

MASTER COPY

CITY OF CHERRYVILLE
SUBDIVISION ORDINANCE

January 10, 1977

(with amendments through May 1994)

Time Line of adoption and amendments to the Subdivision Ordinance

- January 10, 1977 – City of Cherryville Subdivision Ordinance was adopted
- March 6, 1989 – An amendment was made to the Subdivision Ordinance for Article IV General Requirement and Article IV, Section 2.6 Approval of Preliminary Plat by City Council
- March 12, 1990 – Articles V, VI, and VII of the Subdivision Ordinance were adopted
- September 9, 1991 – An amendment was made to the Subdivision Ordinance for Article III Section 8 Creation of Subdivision Technical Review Committee
- May 9, 1994 – An amendment was made to the Subdivision Ordinance for Article VI, Section 1.5 (a) Street Rights-of-Way, Paving Widths, and Design Standards

* I have researched the minute books back to 1977 and this is all the information that I was able to find

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INTRODUCTION

Land subdivision regulations have been described as "the guidance of land subdivision development by a public authority, enforced through the power to uphold the privilege of public record from plats that do not meet the establishment requirements and standards."

A local government in enforcing subdivision regulations is insuring sound community growth for the City, and it is safeguarding the interests of the homeowner and the subdivider. The decision of a subdivider to convert vacant land to housing development is a serious one. This action indelibly places development in a city that is permanent and has a lasting influence for several years. For these reasons, it is of primary importance that a municipality adopt and enforce subdivision regulations.

A WORD TO THE DEVELOPER

Any property owner, real estate agent, or builder who anticipates subdividing land in Cherryville should become familiar with these regulations. They have been designed and drawn up to achieve equal, impartial treatment for all, and to provide clear-cut procedures for the preparation, submission, and review or approval of subdivision plans. The Planning Board encourages any and all developers to retain a qualified technician such as land planner, landscape architect, engineer, surveyor, etc., to prepare the plan. This recommendation is made by the Board because it is important that a person subdividing land possess the necessary skill and imagination to produce the best design under given conditions.

TO AVOID DELAYS

1. Consult the City Manager before proceeding with subdivision plans.
2. Make sure that the design of the subdivision meets the minimum standards of design.
3. Submit all items as required when presenting a preliminary plat or a final plat for review or approval. Submit plans to the Planning Board.

4. Submit plans no later than the prescribed date if consideration of the plans is expected at the next regularly scheduled meeting of the Planning Board.

ARTICLE I

TITLE AND PURPOSE

SECTION 1. TITLE

This ordinance shall be known and may be cited as the Subdivision Regulations for Cherryville, North Carolina, and may be referred to as the Subdivision Regulations.

SECTION 2. PURPOSE

The purpose of this Subdivision Regulation is to support and guide the proper subdivision of land within the jurisdiction of Cherryville in order to promote the public health, safety, and general welfare of the citizens of Cherryville. The Subdivision Regulation is designed to promote the orderly development of the City; for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities; for the dedication or reservation of rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic, which shall avoid congestion and overcrowding and which will create conditions essential to public health, safety, and the general welfare. This Subdivision Regulation is designed to further facilitate adequate provision for water, sewerage, parks, schools, and playgrounds, and also to facilitate the further resubdivision of larger tracts into smaller parcels of land.

SECTION 3. RE-ENACTMENT AND REPEAL OF EXISTING SUBDIVISION REGULATIONS

This subdivision regulation in part carries forward by re-enactment some of the provisions of the Subdivision Regulations of the City of Cherryville (adopted by the City Council in November, 1966, as amended), and it is not the intention to repeal but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced. All provisions of the Subdivision Regulations of the City of Cherryville enacted in 1966, as amended, which are not re-enacted herein are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of any subdivision regulation heretofore in effect, which are now pending in any of the courts of this State or of the United States, shall not be abated or abandoned by reason of

the adoption of these subdivision regulations, but shall be prosecuted to their finality the same as if these regulations had not been adopted; and any and all violations of the existing subdivision regulations, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in these regulations shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending and/or which may heretofore have been instituted or prosecuted.

SECTION 4. AUTHORITY

These Subdivision Regulations are adopted under the authority of Chapter 160A, Article 19, Part 2 of the General Statutes of North Carolina.

SECTION 5. JURISDICTION

The regulations contained herein as provided in G.S. 160A, Article 19 shall govern each and every subdivision within the jurisdiction of Cherryville.

SECTION 6. EFFECTIVE DATE

This ordinance shall take effect and be in force from and after its adoption.

Duly adopted by the City Council, the City of Cherryville, North Carolina, this 10th day of January, 1977.

ARTICLE II

DEFINITION AND INTERPRETATION

SECTION 1. DEFINITIONS

For the purpose of these regulations, certain words used herein are defined as follows:

- 1.1 Subdivision. A "subdivision" shall include all subdivisions of a tract or parcel of land into two (2) or more lots building sites, or other divisions for the purpose, whether immediate or future, of sale or building development and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition nor be subject to the regulations prescribed by this ordinance.

- a. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the City as shown by the regulations prescribed by this ordinance.
- 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 of the City, as shown by the subdivision regulations contained in this or any other ordinance of the City of Cherryville.
- 1.2 **Subdivider.** Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.
- 1.3 **Official Maps or Plans.** Any maps or plans officially adopted by the City Council as a guide for the development of the City and territory surrounding the City, consisting of maps, charts, and texts.
- 1.4 **Street.** A dedicated and accepted public right-of-way for vehicular traffic.
- a. **Major and Minor Thoroughfares.** Streets and highways which are used primarily for fast or heavy traffic.
- b. **Collector Streets.** Streets which carry traffic from minor streets to the system of major streets.
- c. **Minor (Residential) Streets.** Streets which are used primarily for access to the abutting properties.
- d. **Marginal Access Streets.** Minor streets which are parallel to and adjacent to major streets and highways and which provide access to abutting properties and protection from through traffic.
- e. **Culs-de-sac.** Short streets designed to have one end permanently closed; the closed end terminated by a vehicular turn-around.
- 1.5 **Easement.** A grant by the property owner for use of a strip of land for specified purposes by the public, a corporation, or a person.
- 1.6 **Building Setback Line.** A line parallel to the front property lines in front of which no structure may be built.
- 1.7 **Lot.** A portion of a subdivision, or any other parcel of land intended as a unit for transfer of ownership or for development.
- 1.8 **Corner Lot.** A lot abutting upon two (2) or more streets at their intersection.
- 1.9 **Double Front Lot.** A continuous through lot which is accessible from both streets upon which it fronts.
- 1.10 **Single Tier Lot.** A lot which backs upon a limited access highway, railroad, a physical barrier, or a non-residential use and to which access from the rear of the lot is usually prohibited.
- 1.11 **Extraterritorial Jurisdiction.** The land lying within one (1) mile in all directions of the corporate limits of the City of Cherryville and not located in the jurisdiction of any other county.
- 1.12 **Group Development.** A development comprising at least two (2) buildings such as a group of apartments, and the land is not subdivided into customary streets and lots.
- 1.13 **Subdivision Technical Review Committee.** The committee created pursuant to Section 8 of Article III of this Ordinance.

SECTION 2. TENSE AND NUMBER

The present tense includes the future tense, and the future tense includes the present tense.

The singular number includes the plural number, and the plural number includes the singular number.

