CHAPTER 155
SUBDIVISION REGULATIONS OF THE CODE OF ORDINANCES OF THE TOWN OF WENDELL, NORTH CAROLINA

Technical Assistance Provided by
Benchmark, Incorporated
Asheville, Kannapolis, & Kinston, NC

BENCHMARK INCORPORATED
Local Government Services
City and Regional Planning,
Community Development and Management

Adopted September 9th, 2002

Table of Contents

Article I GENERAL PROVISIONS

Section 155.01	Title	1
Section 155.02	Authority	1
Section 155.03	Jurisdiction	1
Section 155.04	Purpose	1
Section 155.05	Subdivision Defined	2
Section 155.06	Compliance	3
Section 155.07	Subdivision Administrator	3
Section 155.08	Coordination of Plans	3
Section 155.09	Administrative Fee	4
Section 155.10	General Definitions	4

Article II SUBDIVISION REVIEW PROCEDURE

Section 155.11	Approval Levels	7
Section 155.12	Subdivision Types	7
Section 155.13	Approval Authority	8
Section 155.14	Plan and Plat Requirements	8
Section 155.15	Plan Submittal & Review Periods - Sketch Plans & Preliminary Plans	8
Section 155.16	Plat Submittal & Review Periods - Final Plats	9
Section 155.17	Effects of Approvals – Prerequisites	9

Article III DESIGN STANDARDS

Section 155.18	General	11
Section 155.19	Incorporation of Other Town Ordinances, Policies, and Plans	11
Section 155.20	Appropriate to Physical Conditions	11
Section 155.21	Connectivity and Appropriateness to Adjoining Property and Land Uses	11
Section 155.22	Reserve Strips, Half Street and Private Streets	14
Section 155.23	Intersections	14
Section 155.24	Restriction of Access	14
Section 155.25	Storm Drainage in Streets	14
Section 155.26	Storm Drainage Not in Streets	14
Section 155.27	Street Names	18
Section 155.28	Utility Easements	18
Section 155.29	Subdivision Entrance Markers and Landscaped Medians	19
Section 155.30	Construction in Public Right-of-Way and Easements	19
Section 155.31	Park, Recreation and Open Space Land	19
Section 155.32	Blocks	22
Section 155.33	Lots (Building Sites)	22

Section 155.34 Water and Sewer 22
Section 155.35 Sidewalks 23
Section 155.36 Connection to State Streets 23

Article IV REQUIRED IMPROVEMENTS
Section 155.37 General 24
Section 155.38 Street Improvements 24
Section 155.39 Drinking Water Improvements 25
Section 155.40 Sanitary Sewerage Improvements 26
Section 155.41 Sidewalks 27
Section 155.42 Street Name Signs 28
Section 155.43 Traffic Control Signs, Signals, and Markings 28
Section 155.44 Street Lights 28
Section 155.45 Storm Drainage Not in Public Streets 28
Section 155.46 Park, Recreation and Open Space Dedication 28
Section 155.47 Monuments and Markers 28
Section 155.48 Fire Hydrants 28
Section 155.49 Other Utilities and Services 29

Article V GUARANTEE OF REQUIRED IMPROVEMENTS; WARRANTY AGAINST DEFECTS
Section 155.50 Financial Guarantee in Lieu of Immediate Installation for Approval 30
Section 155.51 Duration of Financial Guarantees 30
Section 155.52 Default 31
Section 155.53 Release of Guarantee Security 31
Section 155.54 Warranty Against Defects 31

Article VI LEGAL PROVISIONS
Section 155.55 Interpretation, Purpose, Conflict 32
Section 155.56 Repeal and Re-enactment of Existing Subdivision Regulations 32
Section 155.57 Effect Upon Outstanding Preliminary Plats 32
Section 155.58 Effect upon New Territory Added to Jurisdiction 33
Section 155.59 Modifications 33
Section 155.60 Amendment 34
Section 155.61 No Liability 34
Section 155.62 Violations; Penalties and Remedies 34
Section 155.63 Validity 36
Section 155.64 Effective Date 36

APPENDIX 38

CHAPTER 155
SUBDIVISION REGULATIONS OF THE
THE CODE OF ORDINANCES
OF THE TOWN OF WENDELL

BE IT ORDAINED by the Board of Commissioners of the Town of Wendell, North Carolina, that the Code of Ordinances of the Town of Wendell is hereby amended by rewriting Chapter 155, Subdivision Regulations, in its entirety to read as follows:

"Chapter 155; Subdivision Regulations

ARTICLE I GENERAL PROVISIONS

Section 155.01 Title

This Ordinance shall be known as the Subdivision Regulations of the Town of Wendell, North Carolina.

Section 155.02 Authority

This Ordinance is adopted under the authority and provisions of the General Statutes of North Carolina Chapter 160A, Article 19, Part 2, Subdivision Regulations.

Section 155.03 Jurisdiction

These regulations shall govern all subdivisions of land within the territorial jurisdiction of the Town of Wendell as now or hereafter established.

Section 155.04 Purpose

The purpose of the Chapter is to establish procedures and standards for the development and subdivision of real property within the corporate limits and extraterritorial jurisdiction of the Town of Wendell, NC, in an effort to protect the public health, safety and general welfare and to:

A. Promote orderly growth and development.

B. Provide for suitable residential and nonresidential subdivisions with adequate streets and utilities and appropriate building sites.

C. Provide for distribution of population and traffic in a manner which shall avoid congestion and overcrowding.

D. Provide for the coordination of streets within subdivisions with existing or planned streets and with other public facilities.

E. Provide for the dedication or reservation of rights-of-way or easements for street and utility purposes.

F. Provide for the dedication or reservation of adequate spaces for open space, public lands and buildings.

G. Protect and enhance environmental quality.

H. Provide for the dedication or provision of facilities for adequate storm drainage.

I. Provide proper land records for the convenience of the public and for better identification and permanent location of real property boundaries.

Section 155.05 Subdivision Defined

For the purpose of this Chapter "Subdivision" shall mean all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations of the Chapter; provided, however, that any document or plat to be recorded pursuant to any such exclusion shall bear the notation "Exempt pursuant to Section 155.05 of the Town of Wendell Subdivision Regulations" and the signature of the Subdivision Administrator or Administrator's designated agent before being presented for certification by the Review Officer:

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Chapter.

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

3. The public acquisition by purchase of strips of land for the widening or opening of streets.

4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this Chapter.

5. The division of land into burial plots where no street right-of-way dedication is involved.

Section 155.06 Compliance

From and after the adoption of this Chapter, no real property lying within the jurisdiction of this Chapter shall be subdivided except in conformance with all applicable provisions of this Chapter. In addition, after the effective date of this Chapter, no plat for subdivision of land within the jurisdiction of this Chapter shall be certified for recording by the Review Officer, nor shall the Clerk of Superior Court order the recording of a plat until it has been submitted and approved in accordance with the provisions of this Chapter.

Section 155.07 Subdivision Administrator

This Chapter shall be administered by the Subdivision Administrator who shall be appointed by the Town Manager. The Subdivision Administrator shall administer and enforce the provisions of the Chapter and have such other specific powers and duties as are set forth in this Chapter. The Subdivision Administrator may designate agents to act on behalf of the Administrator. The Subdivision Administrator and agents shall have the right to enter property at reasonable hours for the purpose of making inspections.

Section 155.08 Coordination of Plans

All plans, plats and supporting documents to be submitted in connection with the procedures set forth in this Chapter shall be submitted first to the Subdivision Administrator. The Subdivision Administrator shall develop and maintain a set of standards to serve as a basis for the type, size, graphic media, number of copies, information to be shown and other such matters in regard to the maps and documents required to be submitted in the administration of this Chapter. Such standards may also include standards for street, storm drainage and utility construction plans. A listing of such standards may be appended to this Chapter and are presumed to be necessary to satisfy the requirements of this Chapter. However, it is recognized that each development is unique, and therefore, the Subdivision Administrator may exercise flexible judgement in requiring less or more information and submittals according to the needs of the particular case.

To assist the Subdivision Administrator in the coordination of subdivision plan and plat review and to provide for review and approval of construction plans and other such matters as are required in the administration of the subdivision process, the Town Manager may appoint a Technical Review Committee (TRC) consisting of representatives of the various municipal services providers as the Town Manager shall determine. The membership and operating procedures of the TRC shall be determined by the Town Manager. The Subdivision Administrator shall serve as chairman of the Technical Review Committee and shall act in all instances in regard to the administration and enforcement of this Chapter.

Section 155.09 Administrative Fee

The Board of Commissioners shall set a fee schedule for the administration of this Chapter. The Subdivision Administrator shall be responsible for collecting such fees. All fees relating to recording of documents shall be borne directly by the subdivider.

Section 155.10 General Definitions

Unless specifically defined in this Section, words used in these Regulations shall have their respective customary dictionary definitions. For the purpose of these Regulations certain words, terms or phrases used herein are interpreted and defined as follows:

Words used in the present tense shall include the future tense.

Words used in the singular shall include the plural and words used in the plural shall include the singular.

The words "shall" and "will" always indicate MANDATORY.

The words "should" and "may" always indicate OPTIONAL.

The word "lot" includes the words "plot", "tract" and/or "parcel".

The word "building" includes the word "structure".

