

ARTICLE 15: SUBDIVISION STANDARDS**Section 15.1: Introductory Subdivision Provisions****15.1.1 Purpose**

The purpose of this ordinance is to establish procedures and standards for the development and subdivision of land within the territorial jurisdiction of the Town of Rolesville. It is further designed to provide for the orderly growth and development of the Town of Rolesville; 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 recreation areas serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare. This ordinance is designed to further facilitate adequate provision of water, sewerage, parks, schools, and playgrounds, and also to facilitate the further resubdivision of larger tracts into smaller parcels of land.

15.1.2 Jurisdiction

The regulations contained herein, as provided in G.S. 160A, Article 19, shall govern each and every subdivision within the Town of Rolesville and its extraterritorial jurisdiction as shown on the official extraterritorial boundary map.

15.1.3 Prerequisite to Plat Recordation

After the effective date of this ordinance, each individual subdivision plat of land within the Town of Rolesville's jurisdiction shall be approved by the Board of Commissioners of the Town of Rolesville.

15.1.4 Acceptance of Streets

No street shall be maintained by the Town nor street dedication accepted for ownership and maintenance 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 Rolesville.

15.1.5 Transportation Plans

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

15.1.6 Traffic Impact Study

A traffic impact study is required for proposed developments of a certain size or impact. See standards in Section 9.11.

15.1.7 School Site on Land Use Plan

If the Board of Commissioners of the Town of Rolesville and Wake County Board of Education have jointly determined the specific location and size of any school sites to be reserved and this information appears in the comprehensive land use plan, the Board of Commissioners of the Town of Rolesville shall immediately notify the Board of Education whenever a sketch plan 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 Board of Commissioners of the Town of Rolesville. If the Board does wish to reserve the site, the subdivision shall not be approved without such reservation. The Board of Education shall then 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 purchased or begun proceedings to condemn the site within eighteen (18) months, the subdivider may treat the land as freed of the reservation.

15.1.8 Zoning and Other Plans

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

Section 15.2: Legal Provisions

15.2.1 General Procedure for Plat Approval

After the effective date of this ordinance, no subdivision plat of land with the Town of Rolesville's jurisdiction shall be filed or recorded until it has been submitted to and approved by the Board of Commissioners of the Town of Rolesville as set forth in Section 15.1.3 of this ordinance, and until this approval is entered in writing on the face of the plat by the Mayor and attested by the town clerk.

The Register of Deeds shall not file or record a plat of a subdivision of land located within the territorial jurisdiction of the Town that has not been approved in accordance with these provisions, nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with this section.

15.2.2 Statement by Owner

The owner of land 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 subdivision-regulation jurisdiction of any city.

15.2.3 Effect of Plat Approval on Dedications

Pursuant to G.S. 160A-374, the approval of a plat shall not be deemed to constitute or effect 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 of the Town of Rolesville 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 municipality shall not place on the town any duty to open, operate, repair, or maintain any street, utility line, or other land or facility, and the municipality shall in no event be held to answer in any civil action or proceeding for failure to open, repair or maintain any street located outside its corporate limits.

15.2.4 Penalties for Violation

- 15.2.4.1 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 the land before the plat has been properly approved under the terms of this ordinance and recorded in the Office of the Wake County Register of Deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The Town through its attorney or other official designated by the Board of Commissioners of the Town of Rolesville 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.
- 15.2.4.2 Each day's continuing violation of this ordinance shall be a separate and distinct offense.
- 15.2.4.3 Notwithstanding Section 15.2.4.1 above, this ordinance may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.
- 15.2.4.4 Nothing in this section shall be construed to limit the use of remedies available to the Town. The Town may seek to enforce this ordinance by using any one, all, or a combination of remedies.

15.2.5 Variances

Where, because of severe topographical or other conditions peculiar to the site, strict adherence to the provisions of this ordinance would cause an unnecessary hardship, the Board of Commissioners of the Town of Rolesville may authorize a variance to the terms of this

ordinance only to the extent that is absolutely necessary and not to an extent which would violate the intent of this ordinance.

15.2.6 Amendments

The Board of Commissioners of the Town of Rolesville may from time-to-time amend the terms of this ordinance 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 thirty (30) days from the time the proposed amendment is submitted to it within which to submit its report. If the planning Board fails to submit a report within the specified time, it shall be deemed to have recommended approval of the amendment.

No amendment shall be adopted by the governing body until they have held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the Rolesville area at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall appear not more than twenty-five (25) nor less than ten (10) days prior to the hearing date. In computing the ten (10) day period, the date of publication is not to be counted, but the date of the hearing is.

15.2.7 Abrogation

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

Wherever the requirements of this ordinance are at variance with other requirements of lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive, or that imposing the highest standards, shall govern.

Section 15.3: Procedure for Review and Approval of Subdivision Plats

15.3.1 Plat Shall be Required on Any Subdivision of Land

Pursuant to G.S. 160A-372, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this ordinance whenever any subdivision of land takes place.

15.3.2 Approval Prerequisite to Plat Recordation

Pursuant to G.S. 160A-373, no final plat of a subdivision within the jurisdiction of the Town of Rolesville as established in Section 15.1.2 of this ordinance shall be recorded by the Register of Deeds of Wake County until it has been approved by the Board of Commissioners of the Town of Rolesville as provided herein. To secure such approval of a final plat, the subdivider shall follow the procedures established in this article.

15.3.3 Procedures for Review of Major and Minor Subdivisions

All subdivisions shall be considered major subdivisions except those defined as minor subdivisions in this Section. Major subdivisions shall be reviewed in accordance with the procedures in Section 15.3.5 through 15.3.7. Minor subdivisions shall be reviewed in accordance with the provisions in Section 15.3.4. However, if the subdivider owns, leases, holds an option on, or holds any legal or equitable interest in any property adjacent to or located directly across a street, easement, road or right-of-way from the property to be subdivided, the subdivision shall not qualify under the abbreviated procedure. Furthermore, the abbreviated procedure may not be used a second time within three (3) years on any property less than fifteen hundred (1500) feet from the original property boundary by anyone who owned, had an option on, or any legal interest in the original subdivision at the time the subdivision received preliminary or final plat approval.

A minor subdivision is defined as one involving no new public or private streets or roads, or right-of-way dedication, no easements, no utility extension, where the entire tract to be subdivided is five (5) acres or less in size, and where four (4) or fewer lots result after the subdivision is completed. The definition of minor subdivision shall not apply to a Special Purpose Lot as defined and regulated by Section 5.10 and Article 16. Subdivisions to create Special Purpose lots shall be reviewed in accordance with Section 15.3.4.

15.3.4 Procedure for Review of Minor Subdivisions

15.3.4.1 Sketch Plan for Minor Subdivision

Prior to submission of a final plat, the subdivider shall submit to the subdivision administrator three (3) copies of a sketch plan of the proposed subdivision containing the following information:

- (a) A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;
- (b) The boundaries of the tract and the portion of the tract to be subdivided;
- (c) The total acreage to be subdivided;
- (d) The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;
- (e) The existing street layout and right-of-way width, lot layout and size of lots.
- (f) The name, address and telephone number of the owner;
- (g) The name, if any, of the proposed subdivision;
- (h) Streets and lots of adjacent developed or platted properties;
- (i) The zoning classification of the tract and of adjacent properties;
- (j) A statement from the Wake County Health Department that a copy of the sketch plan has been submitted to them, if septic tanks or other onsite water or wastewater systems are to be used in the subdivision.

