designed and dedicated as public street to the adjacent property and located so as to best ensure the safe, convenient, and efficient movement of traffic within

a local road network as well as the orderly development of adjacent properties.

- B. Dead end streets shall be prohibited. Where an existing dead end street abuts the property proposed for development, the proposed development shall connect to the existing dead end street. This does not preclude use of stub streets as part of a phased development or in anticipation of future development.
- C. All new subdivisions must connect to stub streets when they adjoin the property to be developed

403.7 Public Streets: All streets shall be dedicated to the Town of Spring Hope or the State of North Carolina and shall be built to the standards of this ordinance and all other applicable standards of the Town of Spring Hope and the North Carolina Department of Transportation. Right-of-way dedication and paving of streets in and adjacent to the subdivision shall be in conformance with the minimum street standards in Table 4-3, and within the subdivision regulation jurisdiction of the Town of Spring Hope shall be designed in accordance with the most recently published North Carolina Department of Transportation (NCDOT), Subdivision Roads, Minimum Construction Standards. No street shall be accepted for ownership and maintenance by the Town of Spring Hope in any subdivision for which a plat is required to be approved, unless and until such final plat has been approved by the Town of Spring Hope.

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

403.9 Street Ineligible of Public Dedication: Public roads ineligible to be put on the NCDOT system because there are too few lots or residences shall, nevertheless, be dedicated to the public and shall be in accordance with NCDOT standards so as to be eligible to be put on the system at a later date. A written agreement with provisions for private maintenance of the road until it is put on the public system shall be included with the final plat and recorded in the office of the Register of Deeds.

403.10 Minimum Street Right of Way and Pavement Widths

Table 4-3: Minimum Street Standards

CLASSIFICATION	Travel Lanes	Parking Lanes	ROW^a (ft)	PAVEMENT WIDTH (ft)^{ab}
PRIMARY COLLECTOR	2-4	0	65 ft	40 ft
RESIDENTIAL COLLECTOR				
Lot Width 80-99 ft w/curb & gutter (two-side parking) ^c	2	2	60 ft	36 ft
Lot Width 80-99 ft w/curb & gutter (one-side parking)	2	1	50 ft	28 ft
Lot Width ≥100 ft w/curb & gutter	2	0	50 ft	24 ft
Lot width ≥100ft – no curb & gutter	2	0	50 ft	20 ft
RESIDENTIAL STREET				
Lot Width 80-99 ft w/curb & gutter	2	1	50 ft	26 ft
Lot Width ≥ 100 ft w/curb & gutter	2	0	45 ft	22 ft
Lot Width ≥ 100 ft – no curb & gutter	2	0	45 ft	18 ft
ALLEY	1	0	20 ft	12 ft
RESIDENTIAL CUL-DE-SAC RADIUS				
Urban - w/curb & gutter			45 ft	37 ft
Rural - no curb & gutter			50 ft	35 ft

^a Additional width may be required under subsection 403.1

^b Pavement widths are measured back to back of curb

^c Parking on one side of the street should be sufficient to accommodate visitor parking in residential subdivisions, but the Planning Board may require parking lanes on both sides of the street depending on the type of subdivision and parking needs beyond the requirements of Article V, Section 501 of the Zoning Ordinance.

403.11 Reserve Strips: Reserve strips adjoining road rights-of-way for the purposes of preventing access to adjacent property shall not be permitted under any condition.

403.12 Street Intersections: Streets shall be laid out so as to intersect as nearly as possible at right angles (90 degrees) and no street shall intersect any other street at less than seventy-five (75) degrees. All roads crossing natural areas,

wetlands, or stream buffers must cross at or as near to ninety (90) degrees as possible within topographic limits. All street intersections must meet minimum sight distance standards as required by the North Carolina Department of Transportation.

- A. Where there is an offset in the alignment of a street across an intersection, the offset of the center lines shall be no less than 150 feet. (see Figure 4-4)
- B. Intersections with a major street or highway shall be at least eight hundred (800) feet apart from corner property line to corner property line.
- C. Property lines at street intersections shall be rounded with a minimum radius of fifteen (15) feet or of a greater radius when required by the Planning Board.
- D. Proper sight distances shall be maintained at all intersections of streets and at driveway intersection with streets. Any intersection with a major street or highway shall have drawn on the plat a sight triangle easement with dimensions of ten (10) feet along the lower order street and seventy feet (70) along the higher order street. No building or obstruction that impedes vision beyond the extent noted above shall be permitted in this area. (see Figure 4-5)