SECTION 3. WORD INTERPRETATION

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

- 3.1 The word "may" is permissive.
- 3.2 The word "shall" is mandatory.
- 3.3 The word "lot" includes the words "plot, parcel or site."
- 3.4 The word "building" includes the word "structure."
- 3.5 The word "City" shall mean the "City of Cherryville, a municipal corporation of the State of North Carolina."
- 3.6 The words "Ordinance" and "Regulations" shall mean the "Official Subdivision Regulations for the City of Cherryville, North Carolina."
- 3.7 The words "Planning Board" shall mean the "City of Cherryville Planning and Zoning Board."
- 3.8 The word "Board" shall mean the "City Council of the City of Cherryville, North Carolina."
- 3.9 The words "Register of Deeds" shall mean the "Register of Deeds of Gaston County, North Carolina."

ARTICLE III

GENERAL PROVISIONS

SECTION 1. PENALTIES FOR VIOLATION

After the effective date of this ordinance, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this ordinance, thereafter subdivides his land in violation of this ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of land before the plat has been properly approved under the terms of this ordinance and recorded in the office of the Gaston County Register of Deeds, shall be guilty of a misdemeanor. The description of metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The City, through its attorney or other official designated by the City Council may enjoin illegal subdivision, transfer, or sale of land by action for injunction. Further, violators of this ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S. 14-4.

SECTION 2. DUTY OF REGISTER OF DEEDS OF GASTON COUNTY

The City of Cherryville shall file a copy of this ordinance with the Register of Deeds of Gaston County. The Register of Deeds shall not thereafter file or record a plat of a subdivision located within the territorial jurisdiction of the City of Cherryville without the approval of the legislative body as required by this ordinance. The land owner shown on a subdivision plat submitted for recording or his authorized agent shall sign a statement on the plat stating whether or not any land shown thereon is within the territorial jurisdiction of the City of Cherryville as defined herein. The filing or recording of a plat of a subdivision without the approval of the City Council as required by this ordinance shall be null and void. The Clerk of Superior Court of Gaston County shall not order or direct the recording of a plat where such recording would be in conflict with this section.

SECTION 3. SEPARABILITY

Should any section or provision of these regulations be for any reason held void or invalid, it shall not affect the validity of any other section or provision herein which is not itself void or invalid.

SECTION 4. COMPLIANCE WITH OFFICIAL PLANS

When a tract to be subdivided embraces any part of a major or minor thoroughfare, parkway or boulevard designated in Official Maps and Plans, such part of such proposed public way would be platted and dedicated by the subdivider in the location and at the width specified.

SECTION 5. RESERVED LAND

To insure orderly development of the community in accordance with the general principles set forth in the Land Development Plan, the Planning Board may require that the subdivider reserve open spaces for parks, schools, fire stations, and playgrounds for a period of six (6) months from the date of submission of the preliminary plat. However, no more than ten percent (10%) of the total subdivision may be required.

SECTION 6. VARIANCES

- 6.1 **General.** Where the Planning Board finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations

so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Planning Board shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

- a. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property.
- b. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
- c. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished

from a mere inconvenience, if the strict letter of these regulations is carried out.

- d. The variances will not in any manner vary the provisions of the Zoning Ordinance, Master Plan, or Official Map.

6.2 Conditions. In approving variances, the Planning Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

6.3 Procedures. A petition for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Planning Board. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

SECTION 7. APPEALS

Any decision of the Subdivision Administrator made in regard to this Ordinance may be appealed to the Planning Board in writing by the applicant within a thirty (30) day period following the date of said decision. Requests for an appeal shall be made in writing to the Secretary of the Planning Board. If a written appeal is not made

within said thirty (30) day period, the matter shall be deemed to be closed and the decision of the Subdivision Administrator shall stand. After a determination has been made on a particular matter by the Planning Board, the applicant may appeal the Planning Board decision to the City Council within a thirty (30) day period following the date of the Planning Board's decision. Requests for such an appeal shall be made in writing by the applicant to the City Clerk. If an appeal is not made during said thirty (30) day period, the matter shall be deemed to be closed and the decision of the Planning Board shall stand.

The City Council shall have final administrative review on all matters under this Ordinance brought before it. In this capacity, the City Council may affirm, revise or modify the decision(s) of the Planning Board and/or the Subdivision Administrator.

SECTION 8. CREATION OF SUBDIVISION TECHNICAL REVIEW COMMITTEE

The Subdivision Technical Review Committee of the City of Cherryville is hereby established as a Planning Agency as authorized by Chapter 160A, Section 361 of the General Statutes of North Carolina and its sole power shall be to review and approve or reject subdivision plats under the abbreviated procedure (Article IV, Section 1) in accordance with the provisions of this Ordinance and to review and make recommendations to the Planning Board or City Council on the approval such subdivisions submitted to such bodies on appeal. The Subdivision Technical Review Committee shall consist of three persons including the Subdivision Administrator, who shall serve as Chairman, the Director of Public Works and the City Manager or other such City Official the City Manager may designate. Any decision of the Subdivision Technical Review Committee may be appealed to the Planning Board. If after having appealed the matter to the Planning Board, the appellant may appeal the decision of the Planning Board to the City Council.

SECTION 9. SUBDIVISION ADMINISTRATOR

The City Manager shall appoint a Subdivision Administrator to administer this Ordinance and to undertake other duties as provided for under this Ordinance.

SECTION 10. NON-CONFORMANCE

The standards and requirements of this ordinance may be modified by the Planning Board in the case of a plan and program for a complete group development, which in the judgment of the Planning Board provides adequate public spaces and improvements for the circulation, recreation,

Adopted
9-9-91

light, air and service needs 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 plan.

SECTION 11. AMENDMENTS, AMENDMENT PROCEDURE

This ordinance may be amended from time to time by the City Council as herein specified, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation. The Planning Board shall have forty-five (45) days within which to submit its report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have approved the amendment.

SECTION 12. CONFLICT WITH OTHER ORDINANCES

All ordinances or parts of ordinances other than the Zoning Ordinance of the City of Cherryville, which are in conflict herewith, are hereby repealed. Should the requirements of this ordinance conflict with those of the Zoning Ordinance, existing or hereinafter to be adopted, the more stringent requirements shall prevail.

SECTION 13. LIST OF SUBDIVISIONS

A list of all subdivisions approved under this chapter shall be kept on file in the office of the City Manager.

SECTION 14. ACCURACY

Standards of accuracy as prescribed in the "Manual of Practice for Land Surveying" published by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors shall apply to all surveys and maps.

ARTICLE IV

PROCEDURE

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General Requirement. No plat of a subdivision within the planning jurisdiction of the City of Cherryville shall be accepted for record by the Gaston County Register of Deeds until final approval has been given by the City Council of Cherryville or the Subdivision Technical Review Committee for subdivisions applicable to the abbreviated procedure. There are two (2) procedures applicable to subdivision final plat approval, an abbreviated procedure and a regular procedure. Subdivisions of land not involving a street dedication (public or private) or utility

extensions may follow the abbreviated procedure. Subdivisions of land involving dedication of a street right-of-way or utility extensions shall be required to follow the regular procedure. Also, if any area proposed for subdivision is part of a larger tract which the subdivider owns, has an option on or legal interest in, any part of the tract shall not be subdivided under the abbreviated procedure.