The sketch plan shall be submitted at least seven (7) days prior to the Planning Board meeting at which it will be reviewed. The Planning Board shall review the sketch plan for compliance with the requirements of the UDO, and then either approve or deny the plan. The Planning Board shall advise the subdivider or his authorized agent of the regulations pertaining to any approved subdivision and the procedures to be followed in the preparation and submission of the final plat.

One (1) copy of the sketch plan shall be retained as a part of the minutes of the Planning Board, and one (1) copy shall be returned to the subdivider or his authorized agent. The Planning Board shall transmit the third copy of the sketch plan to the Board of Commissioners of the Town of Rolesville through the administrator of this ordinance.

15.3.4.2 Final Plat for Minor Subdivisions.

Upon approval of the sketch plan by the Board of Commissioners of the Town of Rolesville the subdivider may proceed with the preparation of the final plat in accordance with the requirements of this ordinance. The subdivider shall submit the final plat, so marked, to the Subdivision Administrator.

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.

Five copies of the final plat shall be submitted, two (2) of these shall be on reproducible material; three (3) shall be black or blue line paper prints. Material and drawing medium for the original shall be accordance with the Standards of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Wake County Register of Deeds.

The final plat shall be of a size suitable for recording with the Wake County Register of Deeds and shall be at a scale of not less than one (1) inch equals two hundred (200) feet. Maps may be placed on more than one sheet with appropriate match lines.

Submission of the final plat shall be accompanied by a filing fee in accordance with the town's fees schedule. The final plat shall meet the specifications in Section 9.9.

The following signed certificate shall appear on all five (5) copies of the final plat.

- (a) Certificate of Ownership and Dedication

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

Owner

Date

(b) Certificate of Survey and Accuracy

In accordance with G.S. 47-30, there shall appear on each plat a certificate by the person under whose supervision such survey or such plat was made, stating the origin of the information shown on the plat, including recorded deed and plat references shown thereon. The ratio of precision as calculated by latitudes and departures before any adjustments must be shown. Any lines on the plat that were not actually surveyed must be clearly indicated and a statement included revealing the source of information. The execution of such certificate shall be acknowledged before any officer authorized to take acknowledgments by the registered land surveyor preparing the plat. All plats to be recorded shall be probated as required by law for the registration of deeds.

Where a plat consists of more than one sheet, only the first sheet must contain the certification and all subsequent sheets must be signed and sealed.

The certificate required above shall include the source of information for the survey and data indicating the accuracy of closure of the plat before adjustments and shall be in substantially the following form:

"I _____, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded in Book _____, Page _____, etc.) (other); that the boundaries not surveyed are shown as broken lines platted from information found in Book _____, Page _____; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this day of _____, 2_____."

Surveyor

Seal or Stamp

Registration Number

The certificate of the Notary shall read as follows:

"North Carolina, _____ County.

I, _____, a Notary Public of the County and State aforesaid, certify that _____, a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this day of _____, 2_____.

Notary Public

Seal or Stamp

My commission expires _____ "

The Subdivision Administrator shall review the final plat and shall recommend approval, conditional approval with modifications to bring the plat into compliance, or disapproval of the final plat with reasons within forty (40) days of receiving the plat.

During his/her review of the final plat the Subdivision Administrator may appoint an engineer or surveyor to confirm the accuracy of the final plat with the permission of the Town Manager. If substantial errors are found, the costs shall be charged to the subdivider and the plat shall not be recommended for approval until such errors have been corrected.

If the Subdivision Administrator recommends approval of the final plat he/she shall retain all copies of the plat and its written recommendations.

If the Subdivision Administrator recommends conditional approval of the final plat with modifications to bring the plat into compliance, he/she shall retain one (1) print of the plat for its minutes, return his/her written recommendation and two (2) reproducible copies of the plat to the subdivider, and transmit one (1) print of the plat and its written recommendations to the Board of Commissioners of the Town of Rolesville.

If the Subdivision Administrator recommends disapproval of the final plat, he/she 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 same for

reconsideration by the Subdivision Administrator, or appeal the decision to the Board of Commissioners of the Town of Rolesville.

Failure of the Subdivision Administrator to make a written recommendation within (40) days after his/her first review shall constitute grounds for the subdivider to apply to the Board of Commissioners of the Town of Rolesville for approval.

If the Subdivision Administrator recommends approval or conditional approval with modifications to bring the plat into compliance, or the subdivider appeals to the Board of Commissioners of the Town of Rolesville, the Board of Commissioners shall review and approve or disapprove the final plat within sixty-five (65) days after it has received the plat and recommendations of the Subdivision Administrator .

If the Subdivision Administrator approves the final plat, such approval shall be shown on each copy of the plat by the following signed certificate:

“Certificate of Approval for Recording

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

Subdivision Administrator, Town of Rolesville

Rolesville, North Carolina

Date”

If the final plat is disapproved by the Subdivision Administrator of the Town of Rolesville 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 of the Town of Rolesville as part of his/her public records; one (1) copy of the reasons and three (3) copies of the plat shall be transmitted to the subdivider. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance and resubmit same for reconsideration by the Subdivision Administrator or by the Board of Commissioners as determined by the Board of Commissioners.

If the final plat is approved by the Subdivision Administrator of the Town of Rolesville, the original tracing and one (1) print of the plat shall be retained by the subdivider. One (1) reproducible tracing and one (1) print shall be filed

with the Town Clerk, and one (1) print shall be returned to the Subdivision Administrator for his/her records.

The subdivider shall file the approved final plat with the Register of Deeds of Wake County within sixth (60) days of the Subdivision Administrator of the Town of Rolesville approval; otherwise such approval shall be null and void.

15.3.5 Sketch Plan for Major Subdivisions

15.3.5.1 Number of copies and contents

Prior to the preliminary plat submission, the subdivider shall submit to the Planning Board two (2) copies of a sketch plan of the proposed subdivision containing the following information:

- (a) A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;
- (b) The boundaries of the tract and the portion of the tract to be subdivided;
- (c) The total acreage to be subdivided;
- (d) The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;
- (e) The proposed street layout with approximate pavement and right-of-way width, lot layout and size of lots;
- (f) The name, address, and telephone number of the owner;
- (g) The name, if any, of the proposed subdivision;
- (h) Streets and lots of adjacent developed or platted properties;
- (i) The zoning classification of the tract and of adjacent properties;
- (j) A statement from the Wake County Health Department that a copy of the sketch plan has been submitted to them, if septic tanks or other onsite water or wastewater systems are to be used in the subdivision.

15.3.5.2 Submission and Review Procedure

The sketch plan shall be submitted at least seven (7) days prior to the Planning Board meeting at which it will be reviewed. The Planning Board shall review the sketch plan for general compliance with the requirements of the UDO; the Planning Board 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 preliminary and final plats.