The word "person" includes a "firm, association, organization, partnership, trust, company, corporation and/or individual".

The word "use" includes the terms "arranged", "designed" and/or "intended" for use, activity and/or purpose.

Board of Commissioners - The Board of Commissioners of the Town of Wendell, North Carolina

Dedication - A gift, by the owner, of a right to use land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with an acceptance.

Easement - A grant of one or more of the property rights by the property owner of a portion of land for a specified purpose and use by the public, a corporation or other entities.

Lot - A separate and distinct unit of land described by either a metes and bounds description and/or subdivision plat of record and/or probated will. Lot includes a

portion of a subdivision or any other parcel of land, intended as a unit for transfer of ownership or for development or both.

Corner Lot - A lot abutting two (2) or more streets at their intersection.

Through Lot - A lot abutting two (2) streets that do not intersect at the corner of the lot.

Planning Board - The Planning Board of the Town of Wendell, North Carolina.

Reservation - An obligation, shown on a plat or site plan, to keep property free from development and available for public acquisition for a stated period of time. It is not a dedication or conveyance.

Reserve Strip - A strip of land (usually only a few feet wide) owned privately, and set aside around a development in order to prevent access to adjacent property by way of development streets.

Street - A public right-of-way for vehicular travel which has been constructed and then dedicated to and accepted by the Town of Wendell or the North Carolina Department of Transportation for public use or which has been otherwise obtained by such agencies for such use or which is proposed to be constructed and then dedicated to and accepted by such agencies as a public right-of-way for vehicular traffic for public use pursuant to these regulations. Street classifications are as follows:

1. Major Thoroughfare Street: Major thoroughfares consist of interstate, other freeway, expressway, or parkway links, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.

2. Minor Thoroughfare Street: Minor thoroughfares collect traffic from collector, sub-collector, and local streets and carry it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating movement of moderate volumes of traffic within and through urban areas and may also serve abutting property.

3. Collector Street: A street whose principal function is to carry traffic between cul-de-sac, local, and sub-collector streets and streets of higher classification but which may also provide direct access to abutting properties.

4. Sub-Collector Street: A street whose principal function is to provide access to abutting properties but which is also designed to be used or is used to connect local streets with collector or higher classification streets.

5. Local Street: A street whose primary function is to provide access to abutting properties.

6. Cul-de-sac Street: A short local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.

Street, Half - A proposed vehicular travelway intended to be developed by constructing one-half of a required width of a street with the remainder to be provided at some future date.

Street, Marginal Access - A local street parallel and adjacent to a major thoroughfare and which provides access to abutting properties and protection from through traffic.

Street, Private - A vehicular travelway not accepted as a public street.

Street Right-Of-Way - A strip of land occupied or intended to be occupied by a travelway for vehicles and also available, with the consent of the appropriate government agency, for installation and maintenance of sidewalks, traffic control devices, traffic signs, street name signs, historical marker signs, water lines, sanitary sewer lines, storm sewer lines, gas lines, power lines, and communication lines.

Subdivider - A person engaged in the act of subdividing land.

Thoroughfare Plan - A plan, adopted by the Board of Commissioners, and as may from time to time be amended, for the development of existing and proposed major streets that will adequately serve the future travel needs of the area in an efficient and cost-effective manner.

ARTICLE II SUBDIVISION REVIEW PROCEDURE

Section 155.11 Approval Levels

The subdivision review procedure shall consist of four levels of required approval:

- Sketch plan
- Preliminary plan
- Construction plans, where required, and
- Final plat

Sketch plan approval shall be a prerequisite to preliminary plan approval and preliminary plan approval shall be a prerequisite to final plat approval, except for minor subdivisions where preliminary plan and sketch plan approval are not required.

Approval of construction plans are the responsibility of the Subdivision Administrator and the Administrator's agents. Construction plans are not required to be submitted as part of the sketch plan or preliminary plan approval. It is the responsibility of the subdivider to ensure that the plan design is feasible for public facility services. The Subdivision Administrator may require, however, the submittal for review and approval of all or part of subdivision construction plans in order for the Planning Board/Board of Commissioners to ascertain the feasibility of serving all or part of a proposed subdivision.

Approved construction plans are a prerequisite to receive permission to proceed with construction of subdivision improvements and for final plat approval.

Section 155.12 Subdivision Types

The subdivision review procedure shall consist of two types of subdivisions: Minor Subdivisions and Major Subdivisions.

Minor subdivisions are those which involve five (5) lots or less and which in the opinion of the Subdivision Administrator:

1. Do not involve any public street dedication and will not require any new street, public or private, to provide access to interior lots or parcels;

2. Do not involve the extension of public sewerage or water lines or the creation of new drainage easements or dedications;

3. Do not adversely affect the development of the remainder of the parcel or of adjoining property and would not block future street connectivity; and,

4. Is for residential use only.

All other subdivisions are major subdivisions.

The minor subdivision process is not intended to permit the consecutive subdivision of land in order to avoid making improvements otherwise required by this Chapter. No more than five (5) lots under one owner from one tract shall be considered for a minor subdivision in any three-year period.

Section 155.13 Approval Authority

The approval authority for the levels and types of subdivision approval shall be as follows:

Sketch Plans -
Minor Subdivisions - No Sketch Plan required
Major Subdivisions - Planning Board

Preliminary Plans -
Minor Subdivisions - No preliminary submittal required
Major Subdivisions - Board of Commissioners on recommendation by the Planning Board

Final Plats -
Minor Subdivisions - Subdivision Administrator
Major Subdivisions - Board of Commissioners on recommendation by the Subdivision Administrator

Section 155.14 Plan and Plat Requirements

Plans and plats and supporting documents and material for the levels of subdivision approval shall be submitted in the form as provided for in the standards for such submittals contained in the Appendix of this Chapter. The Subdivision Administrator may refuse to accept the submission of any plans, plats or supporting documents which in the Administrator's opinion do not meet the standards for such submittals as contained in the Subdivision Administrator's Mapping Standards and this Chapter.

Section 155.15 Plan Submittal and Review Periods - Sketch Plans and Preliminary Plans

Plans, in the proper form, shall be submitted to the Subdivision Administrator according to the following schedule:

Sketch Plans

Sketch Plans for consideration by the Planning Board may be submitted at any time, provided, however, in order to be eligible to be placed on an agenda of a Planning Board Meeting, such submittal shall have been filed with the Subdivision Administrator at least fourteen (14) days prior to that meeting. The Planning Board shall approve, approve with conditions or deny the Sketch Plan within forty-five (45) days of its first consideration. The conditional approval or denial shall be in written and/or graphic form and dated.

Preliminary Plans - Major Subdivisions

Preliminary Plans for recommendation by the Planning Board may be submitted at any time, provided, however in order to be eligible to be placed on an agenda of a Planning Board Meeting, such submittal shall have been filed with the Subdivision Administrator at least fourteen (14) days prior to that meeting. The Planning Board shall recommend approval, approval with conditions or denial of the Preliminary Plan within forty-five (45) days of its first consideration. The recommendation shall be in writing and/or graphic form and dated.

Preliminary Plans for approval by the Board of Commissioners may be submitted at any time, provided, however in order to be placed on an agenda of a Board of Commissioners meeting, such submittal shall have been filed with the Subdivision Administrator at least fourteen (14) days prior to that meeting. Upon review of the Plan and the recommendation of the Planning Board, the Board of Commissioners may take whatever action it deems appropriate.

Section 155.16 Plat Submittal and Review Periods - Final Plats

Plats, in the proper form, may be submitted to the Subdivision Administrator at any time. The Board of Commissioners shall approve, approve with conditions or deny the Final Plat within thirty (30) days. Conditional approval or denial shall be in written and/or drawn form and dated.

Section 155.17 Effects of Approvals - Prerequisites

Sketch Plan approval shall authorize the subdivider to proceed to prepare the preliminary plan. A Sketch Plan shall be valid for a one-year period from the date of approval.

Preliminary Plan approval shall constitute tentative approval of the Final Plat if the Final Plat is in substantive agreement with the Preliminary Plan and shall entitle the subdivider to proceed to prepare street, storm drainage and utility Construction Plans, if applicable, and/or to proceed to prepare the Final Plat. Approval of Construction Plans shall entitle the subdivider to proceed with construction of subdivision improvements for the Preliminary Plan and no construction, including grading, shall proceed without such approval. In addition, the Subdivision Administrator may require, as a prerequisite to Preliminary Plan approval, the submittal for review and approval of all or part of subdivision Construction Plans in order to ascertain the feasibility of all or part of a proposed subdivision.

If a Final Plat of all or part of the area shown on a Preliminary Plan is not recorded in the office of the Register of Deeds within twenty-four (24) months of approval of the Preliminary Plan, or if there is a lapse of more than twelve (12) months between the recording of sections, the Subdivision Administrator may require the re-submittal of the unrecorded portion as a Preliminary Plan.

Final Plat approval shall entitle the subdivider to record the Final Plat. No Final Plat shall be regarded as finally approved until such Plat shall be recorded.

No Final Plat shall be approved for recording until all required subdivision improvements have been installed and approved or until the subdivider supplies an appropriate guarantee of installation as provided for in this Chapter and all applicable fees and charges have been paid to the town.