Figure 4-4: Street Offset

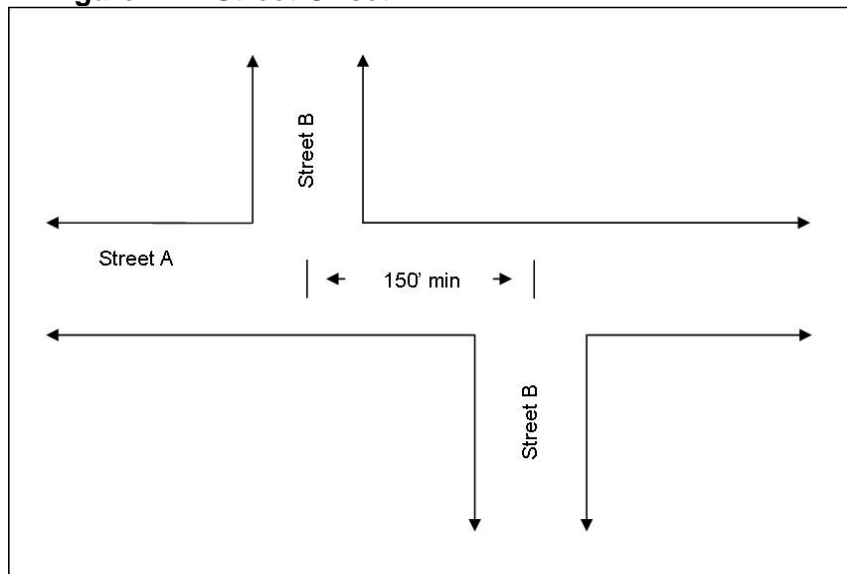
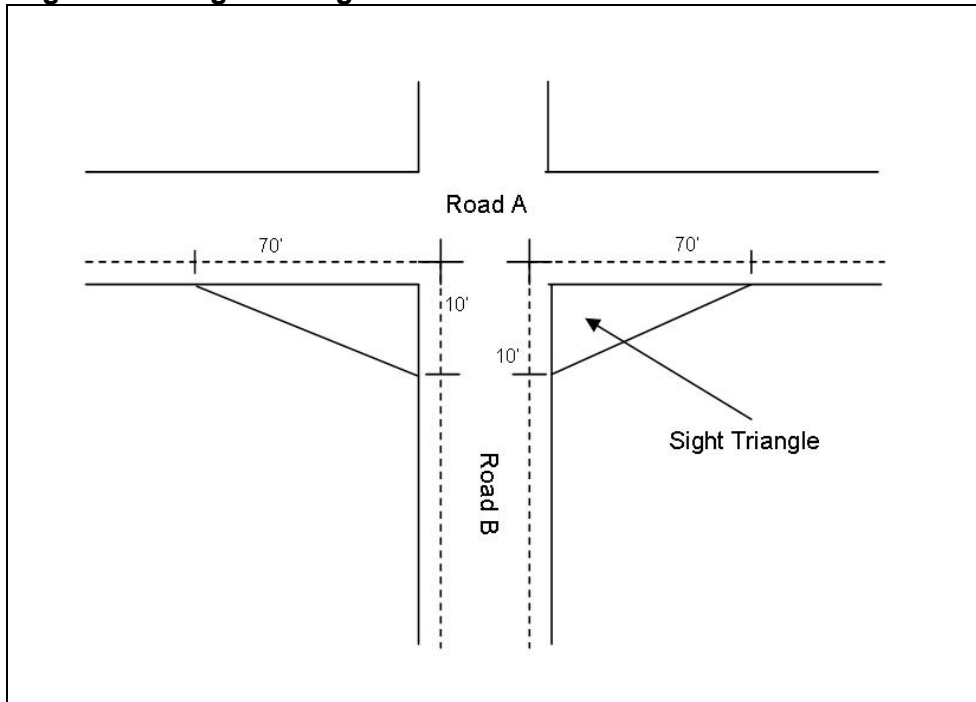


Figure 4-5: Sight Triangle



403.13 Temporary Turnarounds: Roads stubbed to adjoining property or phase lines may be required to have a temporary turnaround at the end of the road which will be sufficient to permit service vehicles.

403.14 Cul-De-Sacs

- A. In general, cul-de-sacs should be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area indicate that a through street is not essential in the location of the proposed cul-de-sac, or where sensitive environmental features such as streams, floodplains, or wetlands would substantially be disturbed by making road connections.
- B. Cul-de-sacs shall be no longer than five-hundred (500) feet. The turnaround shall have a diameter of at least one hundred (100) feet. The length of the cul-de-sac shall be measured from the center of the intersection at the beginning of the cul-de-sac running along the centerline to the center point of the turnaround.