One copy of the sketch plan shall be retained as a part of the minutes of the Planning Board with the other copy being returned to the subdivider or his authorized agent.

15.3.6 Preliminary Plat Submission and Review

15.3.6.1 Submission Procedure

For every subdivision within the territorial jurisdiction established by Section 15.1.2 of this ordinance, which does not qualify for the abbreviated procedure, the subdivider shall submit a preliminary plat to the Subdivision Administrator in accordance with the Town of Rolesville Development Review Procedures, which are hereby incorporated into the UDO by reference and available upon request from the Subdivision Administrator. The Technical Review Committee (TRC) will then review the preliminary plat, note any deficiencies, make technical recommendations, and decide whether the plat meets all specifications and is ready for consideration by the Town of Rolesville Planning Board. Should the plat in any manner not meet all the requirements of the ordinance, or should any other significant contingencies exist within the proposed development, the Subdivision Administrator will not forward said plat to the Planning Board.

Preliminary plats shall meet the specifications in Section 15.3.8.

15.3.6.3 Review Procedure

The Planning Board shall review the preliminary plat on or before its next regularly scheduled meeting which follows at least seven (7) days after the Subdivision Administrator receives the preliminary plat and comments from the Technical Review Committee (TRC).

The Planning Board shall, in writing, recommend approval, conditional approval with recommended changes to bring the plat into compliance, or disapproval with reasons within forty (40) days of its first consideration of the plat. The Planning Board may table an item if it determines that such an action is in the public interest.

If the Planning Board recommends approval of the preliminary plat, it shall retain one (1) copy of the plat for its minutes and transmit two (2) copies of the plat, to the Board of Commissioners of the Town of Rolesville with its recommendation.

If the Planning Board recommends conditional approval of the preliminary plat, it shall keep one (1) copy of the plat for its minutes, transmit two (2) copies of the plat and its recommendation to the Board of Commissioners of the Town of Rolesville, and return the remaining copy of the plat and its recommendation to the subdivider.

If the preliminary plat is disapproved, the subdivider may make the recommended changes and submit a revised preliminary plat, or appeal the decision to the Board of Commissioners of the Town of Rolesville.

If the Planning Board does not make a written recommendation within forty (40) days after its first consideration of the plat, the subdivider may apply to the Board of Commissioners of the Town of Rolesville for approval or disapproval.

If the Board of Commissioners of the Town of Rolesville approves the preliminary plat, such approval shall be noted on two (2) copies of the plat. One (1) copy of the plat shall be retained by the Board of Commissioners of the Town of Rolesville and one (1) copy shall be returned to the subdivider if the Board of Commissioners approves the preliminary plat with conditions, approval shall be noted on two (2) copies of the plat along with a reference to the conditions. One (1) copy of the plat along with the conditions shall be retained by the Board of Commissioners and one (1) copy of the preliminary plat along with the conditions shall be returned to the subdivider.

If the Board of Commissioners of the Town of Rolesville disapproves the preliminary plat, the reasons for such disapproval shall be specified in writing. One (1) copy of the plat and the reasons shall be retained by the Board of Commissioners of the Town of Rolesville and one (1) copy shall be returned to the subdivider.

No construction or installation of improvements may begin on a site until preliminary plat approval has been received from the Town of Rolesville.

15.3.7 Final Plat Submission and Review

15.3.7.1 Preparation of Final Plat and Installation of Improvements

Upon approval of the preliminary plat by the Board of Commissioners of the Town of Rolesville, the subdivider may proceed with the preparation of the final plat, and the installation of or arrangements for required improvements in accordance with the approved preliminary plat and the requirements of this ordinance. Prior to approval of a final plat, the subdivider shall have installed the improvements specified in this ordinance or guaranteed their installation as provided herein. No final plat will be accepted for review by the Subdivision Administrator unless accompanied by written notice by the town clerk acknowledging compliance with the improvement and guarantee standards of this ordinance. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time; such portion shall conform to all requirements of this ordinance.

15.3.7.2 Improvement Guarantees

(a) Agreement and Security Required

In Lieu of requiring the completion, installation and dedication of all improvements prior to final plat approval the Town of Rolesville may

enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Planning Board, if all other requirements of this ordinance are met. To secure this agreement, the subdivider shall provide, subject to the approval of the Board of Commissioners of the Town of Rolesville, either one, or a combination of the following guarantees not exceeding 1.25 times the entire cost as provided herein:

(1) Surety Performance Bond(s)

The subdivider shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina. The bonds shall be payable to the Town of Rolesville and shall be in an amount equal to 1.25 times the entire cost, as estimated by the subdivider and approved by the Board of Commissioners of the Town of Rolesville, of installing all required improvements. The duration of the bond(s) shall be until such time as the improvements are accepted by the Board of Commissioners of the Town of Rolesville.

(2) Cash or Equivalent Security

The subdivider shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the Town or in escrow with a financial institution designated as an official depository of the Town. The use of any instrument other than cash shall be subject to the approval of the Board of Commissioners of the Town of Rolesville. The amount of deposit shall be equal to 1.25 times the cost, as estimated by the subdivider and approved by the Board of Commissioners of the Town of Rolesville, of installing all required improvements.

If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with the Board of Commissioners of the Town of Rolesville an agreement between the financial institution and himself guaranteeing the following:

- (i) That said escrow account shall be held in trust until released by the Board of Commissioners of the Town of Rolesville and may not be used or pledged by the subdivider in any other matter during the term of the escrow; and

- ii) That in the case of a failure on the part of the subdivider to complete said improvements, the financial institution shall, upon notification by the Board of Commissioners of the Town of Rolesville and submission by the Board of Commissioners of the Town of Rolesville to the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately either pay to the Town the funds estimated to complete the improvement, up to the full balance of the escrow account, or deliver to the Town any other instruments fully endorsed or otherwise made payable in full to the Town.

- b) Default

Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution holding the escrow account shall, if requested by the Board of Commissioners of the Town of Rolesville pay all or any portion of the bond or escrow fund to the Town of Rolesville up to the amount needed to complete the improvements based on an engineering estimate. Upon payment, the Board of Commissioners of the Town of Rolesville, in its discretion, may expand such portion of said funds as it deems necessary to complete all or any portion of the required improvement. The Town shall return to the subdivider any funds not spent in completing the improvements.

- c) Release of Guarantee Security

The Board of Commissioners of the Town of Rolesville may release a portion of any security posted as the improvements are completed and recommended for approval by the Subdivision Administrator. Within forty (40) days after receiving the Subdivision Administrator's recommendation, the Board of Commissioners of the Town of Rolesville shall approve said improvements. If the Board of Commissioners of the Town of Rolesville approves said improvements, then it shall immediately release any security posted.

15.3.7.3 Submission Procedure

The final plat for the first stage of the subdivision shall be submitted not more than eighteen (18) months after the date on which the preliminary plat was approved; otherwise such approval shall be null and void, unless a written extension of this limit is granted by the Board of Commissioners of the Town of Rolesville on or before the eighteen (18) month anniversary of the approval.