In addition, no Final Plat shall be approved for recording unless such plat is in substantial agreement, as determined by the Subdivision Administrator and the Board of Commissioners, with the approved Preliminary Plan. Final Plats not in substantial agreement shall be resubmitted as Preliminary Plans as provided for herein.

After the Final Plat is recorded, lots as shown on the Plat may be sold or otherwise conveyed by reference to the Plat. Building permits may be authorized to be issued and Certificates of Occupancy may be issued provided all required improvements, including individual building connections, have been installed and inspected and approved by the Subdivision Administrator. The subdivider shall provide the Subdivision Administrator with a certified copy of the as built drawings of all public improvements.

Restrictive Covenants

(1) Must be recorded prior to Final Plat approval of the Board of Commissioners
(2) All amendments to the Restrictive Covenants must be filed with the Town.
(3) All amendments to the Restrictive Covenants, in cases where the Restrictive Covenants were part of the approval process, must be approved by the Town Board.

ARTICLE III DESIGN STANDARDS

Section 155.18 General

All proposed subdivisions subject to these regulations shall comply with the design standards of this Article and shall be so planned as to facilitate the most advantageous development of the entire community.

Section 155.19 Incorporation of Other Town Ordinances, Policies, and Plans

All proposed Subdivision plans shall incorporate the land development requirements and provisions of all Town Ordinances, Policies and Plans as now or hereafter established or amended, the same as if each were fully contained within these regulations. No Subdivision plan may be approved which fails to incorporate such requirements and provisions or which is not consistent with such ordinances, policies, and plans. Ordinances, policies, and plans include, but are not limited to, the Zoning Ordinance, the Flood Damage Prevention Ordinance, the Storm Water Drainage Ordinance, the Thoroughfare Plan and any Conditions of Approval imposed through any approval process.

Section 155.20 Appropriate to Physical Conditions

The general design of the Subdivision shall take advantage of and be adjusted to the contour of the land so as to produce usable building sites and streets of reasonable gradients. Subdivision plans shall be drawn in consideration of the suitability of the land and its capability to support and maintain the proposed development. Due consideration shall be given to such factors as topography, soil conditions, flood damage prevention, water supply watersheds, erosion control, wetland preservation, storm water management, solar energy, tree preservation, noise and pollution control, habitat for endangered species, areas of historical, archaeological or architectural significance, and land use relationships in addition to other factors including those prescribed by these regulations.

Section 155.21 Connectivity and Appropriateness to Adjoining Property and Land Uses

The subdivision shall be designed in relationship to adjoining property and land uses. Except where the Board of Commissioners determines that a different scheme is more appropriate, the proposed street system shall extend existing and projected streets at no less than the required minimum width for the classification of the street and shall be in conformance with the following criteria:

1) Conformance With Thoroughfare Plan

   The location and design of streets shall be in conformance with the Thoroughfare Plan.

   (a) Dedication of Right-of-Way Abutting Existing Major Thoroughfares

   If (i) a subdivision site abuts an existing major thoroughfare with a right-of-way width less than that recommended in the Wendell Thoroughfare Plan,

   then the subdivision shall include dedication of any additional right-of-way

along the site's frontage on the major thoroughfare that is needed to widen the right-of-way to forty-five (45) feet from the centerline of the roadway.

(b) Proposed New Thoroughfares

1. Incorporation of Thoroughfare

If (i) the Wendell Thoroughfare Plan proposes a new major thoroughfare across part of a subdivision site, and (ii) an alignment for the thoroughfare has been determined to a reasonable degree of certainty (for example, as a centerline alignment on a functional design plan), and (iii) the thoroughfare could appropriately serve to provide direct access to the subdivision (for example, it would not be a freeway or other restricted-access road), then the subdivision shall incorporate the major thoroughfare into its internal road layout by having one of the subdivision roads run along the proposed thoroughfare alignment. Such road, however, need only be constructed to Town standards for a collector street.

2. Reservation of Future Right-of-Way

If (I) the Wendell Thoroughfare Plan proposes a new major thoroughfare - other than one defined in provision 1 - across part of a subdivision site, and (ii) an alignment for the thoroughfare has been determined to a reasonable degree of certainty (for example, as a centerline alignment on a functional design plan), and (iii) the Town's development regulations reasonably allow the subdivider to both realize the maximum lot density allowed by the site's zoning and physical characteristics and avoid developing that part of the site needed as future right-of-way for the proposed thoroughfare, then the subdivision shall include reservation of the thoroughfare's future right-of-way - that is, it shall not include lots or other development within the land area needed as the thoroughfare's future right-of-way.

Land area needed as future right-of-way shall be determined from NCDOT plans where available, or other by applying half the right-of-way width recommended in the Wendell Thoroughfare Plan along each side of the thoroughfare's proposed centerline alignment.

3. Applicability

If neither provision 1 or provision 2 applies to a proposed subdivision across which a major thoroughfare is proposed, then no incorporation of the major thoroughfare or reservation of future right-of-way for the major thoroughfare is required.

The Board of Commissioners may not delay approval of a particular subdivision plan for failure to comply with provision 2 for more than three (3) years after the date the application for plan approval has been accepted by the Subdivision Administrator as complete.

(c) Record Plat Notice of Future Right-of-Way

If the Wendell Thoroughfare Plan recommends the widening of an existing major thoroughfare abutting a subdivision site, or proposes a new major thoroughfare across part of a subdivision site, the record plat for the subdivision shall include notice of such. If the land area needed for the planned widening or new thoroughfare can be ascertained with a reasonable degree of certainty, the record plat shall delineate it and label it as future right-of-way.

2) Street Classification

All streets within and adjoining the Subdivision shall be classified according to function by the Board of Commissioners. Each street segment shall be classified in accordance with the Schedule of Street Classifications contained in the Appendix of these regulations and as defined herein. The classification of a street segment shall determine the cross-section and design standard to which that street segment shall be designed and constructed. Street design standards for each street classification are shown in the Appendix.

3) Connection to Adjoining Property

Proposed streets shall be extended to the boundary of the subdivision for connection to existing streets on the boundary of adjoining property or for future connection. Unless the Board of Commissioners determine otherwise on a case by case basis, it is the intent of these regulations that subdivisions adjoining an existing "gridiron" street pattern shall provide for the extension of that pattern. Cul-de-sacs shall not be used to avoid connection with an existing street, to avoid the extension of a thoroughfare or collector street, or to avoid connection to adjoining property. In general, cul-de-sacs shall not be used to provide access to development on the boundary of the development. Cul-de-sacs shall not exceed 800 feet in length unless necessitated by topography or property accessibility and specifically approved as a modification by the Board of Commissioners. Measurement shall be from the point where the centerline of the cul-de-sac street intersects with the centerline of a general circulation street to the center of the turnaround of the cul-de-sac. Where one cul-de-sac extends from another cul-de-sac, the end of each cul-de-sac shall be no more than 800 feet from a general circulation street as measured by the centerline of the streets.

Section 155.22 Reserve Strips, Half Streets and Private Streets

Reserve strips and non-access easements adjoining street rights-of-way for the purpose of preventing

access to or from adjacent property (except those required by the Board of Commissioners to prevent access to thoroughfares), half-streets and private streets shall not be permitted.

Section 155.23 Intersections

Streets shall be designed so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle of less than sixty (60) degrees. Streets crossing natural areas or streams shall cross at or near to right angles as possible within limits of topographic conditions. Offset intersections are to be avoided. A minimum intersection offset of two-hundred (200) feet shall be maintained. Intersections with major and minor thoroughfares shall be at least eight-hundred (800) feet apart, measured from centerline to centerline.

Section 155.24 Restriction of Access

Where a subdivision abuts or contains an existing or proposed thoroughfare, the Board of Commissioners may require marginal access streets, reverse frontage or such other treatment as may be necessary for adequate separation of through and local traffic.

Section 155.25 Storm Drainage in Streets

All streets must be so designed as to provide for the discharge of surface water from the right-of-way of all streets. Street drainage facilities shall be designed in accordance with the Town's Standard Specifications and Details.

Section 155.26 Storm Drainage Not in Streets

Storm drainage systems and facilities shall be designed in accordance with the requirements of this Section and the Town's Standard Specifications and Details. The design of storm drainage systems and plans, including calculations, shall clearly indicate the easements and dedicated areas required for the construction and maintenance of the drainage system. The property owner shall be responsible for the maintenance for all storm drainage systems and easements except those dedicated and accepted as dedicated flood plain and open space in accordance with Section 155.26B.

All watercourses which would carry a flow of five (5) cubic feet or more during a ten-year storm and all blue-line streams shown on the latest USGS maps, and which are not situated within a street right-of-way, shall be treated in one or more of the three ways set forth in Sections A, B, and C below. Open drainage requirements shall be based upon a one-hundred-year storm and enclosed systems shall be designed based upon a ten-year storm.

A) Enclosed Subsurface Drains

1) This section applies to enclosed subsurface drains. Profiles and enclosure standards shall be in accordance with the Town's Standard Specifications and Details.

2) A utility easement shall be placed on a recorded plat which shall state the right of the town to enter the utility easement for enclosure maintenance purposes when determined to be a public necessity by the Town Manager. The required utility easement shall be centered on the enclosure when practical, but in no case shall the outside wall of the enclosure be located closer than five (5) feet to the utility easement line. The utility easement shall be of a width determined necessary for maintenance purposes by the Subdivision Administrator based upon enclosure depth, topography and location of existing and proposed improvements, but no less than twenty (20) feet.