403.15 Alleys:

- A. Commercial or Industrial: The Planning Board may require the subdivision to construct alleys in commercial or industrial zoning districts to provide access for service and delivery vehicles.

- B. Residential: Alleys may be appropriate in residential zoning districts, especially Traditional Neighborhood Developments, to provide rear garages, parking, or access for service vehicles.
 - C. All permanent dead end alleys shall be provided with a turnaround. No alley shall have access from a major street or highway but shall have its access points confined to minor streets.
- 403.16 Street Names: Streets which are obviously in alignment with existing streets shall bear the name of the existing street. Street names for all subdivision plats shall be subject to the approval of the Planning Board. New street names shall not duplicate or be similar to existing street names and existing street names shall be projected wherever possible. The developer shall install street signs of a design approved by the Planning Board to be placed at each intersection.
- 403.17 Street Name Signs: Street name signs shall be posted at all street intersections. At the time of final plat approval, the applicant shall deposit with the town funds in an amount sufficient to purchase and install street name signs at street intersections in accordance with NC DOT and town standards.
- 403.18 Street Addresses: Street address numbers shall be assigned by the Subdivision Administrator during preliminary review. These addresses shall be so noted on the final plat. These numbers shall be the official address for use by the U.S. Postal Service until or unless changed by the Postal Service.
- 403.19 Half Streets: The dedication of half streets at the perimeter of a new subdivision is prohibited. If circumstances render this impracticable, adequate provision for the concurrent dedication of the remaining half of the street must be furnished by the subdivider and adjacent property owner. Where a half street exists in an adjoining subdivision, the remaining half shall be provided by the proposed development.
- 403.20 Grading: Unless necessitated by exceptional topography, and subject to the approval of the Planning Board, the grades shall be not more than ten percent (10%) or less than one-half of one percent (0.5%) on any street.
- A. Grades approaching intersections shall not exceed five percent (5%) for a distance of not less than one hundred (100) feet from the center line of said intersection.
 - B. Street grades shall be established wherever practical in such a manner as to avoid excessive grading, the promiscuous removal of ground cover and tree growth and general leveling of the topography.
 - C. All changes in street grades shall be connected by vertical curves having a minimum length equivalent to fifteen (15) feet for each degree of difference between the grades of the streets.

404 BLOCKS

- 404.1 Blocks shall be laid out with due regard for the type of use to be established in the block, zoning requirements, needs for vehicular and pedestrian circulation, traffic control and safety, and environmental protection.
- 404.2 Intersecting streets shall be laid out at such intervals that block lengths are not more than eight-hundred (800) feet or less than 400 except where, in the opinion of the Planning Board, existing conditions justify a modification of this requirement.
- 404.3 Blocks shall have sufficient width to provide for two (2) rows of lots of appropriate depth, except where otherwise required to separate residential development from through traffic or nonresidential uses.
- 404.4 Block numbers shall conform to the Town of Spring Hope street numbering system, if applicable.

405 BUFFER STRIPS

- 405.1 A buffer strip at least fifty (50) feet in depth, in addition to the normal lot depth required, shall be provided adjacent to all railroads and limited access highways in residential districts. This strip shall be a part of the platted lots, but shall have the following restrictions lettered on the face of the plat: "This strip is reserved for the planting of trees or shrubs by the owner; the building of structures hereon is prohibited."
- 405.2 Where a residential subdivision is adjacent to an office, institutional, commercial or industrial uses, landscape buffers shall be provided as specified by Article V, Section 503 of the Town of Spring Hope Zoning Ordinance.

406 ROAD AND UTILITY IMPROVEMENTS

- 406.1 Plans: Construction Plans for all road facilities shall be submitted to the Town of Spring Hope or NCDOT before preliminary plat approval. Construction plans for all water and sanitary sewer facilities shall be submitted to the appropriate utility provider before preliminary plat approval. For each subdivision section, the road and utility construction plans shall include all improvements lying within or adjacent to that section, as well as all water and sanitary sewer lines lying outside that section and being required to serve that section.
- 406.2 Construction Approval Required: No road improvements shall be constructed until the road construction plans have been reviewed and approved by the Town of Spring Hope or NCDOT. No utility improvements shall be constructed until the utility construction plans have been reviewed and approved by the appropriate utility provider.
- 406.3 Permits for Connecting to State Roads: An approved permit is required to connect a subdivision street to an existing state road. This permit is required prior construction of the new street. The application is available at the office of the nearest District Engineer of the North Carolina Division of Highways.