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.

Five (5) copies of the final plat shall be submitted; two (2) of these shall be on reproducible material; three (3) shall be black or blue line paper prints. 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 Wake County Register of Deeds.

The final plat shall be of a size suitable for recording with the Wake County Register of Deeds and shall be at a scale of not less than one (1) inch equals two hundred (200) feet. Maps may be placed on more than (1) sheet with appropriate match lines.

Submission of the final plat shall be accompanied by a filing fee in accordance with the town's fee schedule.

The final plat shall meet the specifications in Section 15.3.8.

The following signed certificates shall appear on all five (5) copies of the final plat:

- a) Certificate of Ownership and Dedication

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

Owner(s)

Date

- b) Certificate of Survey and Accuracy

In accordance with G.S. 47-30, there shall appear on each plat a certificate by the person under whose supervision such survey or such plat was made, stating the origin of the information shown on the plat, including a recorded deed and plat references shown thereon. The ratio of precision as calculated by latitudes and departures before any adjustments must be shown. Any lines on the plat that were not actually surveyed must be clearly indicated and a statement included revealing the source of information. The execution of such certificate shall be acknowledged before any officer authorized to take acknowledgments by the registered land surveyor preparing the plat. All plats to be recorded shall be probated as required by law or the registration of deeds. Where a plat consists of more than one sheet, only the first sheet must contain the certification and all subsequent sheets must be signed and sealed.

The certificate required above shall include the source of information for the survey and data indicating the accuracy of closure of the plat before adjustments and shall be in substantially the following form:

"I _____, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded in Book _____, Page _____, etc.) (other); that the boundaries not surveyed are shown as broken lines platted from information found in Book _____, Page _____; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this day of _____, 2_____.

Surveyor

Seal or Stamp

Registration Number"

The certificate of the Notary shall read as follows:

"North Carolina, _____County.

I, _____, a Notary Public of the County and State aforesaid, certify that _____, a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this day of _____, 2_____.

Notary Public

Seal or Stamp

My commission expires _____ "

- c) Certificate of approval of the design and installation of streets, utilities and other required improvements.

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

Date

Subdivision Administrator"

During its review of the final plat the Subdivision Administrator may appoint a Registered Land Surveyor to confirm the accuracy of the final plat (if agreed to by the Town Manager). If substantial errors are found, the costs shall be charged to the subdivider and the plat shall not be recommended for approval until such errors have been corrected.

If the Subdivision Administrator recommends conditional approval of the final plat with modifications to bring the plat into compliance, he/she shall retain one (1) print of the plat for his/her records, and return his/her written recommendations and two (2) reproducible copies of the plat to the subdivider.

If the Subdivision Administrator disapproves of the final plat, he/she 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 same for reconsideration by the Subdivision Administrator, or appeal the decision to the Board of Commissioners of the Town of Rolesville.

Failure of the Subdivision Administrator to make a written recommendation within forty (40) days shall constitute grounds for the subdivider to apply to the Board of Commissioners of the Town of Rolesville for approval.

If the Subdivision Administrator recommends approval or conditional approval with modifications to bring the plat into compliance, or the subdivider appeals to the Board of Commissioners of the Town of Rolesville, the Board of Commissioners shall review and approve or disapprove the final plat within sixth-five (65) days after it receives the plat and recommendations of the Subdivision Administrator.

If the Subdivision Administrator or the Board of Commissioners of the Town of Rolesville approves the final plat, such approval shall be shown on each copy of the plat by the following signed certificate.

Certificate of Approval for Recording

“Certificate of Approval for Recording

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

Subdivision Administrator, Town of Rolesville

Rolesville, North Carolina

Date”

If the final plat is disapproved by the Subdivision Administrator or the Board of Commissioners of the Town of Rolesville, the reason 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 for his/her records, or the Board of Commissioners of the Town of Rolesville as part of its proceedings; one (1) copy of the reasons and three (3) copies of the plat shall be transmitted to the subdivider. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance and resubmit same for reconsideration by the Subdivision Administrator.

If the final plat is approved by the Subdivision Administrator or the Board of Commissioners of the Town of Rolesville, the original tracing and one (1) print of the plat shall be retained by the subdivider. One (1) reproducible tracing and one (1) print shall be filed with the Town Clerk, and one (1) print shall be returned to the Subdivision Administrator for his/her records. The subdivider shall file the approved final plat with the Register of Deeds of Wake County within sixty (60) days of approval by the Town of Rolesville; otherwise such approval shall be null and void.

15.3.8 Information to be Contained in or Depicted on Preliminary and Final Plats

The preliminary and final plats shall depict or contain the information indicated in the following table. An “x” indicates that the information is required.

<u>Information</u>	<u>Preliminary Plat</u>	<u>Final Plat</u>
-Title Block Containing		
•Property designation	X	X
•Name of owner	X	X
•Location (including township, county and state)	X	X
•Date or dates survey was conducted and plat prepared	X	X
•A scale of drawing in feet per inch listed in words or figures	X	X
•A bar graph	X	X
•Name, address, registration number and seal of the Registered Land Surveyor	X	X
-The name of the subdivider	X	X
-A sketch vicinity map showing the relationship between the proposed sub-division and surrounding area	X	X
-Corporation limits, township boundaries, county lines if on the subdivision tract	X	X
-The names, addresses and telephone numbers of all owners, mortgages, registered land surveyors, land planners, architects, landscape architects, and professional engineers responsible for the subdivision	X	X
-The registration numbers and seals of the professional engineers	X	X
-Date of plat preparation	X	X
-North arrow and orientation	X	X
-The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and distance shown	X	X
-The exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands	X	
-The names of owners of adjoining properties	X	X
-The names of any adjoining subdivision of record or proposed and under review	X	X
-Minimum building setback lines	X	X
-The zoning classifications of the tract to be subdivided and adjoining properties	X	X
-Existing property lines on the tract to be subdivided and on adjoining properties	X	X
-Existing buildings or other structures water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining	X	X
-Proposed lot lines, lot and block numbers, and approximate dimensions	X	
-The lots numbered consecutively throughout the subdivision		X
-Wooded areas, marshes, swamps, rock outcrops, ponds or	X	

lakes, streams or streambeds and any other natural features affecting the site

-The exact location of the flood hazard, floodway and floodway fringe areas from the FEMA maps x x

The following data concerning streets:

-Proposed streets x x

-Existing and platted streets on adjoining properties and in the proposed subdivision x x

-Right-of-way, location and dimensions x x¹

-Pavement widths x x¹

-Approximate grades x x¹

-Design engineering data for all corner and curves x x

-Typical street cross sections x x¹

-Street names x x

-Street maintenance agreement in accordance with Section 15.4.5.1 of this ordinance. x

-Type of street dedication; all streets must be designated either "public" or "private". Where public streets are involved which will be dedicated to the Town the subdivider must submit all street plans to the subdivision administrator for approval prior to preliminary plat approval. Where public streets are involved which will not be dedicated to a municipality, the subdivider must submit the following documents to the N.C. Department of Transportation District Highway Office for review: a complete site layout, including any future expansion anticipated; horizontal alignment indicating general curve data onsite layout plan; vertical alignment indicated by percent grade, PI station and vertical curve length on site plan layout; (the District Engineer may require the plotting of the ground profile and grade line for roads where special conditions or problems exist); typical section indicating the pavement design and width and the slopes, widths and detail for the curb and gutter or the shoulder and ditch proposed; drainage facilities and drainage areas. x x

Notes: ¹Required on final plat, only for minor subdivisions

-Where streets are dedicated to the public, but not accepted into a municipal or the State system before lots are sold, a statement explaining the status of the street in accordance with Section 15.4.5.2 of this ordinance. x

-If any street is proposed to intersect with a state maintained road, the subdivider shall apply for driveway approval as required by the North Carolina Department of Transportation, Division of Highways' Manual on x

Driveway Regulations.