3) The utility easement shall be kept free and clear of any buildings or other improvements which would interfere with the proper maintenance of the underground enclosures. The Town shall not be liable for damages to any improvement located within the utility easement area caused by maintenance of any utilities located therein. Furthermore, utility easements may be used for future installation of any underground utility, provided that:

   a) Any underground utility to be installed by any utility provider other than the town shall be subject to approval by the Subdivision Administrator.

   b) Any private company installing additional underground lines after development has been completed by the owner of the property shall be responsible for the replacement of all fencing, pavement and grassed area disturbed by such installation.

   c) The town shall not be responsible for damages caused by installation of additional lines by any private utility company.

4) The Subdivision Administrator may require that in order to reduce the rate of flow of discharge from any enclosed subsurface drain that an open channel with rip-rap material or other such performance standard be provided as part of the overall system.

B) <u>Open channel in dedicated flood plain and open space area.</u>

1) This section applies to an open channel in a dedicated flood plain and open space area. The flood plain and open space area shall be dedicated by a recorded plat and shall be labeled "Dedicated to the Town of Wendell for Flood Plain and Open Space." If a portion of the flood plain and open space lies within a proposed thoroughfare shown

   on the thoroughfare plan, it shall be labeled "Dedicated to the Town of Wendell for Flood Plain and Open Space or Thoroughfare."

2) The dedicated flood plain and open space area shall include the natural one-hundred-year flood contour as determined by the Subdivision Administrator, provided that the minimum total average width shall be no less than two hundred (200) feet (Neuse River Buffer to remain 100 feet total width or 50 feet from bank in each direction). However, the area to be dedicated may be reduced by filling that area between the one hundred-year flood contour and the minimum drainage area width, provided that no slopes are created greater than three (3) to one (1).

3) In case of severe topography, additional width may be required to assure reasonable ease of maintenance.

4) The minimum length of street frontage at each location where flood plain and open space abuts public street right-of-way shall be sixty (60) feet. The maximum distance, measured by straight lines on either side of the flood plain and open space, between points at which the flood plain and open space abuts street right-of-way shall be one thousand (1,000) feet.

5) Adjoining development shall be designed to provide for economical and efficient maintenance of the drainage channel and surrounding open area. The centerline of the required drainage channel shall be located no less than fifty (50) feet from any street or property line provided that the dimensions of the drainage area conform to all other requirements of this section.

6) The open area to be dedicated as flood plain and open space shall be left in its natural condition or graded to a section approved by the Subdivision Administrator which will allow economical and efficient maintenance and shall be stabilized with permanent vegetative cover.

C. Open channel on private property within drainage maintenance and utility easement.

1) This section applies to open channels on private property within a drainage maintenance and utility easement. This method shall not be utilized in any subdivision of individual lots intended for single-family detached dwellings unless the Board of Commissioners determines that flood plain and open space dedication along the watercourse is not in the public interest, that an open channel would not become a

missing segment in a system of stormwater piping, and that the open channel is well removed from all anticipated house locations. In such cases the homeowner or a homeowner's association shall be established with authority to provide for

maintenance of the easement.

2) The drainage maintenance and utility easement shall include the required drainage channel and the land between the channel and the natural one hundred-year flood contour as determined by the public works department; or, in some cases, it may be reduced by modifying the drainage maintenance and utility easement topography to a typical required drainage channel section as provided for in subsection (4). However, the minimum total width of a drainage maintenance and utility easement shall be no less than specified below.

Cubic feet per second in 100-year storm	*Drainage maintenance and and utility easement width (*feet)
5 - 16	30, centered
17 - 70	60, centered
70+	100, plus width of channel

The drainage maintenance and utility easement shall be centered on the typical required drainage channel section, unless the Subdivision Administrator approves other drainage maintenance and utility easement alignments because of topographic conditions.

3) In case of severe topography, additional width may be required to assure reasonable ease of maintenance.

4) The drainage maintenance and utility easement topography may be modified. In such cases, the approved typical required drainage channel section shall include the necessary channel to accommodate a one hundred-year flood. The area outside of the required drainage channel may be filled; but any resulting slope shall be no steeper than two (2) to one (1), unless the slope is protected by masonry paving, rip rap, or other material which will meet town specifications.

5) Where, in the opinion of the Subdivision Administrator, suitable access to the drainage maintenance and utility easement is not otherwise provided, access shall be guaranteed by a suitably located access easement which shall be no less than twenty (20) feet in width.

6) It shall be the responsibility of the owner to provide maintenance to all streams located on the property as shown on the plat. However, in the event the Board of Commissioners determines that it is in the public interest to alter the typical required drainage channel section and/or profile of the stream in order to improve flow, the town may enter upon the property within the indicated access and/or drainage maintenance and utility easement and carry out the necessary work without any liability for damage to the property, or improvements thereon, located within the

indicated access and/or drainage maintenance and utility easement.

7) Drainage maintenance and utility easements may be utilized for any underground utility provided that:

   a) Underground utility to be installed by any utility provider other than the town shall be subject to approval by the Subdivision Administrator.

   b) A private company installing underground lines after development has been completed by the owner of the property shall be responsible for the replacement of all fencing, pavement and grassed areas disturbed by such installation.

   c) The town shall not be responsible for damages caused by installation of additional lines by any private utility company.

   d) The town shall not be liable for damages to any improvements located within the drainage maintenance and utility easement area caused by maintenance of utilities located therein.

8) No buildings shall be placed or constructed within the access or drainage maintenance and utility easement. All drives, parking areas, or other improvements shall be constructed no closer than two (2) feet from the top of any back slope along any open watercourse.

Section 155.27 Street Names

Proposed streets which are obviously in alignment with others already existing and named, should bear the names of existing streets. In no case shall the name for proposed streets duplicate or be phonetically similar to existing street names, irrespective of the use of suffix street, avenue, boulevard, driveway, place, or court. The number of characters for street names shall not exceed eighteen (18) characters including the suffix abbreviation and the compass direction abbreviation, if any.

Section 155.28 Utility Easements

To provide for electric, telephone and gas service, community antenna television distribution systems, water and sewer lines and other such facilities within the subdivision, appropriate utility easements not less than twenty (20) feet shall be provided on the final plat. The locations of such easements shall be based upon the approved construction plans.
All utilities and service lines shall be placed underground. The subdivider shall be responsible for incorporating the design of all utilities and services into the easement and Construction Plan design.

Section 155.29 Subdivision Entrance Markers and Landscaped Medians

The Board of Commissioners may permit subdivision entrance markers and landscaped medians within the public right-of-way subject to the following conditions and any additional conditions the Board of Commissioners may find to be appropriate in the individual circumstance:

1) The Town will not be responsible for maintenance.
2) An entity responsible for maintenance shall be created.
3) No such improvements shall interfere with sight distance or with normal maintenance requirements or otherwise pose a hazard to vehicular or pedestrian traffic.
4) In the event of loss, damage or lack of maintenance, the Town may remove all improvement and maintain the area in accordance with Town standards.
5) NCDOT must approve any such developments in streets to be maintained by NCDOT.

Section 155.30 Construction in Public Right-of-Way and Easements

The design and construction of any facilities, whether required or provided, within public right-of-way and easements shall be in accordance with Town's Standard Specifications and Details.

Section 155.31 Park, Recreation and Open Space Land

A. General purposes: All residential major subdivisions shall entail provisions for the adequate satisfaction of park, recreation and open space needs of persons expected to reside in the development through dedication of land. The subdivider may, as an alternative, elect to pay a fee in lieu of land dedication.

B. Standards for dedication: Eight hundred (800) square feet shall be dedicated for each dwelling unit to be situated on any lot shown on the preliminary plat. This shall include single-family, two-family, multi-family, and manufactured homes. Land dedicated for recreation, park, or open space development shall substantially meet the following criteria:

Unity. The dedicated land shall form a single parcel, except where the Board of Commissioners determines that two (2) parcels or more would be in the public interest; and in such case the Board of Commissioners may require that such parcels be connected by a dedicated strip of land at least thirty (30) feet in width.

Location. The dedicated land shall be located so as to reasonably serve the park, recreation and open space needs of the development for which the dedication is made.

Usability. At least one-half (1/2) of the total land dedicated shall be located outside areas of special flood hazard, including the one hundred year flood plain, and at least seventy five (75) percent of the total land dedicated shall be outside of wetland subject to State or Federal

regulatory jurisdiction. Within the area proposed for dedication sufficient engineering data and/or detail shall be indicated to insure compliance with this section.

Shape. The shape of the area proposed for dedication shall be suitable for recreation purposes as determined by the Board of Commissioners.

Access. Public access to the dedicated land shall be provided either by adjoining street frontage or public easement at least sixty (60) feet in width.

Conformance with Standards. The area dedicated shall conform to the minimum subdivision regulations and zoning standards for the district in which located and shall be of adequate dimension to constitute a building site of like design and characteristics as other lots within the common development.

Plans. Town and county plans, particularly any park and open space plans, shall be reviewed by staff for compliance with the adopted Open Space Greenway Plan as approved by the Town of Wendell when evaluating proposals for dedication.