- 406.4 Inspection: Work performed pursuant to approved road and utility construction plans shall be inspected and approved by the Town of Spring Hope or the town's designated agent, the NC Division of Highways in the case of state maintained roads, and the appropriate utility provider.
- 406.5 Water and Sewer Connection: Connection of each lot to public water and sewer utilities shall be required, at the subdivider's expense, if the proposed subdivision is within the town limits or within five-hundred (500) feet of the nearest adequate lines of a public system, provided that no geographic or topographic factors would make such connection infeasible. Where public sewer is not available, lots shall meet applicable Nash County Environmental Health Division regulations. Approval of the Nash County Health Department shall be obtained prior to preliminary plat approval. The final plat shall show the Certificate of Approval from the Environmental Health Division as shown in Appendix 2.
- 406.6 Public Water and Sewer Construction Requirements: Water and sewer lines, connections, and equipment shall be constructed in accordance with state and local regulations and to the specifications of the utility provider.
- 406.7 Underground Utilities: All electric, telephone, television, and cable lines, both main and service connections, servicing new developments shall be provided by underground wiring within easements or dedicated public rights-of-way, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services.
- A. Where street trees are provided for within the public right-of-way (see subsection 405.7), the placement of underground utilities shall be a minimum of five (5) feet from the tree planting area. Installation of underground utilities outside the right-of-way may be located along the rear lot line, in alleyways, or in a utility easement located behind the sidewalk.
- B. Lots that abut existing easements or public rights-of-way where overhead utility lines and service connections have previously been installed may be supplied with service from those overhead lines, but the service connections for the utilities' overhead lines shall be installed underground. In the case of existing overhead utilities, should a road widening, or an extension of service, or other such condition occur as a result of the subdivision and necessitate the replacement or relocation of such utilities, such replacement or relocation shall be underground.
- C. The Planning Board may make the determination that underground utility installation is not feasible on a particular site. Where overhead lines are permitted as the exception, the placement and alignment of poles shall be designed to lessen the visual impact of overhead lines. Alignments and pole locations shall be carefully routed to avoid locations along horizons and utility lines should be located at the rear of the lot lines or along rear alleys where feasible.

- D. The Town of Spring Hope does not obligate itself in assuming any cost incurred in developing underground utilities.

406.8 Utility Easements

- A. Easements centered on the front, rear or side lot lines shall be provided for electrical, telephone, natural gas, television, cable, water, and sewer utilities, where necessary, and shall be at least ten (10) feet wide. The subdivider and the utility shall agree on the location and exact width of such easements. The location of such easements shall be reviewed and approved by the town prior to final plat approval.
- B. Utility easements shall be kept free and clear of any buildings or other improvements that would interfere with the proper maintenance or replacement of utilities. The Town shall not be liable for damages to any improvement located within the utility easement area caused by maintenance or replacement of utilities.
- C. The subdivider shall transfer to the applicable utility provider the necessary ownership or easement rights to enable the utility provider to operate and maintain the utility facilities. In addition, the subdivider shall dedicate sufficient easement rights to accommodate the extension of utility service to adjacent or nearby properties whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments.

406.9 Stormwater Drainage: The subdivider shall provide the subdivision with an adequate drainage system for the proper drainage of all stormwater. The system shall prevent storm and flood water damage to lots, structure, streets, and utilities, as well as to upstream and downstream areas. The system should also serve to protect water quality. The preferred method of stormwater management is open drainage systems that allow for natural drainage of streams and waterways. The design of the storm drainage system and plans, including calculations, shall clearly indicate the easements and dedicated areas required for the construction and maintenance of the drainage system.

- A. No surface water shall be channeled or directed into a sanitary sewer.
- B. Where feasible, the drainage system shall coordinate with and connect to existing drainage systems on surrounding roads and properties.
- C. The storm drainage system shall follow existing topography as nearly as practical and discharge to natural drainage paths within a drainage basin. The drainage system shall incorporate stormwater Best Management Practices to minimize adverse water quality impacts.
- D. Surface drainage courses shall have side slopes of at least three (3) feet of horizontal distance for each one (1) foot of vertical drop, and courses shall be of sufficient size to accommodate the drainage area without flooding.

- E. The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one (1) foot in each three-hundred (300) feet of horizontal distance.
- F. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose of drainage.
- G. Lakes, ponds, creeks, and similar areas may be accepted by the Town of Spring Hope for maintenance only if sufficient land is dedicated as a public recreation area or park, or if such area constitutes a necessary part of the drainage control system. The acceptance of such dedicated areas must be approved by the Planning Board before the Board of Commissioners will consider accepting it.

406.10 Oversized Improvements: The Town of Spring Hope may require certain oversized improvements be installed or extended to adjacent property when it is in the best interest of future development. If the town requires improvements to be installed in excess of the standards necessary to serve the subdivision, the town shall negotiate an agreement to reimburse the applicant based on the projected difference in cost between the minimum improvement required and the oversized improvement.