SECTION 1. ABBREVIATED PROCEDURE

1.1 Sketch Plan (Abbreviated Procedure)

Prior to submission of a final plat, the subdivider may submit to the Subdivision Administrator one or more copies of a sketch plan of the proposed subdivision. The purpose of the sketch plan is to familiarize the Subdivision Administrator with the proposed development and to generally determine whether it is in compliance with all applicable regulations. While the submittal of a sketch plan is optional, it is suggested that the subdivider submit such a plan in order to familiarize the Subdivision Administrator with the proposed development and, upon review, notify the developer of any likely problems with the proposed development. The sketch plan should contain the following information:

- a) A sketch vicinity map including north arrow showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads and waterways;
- b) The boundaries of the tract and the portion of the tract to be subdivided;
- c) The total acreage to be subdivided;
- d) The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;
- e) The existing street layout and right-of-way width, lot layout and size of lots;
- f) The name, address and telephone number of the owner;
- g) The name of the proposed subdivision;
- h) Streets and lots of adjacent developed or platted properties;

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

The Subdivision Administrator shall review the sketch plan for general compliance with the requirements of this Ordinance and the Zoning Ordinance; the Subdivision Administrator shall advise the subdivider or his authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the final plat.

1.2 **Final Plat (Abbreviated Procedure)**

The final plat shall be prepared by a Registered Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. 47-30 and the Standards of Practice for Land Surveying in North Carolina.

At least three (3) copies of the final plat shall be submitted, with one copy being on reproducible material. Material and drawing medium for the original shall be in accordance with the Standards of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Gaston County Register of Deeds.

The final plat shall be not less than eleven (11) inches by seventeen (17) inches in size no more than twenty-one (21) inches by thirty (30) inches in size. It shall be at a scale of not less than one (1) inch equals one-hundred (100) feet. Maps may be placed on more than one sheet with appropriate match lines.

Submission of the final plat shall be accompanied by a filing fee as established by the City Council.

The final plat shall show the following:

(a) **Zoning Classification**

Zoning classification on the land to be subdivided and on adjoining land.

(b) **Names**

The name of the subdivision, the owner, and surveyor, landscape architect, and engineer.

(c) **Date**

Date of the survey and plat preparation, a north arrow indicating whether true or magnetic, and graphic scale.

(d) **Natural Areas**

Existing and proposed wooded areas, marshes, and any peculiar natural conditions affecting the site.

(e) **Boundary**

The exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of intersection boundary lines of adjoining lands, with adjacent subdivisions identified by official names.

(f) **Monument and Control Corners**

The accurate locations and descriptions of all monuments, markers, and control points.

(g) **Survey Data**

Sufficient data to determine readily and reproduce on the ground every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, arcs, chords, central angles, and tangent distances for the center line of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest one-tenth (1/10) of a foot and all angles to the nearest minute.

(h) **Easements**

The location of all rights-of-way, easements, and areas to be dedicated to public use with the purpose of each stated.

(i) Vicinity Map
A sketch vicinity map showing the relationship between subdivision and surrounding area at a scale of one (1) inch to one thousand (1,000) feet.

(j) Block and Lot Numbers
The blocks numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each block.

(k) Deed Restrictions on the Property
A statement indicating whether deed restrictions exist, the subject, and location.

(l) Building Setback Lines
Minimum building setback lines.

(m) Certificates Required
The following signed certificate shall appear on all copies of the final plat:

(i) Certificate of Ownership and Dedication

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

OWNER

DATE

(ii) Certificate of Survey and Accuracy in Accordance with the Standards and Practice for Land Surveying in North Carolina

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

The certificate shall take the following general form:

STATE OF NORTH CAROLINA

I, _____ certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book __, Page ____); that this map was prepared in accordance with G.S. 47-30, as amended.

Witness my hand and seal this ____ day of _____, A.D. 19____.

REGISTERED LAND SURVEYOR

OFFICIAL SEAL

REGISTRATION NUMBER

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

SIGNATURE OF
OFFICER

OFFICIAL SEAL

Review Committee or appeal the decision of the Subdivision Review Committee to the City Council.

Failure of the Subdivision Review Committee to approve, approve with conditions, or disapprove the plat or notify the subdivider of a delay in reviewing the plat within fourteen (14) days of plat submittal shall constitute grounds for the subdivider to apply to the City Council for plat approval.

Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the City of Cherryville, North Carolina and that this plat has been approved by the City of Cherryville for recording in the Office of the Register of Deeds of Gaston County.

SUBDIVISION ADMINISTRATOR
CITY OF CHERRYVILLE, NC

DATE

1.3 Approval of Final Plat by the Subdivision Review Committee and Recording

Once the Subdivision Administrator has received the required number of copies of the final plat, he/she shall forward said plat to the Subdivision Review Committee which shall have fourteen (14) days to review the plat and to grant approval, approval with conditions or disapproval. If more than fourteen (14) days is required for approval, the Subdivision Administrator must notify the subdivider in writing advising him of the delay, the nature of the delay and an approximate date as to when a decision can be forwarded. The Subdivision Review Committee may elect to submit the plat to the Planning Board and the City Council when it deems this to be in the City's best interest. In such case the Planning Board shall review the plat and forward a recommendation to the City Council and the City Council shall make the final decision concerning the plat. In such instances, the Subdivision Administrator shall notify the subdivider of the decision of the Subdivision Review Committee and the date(s) upon which the Planning Board and City Council will meet to review the plat.

If the Subdivision Review Committee does not approve the final plat, the Subdivision Administrator shall instruct the subdivider concerning resubmission of a revised plat and the subdivider may make such changes as will bring the plat into compliance with the provisions of this Ordinance and resubmit the same for reconsideration by the Subdivision

If the final plat is disapproved, the reasons for such disapproval shall be stated in writing, specifying the provisions of this Ordinance with which the final plat does not comply. One (1) copy of such reasons and one (1) print of the plat shall be retained by the Subdivision Administrator as part of City records; a copy of such reasons and the remaining copies of the plat shall be transmitted to the subdivider. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance and resubmit same for reconsideration by the Subdivision Review Committee and/or City Council.

If the final plat is approved, the reproducible copy shall be recorded with the Gaston County Deeds Office.

The subdivider shall file the approved final plat with the Gaston County Deeds Office within ninety (90) days of approval; otherwise such approval shall be null and void.

SECTION 2. REGULAR PROCEDURE

2.1 Sketch Plan. Prior to the filing of a preliminary plat the subdivider should submit a sketch plan to the Subdivision

Administrator. Said sketch plan shall contain the information set forth in Subsection 1.1 and shall be reviewed by the Subdivision Administrator in accordance with the procedures set forth in said subsection.

2.2 **Preliminary Plat.** The procedure for obtaining PRELIMINARY PLAT approval is as follows:

- a. The subdivider shall submit to the Subdivision Administrator, at least fifteen (15) days prior to a regularly scheduled meeting:
 - 1) At least three (3) black or blue line prints of the proposed subdivision prepared in accordance with the requirements of Article VIII of this ordinance. Additional prints may be required when deemed necessary.
 - 2) Two (2) signed statements describing the proposed use of the land, and a draft, if required by the Planning Board, of any protective covenants to be applied to the subdivision
 - 3) Three (3) copies of any supplemental information, such as a contour map, if required by the Planning Board.

2.3 **Consulting Controlling Agencies.** Before acting on the PRELIMINARY PLAT, the Planning Board may request a report from any person or agency directly concerned with the proposed development, such as the District Highway Engineer, County Health Department, and the Superintendent of Schools. Such reports shall certify compliance with or note deviations from the requirements of this ordinance, and include comments on other factors which bear upon the public interest.

2.4 **Failure of Planning Board to Act.** Should the Planning Board fail to act on the proposed subdivision within forty-five (45) days after submission of the PRELIMINARY PLAT, the subdivider may seek approval at the next regularly scheduled meeting of the City Council.