C. Private park and recreation dedication. Land that is set aside for private recreation or community open space, so long as such area meets the above criteria, will be accepted as fulfilling the requirements of this section in whole or in part. Full credit will be given for this acreage in determining the total amount that is to be dedicated. Such recreation or open space area is to be privately owned and maintained by all future residents of the subdivision, and shall be held by a homeowners' association or recreation association for the specific use of all residents of that subdivision. All such dedications shall be recorded on the final plat and maintenance shall be adequately provided for by written agreement. Use of private recreation and open space areas is restricted to park and recreation purposes. Where private park and recreation space is to be used to satisfy the requirements of this Section, the documents creating the Homeowner's Association and setting up the dedication of land for such park and recreation dedication shall provide that in specific defined instances of failure to develop and maintain such areas to meet the intent of this Section that the Board of Commissioners at their election may assume ownership of the land on behalf of the Town.

D. Payments in Lieu of Dedication

1. Any person developing and/or subdividing property subject to this section, and upon approval of the Board of Commissioners, may make a payment in lieu of any required dedication of public recreational space.

2. Such payment in lieu of dedication shall be the product of the current assessed market

   value of the land to be subdivided (as established in subsection 3 below) multiplied by the number of acres to be dedicated.

3. The current assessed market value of the gross land area of the development or

subdivision at the time of submission of the required plan and or plat shall be used to determine the land value. The current assessed market value shall be the appropriate value as determined by and maintained on file in the Wake County Tax Supervisor's Office. The average value per gross acres shall be calculated from this total tax value and applied to the required recreational land area in order to determine the land value.

E. Option Required. Where the minimum amount of land required for dedication does not either individually, or when combined with other dedicated lands jointly, meet the criteria set forth under subsection B above, the developer shall exercise the payment in lieu of dedication option as set forth herein.

F. Procedures

1. The developer/subdivider shall indicate on the preliminary plan whether land dedication or a fee in lieu thereof is proposed. If land dedication is desired, the area(s) to be dedicated shall be indicated on the preliminary plan for all phases.

2. Land dedicated to meet the requirements shall be shown on the final plat submitted for approval. Where the payment in lieu of dedication option is used, or where a combination of payment and dedication is used, such payment shall be deposited with the Town prior to the recording of the final plat.

3. Where a subdivision is to be recorded in phases, acreage and/or fees sufficient to, at a minimum, meet the requirements for those lots in the phase under final plat consideration shall be dedicated and/or deposited as provided herein.

G. Authority to Sell. The Town Board of Commissioners shall have authority to sell land dedicated pursuant to this section with the proceeds of such sale used only for the acquisition, expansion or improvement of recreation, park, or open space sites.

H. Land Acceptance. The Town Board of Commissioners shall have the authority to accept or reject land dedications made as a requirement of this section. At the developer's request, the Town Board of Commissioners may accept a land dedication located elsewhere in the Town's jurisdiction in lieu of land dedication at the site of the proposed development.

I. Density Credits. The Town Board of Commissioners shall have the authority to grant density credits to the subdivider for developable land which is dedicated to the Town of Wendell for Open Space or Greenways. The density credits shall be determined by calculating the maximum number of residential units that could be constructed in the area under the zoning regulations then in effect. Density credits will not be given for otherwise undevelopable land located in floodplains, wetlands or drainage/utility easements.

Section 155.32 Blocks

A. Blocks shall be laid out with special consideration given to the type of land use proposed within the block.

B. Blocks shall not exceed twelve hundred (1200) feet in length nor shall they be less than four hundred (400) feet in length.

C. 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, other land uses or physical features.

Section 155.33 Lots (Building Sites)

The size, shape and orientation of lots shall be appropriate for the location of the proposed subdivision, for the type development contemplated. It is the intent of these Regulations that lot size, shape and orientation shall be controlled by the provisions of the Zoning Ordinance and the types of development permitted by that Ordinance. Every lot shall have sufficient area, dimensions and shape to permit a principal building to be constructed thereon in conformance with the applicable provisions of the Zoning Ordinance. Such building area shall lie at or be elevated to at least one (1) foot above the one-hundred (100) year flood elevation as provided for in the Flood Damage Prevention Ordinance. Lots shall be designed so as to provide positive drainage away from building sites and individual lots shall be coordinated with the general storm drainage plan for the subdivision. Storm drains carrying water from street rights of way shall be placed along lot lines where practical and shall extend for a minimum of thirty-five (35) feet back of the building lines. Lot boundaries shall be made to coincide with natural and pre-existing man-made drainage ways to the extent practical to avoid the creation of lots that can be built upon only by altering such drainage ways. Lots shall be arranged with due consideration given to not disturbing wetlands and other such natural features. Side lines of lots should be at or near right angles or radial to street lines. Public street access and frontage shall meet the requirements set forth in the Zoning Ordinance. Parcels created through the subdivision process which are not intended for building purposes shall be so designated and perpetually bound as "not-buildable" unless subsequently released through the development process. Double frontage lots shall be avoided except where required to restrict access as set forth in Section 155.24.

Section 155.34 Water and Sewer

All subdivisions shall be designed to provide Town water and sewer or meet Health Department requirements for on-site systems. Water and sewer systems shall be designed in accordance with Town standards. The subdivider shall be responsible for obtaining all necessary permits and approvals. (See Section 155.39 and 155.40 for water and sewer system extension requirements and Section 155.48 for fire hydrant requirements.)

Section 155.35 Sidewalks

The design of all subdivisions shall provide for the installation of public sidewalks as part of the

overall development. The following general design guidelines along with an assessment of area sidewalks and needs should be used when considering the appropriateness of the provision of sidewalks for a particular subdivision:

> Sidewalks: Along one or both sides of all new public streets provided by the development and along the adjacent edges of existing public streets adjoining the development that are suitable for pedestrian access. Sidewalks shall be a minimum of five (5) feet in width.

In any case where such facilities (or equivalent optional facilities as determined by the Board of Commissioners) are not provided in the development, the Board of Commissioners may withhold the approval of the subdivision where in the opinion of the Board of Commissioners the type, style and characteristics of the subdivision create a public need for such facilities. In considering the need for such sidewalks for a particular development the Board of Commissioners may consider both public and private facilities being proposed for the Subdivision and such public and private facilities in the vicinity to which the subdivision has access. The Board of Commissioners may determine that none or a full complement of sidewalks shall be provided by the development.

Section 155.36 Connection to State Streets

An approved permit is required to connect to any existing state system street.

North Carolina General Statutes 136-102.6 "Compliance of Subdivision Streets with Minimum Standards of the Board of Transportation Required of Developers" requires that new public streets outside the Town limits and changes to existing streets inside the Town limits that are the responsibility of NCDOT be in accordance with the Minimum Right-of-Way and Construction Standards established by the Board of Transportation for acceptance on the State highway system. It is the intent of these standards and requirements, as set forth, to complement and not to conflict with the requirements of NCDOT as stated in NCGS 136-102.6. In all cases the most restrictive limitation or requirement or the requirement causing the highest standard of improvement shall govern.

ARTICLE IV REQUIRED IMPROVEMENTS

Section 155.37 General

All required improvements set forth in this section shall be installed or constructed by the subdivider at no cost to the Town except as may otherwise be specifically provided herein or by Town policy or agreement. Required improvements under this section shall not be installed or constructed until required construction plans have been approved by the Subdivision Administrator and an order to proceed has been issued. The Town may, in order to serve future development, require the developer to install certain oversized improvements and/or to increase such improvements to a size and/or extent beyond that necessary for the needs created by the subdivider. In such cases, the Town shall enter into an agreement to reimburse the developer for the oversizing and/or extension based upon rates as agreed to by the Town.

Subdivisions may be designated to be constructed and platted in phases. Provided, however, the Subdivision Administrator may not approve a phasing plan when in the Administrator's opinion such phasing will not provide for adequate public facilities to support any such phase or phases independent of the overall development plan. In approving phases the Subdivision Administrator may require that additional streets, water and sewer facilities or other required public facilities be constructed as part of the phase or phases in order to ensure that sufficient public facilities will be in place to support such phase or phases independent of any future development.

Section 155.38 Street Improvements

All proposed streets shall be graded to the full width of the right-of-way and improved with a pavement width and curb and gutter and storm drainage section as required for the particular classification of street. All grading, pavement and curb and gutter shall be designed and installed in accordance with Town standards and the approved construction plan. Where bridges are required, such shall be installed to fit the cross-section of the street classification. In addition, street paving and curb and gutter and storm drainage, in accordance with the above conditions, shall be installed in the following situations:

1) Any existing street segment that has not been accepted for maintenance by either the Town or the North Carolina Department of Transportation, and that is to serve as the required frontage for one or more lots created pursuant to these regulations, shall be improved and dedicated to the public, as provided for above, in such a way that the street segment meets the standards of these regulations for the particular classification of street, including right-of-way width. Such street segment shall be directly connected to the existing public street system by way of at least one public street accepted for maintenance by either the Town or the North Carolina Department of Transportation. No subdivision shall be permitted on any street that is an “island” not connected directly to the public street system.