407 OTHER IMPROVEMENTS

407.1 Curb and Gutter: Curb and gutter are required in all subdivisions and on all thoroughfares, collectors, and streets with the exception of alleys, lanes, and rural streets in the Residential-Agricultural District and the R-30 District. Standard (raised) curb and gutter is the preferred installation type, but concrete valley gutter are allowed as well, and shall be constructed in accordance with the design criteria of the North Carolina Department of Transportation.

The curb and gutter requirement may be waived by the Town of Spring Hope Planning Board and ditches, shoulders, and/or drainage swales used when it can be demonstrated that:

- A. Soil and topography make the use of ditches, shoulders, and/or swales preferable.
- B. It is in the best interest of the community to maintain the rural character by using shoulders and/or drainage swales instead of curb and gutter.

407.2 Street Drainage, no curb and gutter: Where curb and gutter is not provided, drainage ditches, shoulders, and/or drainage swales shall be provided according to the applicable North Carolina Department of Transportation Subdivision Minimum Construction Standards and Guidelines for Drainage Studies and Hydraulic design.

- A. A minimum of thirty (30) feet shall be left between drainage ditches along dedicated street right-of-ways.
- B. Drainage pipes shall be installed under driveways which cross a drainage ditch and these pipes shall have a minimum inside dimension of fifteen (15) inches.
- C. Driveways shall be constructed so that drainage water will not run into the road or highway.

407.3 Sidewalks: Sidewalks shall be required as follows for all major subdivisions:

- RA District: Not Required
- R-30 District: Not Required
- R-15 District: Required on one-side of street
- R-8, R-MF, R-MH Districts: Required on both sides of the street
- Non-residential Subdivisions: Required on both sides of the street

Sidewalks shall be a minimum of five (5) feet in width. A four (4) foot vegetative strip with grass plantings shall separate the sidewalk from the curb. The abutting property owner or a homeowner's association shall be responsible for mowing the vegetative strip. All sidewalks shall comply with the American with Disabilities Act.

407.4 Crosswalks: Pedestrian ways or crosswalks, not less than fifteen (15) feet in width, shall be provided, where deemed essential in the opinion of the Planning Board to provide adequate pedestrian circulation or access to schools, shopping areas, churches, parks, playgrounds or other similar facilities.

407.5 Street Trees: Street trees shall be installed for all residential subdivisions of fifty (50) units or more with an established homeowner's association. Trees shall be planted in a seven (7) foot tree lawn area located between the street and the sidewalk. It shall be the responsibility of the subdivider to install street trees and the homeowner's association shall assume maintenance responsibilities. In such cases, street trees shall be planted at intervals of forty (40) feet. All street trees shall be on the approved list of street trees identified by the Town of Spring Hope Tree Ordinance.

407.6 Street Lighting: All public streets, sidewalks, or other common areas or facilities in subdivisions shall be sufficiently illuminated to ensure the public safety and security of property. Street lighting shall be installed in new subdivisions pursuant to a street lighting plan which shall be submitted to the Planning Board for approval. All street lights shall be compatible with any applicable standards of the electric utility provider.

- A. Streetlights shall be located at all intersections and mid-block locations with spacing of fixtures not to exceed four-hundred (400) feet.
- B. Where feasible and practical, street light varieties shall be the same throughout the subdivision or individual phases of the subdivision.

- C. The height of street lights shall not exceed twenty-five (25) feet.
 - D. All streetlights shall be placed at least two (2) feet inward from the street or sidewalk.
 - E. All lighting shall use a cut-off fixture to limit glare and light spillage.
 - F. All costs associated with the installation of street lighting are the responsibility of the subdivider. The town will not accept streets for dedication until all street lighting has been installed. Upon acceptance of public streets by the Board of Commissioners, the Town of Spring Hope will assume the responsibility for maintaining street lights.
- 407.7 Fire Hydrants: Fire hydrants of sufficient water pressure to provide adequate fire protection shall be provided in accordance with all applicable town and county standards.
- 407.8 Monuments and Markers: The Standards of Practice for Land Surveying in North Carolina, as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors shall apply when installing monuments. (Moved from Article V)
- A. Monuments: Permanent concrete monuments four (4) inches in diameter or square, three (3) feet long, shall be placed at not less than two (2) corners of the subdivision, provided that additional monuments shall be placed where necessary so that no point within the subdivision lies more than five hundred (500) feet from a monument. Two or more of the required monuments shall be designated as control corners. The top of each monument shall have an indented cross, metal pin, or metal plat to identify properly the location of the point. All monuments shall be shown on the final plat.
 - B. Property Corner Tie: At least one (1) corner of the property surveyed shall be designated by course and distance (tie) from a readily discernible reference marker. If the corner is within two thousand (2,000) feet of a U.S. Coast and Geodetic Station or N.C. Grid Station coordinated monument, then this corner shall be accurately tied to this U.S. or N.C. Station or monument by computed Z and Y coordinates. A statement shall appear on the map indicating the identification of the U.S. or N.C. Station or Monument, the computed Z and Y coordinates of the property corner tie is at least 1:15,000. When such a monument or station is not available. The tie shall be made to some pertinent and permanent recognizable landmark or identifiable point, physical object or structure.
 - C. Markers: All lot corners, all points where street lines intersect the exterior boundaries of the subdivision, all angle points and points of curve in each street shall be marked with iron pipe not less than three fourths (3/4) inches in diameter and thirty (30) inches long, driven so as to be two (2) inches above the finished grade.