Evidence that the subdivider has obtained such approval.

The location and dimensions of all:

-Utility and other easements	X	X
-Riding trails	X	X
-Natural buffers	X	X
-Pedestrian or bicycle paths	X	X
-Parks and recreation areas with specific type indicated	X	X
-School sites	X	X
-Areas to be dedicated to or reserved for public use	X	X
-Area to be used for purposes other than residential with the purpose of each stated	X	X
-The future ownership (dedication or reservation for public use to governmental body, for owners to duly constituted homeowners' association, or for tenants remaining in subdivider's ownership) of recreation and open space lands	X	

The plans for utility layouts including:

-sanitary sewers	X	X ¹
-storm sewers	X	X ¹
-other drainage facilities, if any	X	X ¹
-water distribution lines	X	X ¹
-natural gas lines	X	X ¹
-telephone lines	X	X ¹
-electric lines	X	X ¹

illustrating connections to existing systems, showing line sizes, the location of fire hydrants, blowoffs, manholes, force mains and gate valves

Plans for individual water supply sewage disposal systems, if any	X	X
-profiles based upon Mean Sea Level datum for sanitary sewers and storm sewers	X	

Site calculations including:

-acreage in total tract to be subdivided	X	
-acreage in parks and recreation areas and other nonresidential uses	X	
-total number of parcels created	X	
-acreage in the smallest lot in the subdivision	X	
-linear feet in streets	X	
-The name and location of any property or buildings within	X	X

the proposed subdivision or within any contiguous property that is located on the U.S. Department of Interior's National Register of Historic Places.

- Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles, and tangent distance for the center line of curved property lines that are not the booundary line of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minutes. X
- The accurate locations and descriptions of all monuments, markers and control points. X
- A copy of any proposed dead restrictions or similar covenants. Such restrictions are mandatory when private recreation areas are established. X X
- A copy of the erosion control plan submitted to the appropriate authority, if such a plan is required. X
- Topographic map with contour intervals of no greater than two (2) feet at a scale of no less than 1" =200'. X
- All certifications required in Section 15.3.7 X
- Any other information considered by either the ubdivider, Planning Board or the Board of Commissioners of the Town of Rolesville to be pertinent to the review of the plat. X X

15.3.9 Recombination of Land

- 15.3.9.1 Any plat or any part of any plat may be vacated by the owner at any time before the sale of any lot in the subdivision by a written instrument to which a copy of such plat shall be attached, declaring the same to be vacated.
- 15.3.9.2 Such an instrument shall be approved by the same agencies as approved the final plat. The governing body may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, street or alleys.
- 15.3.9.3 Such an instrument shall be executed, acknowledged or approved and recorded and filed in the same manner as a final plat; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.
- 15.3.9.4 When lots have been sold, the plat may be vacated in the manner provided in Sections 15.3.9.1 through 15.3.9.3 by all owners of the lots in such plat joining in the execution of such writing.

15.3.10 Resubdivison Procedures

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

Section 15.4: Required Improvements, Dedication, Reservation, Minimum Standards of Design
--

15.4.1 General

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

15.4.2 Suitability of Land

15.4.2.1 Land which has been determined by the Board of Commissioners of the Town of Rolesville on the basis of engineering or other expert surveys to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed shall not be platted for that purpose, unless and until the subdivider has taken the necessary measures to correct said conditions and to eliminate said dangers.

15.4.2.2 Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Wake County Health Department, a structural engineer and a soils expert determine that the land is suitable for the purpose proposed.

15.4.3 Name Duplication

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

15.4.4 Subdivision Design**15.4.4.1 Blocks**

- (a) The lengths, widths, and shapes of blocks shall be determined with due regard to: provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements; needs for vehicular and pedestrian circulation; control and safety of street traffic; limitations and opportunities of topography; and convenient access to water areas.

- (b) Blocks shall not be less than four hundred (400) feet or more than eighteen hundred (1800) feet.
- (c) Blocks shall have sufficient width to allow two (2) tiers of lots of minimum depth except where single tier lots are required to separate residential development from through vehicular traffic or another type of use, in nonresidential subdivisions, or where abutting a water area.
- (d) Where deemed necessary by the Board of Commissioners of the Town of Rolesville, a pedestrian crosswalk at least fifteen (15) feet in width may be required to provide convenient public access to a public area such as a park or school, to a water area, or to areas such as shopping center, religious or transportation facilities.
- (e) Block numbers shall conform to the Town street numbering system, if applicable.

15.4.4.2 Lots

- (a) All lots in new subdivisions shall conform to the zoning requirements of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the UDO. It is not sufficient merely for the average lot to meet zoning requirements.
- (b) Lots shall meet any applicable Wake County Health Department Requirements.
- (c) Double frontage lots shall be avoided wherever possible.
- (d) Side lot lines shall be substantially at right angles to or radial to street lines.

15.4.4.3 Easements

Easements shall be provided as follows:

- (a) Utility Easements

Easements for underground or above ground utilities shall be provided, where necessary, across lots or centered on rear or side lot lines and shall be at least twenty (20) feet wide for water and sanitary sewer lines and as required by the companies involved, for telephone, gas and power lines. The Board of Commissioners of the Town of Rolesville will determine whether one (1) easement is sufficient or whether several easement are necessary to accommodate the various facilities and the subdivider shall provide the required easements.

(b) Drainage Easements

Where a subdivision is traversed by a stream or drainage way, an easement shall be provided conforming with the lines of such stream and of sufficient width as will be adequate for the purpose.

(c) Drainageway Buffer Easements

In R-40W zoning districts, drainageway buffers shall be provided as required by the UDO and shall be recorded as easements.

15.4.5 Streets

15.4.5.1 Type of Street Required

All subdivision lots shall abut at least twenty (20) feet on a public street. All public streets shall be dedicated to the Town of Rolesville, the State of North Carolina or the public as determined appropriate by the Board of Commissioners of the Town of Rolesville. All public streets shall be built to the standards of this ordinance and all other applicable standards of the Town of Rolesville and the North Carolina Department of Transportation. Public streets not dedicated to the Town which are eligible for acceptance into the State Highway System shall be constructed to the standards necessary to be put on the State Highway System or the standards in this ordinance, whichever is stricter, in regard to each particular item and shall be put on such system. Streets not dedicated to the Town which are not eligible to be put on the State Highway System because there are too few lots or residences shall, nevertheless, be dedicated to the public and shall be in accordance with the standards in this 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.