2) Where a subdivision fronts on any existing street segment maintained by either the Town

or the North Carolina Department of Transportation and the street does not meet the minimum standards of these regulations for the classification of street, the subdivider shall improve the portion of street adjoining the subdivision to meet the minimum standards including construction and width. When the subdivision adjoins only one side of an existing street, one-half of the minimum right-of-way shall be provided, measured from the centerline of the street.

3) The Board of Commissioners may require pavement and widening or pavement and widening and curb and gutter and storm drainage for turning lanes along any street that forms a significant entrance to a proposed development where in the opinion of the Board of Commissioners such improvements are necessary in order to provide for safe vehicular movement into and out of the proposed subdivision.

4) The Board of Commissioners should require pavement and widening, curb and gutter and storm drainage for turning lanes and entrances to new construction along any major thoroughfare in accordance with DOT standards.

5) Where a street is stubbed into adjoining property for future extension and such street serves as the frontage for one or more lots which are not corner lots, the Board of Commissioners may require the pavement of a temporary turn-around in a form similar to a cul-de-sac on such street where in the Board of Commissioner's opinion such turn-around is necessary for the public convenience, safety and service.

6) For local streets, lanes and cul-de-sacs installed under jurisdiction of these regulations, exception to the requirement of curbing & guttering may be allowed upon compliance with a minimum lot size of 15,000 square feet which meets criteria as set forth in the Town of Wendell's Standards, Specifications & Details and written approval of the Town Engineer.

Section 155.39 Drinking Water Improvements

Any subdivision which has public water system lines available shall be required to extend the public water system throughout the subdivision to each lot located therein. All required water line extensions shall include appropriate valves, hydrants, taps and service to the property line of each lot as required by the standards of the Town.

For subdivisions within or partially within the Town, the term "available" shall mean that there is an existing water line of adequate size and water flow and/or pressure either crossing the subdivision property or immediately available from an adjacent public right-of-way or the Town indicates its commitment to extend such a water line to the property line of the subdivision at no cost to the subdivider.

For subdivisions located entirely outside the boundaries of the Town but within the jurisdiction of this Chapter, the term "available" shall mean: (1) There is an existing water line of adequate size and water flow and/or pressure within the distances shown on the Table below of the outside boundary

line of the subdivision; or (2) The Town indicates its commitment to extend such a water line within the distances shown on the Table below of the property line of the subdivision at no cost to the subdivider; and, (3) There are no legal or topographic problems which prevent the subdivider from connecting onto and extending the existing system to the subdivision. In the event there are phases to the subdivision or else the subdivision is a part of a larger tract of land owned or under the control of the subdivider, then, and in that event, public water service shall be deemed to be available if an existing or proposed public water system line extends or will be extended within the distances shown on the Table below to the larger tract of land.

In the event the Town elects not to extend a water line of sufficient size, flow and/or pressure, to the subdivision (if in the Town) or within the distance shown on the Table below of the subdivision boundary (if outside the Town) because of topographic features, legal obstacles, or financial reasons, then, the subdivider shall not be required to extend water lines to each lot nor provide water service to the subdivision.

In any case where a public drinking water system and/or supply system intended to serve more than two (2) lots is proposed to be installed in a subdivision as part of the plan approval process, such system shall be considered to be a "Required Improvement" within the context of this Article regardless of whether such a system is an extension of the Town system or not and such system shall be required to be installed by the subdivider. This requirement includes both facilities within the subdivision and off-site facilities which are essential to providing the service to the property.

Available Water System Lines Water is available if the subdivision contains the number of lots listed in column one and public lines are within the distance shown in column two.	
LOTS	**DISTANCE**
2-10	200 feet
11-20	300 feet
21-50	600 feet
51-100	1000 feet
101+	1500 feet

Section 155.40 Sanitary Sewerage Improvements

Any subdivision which has public sewer system lines available shall be required to extend the public sewer system throughout the subdivision to each lot located therein. All required sewer line extensions shall include appropriate manholes, lift stations pumps, clean outs, taps and service to the property line of each lot as required by the standards of the Town.

For subdivisions within or partially within the Town, the term "available" shall mean that there is an existing sewer line of adequate size and flow either crossing the subdivision property or immediately available from an adjacent public right-of-way or the Town indicates its commitment to extend such a sewer line to the property line of the subdivision at no cost to the subdivider.

For subdivisions located entirely outside the boundaries of the Town, but within the jurisdiction of the Chapter, the term "available" shall mean: (1) There is an existing sewer line of adequate size and flow within the distances shown on the Table below of the outside boundary line of the subdivision; or, (2) The Town indicates its commitment to extend such a sewer line to within the distances shown on the Table below of the property line of the subdivision at no cost to the subdivider; and, (3) There are no legal or topographic problems which prevent the subdivider from connection onto and extending the existing system to the subdivision. In the event there are phases to the subdivision or else the subdivision is a part of a larger tract of land owned or under the control of the subdivider, then, and in that event, public sewer service shall be deemed to be available if an existing or proposed public sewer system line extends or will be extended to within the distance shown on the Table below of the larger tract of land.

In the event the Town elects not to extend a sewer line of sufficient size and flow, to the subdivision (if in the Town) or within the distance shown on the Table below of the subdivision boundary (if outside the Town) because of topographic features, legal obstacles, or financial reasons, then, the subdivider shall not be required to extend sewer lines to each lot nor provide sewer service to the subdivision.

In any case where a sanitary sewerage system and/or treatment system intended to serve more than two (2) lots is proposed to be installed in a subdivision as part of the plan approval process, such system shall be considered to be a "Required Improvement" within the context of this Article regardless of whether such system is an extension of the Town system or not and such system shall be installed by the subdivider. This requirement includes both facilities within the subdivision and off-site facilities which are essential to providing the service to the property.

Available Sewerage System Lines Sewerage is available if the subdivision contains the number of lots listed in column one and public lines are within the distance shown in column two.	
LOTS	**DISTANCE**
2-10	200 feet
11-20	300 feet
21-50	600 feet
51-100	1000 feet
101+	1500 feet

Section 155.41 Sidewalks

Any sidewalks required by preliminary subdivision approval shall be constructed to Town standards.

Section 155.42 Street Name Signs

Standard street name signs will be installed by the Town at all intersections in accordance with

Town Standards. Prior to the installation of such signs, the subdivider shall pay to the Town for the cost of such installation.

Section 155.43 Traffic Control Signs, Signals, and Markings

For streets to be maintained by the Town, traffic control signs, signals, and markings will be installed by the Town in accordance with Town standards and specifications. Prior to the installation of such facilities, the subdivider shall pay the Town for the cost of such installation. For streets to be maintained by NCDOT, the subdivider shall be responsible for installing such facilities in accordance with NCDOT standards and specifications.

Section 155.44 Street Lights

The Town will provide for the installation of street lights at appropriate locations inside the Town in accordance to Town standards and specifications. Outside the Town the subdivider shall install underground wiring for street lights and shall install lights at the subdivider's cost.

Section 155.45 Storm Drainage Not in Public Streets

The subdivider shall install such storm drainage facilities to handle storm drainage not in public streets as are required by Section 155.26 and as shown on the approved Construction Plan.

Section 155.46 Park, Recreation and Open Space Dedication

See Article III, Section 154.31

Section 155.47 Monuments and Markers

The developer shall install such property monuments and markers as are required by law and the standards of practice for land surveying in North Carolina.

Section 155.48 Fire Hydrants

Residential subdivisions shall require fire hydrants located such that each structure or portion thereof will be within five hundred feet (500') of a hydrant.

Non-residential subdivisions shall require fire hydrants to be located such that each structure or portion thereor will be within five hundred feet (500') of a hydrant. This determination shall be made via vehicle access routes, (roadways, fire lanes, etc.) and by hose placement from the firefighting equipment in lieu of linear measurements. Fire hydrants shall be located at the right-of-way and the hydrant shall be located as not to exceed six hundred feet (600') between hydrants. Hydrants shall be located at street intersections, with intermediate hydrants between intersections, and at entrance drives to the property.

For any structure that has a sprinkler system or a standpipe system, a fire hydrant shall be located no

more than 100' from the fire department connection. This hydrant shall be dedicated to the fire department connection and shall be in addition to the hydrants required above.

Dead end water mains shall be provided with a fire hydrant. Water mains serving fire hydrants shall be six inch (6") diameter minimum. Each phase of a project shall be designed and constructed to provide at least the minimum number of hydrants necessary to conform with the above requirements upon completion of the phase.

The determination of distance shall be made via vehicle access routes (roadways, fire lanes, etc.) and by hose placement from the firefighting equipment located adjacent to the fire hydrant in lieu of direct measurements. The distances specified above are meant to reflect the actual length of fire hose which would be laid by the fire department to reach the structure in the event of a fire at or in that structure. Distances shall be measured beginning at the point of the structure farthest from the hydrant, thence along an unobstructed pathway to a point in the centerline of the street, thence along the centerline of the street to a point opposite the hydrant. Unobstructed pathway means a route which may be taken by firemen in laying fire hose. The unobstructed pathway shall be, and remain, free of trees and shrubs, walls, fences, wells, structures, or other obstacles to the passage of firefighters, hose and equipment for a width of ten feet (10') and a minimum vertical distance of thirteen feet six inches (13' 6") and shall not be through, under, or over any portion of any structure, ditch or waterway.