408 SITES FOR PUBLIC USE

To ensure orderly development of the planning area in accordance with the general principles set forth in any applicable comprehensive plan, the subdivider shall give due consideration to the reservation of open spaces for parks, schools, fire stations, and/or playgrounds in accordance with the procedures in G.S. 160A-372.

408.1 Reservation of School Sites

If the Town of Spring Board of Commissioners and the Nash-Rocky Mount Board of Education have jointly determined the specific location and size of any school sites to be reserved and this information appears in the Spring Hope Comprehensive Plan, the Planning Board shall immediately notify the Nash-Rocky Mount Board of Education when a plat for a subdivision is submitted which includes all or part of a school site to be reserved. The Board of Education shall promptly decide whether it still wishes the site to be reserved. If the Board of Education does not wish to reserve the site, it shall so notify the Planning Board. If the Board of Education does wish to reserve the site, the subdivision shall not be approved without such reservation. The Board of Education shall have eighteen (18) months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by initiating condemnation proceedings. If the Board of Education has not purchase or begun proceedings to condemn the site within eighteen (18) months, the subdivider may treat the land as freed of the reservation.

408.2 Parks, Recreation and Open Space

- A. Every person or corporation who subdivides land for residential purposes shall at the time of final approval of the subdivision plan be required to dedicate a portion of such land, as set forth in this section, for the purpose of providing park, recreation, and open space sites to service the future residents of the neighborhood in which the subdivision is located. This section shall apply to major subdivisions only.
- B. As an alternative to dedication of such land by the subdivider, or where it is determined by the Town of Spring Hope Planning Board and the Board of Commissioners that a dedication of land is not feasible in a given plat or incompatible with the Town's plan, the subdivider may make provisions for an equitable amount of land in another location or pay the Town a fee in lieu of dedication as provided in this section.
- C. Computation of Size of Area Required for Dedication

The amount of land required to be dedicated by a subdivider shall be based on the following formula: area to be dedicated (in acres) equals $\frac{1}{35}$ of an acre times the number of dwelling units or lots, whichever is greater, provided that for land so dedicated which a) lies within an area of the one hundred-year (100) floodplain; or b) has slopes greater than fifteen percent (15%); or c) is included within overhead utility easements, said land shall be dedicated at a rate of $\frac{1}{20}$ of an acre.

D. Suitability of Land

Criteria for evaluating suitability of proposed recreation, parks and open space areas shall include but not be limited to the following as determined by the Town of Spring Hope Planning Board.

1. Unity: The dedicated land shall be a single parcel except where it is determined that two (2) parcels or more would be in the public interest. The Town of Spring Hope Board of Commissioners may require that parcels be connected, and may require the dedication of a connecting path of up to thirty (30) feet in width.
2. Shape: The dedication area shall be sufficiently round or square in order to be usable for recreational activities such as softball/baseball, tennis, basketball, and other related activities.
3. Location: The dedicated land shall be located so as to serve the recreation needs of the immediate neighborhood within the subdivision and shall bear a reasonable relationship to the use of the area by the future inhabitants of the subdivision or residential development.
4. Access: Public access to the dedicated land shall be provided either by an abutting street or public easement at least twenty (20) feet in width.
5. Usability: The dedicated land shall be usable for active recreation (play areas, ballfields, tennis courts, or similar recreation uses). Lakes may not be included in computing amount of land to be dedicated. If the Town of Spring Hope Planning Board determines that active recreation needs are being met by other dedicated parcels or existing recreation facilities, they may require that land suitable for open space may be dedicated.
6. Topography: Generally areas dedicated for recreation shall not exceed slopes of five percent (5%).
7. Plans: Municipal and county plans shall be taken into consideration when evaluating land for dedication.