15.4.5.2 Subdivision Street Disclosure Statement

All streets shown on the final plat shall be designated in accordance with G.S. 136-102.6 and designation as public shall be conclusively presumed an offer of dedication to the public. 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.

15.4.5.3 Half-Streets

The dedication of half streets of less than sixty (60) feet at the perimeter of a new subdivision shall be prohibited. If circumstances render this impracticable, adequate provision for the concurrent dedication of the

remaining half of the street shall be furnished by the subdivider. Where there exists a half-street in an adjoining subdivision, the remaining half shall be provided by the proposed subdivision. However, in circumstances where more than sixty (60) feet of right-of-way is required, a partial width right-of-way, not less than sixty (60) feet in width, may be dedicated when adjoining undeveloped property is owned or controlled by the subdivider; provided that the width of the partial dedication is such as to permit the installation of such facilities as may be necessary to serve abutting lots. When the adjoining property is subdivided, the remainder of the full required right-of-way shall be dedicated.

15.4.5.4 Marginal Access Streets

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

15.4.5.5 Access to Adjacent Properties

Where, in the opinion of the Board of Commissioners of The Town of Rolesville, it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turnaround provided.

15.4.5.6 Nonresidential Streets

The subdivider of a nonresidential subdivision shall provide streets in accordance with F-4 of the North Carolina Roads, Minimum Construction Standards, May 1, 1983; and the standards in this ordinance, whichever are stricter in regard to each particular item.

15.4.5.7 Design Standards

The design of all streets and roads within the jurisdiction of this ordinance shall be in accordance with the accepted policies of the North Carolina Department of Transportation, Division of Highways, as taken or modified from the American Association of State Highway Officials (AASHO) manuals. The N.C. Department of Transportation, Division of Highways'

Subdivision Roads Minimum Construction Standards, May 1, 1983 shall apply for any items not included in this ordinance, or where stricter than this ordinance.

The provision of street rights-of-way shall conform to and meet the requirements of the thoroughfare plan of the Town of Rolesville as approved by the Planning Board and adopted by the Board of Commissioners of the Town of Rolesville and the North Carolina Board of Transportation.

The urban planning area shall consist of that area within the urban planning boundary as depicted on the mutually adopted Rolesville thoroughfare plan.

The rural planning area shall be that area outside the urban planning boundary.

(a) Right-of-Way Widths:

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

	<u>Rural</u>	<u>Minimum Right-of-Way, Feet</u>
1.	Principal Arterial	
	Freeways	350
	Other	200
2.	Minor Arterial	100
3.	Major Collector	100
4.	Minor Collector	100
5.	Local Road	60*

**The desirable minimum right-of-way is established as 60 feet. If curb and gutter is provided, 50 feet of right-of-way is adequate on local residential streets.*

	<u>Urban</u>	<u>Minimum Right-of-Way, Feet</u>
1.	Major Thoroughfare other than Freeway and Expressway	90
2.	Minor thoroughfare	70
3.	Local Street	60*
4.	Cul-de-sac	Variable**

The subdivider will only be required to dedicate a maximum of 100 feet of right-of-way. In case where over 100 feet of right-

of-way is desired, the subdivider will be required only to reserve the amount in excess of 100 feet. In all cases in which right-of-way is sought for an access controlled facility, the subdivider will only be required to make a reservation.

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

(1) Local Residential

Curb and gutter section - 26 feet, to face of curb
Shoulder section - 20 feet to edge of pavement,
4 foot shoulders

(2) Residential Collector

Curb and gutter section - 34 feet, face to face of curb
Shoulder section - 20 feet to edge of pavement,
6 foot shoulders

- (c) **Geometric Characteristics:** The standards outlined below shall apply to all subdivision streets proposed for addition to the State Highway System (or Municipal Street System). In cases where a subdivision is sought adjacent to a proposed thoroughfare corridor, the requirements of dedication and reservation discussed under Right-of-Way shall apply.

**The desirable minimum right-of-way is established as 60 feet. If curb and gutter is provided, 50 feet of right-of-way is adequate on local residential streets.*

***The right-of-way dimension will depend on radius for vehicular turnaround. Distance from edge of pavement of turnaround to right-of-way should not be less than distance from edge of pavement to right-of-way on street approaching turnaround.*

(1) Design Speed

The design speeds for subdivision-type streets shall be:

	<u>Desirable</u>	<u>Minimum Level</u>	<u>Rolling</u>
Rural			
Minor Collector Roads	60	50	40
Local road including Residential Collectors and Local Residential	50	50*	40*
Urban			
Major Thoroughfares other than Freeway or Expressway	60	50	50
Minor Thoroughfares	60	50	40
Local Streets	40	40**	30**

(2) Maximum and Minimum Grades

(a) The maximum grades in percent shall be:

<u>Design Speed</u>	<u>Level</u>	<u>Rolling</u>
60	3	4
50	4	5
40	5	6
30		9
20		

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

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

(b) A minimum grade for curbed streets normally should not be less than 0.5%, a grade of 0.35% may be allowed where there is a high type pavement accurately crowned and in areas where special drainage conditions may control.

(c) Grades for 100 feet each way from intersections should not exceed 5%

- (d) For streets and road with projected annual average daily traffic less than 250, short grades less than 500 feet long, may be 150% greater.

(3) Minimum Sight Distance

In the interest of public safety, no less than the minimum sight distance applicable shall be provided in every instance. Vertical curves than connect each change in grade shall be provided and calculated using the following parameters. (General practice calls for vertical curves to be multiples of 50 feet. Calculated lengths shall be rounded up in each case):

<u>Design Speed, MPH</u>	<u>20</u>	<u>30</u>	<u>40</u>	<u>50</u>	<u>60</u>
Stopping Sight Distance					
Min. Stopping Distance, Ft.	150	200	275	350	475
Des. Stopping Distance, Ft.	150	200	300	450	650
Minimum K* Value For:					
a. Min. Crest Vert. Curve	16	28	55	85	160
Des. Crest Vert. Curve	16	28	65	145	300
b. Min. SAG Vert. Curve	24	35	55	75	105
Des. SAG Vert. Curve	24	35	60	100	155
Passing Sight Distance					
Min. Passing Distance, Ft. (2 lane)	1100	1500	1800	2100	
Min. K* Value for Crest Vertical Curve	365	686	985	1340	

K* is a coefficient by which the algebraic difference in grade may be multiplied to determine the length in feet of the vertical curve which will provide minimum sight distance.

Sight distance provided for stopped vehicles at intersections should be in accordance with, "A Policy on Geometric Design of Rural Highways", and the UDO for the Town of Rolesville.

- (4) The following table shows the maximum degree of curve and related maximum superelevation for design speeds. The maximum rate of roadway superelevation (e) for rural roads with no curb and gutter is

.08. The maximum rate of superelevation for urban streets with curb and gutter is .06 with .04 being desirable.