2.5 **Approval, Conditional Approval, or Disapproval.** If the Planning Board disapproved or approves conditionally the

PRELIMINARY PLAT, the reasons for such action shall be stated in writing and reference shall be made to the specific sections of the ordinance with which the preliminary plat does not comply.

2.6 **Approval of Preliminary Plat By City Council.** After the Planning Board has acted upon the Preliminary Plat, or after failure of the Planning Board to act upon the plat within forty-five (45) days of submission, it shall then be submitted to the City Council for review and approval. The City Council may approve, disapprove or conditionally approve the Preliminary Plat. If the City Council disapproves or approves conditionally the Preliminary Plat, the reasons for such action shall be stated in writing and reference shall be made to the specific sections of the Ordinance with which the Preliminary Plat does not comply.

*Adopted
3-6-89*

SECTION 3. REQUIREMENTS FOR PRELIMINARY PLAT

The preliminary plat shall be at a scale of one hundred (100) feet to one (1) inch and will be drawn on a sheet fourteen (14) inches by eighteen (18) inches or eighteen (18) inches by twenty-four (24) inches, or such other size acceptable to the Register of Deeds of Gaston County. The PRELIMINARY PLAT shall be prepared by a Registered Land Surveyor or Engineer and shall show the following:

- 3.1 The location of existing and platted property lines, streets, buildings, water courses, railroads, transmission lines, sewers, bridges, culverts, and drainage pipes, water mains, city limits, and any public utility easements.
- 3.2 Boundaries of tract shown with bearings, distances and closures.
- 3.3 Wooded areas, marshes, and any other physical condition affecting the site.
- 3.4 Names of adjoining subdivisions and/or property owners.
- 3.5 Zoning classification, if any, both on the land to be subdivided and on adjoining lands.
- 3.6 Proposed streets, street names, rights-of-way, pavement widths, and approximate grades.
- 3.7 The location (layout) of proposed utilities (sewer, water, gas, electricity) showing connections to existing system or

location plans for individual water supply, sewage disposal, storm drainage, and so forth.

- 3.8 Other proposed rights-of-way or easements, location, widths and purposes.
- 3.9 Proposed lot lines, lot and block number and approximate dimensions.
- 3.10 Proposed minimum building setback lines.
- 3.11 Proposed parks, school sites, and other public open spaces.
- 3.12 Title, date, north point, and graphic scale.
- 3.13 Names of owner, surveyor, engineer or land planner.
- 3.14 Site data:
 - a. Acreage in tract.
 - b. Acreage in park or other land usage.
 - c. Average lot size.
 - d. Total number of lots.
 - e. Lineal feet in streets.
- 3.15 Sketch vicinity map showing relationship between subdivision and surrounding area.

SECTION 4: FINAL PLAT ← Adopted 5-14-90

No street shall be accepted and maintained by the City, nor shall any street lighting, water, electric, sewer, or natural gas be extended to or connected with any subdivision of land as defined herein, nor shall any permit be issued by the administrative agent or department of the City for the construction of any building or other improvement requiring a permit upon any land concerning which a plat is required to be approved, unless and until the FINAL PLAT has been approved by the City Council of the City of Cherryville, North Carolina. The procedure for obtaining FINAL PLAT approval is as follows:

- 4.1 The subdivider shall submit to the City Manager within one (1) year of the date of the Preliminary Plat approval and at least fifteen (15) days prior to a regularly scheduled City Council meeting, at least three (3) black or blue-line prints of the Final Plat and an original linen or mylar

drawing. The City Manager shall review the Final Plat to determine if it substantially conforms to the approved preliminary plat. If the City Manager determines that the Final Plat does substantially conform to said preliminary plat the City Manager shall submit it to the City Council for approval. If the City Manager determines that the Final Plat does not substantially conform to the approved preliminary plat the City Manager shall first submit said Final Plat to the Planning Board for review and recommendation prior to its submission to the City Council. The Planning Board shall have forty-five (45) days to make such recommendation and if it fails to act within said period the plat shall be forwarded to the City Council without such recommendation. Prior to submission of any Final Plat to the City Council, the City Manager shall submit the plat to the City Engineer, and City Department Head, or any outside agencies for review as the City Manager shall deem appropriate. If additional time is needed for such persons or agencies to review the Final Plat the City Manager at his/her discretion may delay submission of the Final Plat to City Council for a period up to thirty (30) days.

The one (1) year limit may be extended on a one-time basis by a majority vote of the City Council for a period not to exceed six (6) months if, at the time the request has been presented, substantial progress has been made in constructing improvements as required in the approved preliminary plat.

- 4.2 The subdivider shall file the approved FINAL PLAT with the Register of Deeds of Gaston County for recording within sixty (60) days after the date of approval by the City Council.
- 4.3 Before acting on the FINAL PLAT, the City Council may request reports from any person or agency directly affected by the proposed development. Such reports shall certify compliance with or note deviations from the approved PRELIMINARY PLAT and the requirements of this Ordinance.
- 4.4 If the City Council disapproves the FINAL PLAT, the reasons for such action shall be stated in and reference shall be made to the specific section of the Ordinance with which the plat does not comply.

- 4.5 Action of the City Council shall be noted on the original linen or mylar tracing and on the three (3) prints of the FINAL PLAT. One (1) print and linen or mylar tracing of the plat shall be returned to the subdivider, and one (1) print shall be filed with the City Clerk, one (1) print shall be filed with the City Manager and one (1) print shall be recorded with the Register of Deeds of Gaston County by the subdivider within six (6) months after approval by the City Council.

SECTION 5. RE-SUBDIVISION

For any replatting or re-subdivision 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 plan after recording, provided that:

- 5.1 No lot or tract of land shall be created or sold that is smaller than the size shown on the approved plan;
- 5.2 Drainage easements or rights-of-way shall not be changed;
- 5.3 Street alignment and block sizes shall not be changed;
- 5.4 The property lines between the back of the lot shall not be changed;
- 5.5 The rear portion of lots shall not be subdivided from the front part;
- 5.6 The character of the area shall be maintained.

ARTICLE V

GENERAL REQUIREMENTS

The following shall be considered the minimum requirements for all new subdivisions.

SECTION 1. LAND USE

Land subject to flooding and land deemed by the Planning 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 within a plan shall be set aside for such uses as will not be endangered by periodic or occasional inundation, or will not produce unsatisfactory living conditions.

SECTION 2. LARGE TRACTS OR PARCELS

Where land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further re-subdivision.

SECTION 3. LOTS

All lots shall front upon a public street. Double frontage lots shall be avoided.

ARTICLE VI

DESIGN STANDARDS AND STREET IMPROVEMENTS

The following design standards and required street improvements shall be deemed the minimum requirements for all new subdivisions.