E. Payments in Lieu of Dedication

1. Computation: Where a fee is paid in lieu of dedication, the fee should be the product of the number of dwelling units or lots, whichever is greater, and the standard per unit or per lot fee determined by the Board of Commissioners as part of the Town's fee schedule. The payment in lieu of dedication shall not exceed the fair market value of the land that would otherwise have been required to be dedicated by the subdivision.

2. Upon approval by the Town of Board of Commissioners, payment in lieu of dedication shall be made to the Town at the time of final subdivision plan approval or within one year of approval of the preliminary subdivision plan, whichever occurs first. All monies received by the Town of Spring Hope pursuant to these requirements shall be used only for the acquisition and/or development within the same recreation service area. The Town shall also have the authority to sell land dedicated pursuant to these provisions with the proceeds of any such sale used solely for the acquisition and/or development of other recreation or park sites within the same recreation service area.

F. Standards for Selection of Dedication or Fee

1. Whether the Town Board of Commissioners accepts the land dedication or elects to require payment of a fee in lieu thereof shall be determined by consideration of the following:
 - a. The recreational element of the Town's comprehensive plan or other applicable plan;
 - b. The recommendation of the Planning Board
 - c. Topography, geology, access, and location of land available for dedication in the subdivision;
 - d. Size and shape of the subdivision
2. The determination by the Board of Commissioners as to whether land shall be dedicated or whether a fee should be exacted shall be final and conclusive.

G. Procedures

1. Subdivider: At the time of submitting a preliminary subdivision plat, the subdivider shall, as part of such submission, indicate whether dedication of the property for park and recreational purposes is proposed, or whether the subdivider proposes to pay a fee in-lieu thereof. If the subdivider proposes to dedicate land for this purpose, the subdivider shall designate the area on the master subdivision plan as submitted.
2. Town Action: At the time of preliminary subdivision review, the Planning Board shall recommend to the Town Board of Commissioners whether to require a dedication of land within the subdivision or payment of fee in-lieu thereof, pursuant to standard listed in 4-8.1, subsection G.
3. Approval of Final Plat: Where dedication is required, such dedication shall be shown on the final plat for the subdivision submitted for approval. Where fees are required, the same shall be deposited with the Town prior to the recording of the final plat for subdivision. Open space covenants for park or recreational facilities shall be submitted to the Town prior to approval of the final plat and shall be record with the final plat.

H. Use of Land by Town

1. Generally: The land received by the Town under this article shall be used only for the purpose of providing neighborhood open space, park and recreational areas, but shall not be so restricted should the town decide to sell the land as provided by the following paragraph.
 2. Fee collected from in lieu of dedications and any proceeds from the sale of dedicated land shall be held in a special fund by the Town, and the funds shall be used by the Town for the purpose of acquiring and developing public recreation areas and for no other purpose. The depository for such funds may be the same as permitted for other funds of the Town and pending their expenditure in accordance with the terms of this section, such funds may be invested as other funds of the Town. The Town may, as its discretion, add additional monies to the fund for the purpose of purchasing public recreational land to be used for public recreational purposes. On all matters not specifically provided for in this section, the Local Government Budget and Fiscal Control Act shall be controlling.
- I. Privately Owned Park and Recreational Areas: Private parks and recreational facilities are encouraged; however, such facilities cannot be credited toward the requirement of dedication for public park and recreation purposes.
- J. Greenways: Greenways land may be credited toward the dedication provided that such greenway is part of the Town's Greenway Plan and the greenway or portion thereof is dedicated for public use.

ARTICLE V - ADMINISTRATION

501 STAFF, BOARDS, AND COMMITTEES

501.1 Subdivision Administrator

The Subdivision Administrator shall be appointed by the Spring Hope Town Manager and is duly charged with the enforcement of the provisions of this ordinance. If the Subdivision Administrator finds that any of the provisions of this ordinance are being violated, he/she shall notify in writing the person(s) responsible for such violations, indicating the nature of the violation and ordering the action(s) necessary to correct it. He/she shall also take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

501.2 Planning Board

- A. As directed by the Board of Commissioners, the Planning Board shall have the following duties with respect to administration of the subdivision ordinance:
1. Review and make recommendations to the Board of Commissioners on amendments of the Subdivision Ordinance.
 2. Review and approve major subdivisions in accordance with Article III.
 3. Perform any other duties assigned by the Board of Commissioners.