Design Speed MPH	Maximum Degree of Curve		
	Maximum e*	(Rounded) feet	(Rounded) Degrees
20	.04	125	45.0
30	.04	300	19.0
40	.04	560	10.0
50	.04	925	6.0
60	.04	1410	4.0
20	.06	115	50.0
30	.06	275	21.0
40	.06	510	11.5
50	.06	830	7.0
60	.06	1260	4.5
20	.08	110	53.5
30	.08	250	23.0
40	.08	460	12.5
50	.08	760	7.5
60	.08	1140	5.0

* = rate of roadway superelevation, foot per foot.

(5). Intersections:

- (a) Streets shall be a lid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle less than sixty (60) degrees.
- (b) Property lines at intersections should be set so that the distance from the edge of pavement, of the street turnout, to the property line will be at least as great as the distance from the edge of pavement to the property line along the intersecting streets. This property line can be established as a radius or as a sight triangle. Greater offsets from the edge of pavement to the property lines will be required, if necessary, to provide sight distance for the vehicle on the side street.
- (c) Offset intersections are to be avoided unless exception is granted by the Division of Highways. Intersections which cannot be aligned should be separated by a minimum length of 200 feet between survey center lines.

- (d) Intersections with arterial, collectors and thoroughfares shall be at least one thousand (1000) feet from center line to center line, or more if required by the North Carolina Department of Transportation.

- (6) Cul-de-sacs

Permanent deadened streets should not exceed five hundred (500) feet in length unless necessitated by topography or property accessibility and in no case shall be permitted to be over nine hundred (900) feet. Measurement shall be from the point where the center line of the deadened street intersects with the center of a 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 500 to 900 feet from a through street, measured as stated above. The distance from the edge of pavement on the vehicular turnaround to the right-of-way line shall not be less than the distance from the edge of pavement to right-of-way line on the street approaching the turnaround. Cul-de-sacs should not be used to avoid connection with an existing street or to avoid the extension of an important street, unless exception is granted by the Board of Commissioners of the Town of Rolesville.

- (7) Alleys

- (a) Alleys shall be required to serve lots used for commercial and industrial purposes except that this requirement may be waived where other definite and assured provision is made for service access.
- (b) Alleys shall not be provided in residential subdivisions unless necessitated by unusual circumstances.
- (c) The width of an alley shall be at least twenty (20) feet.
- (d) Deadened alleys shall be avoided where possible, but unavoidable, shall be provided with adequate turnaround facilities at the deadened as may be approved by the Board of Commissioners of the Town of Rolesville.
- (e) Sharp changes in alignment and grade shall be avoided.
- (f) All alleys shall be designed in accordance with N.C. Department of Transportation Standards.

15.4.6 Other Requirements

(a) 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, playgrounds, schools, or other places of public assembly.

(b) Sidewalks

Sidewalks shall be required for all major subdivisions as defined by Section 15.3 on at least one side of all internal public streets.

Sidewalks shall also be provided along all lots in major and minor subdivisions fronting existing public streets. Other sidewalks may be required by the Board of County Commissioners of the Town of Rolesville in areas likely to be subject to heavy pedestrian traffic such as near schools and shopping areas.

Sidewalks shall meet the applicable requirements of the American With Disabilities Act.

Sidewalks shall be constructed to a minimum width of five (5) feet, and shall consist of a minimum thickness of four (4) inches of concrete. All sidewalks shall be placed in the right-of-way, unless the development is platted as a planned unit or group development. Sidewalks shall consist of a minimum of six (6) inches of concrete at driveway crossings. All sidewalks must be handicapped accessible from street intersections.

Where location or terrain makes the installation of any sidewalk unfeasible, the Board of Commissioners may waive these provisions.

(c) Street Names

Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names in the county irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be subject to the approval of the Board of Commissioners of the Town of Rolesville.

(d) Street Name Signs

The subdivider shall be required to provide and erect street name signs to Town standards at all intersections with the subdivision.

(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 office of the nearest district engineer of the Division of Highways.

(f) Offsets to Utility Poles

Poles for overhead utilities should be located clear of roadway shoulders, preferably a minimum of a least thirty (30) feet from the edge of pavement on major thoroughfares. On streets with curb and gutter, utility poles should be set back a minimum distance of six (6) feet from the face of curb.

(g) Wheelchair Ramps

In accordance with Chapter 136, Article 2A, Section 135-44-14, 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.

(h) Horizontal Width on Bridge Deck

(1) The clear roadway widths for new and reconstructed bridges serving two (2) lane, two (2) way traffic shall be as follows:

(a) Shoulder Section Approach

- (1) Under 800 ADT Design Year Minimum 28 feet width face-to-face of parapets or rails or pavement width plus 10 feet, whichever is greater.
- (2) 800-2000 ADT Design Year Minimum 34 feet width face-to-face of parapets or rails or pavement width plus 12 feet, whichever is greater.
- (3) Over 2000 ADT Design Year Minimum 40 feet. Desirable 44 feet width face-to-face of parapets or rails.

(b) Curbs and Gutters Approach

- (1) Under 800 ADT Design Year. Minimum 24 feet face-to-face of curbs.
- (2) Over 800 ADT Design Year. Width of approach pavement measured face-to-face of curbs. Where curb and gutter sections are used on roadway approaches, curbs on bridges shall match the curbs on approaches in height, in width of face-to-face of

curbs, and in crown drop. The distance from face of curb to face of parapet or rail shall be 1'6" minimum, or greater if sidewalks are required.

- (3) The clear roadway widths for new and reconstructed bridges having four (4) or more lanes serving undivided two-way traffic shall be as follows:

- (a) Shoulder Section Approach

Width of approach pavement plus width of usable shoulders on the approach left and right.

Min. 8'; Des. 10'

- (b) Curb and Gutter Approach

Width of approach pavement measured face-to-face of curbs.

- (i) Curb and Gutter

Curb and gutter shall be provided in all subdivisions except in R.40W. Curb and gutter shall meet the specifications in Section I.C. of the N.C. Department of Transportation Subdivision Road Minimum Construction Standards, May 1, 1983. Unless otherwise specified by the Rolesville Board of Commissioners, curb and gutter shall be provided along the entire length of each street in the subdivision. The Board of Commissioners of the Town of Rolesville may make an exception this policy in areas having very low traffic volume.

- (j) Street Drainage, No Curb and Gutter

Where the installation of curb and gutter is not required, the Town of Rolesville shall review all drainage prior to acceptance of any facility on the Town system. The storm drainage system shall be designed to meet NCDOT standards. All driveway drainage pipes shall be constructed to meet a Ten year storm and shall be at least fifteen (15) inches in diameter constructed of reinforced concrete.

15.4.7 Utilities

15.4.7.1 Water and Sanitary Sewer System

Each lot in all subdivisions within the corporate limits of the Town of Rolesville shall be provided, at the subdivider's expense with an extension of the municipal water system and sanitary sewer system if one is available.