SECTION 1. STREET DESIGN STANDARDS AND REQUIRED STREET IMPROVEMENTS

- 1.1 **Public Streets.** All subdivision lots shall abut on a public street and all public streets shall be dedicated to the City of Cherryville, the State of North Carolina or the public as determined appropriate by the City Council. There shall be no private streets or reserve strips platted in any Subdivision. All public streets shall be built to the standards of this Ordinance and all other applicable standards of the City of Cherryville and the North Carolina Department of Transportation. Public streets not dedicated to the City which are eligible for acceptance into the State Highway System shall be constructed to the standards necessary to be accepted into the State Highway System or the standards in this Ordinance, whichever is stricter, in regard to each particular item and shall be put on such system. Streets not dedicated to the City which are not eligible to be accepted into the State Highway System because there are too few lots or residences shall, nevertheless, be dedicated to the public and shall be built in accordance with the standards in this Ordinance or the standards necessary to be put on the State Highway System, whichever is stricter in regard to each particular item, so as to be eligible to be put on the system at a later date. A written maintenance agreement with provisions for maintenance of the street until it is put on the State System shall be included with the final plat. All streets shall be fully

Articles V, VI, VII
Adopted 3-12-90

PROPOSED AMENDMENT TO
CHERRYVILLE SUBDIVISION ORDINANCE

BE IT ORDAINED by the City Council of the City of Cherryville that the Subdivision Ordinance be amended as follows:

Article VI, Section 1.5(a) Streets Rights-of-Way, Paving Widths, and Design Standards and replace the following:

- (a) Right-of-Way Widths: Minimum street right-of-way widths shall be in accordance with the Throughfare Plan and other plans of the City of Cherryville and shall be not less than the following:

	<u>Inside*</u>	<u>Outside**</u>
1. Major Throughfares	80 Feet	80 Feet
2. Collector Streets and Minor Throughfares	60 Feet	60 Feet
3. Minor (Residential) Streets	50 Feet	50 Feet
4. Marginal Access Streets	100 Feet	100 Feet
5. Cul-de-Sac Streets	40 Feet	40 Feet***

* Inside City Limits of Cherryville, NC

** All Streets Located Beyond the Corporate Limits of the City

*** When Cul-de-Sac Streets Provide 40 Feet Right-of-Way Widths, a 5 Feet Utility Easement is Required On Each Side of the Street Right-of-Way

*Enacted May 9, 1994
at the Regular Meeting
of the Cherryville City
Council*

constructed to the boundary of the subdivision. Unless a waiver is granted by the City Council for a unique situation requiring an unnecessary hardship by the subdivider the leaving of an unopened street rights-of-way is prohibited.

1.2 Subdivision Street Disclosure Statement

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

1.3 Marginal Access Street

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

1.4 Access to Adjacent Properties

Where it is deemed desirable by the City Council, proposed streets shall be extended by dedication to the boundary of such property and a temporary turn around provided.

1.5 Street Rights-of-Way, Paving Widths, and Design Standards

(a) Right-of-Way Widths: Minimum street right-of-way widths shall be in accordance with the Thoroughfare Plan and other plans of the City of Cherryville and shall be not less than the following:

	<u>Inside*</u>	<u>Outside**</u>
1. Major Thoroughfares	80 Feet	80 Feet
2. Collector Streets and Minor Thoroughfares	60 Feet	60 Feet
3. Minor (Residential) Streets	50 Feet	50 Feet
4. Marginal Access Streets	100 Feet (Diameter)	100 Feet (Diameter)

*Inside City Limits of Cherryville, NC
 **All Streets Located Beyond the Corporate Limits of the City

(b) Where approved curbs and gutters are provided, the paving widths back to back of curbs shall be not less than the following:

	<u>Inside City Limit</u>	<u>Outside City Limit</u>
1. Major Thoroughfares	48 Feet	N C D O T Standards for Curbs and Gutter Sections for All Street Classifications
2. Collector Streets and Minor Thoroughfares	40 Feet	
3. Minor (Residential) Streets	32 Feet	→ 28 feet
4. Marginal Access Streets	32 Feet	* amended on 6/8/05
5. Cul-de-sac Turn Around Area (Diameter)	80 Feet	

(c) Where streets are provided without curbs and gutters (See 1.7-a(3) of this Article) the paving widths shall be not less than the following:

- | | |
|--------------------------------|--------------------|
| 1. Collector Streets | N/A |
| 2. Minor (Residential) Streets | 24 Feet |
| 3. Cul-de-sac Turn Around Area | 70 Feet (Diameter) |

(d) Unless necessitated by exceptional topography and subject to the approval of the City Council, the grades shall be not more than ten percent (10%) nor less than one-half (1/2) of one percent on any street.

1. 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 to the point of intersection of the vertical curve leading to the subsequent grade.
2. Street grades shall be established wherever practical in such a manner as to avoid excessive grading, excessive removal of ground cover and tree growth, and general leveling of the topography.
3. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to fifteen (15) times the algebraic difference in the rate of grade for major and collector streets and one-half (1/2) this minimum for all other streets.

(e) When a continuous street center line deflects at any point by more than one (1) degree, a circular curve shall be introduced having a radius of curvature on said center line of not less than the following:

- | | |
|--------------------------------|----------|
| 1. Major Thoroughfare | 300 Feet |
| 2. Collector Streets | 200 Feet |
| 3. Minor (Residential) Streets | 100 Feet |

(f) A tangent of at least one hundred (100) feet long shall be provided between reverse curves on all streets.

(g) Streets shall be laid out so as to intersect as near ninety (90) degree angles as possible and practical and no street shall intersect any other street at an angle less than sixty (60) degrees.

(h) Street jogs with center line offsets of less than two hundred (200) feet on collector or major streets shall be prohibited.

(i) Intersections with major thoroughfares and collector streets shall be at least eight hundred (800) feet from center line to center line, or more if required by the City Council.

(j) Property lines at intersections should be set so as to establish a site triangle. A site triangle is a triangular area on a corner lot adjoining the rights-of-way of the two intersecting streets, said triangular area being formed by the intersecting lines of the street rights-of-way and a straight line connecting the two points, each such points being twenty-five (25) feet from the intersection of the two street rights-of-way. In lieu of a triangular area property lines may be rounded at intersections using a radius of not less than twenty-five (25) feet. Greater site triangles or a greater radius due to particular topography, road configuration or intersection alignment may be required by the City to provide adequate sight distance for the vehicle of the side street. Where a street intersects a State maintained highway outside the City limits the requirements of the North Carolina Department of Transportation shall apply.

(k) Cul-de-sacs: Permanent dead streets or cul-de-sacs shall be no longer than eight hundred (800) feet unless necessitated by topography, property accessibility, or stream or railroad crossings but in no case shall be permitted to be more than eleven hundred (1,100) feet in length. Where a cul-de-sac exceeds four hundred (400) feet in length the subdivider shall install a regulation "Dead End" sign at the intersection. Measurement of cul-de-sac length shall be from the point where the center line of the dead end street intersects with the centerline of the through street to the center of the turnaround of the cul-de-sac. Where one cul-de-sac intersects with another cul-de-sac, the end of each cul-de-sac shall be

no more than 800 to 1,100 feet from a through street, measured as stated above. A cul-de-sac shall be provided at the closed end with a turnaround having a right-of-way radius of at least fifty (50) feet. For curb and gutter streets the paving radius shall be in accordance with Section 1.5 of this Article. For streets without curb and gutter the minimum pavement radius shall be thirty-five (33) feet. The paved area of all cul-de-sac turnarounds shall be centered within the right-of-way. Cul-de-sacs shall not be used to avoid connection with an existing street or to avoid extension of an important street, unless exception is granted by the City Council.

- (l) 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. Where there may exist a half street in an adjoining subdivision, the remaining half shall be provided by the proposed development.

1.6 Alleys

- 1. Alleys shall be required to serve lots used for commercial and industrial purposes except that this requirement may be waived where other definite and assured provision is made for service access.

Alleys shall not be provided in residential subdivisions unless necessitated by unusual circumstances.

- 2. The right-of-way width of an alley shall be at least twenty (20) feet.
- 3. Dead end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the dead end as may be approved by the City Council.