Section 155.49 Other Utilities and Services

Electric power, telephone, cable television, natural gas lines and other utilities which are proposed to be installed in the development and which are required to be shown on construction plans are not "Required Improvements" within the context of this Article. Since the installation of such improvements are by agreement between the subdivider and the appropriate utility company, the execution of such agreements between the subdivider and the utility companies are deemed to satisfy the construction and installation requirements of these regulations as long as they are installed in the public right-of-way or easement in accordance with Town standards for such installations.

ARTICLE V GUARANTEE OF REQUIRED IMPROVEMENTS; WARRANTY AGAINST DEFECTS

Section 155.50 Financial Guarantee in Lieu of Immediate Installation for Approval

In lieu of requiring the completion, installation and inspection of all or any part of the required improvements as described in this Chapter prior to Final Plat approval, the Town may approve a financial guarantee whereby the subdivider shall agree to complete all required improvements. Once said financial guarantee is approved by the Board of Commissioners and the security required herein is provided, the Final Plat may be approved if all other requirements of this Chapter are met. To secure this agreement, the subdivider shall provide either of, or a combination of, the following guarantees to cover the costs of the proposed improvements:

A) Cash or Equivalent Security

The subdivider shall deposit cash, a certified check or an irrevocable letter of credit with the Town Manager. The use of any instrument other than cash shall be subject to the approval of the Town. The amount of deposit shall be equal to one hundred and twenty-five percent (125%) of the estimated cost as approved by the Town Manager, of installing all required improvements. The initial cost estimate shall be the responsibility of the subdivider and certified by his engineer but the approval of the final cost estimate shall be made by the Town Manager.

B) Governmental Guarantee

In any case where a required improvement is to be provided by the State of North Carolina or any local government other than the Town, the subdivider may provide, in lieu of the types of financial guarantee as provided for above, a letter from the appropriate State or local government official guaranteeing the installation of the improvement in the required manner and within the time allotted. Provided, however, in any case where the cost of such improvement exceeds ten thousand dollars ($10,000) as determined by the Town, such governmental guarantee shall be in form of an approved Project Budget Ordinance where local government is to be the provider and an equivalent document where the State is to be the provider.

Section 155.51 Duration of Financial Guarantees

The duration of a financial guarantee shall be of a reasonable period to allow for completion and acceptance of improvements. In no case shall the duration of the financial guarantee for improvements exceed eighteen (18) months unless extended by the Board of Commissioners.

All subdivisions whose public improvements are not completed and accepted at least thirty days prior to the expiration of the financial guarantee shall be considered to be in default, unless said guarantee is extended with the consent of the Board of Commissioners to a future date certain not to exceed six months.

Section 155.52 Default

Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as specified in the financial agreement, the Town may expend said funds as deemed necessary to complete all or any portion of the required improvements.

Default on a project does not release the subdivider from liability/responsibility, financial or otherwise, for the completion of the improvements.

Section 155.53 Release of Guarantee Security

The Town Manager may release a portion or all of any security posted as the improvements are completed. Prior to such release the subdivider shall provide the Subdivision Administrator with a set of 'as built' drawings certified by his engineer.

Section 155.54 Warranty Against Defects

Prior to the approval of the Final Plat or acceptance by the Town of any improvements in any subdivision, the subdivider shall furnish to the Town a written warranty against defects which shall guarantee the material and workmanship of required improvements for a period of not less than one year from the date of such acceptance. Such warranty shall be accompanied by a financial guarantee payable to the Town equal to at least ten percent (10%) of the cost of the installation of such improvements as determined by the Town Manager. Such financial guarantee shall be in the form of financial guarantee as provided for in Section 155.50 of this Chapter.

Upon successful performance of the improvements, as determined by the Town Manager, for the one-year period, the financial guarantee shall be returned to the subdivider. Upon the failure of an improvement to perform within the generally accepted standards for the type improvement as determined by the Town Manager, the subdivider shall be notified and given a reasonable period of time to correct the defects. Should the subdivider fail to act, fail to act in a timely manner, or otherwise fail to correct the defect(s), the Town Manager shall find the subdivider in default and proceed in the same manner as provided for in Section 155.52 of this Chapter. Although other utilities and services as are set forth in Section 155.49 are not included in this warranty against defects, any grading, boring, cutting or other disturbances in public easements or rights-of-way associated with the installation or such facilities shall be restored prior to the release of this financial guarantee.

ARTICLE VI LEGAL PROVISIONS

Section 155.55 Interpretation, Purpose, Conflict

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity and general welfare. It is not intended by the Chapter to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this Chapter imposes a greater restriction or imposes higher standards than those required by other ordinances, rules, regulations, or by easements, covenants, or agreements the provisions of this Chapter shall govern so that, in all cases, the most restrictive limitation or requirement, or the requirement causing the highest standard of improvement, shall govern. Provided, however, in any case where the Zoning Ordinance specifically permits a development type not otherwise provided for in this Chapter, the Zoning Ordinance shall prevail.

Section 155.56 Repeal and Reenactment of Existing Subdivision Regulations

The rewriting of this Chapter in part carries forth by reenactment some of the provisions of the existing Subdivision Regulations of the Town of Wendell and it is not intended to repeal but rather to reenact and continue in force such existing provisions so that all rights and liabilities that have been accrued are preserved and may be enforced. All provisions of the Subdivision Regulations which are not reenacted herein are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of the Subdivision Regulations 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 this Chapter, but shall be prosecuted to their finality the same as if this Chapter had not been adopted; and any and all violations of the existing Regulations, prosecutions for which have not been instituted, may be filed and prosecuted; and nothing in this Chapter shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending and/or which may have been instituted or prosecuted.

Section 155.57 Effect Upon Outstanding Preliminary Plats

Nothing herein contained shall require any change in any Preliminary Plat which has received approval by the Town of Wendell prior to the time of the adoption of this Chapter.

After the effective date of this Chapter, any Final Plat to be recorded based upon any outstanding Preliminary Plat shall follow the Final Plat approval procedures of this Chapter including the Guarantee of Installation provisions.

In addition, nothing herein contained shall require any change in any Final Plat which has received

approval by the Town of Wendell prior to the time of the adoption of this Chapter provided that such Final Plat is prosecuted to completion in accordance with the terms of approval. In the event of default or the failure of the subdivider to perform in accordance with the conditions as approved, the Town of Wendell may, at its option, take lawful action pursuant to the Subdivision Regulations in existence at the time of the Final Plat approval or this Chapter.

Section 155.58 Effect Upon New Territory Added to Jurisdiction

At any time when new territory is added to the Jurisdiction of this Chapter, such new territory shall immediately become subject to the provisions of this Chapter. Any proposed subdivision or any subdivision in progress within such new territory shall proceed only in accordance with the following:

1) Any subdivision for which a Final Plat has been recorded in the Register of Deeds office pursuant to the approval of another local government, but which is subject to an outstanding guarantee to such local government for the installation of subdivision improvements, shall remain under the subdivision control of such local government until such time as such subdivision shall have been prosecuted to completion. Provided, however, the Town may decide not to accept the dedication of any street or street improvements unless such street and street improvements meet the standards of this Chapter and the Town's policy for acceptance of streets for use and maintenance by the Town.

2) All other subdivisions shall meet all of the requirements of this Chapter and it shall be the responsibility of the subdivider of any proposed subdivision or subdivision in progress to receive approval as provided for in this Chapter before proceeding with any development. The subdivider shall arrange a conference with the Subdivision Administrator who shall determine the level and type of approval required and provide the subdivider with an approval track for the particular case.

Section 155.59 Modifications

The Board of Commissioners may modify the requirements of this Chapter where in the Board's opinion equal or better performance will result. In modifying any standard or requirement the evaluation shall be made with regard to the overall performance in carrying out the purpose of this Chapter. In granting modifications, the Board of Commissioners may require such conditions as will secure, insofar as practicable, the objectives or requirements modified. In no case, however, shall the Board of Commissioners, acting pursuant to this Section, modify the terms or requirements of the Zoning Ordinance or the Flood Damage Prevention Ordinance. Violation of any condition, imposed pursuant to a modification, shall constitute a violation of this Chapter. A modification granted as part of a plan approval shall have the same duration as the plan approval.

Section 155.60 Amendment

The Board of Commissioners may from time to time amend the terms of this Chapter after a public hearing has been held and notice given as required by North Carolina General Statutes 160A-364. However, any proposed amendment shall be submitted to the Planning Board for review and recommendation prior to Board of Commissioner's action. The Planning Board shall have forty-five (45) days from the date such amendment is first submitted for review to the Board to make its recommendation. If the Planning Board fails to make its recommendation within the specified time, it shall be deemed to have recommended in favor of the amendment.

Section 155.61 No Liability

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

Section 155.62 Violations; Penalties and Remedies

After the effective date of this Chapter, no subdivision plat of land within the jurisdiction of this Chapter shall be filed or recorded until it shall have been submitted to and approved by the appropriate approval authority.

The Review Officer shall not certify for recording a Plat of Subdivision of land subject to this Chapter that has not been approved in accordance with this Chapter nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with the provisions of this Chapter.

After the effective date of this Chapter, any person who, being the owner or agent of the owner of any land within the jurisdiction of this Chapter, thereafter subdivides his land in violation of this Chapter or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this Chapter and recorded in the Office of the Register of Deeds shall subject the violators to the penalties and remedies set forth in this Chapter. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from such penalties and remedies.