Each subdivision in the extraterritorial area of the Town of Rolesville shall be provided with water and sanitary sewer lines and laterals within and along the perimeter of the land being subdivided for each lot, if any of the land being subdivided for each lot, is within one-thousand (1,000) feet of the municipal system. The subdivider may, at his expense, extend the aforementioned system(s) to the subdivision if approved by the Board of Commissioners of the Town of Rolesville. Water and sanitary sewer lines, connections and equipment shall be in accordance with town standards. Town standards for water lines are found in "Engineering Specifications for Water Lines", which is on file with the town clerk.

15.4.7.2 Storm Water Drainage System

The subdivider shall provide a surface water drainage system constructed to the standards of the North Carolina Department of Transportation, as reflected in Handbook for the Design of Highway Surface Drainage Structures, 1973, subject to review by the Town Consulting Engineer.

- (a) No surface water shall be channeled or directed into a sanitary sewer.
- (b) Where feasible, the subdivider shall connect to an existing storm drainage system.
- (c) Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to protect the proposed development from water damage.
- (d) Surface drainage courses shall have side slopes of at least three (3) feet of horizontal distance for each one (1) foot of vertical distance, and courses shall be of sufficient size to accommodate the drainage area without flooding, and designed to comply with the standards and specifications for erosion control of the North Carolina Sedimentation Pollution Control Act, G.S. 143-34.12, Chapter 113A, Article 4 and the N.C. Administrative code title 15, Chapter 4, and any locally adopted erosion and sedimentation control ordinances.
- (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 two hundred (200) feet of horizontal distance.
- (f) Streambanks and channels downstream from any land disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land disturbing activity in accordance with the North Carolina Sedimentation Pollution Control Act, G.S. 143-34.12, Chapter 113A, Article 4 and the North Carolina Administrative Code Title 15, Chapter 4.

- (g) Anyone constructing a dam or impoundment within the subdivision must comply with the North Carolina Dam Safety Law of 1967 and the North Carolina Administrative Code Title 15, Subchapter 2K.
- (h) In all area of special flood hazards, all subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

15.4.7.3 Street Lights

All subdivisions in which the size of the smallest lot is less than forty thousand (40,000) square feet shall have street lights installed throughout the subdivision in accordance with the lighting plan approved by Wake Electric or Progress Energy. The Town of Rolesville shall reserve the right to charge a light pole fee for fixtures other than a standard wood pole.

15.4.7.4 Underground Wiring

All subdivisions shall have underground wiring for all utilities which require wiring. This requirement may be waived by the Board of Commissioners in the following subdivisions: 1) minor subdivisions; 2) subdivisions of ten (10) or fewer lots along existing streets where there is extensive pro-existing overload wiring in the immediate area; 3) subdivisions where the town consulting engineer advises that underlying rock close to the surface or other physical conditions would be likely to increase the cost of installing the wiring by more than fifty (50) percent of its normal cost for that subdivision without the adverse conditions.

All wiring shall be installed in accordance with the standards of the utility companies involved. In addition to installing the wiring or paying for its installation, the developer shall be required to pay any initial surcharges which a utility company requires for underground service, and initial charges which would reduce the rate the town, the residents and/or the owners association are charged in the future for such service.

15.4.8 Buffering, Recreation and Open Space Requirements

15.4.8.1 Buffering

Whenever a residential subdivision is located adjacent to an office, institutional, commercial or industrial use which does not have a buffer, or property zoned for these uses, and a buffer is not required between these and the subdivision, the subdivider shall provide a buffer as defined in Article 16. The width of the buffer shall be in addition to the lot area required by the UDO. The buffer shall become part of the lot on which it is located, or in the case of commonly-owned property, shall be deeded to the homeowners' association.

15.4.8.2 Recreation and Open Space

- (a) Every person or corporation who subdivides land into ten (10) or more lots for residential purposes shall be required to dedicate a portion of such land, as set forth in this ordinance for the purposes of park, recreation, and open space sites to serve the residents of the neighborhood in which the subdivision is located, or may in lieu of dedication, provide funds to the town for recreation purposes, as set forth in this ordinance.

The amount of land required to be dedicated by a subdivider shall be determined as follows:

The minimum amount of land that shall be dedicated for recreation, parks, or open space in all subdivisions shall be one half (1/2) acres for each subdivision, or five (5) percent of the gross acreage, whichever is greatest.

If the subdivider chooses to provide funds in lieu of dedication, the amount of funds to be provided shall be the total fair market value of the land in the subdivision at the time of submission of the preliminary plat, prorated for the amount of land in the subdivision which would have been required to be dedicated in the formula above. Fair market value shall be determined by the Town Manager based upon the sale of comparable land or by current independent appraisal(s).

With the approval of the Board of Commissioners, the subdivider may use a combination of dedication of land, and payment of funds to meet the recreation requirement.

- (b) 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 Board of Commissioners of the Town of Rolesville in consultation with the Rolesville Recreation Commission, and, if needed, the Town Consulting Engineer.

- (1) *Unity.*

The dedicated land shall be a single parcel except where it is determined that two or more parcels would be in the public interest. The Board of Commissioners of the Town of Rolesville may require that parcels be connected, and may require the dedication of a connecting path of up to sixty (60) feet, and in no case less than (30) feet in width in addition to the land required in section 15.4.8.2(a) of this ordinance.

- (2) *Location.*
The dedicated land shall be located so as to serve the recreation needs of the immediate neighborhood within the subdivision.
 - (3) *Accessibility*
Public access to the dedicated land shall be provided either by an abutting street or public easement. Such easement may be required to be up to sixty (60) feet in width and shall in no case be less than thirty (30) feet in width.
 - (4) *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 unless acceptable to the Board of Commissioners of the Town of Rolesville. If the Board of Commissioners of the Town of Rolesville determines that active recreation needs are being met by other dedicated parcels or existing recreation facilities, then land that is suitable for open space may be dedicated.
- (c) The Board of Commissioners of the Town of Rolesville may, in cases of unusual or exceptional nature allow adjustments in the dedication requirements established in or required by this ordinance. Such adjustments shall be reviewed by the Rolesville Recreation Commission, and, if needed, the Town Consulting Engineer before action by the Board of Commissioners.

15.4.9 Miscellaneous Requirements

15.4.9.1 Placement of Monuments

Unless otherwise specified by this ordinance, the Standards of Practice for Land Surveying as adopted by the N.C. State Board of Registration for Professional Engineers and Land Surveyors, under the provisions of Title 21 of the North Carolina Administrative Code, Chapter 56 (21 NCAC 56), and G.S.47-30 shall apply when conducting surveys for subdivisions; to determine the accuracy for surveys and placement of monuments, control corners, markers, and property corner ties; to determine the location, design, and material of monuments, markers, control corners, and property corner ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions.

15.4.9.2 Construction Procedures

No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved, and all plans and specifications have been approved by the appropriate authorities.

No building, zoning or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this ordinance until all the requirements of this ordinance have been met. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the administrator of this ordinance to provide for adequate inspection. The approving authorities having jurisdiction or their representatives shall inspect and approve all completed work prior to release of the sureties.

15.4.9.3 Oversized Improvements

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

Amendments

10/04/04 to entire document