1.7 Improvements Within and Outside the City Limits

Approval of the final plat shall be subject to the subdivider having installed the improvements hereinafter designated or having guaranteed, to the satisfaction of the Subdivision Administrator, the installation of said improvements, except

as provided for in Section 1.9 of this Article.

a. Street Improvements

The following requirements shall apply to all streets within the corporate limits of the City of Cherryville and its extraterritorial planning jurisdiction:

(1) Grading.

All streets shall be graded to their full right-of-way width. Finished grade, cross section and profile shall be approved by the City.

(2) Paving.

Road base and paving shall be installed in accordance with the City specifications and standards. (See Section 1.9 of this Article).

(3) Curbs and Gutters.

Curbs and gutters, together with all needed street drainage structures, shall be installed in accordance with the City specifications and standards. Either standard combination vertical curb and gutter or valley type curb and gutter are allowed. In certain circumstances (such as along thoroughfares) the City may elect to require a vertical curb with gutter. In cases where the subdivider is opening a section of street on an existing public right-of-way and where the new roadway is an extension of an existing paved non curb and gutter public street, the requirement for curb and gutter may be waived by the City Council up to the next intersection or other such location for the purpose of avoiding potential storm drainage problems.

1.8 Specification for Street Structures

Design of all curb and gutter and drainage structures shall meet the Minimum Construction Standards for Subdivision Roads of the North Carolina Department of Transportation, Division of Highways.

1.9 Responsibilities of City and Subdivider for Street Improvements

amended
9-13-04

- a. Where the subdivision is located inside the corporate limits of Cherryville (or valid petition for annexation has been accepted by the City) and where curb and gutter is required by this Ordinance the stone base and paving shall be provided by the City. All other street improvement work (except signs and pavement markings) shall be provided by the subdivider. Responsibility of the subdivider shall include but not necessarily be limited to rough grading, drainage improvements, sedimentation control, curb and gutter, sidewalks (if required per Section 1.10), and fine grading. Stone base shall be provided as soon as practicable by the City upon the City having been notified by the subdivider and the City having inspected the site and determined that the street is ready for the stone base. It shall be the responsibility of the subdivider to have the drainage system and curb and gutter (including all driveway aprons) installed, and the roadway fine graded prior to notification to the City that the respective section of roadway is ready for the stone base and the subdivider shall maintain the fine graded roadway in such condition as the City shall deem acceptable for the stone base until such time as the City is able to install the stone base. It shall be the responsibility of the subdivider to coordinate closely with the City in arranging for the stone base taking into consideration the date the subdivider expects to be ready for stone base, weather conditions, and the time needed for delivery and installation of the stone. If the Public Works Director shall deem it in the best interest of the City, the City, at the discretion of the Public Works Director, may elect to authorize the subdivider to procure and/or install the stone base for the City. In such case, the City shall reimburse the subdivider for the stone basing based upon the costs to the City

if the City were to install it, and the Public Works Director shall have final authority to determine such costs.

Any additional costs above the amount determined by the Public Works Director shall be paid by the subdivider. Paving shall be provided by the City at such time as the City shall deem it appropriate to pave the roadway. The City may elect to delay paving the roadway until a substantial portion of building construction has occurred in the subdivision in order to avoid pavement damage caused by construction equipment and delivery of materials. The City may also elect to delay paving until the fiscal year following request for paving if there are insufficient funds appropriated for such purposes in the fiscal year in which paving is requested. In all cases, it shall be the responsibility of the subdivider to maintain the stone base and protect it from erosion or other deterioration until the street is paved.

If the Public Works Director shall deem it in the best interest of the City, the City, at the discretion of the Public Works Director, may elect to authorize the subdivider to procure and/or install the paving for the City. In such case, the City shall reimburse the subdivider for the paving based upon the costs to the City if the City were to procure paving, and the Public Works Director shall have final authority to determine such costs. Any additional costs above the amount determined by the Public Works Director shall be paid by the subdivider. No assistance in providing stone base or paving pursuant to this Section shall be provided by the City until the effective date of annexation if the subdivision is outside the City at the time of preliminary plat approval.

The City will install street signs and pavement markings for subdivisions inside the City limits.

Approved
9-13-04

LEGAL NOTICE OF PUBLIC HEARING

CITY OF CHERRYVILLE CITY COUNCIL

SUBDIVISION ORDINANCE AMENDMENT

Notice is hereby given that the Cherryville City Council will conduct a Public Hearing on Monday September 13, 2004, at 7:00 p.m., at the Cherryville Community Building, 106 S. Jacob Street, to sample citizen reaction to the following proposed amendment to the City of Cherryville Subdivision Ordinance.

BE IT ORDAINED by the City Council of the City of Cherryville that the Subdivision Ordinance be amended as follows:

Amend Section 1.9 of the City of Cherryville Subdivision Ordinance to read as follows:

1.9 Responsibilities of City and Subdivider for Street Improvements

- a. Where the subdivision is located inside the corporate limits of Cherryville (or valid petition for annexation has been accepted by the City) all street improvement work (except signs and pavement markings) shall be provided by the subdivider. Responsibility of the subdivider shall include but not necessarily be limited to rough grading, drainage improvements, sedimentation control, curb and gutter, sidewalks (if required per Section 1.10), fine grading, stone base and paving.

The City will install street signs and pavement markings for subdivisions inside the City limits.

- b. Underground Utilities. It shall be necessary for the subdivider to construct all underground utility lines as required by the City and to extend service lines to the property line of each lot BEFORE ANY STREETS ARE PAVED. If curbs and gutters are installed, the location of the service lines shall be stamped on the curbs. It is not the intent of this provision to require underground electric, telephone or cable television lines but rather to state at which phase of street construction any underground utilities are to be installed.

This Public Hearing will be conducted in accordance with the General Statutes of North Carolina, Chapter 160A, Section 364.

All interested and/or affected parties are invited to attend and present any evidence and/or testimony in favor of/opposed to the matter set out above.

Kelly Sellers
Zoning Administrator

mended
9-13-04

b. The policy described in (a) immediately above shall apply only to subdivisions whose average lot width at the front lot line does not exceed one hundred and twenty-five (125) feet. In cases where the average width is greater than one hundred and twenty-five (125) feet the City provision of stone bare and paving will be limited in street length to the number of lots in the subdivisions multiplied by one hundred and twenty-five (125) feet. Any street length in excess of such shall be the sole responsibility of the subdivider.

c. In cases where the curb and gutter requirement has been waived in accordance with Section 1.7-a(3) of this Ordinance the subdivider shall have responsibility for all street improvements.

d. Where the subdivision is located outside the City the subdivider shall have responsibility for all street improvements. (This does not include a subdivision where an ordinance has been passed to annex such subdivision).

e. Underground Utilities. It shall be necessary for the subdivider to construct all underground utility lines as required by the City and to extend service lines to the property line of each lot BEFORE ANY STREETS ARE PAVED. If curbs and gutters are installed, the location of the service lines shall be stamped on the curbs. It is not the intent of this provision to require underground electric, telephone or cable television lines but rather to state at which phase of street construction any underground utilities are to be installed.

1.10 Sidewalks

Sidewalks shall be constructed on such streets that the City Council considers sidewalks to be necessary in order to promote the free flow of vehicular traffic and to provide safety to pedestrian. Sidewalks shall be constructed within the street right-of-way and installed in accordance with City specifications and standards.

1.11 Street Names

Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names in either the Cherryville City Planning Jurisdiction or Postal Zone irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be subject to the approval of the City Council. All streets shall have names.