501.3 Technical Review Committee (TRC)

- A. There is hereby created a Technical Review Committee (TRC) consisting of the Subdivision Administrator, a subcommittee of Planning Board members, and representatives of the following agencies as designated by the Director of each agency: the Nash County Health Department, the North Carolina Department of Transportation Division of Highways, Nash County Emergency Services, Nash County Soil and Water Conservation Service, Nash/Rocky Mount School Board, Spring Hope Police and Fire Departments, the public water and/or sewer utility serving the subdivision under review, and any additional agencies or organizations for which the Town will consult on subdivision review and approval.
- B. The Technical Review Committee (TRC) shall have the following duties:
1. To review and comment on the technical aspects of all applications for approval of subdivision plats, major site plans, and master development plans.

2. To provide the Subdivision Administrator, for transmission to the Planning Board, with reports and recommendations regarding requests for approval before such bodies.
 3. To perform any other related duties that this ordinance may authorize or that the Spring Hope Planning Board may direct.
- C. The Subdivision Administrator or his/her designated agent shall serve as the chairperson of the TRC.
- D. The Subdivision Administrator shall determine the most effective means of communicating with members of the TRC for review and recommendations regarding subdivision plats. Communication with TRC members can be in the form of in-person meetings, written correspondence, phone consultations, or other avenues of communication as deemed necessary by the Subdivision Administrator.

502 EFFECT OF PLAT APPROVAL ON DEDICATIONS

Pursuant to GS 160A-374, 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 Board of Commissioners may by resolution accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision regulation jurisdiction. Acceptance of dedication of lands or facilities located within the subdivision regulation jurisdiction but outside the corporate limits of the 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.

503 FILING OF PLAT

Following adoption of this Ordinance by the Spring Hope Board of Commissioners, the Register of Deeds shall not thereafter file or record a plat of a subdivision location within the platting jurisdiction of the Town of Spring Hope without the approval of the subdivision by the Planning Board as required in this Ordinance. All approvals of final plats shall be recorded by the property owner/developer. The property owner/developer shall remit to Nash County such recordation fees in addition to review fees, before the final plat is recorded. The landowner shown on the subdivision plat submitted or recording or his authorized agent shall sign a statement on the plat stating whether or not any land shown thereon is within the platting jurisdiction of the Town of Spring Hope as defined in Section 105 of this ordinance. The filing or recording of a plat of subdivision without the approval of the Spring Hope Planning Board as required by this ordinance shall be null and void.

504 MODIFICATIONS

The standards and requirements of this ordinance may be modified by the Spring Hope Planning Board in the case of a Planned Unit Development or Traditional Neighborhood Development, which provides adequate public spaces and improvements of the tract

when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the approved site specific development plan. The Planning Board shall consider the recommendations of the Technical Review Committee and may impose such conditions necessary to ensure adequate design and development of the subdivision.

505 VARIANCES

Where because of topographical or other conditions peculiar to the site, strict adherence to the provisions of the regulations of this ordinance would cause an unnecessary hardship, the Board of Adjustment may authorize a variance, if such variance can be made without destroying the intent of this ordinance. Any variance thus authorized is required to be entered in writing in the minutes of the Board of Adjustment and the reasoning on which the departure was justified shall be set forth.

506 AMENDMENTS

This Ordinance may be amended from time to time by the Spring Hope Board of Commissioners as herein specified, but no amendment shall become effective unless it shall have been proposed by or shall have submitted to the Planning Board for review and recommendation. The Planning Board shall have forty-five (45) days within which to submit its recommendation. Failure of the Board to submit its recommendation within this time period shall constitute a favorable recommendation.

A public hearing shall be held by the Spring Hope Board of Commissioners before adoption of any proposed amendment to this ordinance. A notice of such public hearing shall be given once a week for two (2) consecutive calendar weeks in a newspaper of general circulation in the Town of Spring Hope. Said notice shall be published the first time not less than ten (10) days or more than twenty-five (25) days prior to the date established for such public hearing.

507 PENALTY

Any person who, being the owner or agent of the owner of any land within the subdivision regulation jurisdiction of the Town of Spring Hope as defined herein, thereafter subdivides his land in violation of the ordinance or hereafter transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of land before such plat has been properly approved under this Ordinance and recorded in the Office of the Register of Deeds of Nash County, shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from such penalties. The Town, through its Town Attorney or other official designated by the Spring Hope Board of Commissioners, 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 ordinance. Building permits required pursuant to G.S. 160A-417 may be denied for lots that have been illegally subdivided. In addition to other remedies, the Town may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.

508 PRE-SALE CONTRACTS

The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved under the subdivision ordinance or recorded with the register of deeds, provided the contract does all of the following:

- 508.1 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.
- 508.2 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.
- 508.3 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.
- 508.4 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.
- 508.5 The provisions of this section shall 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 ordinance 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 ordinance and recorded with the register of deeds.