1.12 Street Signs Outside City Limits

Street name signs meeting the standards of Gaston County and traffic regulation signs meeting the standards of N.C. Department of Transportation shall be installed in all subdivisions outside the City limits at the subdivider's expense.

1.13 Street Layout

a. Conformity to Existing Maps or Plans

In any new subdivision, the street layout shall conform to the arrangement, width, location of proposed streets on any official plans or maps for the City of Cherryville, North Carolina. 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.

b. Continuation of Adjoining Streets

The proposed street layout shall be coordinated with the street system of the surrounding area. Where possible, existing principal streets shall be extended.

c. Large Tracts or Parcels

Where land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for

the opening of future streets and logical further resubdivision.

d. **Through Traffic Discouraged on Residential Collector and Local Streets**

Residential collector and local streets shall be laid out in such a way that their use by through traffic will be discouraged. Streets shall be designed or walkways dedicated to assure convenient access to parks, playground, schools, or other places of public assembly.

e. **Permits for Connection to State Roads**

An approved permit is required for connection to any existing State System Road. This permit is required prior to any construction on the street or road. The application is available at the Shelby Office of the Division of Highways.

f. **Wheelchair Ramps**

In accordance with Chapter 136, Article 2A, Section 136-44.14, all street curbs in North Carolina being constructed or reconstructed for maintenance procedures, traffic operations, repairs, correction of utilities, or altered for any reason after September 1, 1973, shall provide wheelchair ramps for the physically handicapped at all intersections where both curb and gutter and sidewalks are provided and at other major points of pedestrian flow.

SECTION 2. BLOCKS

Blocks shall be laid out with special attention given to the type of use contemplated, and with the following minimum requirements:

- 3.1 Block length shall not exceed one thousand three hundred twenty (1,320) feet not be less than four hundred (400) feet in length.
- 3.2 Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential

development from through traffic or other uses.

- 3.3 Pedestrian ways or crosswalks, not less than ten (10) feet in width, shall be provided near the center and entirely across any block nine hundred (900) feet or more in length where deemed essential, in the opinion of the Planning Board, to provide adequate pedestrian circulation or access to schools, shopping centers, churches, or transportation facilities.

SECTION 3. EASEMENTS

Utility and other easements shall be provided as follows:

- 3.1 Utility easements centered on rear or side lot lines shall be provided where deemed necessary by the Planning Board and shall be at least ten (10) feet in width.
- 3.2 Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.
- 3.3 Lakes, ponds, creeks, and similar areas within the City will be accepted for maintenance only if such acceptance is recommended by the Planning Board and approved by the City Council, and 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.

SECTION 4. BUFFER STRIPS

It is recommended that in residential districts a buffer strip at least thirty-five (35) feet in depth in addition to the normal lot depth required be provided adjacent to all railroads, limited access highways, industrial, and commercial developments. This strip shall be a part of the platted lots, but shall have the following restriction lettered on the face of the plat. "This strip reserved for the planting of trees or shrubs by the owner. The building of structures hereon is prohibited."

SECTION 5. PARK LANDS

In the event that a proposed park, playground or other public facility shown on the comprehensive plan is located in whole or in part within an area

proposed to be subdivided, such area shall be either dedicated for the public purpose or reserved for acquisition by the appropriate public body for a period not exceeding sixty (60) days from the date of tentative approval of the PRELIMINARY subdivision plat.

SECTION 6. LOTS

Lot sizes, shapes, and locations shall be made with due regard to topographic conditions, contemplated use, and surrounding area.

6.1 Area. All lots shall have an area of not less than the smallest lot area required by the Zoning Ordinance of the City of Cherryville. Additional area is required when:

- a. Public water but not public sewer is provided. In such case, said lot shall be not less than fifteen thousand (15,000) square feet in area.
- b. Neither public water nor public sewer is provided. In such case, said lot shall be not less than twenty thousand (20,000) square feet in area.

6.2 Lot Width. All lots shall have a minimum width at the building line of not less than seventy-five (75) feet and a minimum width at the street line of not less than forty (40) feet. Corner lots shall have an additional width of ten (10) feet to permit adequate setback from the abutting street. Greater lot width is required when:

- a. Public water but not public sewer is provided. In such case not only need the lot have a minimum of fifteen thousand (15,000) square feet area, but need have a frontage width of at least ninety (90) feet and a lot depth of at least one hundred fifty (150) feet.
- b. Neither public water nor public sewer is provided. In such case, said lot shall have not only a minimum of twenty thousand (20,000) square feet area, but a frontage width of at least one hundred (100) feet and a lot depth of at least one hundred fifty (150) feet.

6.3 Lot Depth. All lots shall have a minimum mean depth of not less than one hundred

twenty-five (125) feet. Greater depth is required when:

- a. Public water but not public sewer is provided. In such case the mean lot depth shall be not less than one hundred fifty (150) feet.
- b. Neither public water nor public sewer is provided. In such case, the mean lot depth shall be not less than one hundred fifty (150) feet.

6.4 Special Use. Depth and width of properties reserved or laid out for commercial use and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development.

6.5 Orientation. Side lot lines shall be substantially at right angles or radial to street lines.

6.6 Building Setback Lines. The minimum setback from property lines shall be as follows:

- a. From the front property lines: 35 feet.
- b. From the side property lines: A combined requirement of thirty (30) feet and a minimum of ten (10) feet on one side.
- c. From the rear property lines: 25 feet.
- d. From the side property line which abuts a street: 30 feet.

SECTION 7. CONFORMANCE

All lots shall conform with the City of Cherryville Zoning Ordinance, either existing or hereafter adopted. Wherever there is a discrepancy between the minimum standards or dimensions noted herein and those contained in the Zoning Ordinance, Building Code, or other official regulations, the highest standards shall apply.

ARTICLE VII

OTHER IMPROVEMENTS

SECTION 1. PERMANENT REFERENCE POINTS

Prior to the approval of the final plat, permanent reference points shall have been placed in accordance with the following requirements:

- 1.1 **Subdivision Corner Tie.** At least one corner of the subdivision shall be designated by course and distance (tie) from a readily discernible reference marker. If a corner is within two thousand (2,000) feet of a U.S. Coast and Geodetic Station or North Carolina Grid System coordinated monument, then this corner shall be marked with a monument, so designated by computed X and Y coordinates which shall appear on the map with a statement identifying this Station or Monument to an accuracy of 1:10000. When such a Monument or Station is not available, the tie shall be made to some pertinent and readily recognizable landmark or identifiable point, physical object or structure that cannot be destroyed.
- 1.2 **Monuments.** Within each block of a subdivision at least two (2) Monuments designed and designated as Control Corners shall be installed. The surveyor shall employ additional Monuments if and when required. All Monuments shall be constructed of concrete and shall be at least four (4) inches in diameter or square and not less than three (3) feet in length. Each Monument shall have imbedded in its top a metal control pin, indented cross or metal plate to identify properly the location of the control point. All Monuments shall be so installed so that at least one (1) inch is left shown above finished grade.
- 1.3 **Property Markers.** A steel or wrought iron pipe or the equivalent not less than three-fourths (3/4) inches in diameter and at least thirty (30) inches in length shall be set at all corners, except those located by Monuments. A Marker shall also be set at point of curve, point of intersection, property corner, point of tangency and reference point unless a Monument is placed where necessary.

SECTION 2. UTILITIES

Storm and sanitary sewers, electrical systems, water systems, fire hydrants, street signs, and gas systems shall be designed by a Registered Engineer of the State of North Carolina and shall be approved by the City. Water and sewer systems shall be installed in accordance with County or Municipal (if located within a municipality's jurisdiction) specifications and standards. Should private water or sewer systems be provided, such shall meet the requirements and approval of the North Carolina State Health Department.

- 6.1 Where a subdivision is within the City Limits, the subdivider shall connect with the water system of the City in accordance with this ordinance so as to provide water service to every lot within the subdivision.
- 6.2 Fire hydrants shall be installed in accordance with National Bureau of Fire Underwriters Standards and City policy.
- 6.3 Where a subdivision is within the City Limits, the subdivider shall connect to the sewer system of the City in accordance with this ordinance in order to provide sewer service to every lot within the subdivision.
- 6.4 Where a subdivision is within the City Limits, the subdivider shall make request for city-owned electricity distribution to serve each and every lot within the subdivision.
- 6.5 Where a subdivision is not within the City Limits, city-owned electricity, where possible as determined by the City, shall be furnished as a prerequisite for water or sewer service.

SECTION 3. ELECTRICAL, TELEPHONE AND TELEGRAPH SERVICE

All electrical, telephone and telegraph utilities of an overhead service nature shall be restricted to the rear of lots where practical and such subdivisions shall be designed in order that all lots may be served from rear utility easements.

SECTION 4. STREET LIGHTING

Before final approval of a subdivision plat, the subdivider shall present a street lighting plan to the Planning Board for its approval. Public street lighting fixture installation fees, if any, shall be paid by the subdivider.

SECTION 5. STREET TREES

It is recommended that street trees be planted in all subdivisions. The planting of street trees is considered a duty of the subdivider, as well as good business practice. Street trees are a protection against heat and glare; they enhance the attractiveness and value of property. Trees shall be planted inside the property lines where they are less subject to injury, decrease the chance of motor accidents, and enjoy more favorable conditions for growth.

Trees shall be planted no closer than ten (10) feet to a front property line nor closer than five (5) feet to a side lot line. Only trees of the Maple, Oak, Sweet gum or other variety as approved by the City Council may be planted as street trees. At least four (4) street trees shall be required per lot.

SECTION 6. SURFACE WATER DRAINAGE

No surface water drainage shall empty into a sanitary sewer.

6.1 Where a public storm water sewer is reasonably accessible, the subdivider shall connect with such storm drainage system and shall do all grading and provide all drainage structures which are necessary to properly carry the water to the storm drainage system. Design and construction shall be in accordance with City standards and specifications.

6.2 Where a storm drainage system is not accessible, the subdivider shall do all grading and provide all drainage structures that are necessary to properly carry the water to locations which are acceptable to the City.

6.3 Where drainage ditches exceed grades of four percent (4%), the ditches shall be paved or otherwise improved in accordance with City standards and specifications.

SECTION 7. GUARANTEE OF IMPROVEMENTS

Where the required improvements have not been completed prior to the submission of the plat for final approval, the approval of said plat shall be subject to the subdivider guaranteeing the installation of said improvements in one of the following methods:

7.1 Filing a performance or surety bond in an amount to be determined by the City and

based on the amount of improvements remaining to be completed.

7.2 Depositing or placing in escrow a certified check or cash in an amount to be determined by the City. Portions of the security deposit may be released as work progresses, upon approval by the City Council.

7.3 Entering into an agreement with the City guaranteeing the completion of the required work, said agreement to be binding upon subsequent purchasers of the property and to be recorded at the option of the City. The agreement shall provide that satisfactory security be furnished guaranteeing the completion of the necessary improvements before each section is developed.

7.4 Defects Guarantees. The owner of the subdivision shall require the contractors constructing streets, curbs, gutters, sidewalks, drainage facilities, and water or sewer lines to give bond guaranteeing the work against defects for a period of one (1) year from the date of acceptance of such construction. Where any of the above facilities are within the city limits or become a part of the city system of streets or utilities, the bond shall be made to the City of Cherryville, North Carolina.

ARTICLE VIII

REQUIREMENTS FOR FINAL PLAT

SECTION 1. FINAL PLAT

The FINAL PLAT shall be drawn on linen or mylar with India ink at the same scale and on the same sheet size as the preliminary plat as approved. The FINAL PLAT shall constitute only that portion of the approved PRELIMINARY PLAT which the subdivider proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of this ordinance. The FINAL PLAT shall be prepared by a Registered Surveyor or Engineer and shall show the following:

1.1 The lines and names of all streets and roads.

1.2 Lot lines and lot and block numbers.

1.3 Minimum building setback lines.

1.4 Reservations, easements, alleys and any areas to be dedicated to public uses or

sites for other than residential use with notes stating their purpose and any limitations.

- 1.5 Sufficient data to determine readily and reproduce on the ground the location, bearing, and length of every street line, lot line, boundary line, block line and building line, whether curved or straight, and including true north point. This should include the radius, central angle, point of tangent, tangent distance and arcs and chords of all curved streets and curved property lines.
- 1.6 All dimensions should be to the nearest one-tenth (1/10) of a foot and angles to the nearest minute.
- 1.7 Accurate location and description of all Monuments and Markers.
- 1.8 The names and locations of adjoining subdivisions and streets, and the location and ownership of adjoining unsubdivided properties.
- 1.9 Title, date, name and location of subdivision, graphic scale, and north point.
- 1.10 Name of subdivider, registered surveyor, engineer or land planner.
- 1.11 Utility layouts:
 - a. Water
 - b. Gas
 - c. Sanitary sewer
 - d. Storm drainage
 - e. Electrical lines

1.12 Forms for final certification: The following certification shall be lettered or rubber stamped on the FINAL PLAT or attached thereto:

a. Certificate of Approval by the Planning Board

I, _____, Chairman of the Planning Board, hereby certify that the said Board fully approved the FINAL PLAT of the subdivision entitled _____, on the _____ day of _____, 19_____.

Chairman, City of Cherryville
Planning and Zoning Board

b. Certificate of Ownership and Dedication:

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish minimum building lines, and dedicate all streets, alleys, walks, parks, and other sites to public or private use as noted. Further, I (we) certify the land as shown hereon is within the platting jurisdiction of the City of Cherryville, North Carolina.

Date	Owner
	Owner

c. Certificate of Accuracy:

As required under General Statutes 47-30, as amended.

Date	Registered Surveyor or Engineer

d. Certification of the Approval of Private Water and Sewer Systems:

I hereby certify that the water supply and sewerage disposal systems installed, or proposed for installation in the subdivision entitled _____, fully meets the requirements of the North Carolina State Health Department and are hereby approved as shown.

Date	County Health Officer or his Legal Representative

e. Certification of the Approval of the Installation and Construction of Streets, Utilities and Other Required Improvements:

I hereby certify (1) that streets, utilities and other required improvements have been installed in an acceptable manner and according to City specifications and standards in the subdivision entitled _____; or (2) that a guarantee of the installation of the required improvements in an amount or manner satisfactory to the City of Cherryville has been received.

	(1)
Date	City Manager
	(2)
	City Clerk

f. Certificate of Approval for Recording Plan and Acceptance of Dedication:

I, _____, City Clerk of the City of Cherryville, North Carolina, do hereby certify that on the ___ day of _____, 19____, the City Council of the City of Cherryville approved this plat for recording and accepted the dedication of streets, easements, rights-of-way and public parks and other sites for public purposes as shown hereon but assume no responsibility to open or maintain the same until, in the opinion of the governing body of the City of Cherryville, it is in the public interest to do so.

Date

City Clerk

(SEAL)

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