Violations of this Chapter shall constitute either a misdemeanor, with a fine not exceeding fifty dollars ($50.00) or imprisonment not exceeding thirty (30) days, or, at the election of the Town, shall subject the offender to a civil penalty upon the issuance of a citation for said violation as hereinafter provided. The civil penalty, if not paid to the Town within fifteen days of the issuance of a citation, may be recovered by the Town in a civil action in the nature of debt. Said civil penalties shall be in the amount of fifty dollars ($50.00) for each violation and each day any single violation continues shall be a separate violation.

In addition to the civil penalties set out above, any provision of this Chapter may be enforced by an

appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the Town for equitable relief that there is an adequate remedy at law.

In addition to the civil penalties set out above, any provision of this Chapter that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement by General Court of Justice. When a violation of such a provision occurs, the Town may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and/or of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

An order of abatement may direct that buildings or other structures on the property be closed, demolished or removed; that fixtures, furniture or other movable property be removed from buildings on the property; that abandoned or junked vehicles be removed; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this Chapter. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the Town may execute the order of abatement. The Town shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

The provision of this Chapter may be enforced by one, all or a combination of the remedies authorized and prescribed by this section.

Upon determination of a violation of any section of this Chapter, the penalty for which is a civil penalty, the Subdivision Administrator shall cause a warning citation to be issued to the violator. Such citation shall set out the nature of the violation, the section violated, the date of the violation, and shall contain an order to immediately cease the violation. If the violation is in the nature of an infraction for which an order of abatement would be appropriate in a civil proceeding, a reasonable period of time must be stated in which the violation must be abated.

An appeal from a warning citation shall be taken to the Board of Adjustment within ten (10) days from the date of said warning citation and the Board of Adjustment, in considering such appeal, shall, not withstanding other powers as may be granted, have power only in the manner of administrative review and interpretation where it is alleged that the Subdivision Administrator has made an error in the application of the Chapter, in the factual situation as it relates to the application of the Chapter, or both.

Where the Subdivision Administrator determines that the period of time stated in the original warning citation or consent agreement is not sufficient for abatement based upon the work required, the Subdivision Administrator may amend the warning citation to provide for additional time. The warning citation shall specify that a second citation shall incur a civil penalty, together with costs, and attorney fees.

Upon failure of the violator to obey the warning citation a civil citation shall be issued by the Subdivision Administrator and either served directly on the violator, his duly designated agent, or registered agent if a corporation, either in person or posted in the United States mail service by first class mail addressed to the last known address of the violator as contained in the records of the Town or obtained from the violator at the time of issuance of the warning citation. The violator shall be deemed to have been served upon the mailing of said citation. The citation shall direct the violator to pay the civil assessment within fifteen (15) days of the date of the citation. The violation for which the citation is issued must have been corrected by the time the citation is paid, otherwise further citations shall be issued. Citations may be issued for each day the offense continues until the prohibited activity is ceased or abated.

If the violator fails to respond to a citation within fifteen (15) days of its issuance, and pay the penalty prescribed therein, the Town may institute a civil action in the nature of debt in the appropriate division of the North Carolina General Court of Justice for the collection of the penalty, costs, attorney fees, and such other relief as permitted by law.

Section 155.63 Validity

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Commissioners hereby declares that it would have passed this Ordinance and each section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid."

Effective Date

This Ordinance shall become effective upon its adoption by the Board of Commissioners of the Town of Wendell, North Carolina.

ADOPTED this the _____ day of _____, 2002, by the Board of Commissioners of the Town of Wendell, North Carolina.

Attest:

_____ _____

Town Clerk Mayor

APPENDIX I

MAPPING STANDARDS
Town of Wendell
Subdivision Regulations

The following are the Standards of Maps to be submitted as part of the subdivision process. These standards are intended to be general and the subdivider may be required to file fewer or more maps or provide less or more information depending upon the circumstances of the particular case.

A. NUMBER AND TYPE OF MAP TO BE SUBMITTED

Map	Initial Review	Planning Board Board of Commissioners Review	Town File (as approved)
Sketch Plan	3 prints	10 prints	3 prints
Preliminary Plan	3 prints	10 prints (1 reproducible)	3 prints (1 reproducible)
Construction Plan	3 sets	-	1 set (as-built) mylar*
Final Plat	3 prints	-	1 original, 2 reproducibles; plus a computer disc in CADD DXF format, projected in 1983 State Plane Coordinate System
Minor Subdivision	As determined by Subdivision Administrator		

1) All maps shall be drawn to scale. The scale shall be not less than 1”=200’. Construction plans shall be at a scale of not less than 1”=50’. Prints may be blueline or blackline and map size shall be a minimum of 11”x 17” and a maximum of 24”x 36”, except that Final Plats shall not exceed an outside dimension of 18”x 24”.** The Final Plat prints and mylar for Town file shall be copies of the Final Plat as presented for recording.

* Must be certified by Subdivider’s Engineer.
** Consult Wake County Review Officer for record map requirements.

B. CONSTRUCTION PLANS

1. Plan and profile showing streets with complete design showing all horizontal curve data, vertical curve data, superelevation, etc. and DOT approvals such as driveway permits, DOT streets, etc.

2. Storm drainage design and calculations with size, material, grade, length and cover on all pipes, and size, type and location of all catch basins.

3. Location of all flood boundaries and temporary and permanent erosion control methods and proposed fill.

4. Utility system plan and profile to show size, material, cover and grade on all mains; size, depth and type of all manholes, location of all hydrants and cleanouts, location of all services and meter boxes, and location of easements.

5. Distribution systems of electric, telephone, natural gas, cable antenna television and other services in right-of-way.

6. A copy of the approved State Erosion Control Plan and approval letter prior to beginning construction.

7. Such other information as may be determined by Subdivision Administrator.

C. MAP INFORMATION

Information	Sketch Plan	Preliminary Plan	Final Plat
Title Block Containing:			
Name of Development	X	X	X
Name of map or plan (sketch plan, preliminary plan, etc.)	X	X	X
Owner's name with address and daytime phone #	X	X	X
Location (including address, town township town & state)	X	X	X
Date(s) map(s) prepared or revised	X	X	X
Scale of drawing in feet per inch (drawing shall not be at scale of not less than 1" equal to 200')	X	X	X
Bar graph scale	X	X	X
Name, address, & telephone # of preparer of map	X	X	X
Developer's name, address, and daytime phone number (if different from owner's)	X	X	X

Information	**Sketch Plan**	**Preliminary Plan**	**Final Plat**
Zoning district(s) within the property & adjacent properties	X	X	X
Existing land use within the property & adjacent properties	X	X	X
Plat book or deed book references		X	X
Names of adjoining property owners (or subdivisions or developments of record with plat book and/or deed book reference)		X	X
Tax map, block & parcel(s) #	X	X	X
Vicinity map showing location of site relative to surrounding area typically drawn in upper right hand corner, at a scale of 1"=2000'.	X	X	X
Corporate limits, town limits, and other jurisdiction lines, if any, on the tract	X	X	X
North arrow & orientation (north arrow shall be oriented towards top of map where practical)	X	X	X
Boundaries of the tract to be subdivided or developed:	X	X	X
distinctly and accurately represented and showing all distances; show bearings and distances and curve data on outside boundaries and street centerlines on preliminary with street centerline tied to boundary.		X	X
tie at least one corner to NC grid and provide grid coordinates where at least one of two control monuments needed are within 2000' of the boundary or tie to nearest street intersections.		X	X

Information	Sketch Plan	Preliminary Plan	Final Plat
showing locations of intersecting boundary lines of adjoining properties		X	X
Location and descriptions of all monuments, markers and control corners			X
Existing property lines on tract to be sub-divided. If existing property lines are to be changed, label as "old property lines" and show as dashed lines.	X	X	X
Dimensions, location and use of all existing buildings; distances between buildings measured at the closest point; distance from buildings to closest property lines; buildings to remain on final.	X	X	X
The name and location of any property or building on the National Register of Historic Places or locally designated historic property.	X	X	X
Railroad lines and rights-of-way	X	X	X
Water courses, ponds, lakes or streams, flood areas	X	X	X
Marshes, swamps and other wetlands areas to be dedicated or reserved for the public or a local jurisdiction		X	X
Areas designated as common area or open space under control of an Owners Assoc.		X	X
Existing and proposed topography of tract and 100 feet beyond property showing existing contour intervals of no greater than 5 feet (2 feet where available) and labeling at least two contours per map and all others at 10 foot intervals from sea level.		X	

Information	Sketch Plan	Preliminary Plan	Final Plat
Proposed lot lines & dimensions; show bearings and distances on final	X	X	X
Square footage of all proposed lots under one (1) acre in size; smallest lot indicated	X	X	X
Acreage for all lots over one acre	X	X	X
Site calculations including:			
acreage in total tract	X	X	X
acreage in public greenways and other open space		X	X
total number of lots proposed	X	X	X
linear feet in streets		X	X
area in newly dedicated right-of-way		X	X
Lots sequenced or numbered consecutively	X	X	X
Street data illustrating:			
Existing and proposed rights-of-way within and adjacent to property showing . . .			
R/W lines	X	X	X
Total R/W width dimension		X	X
R/W width dimension from centerline of existing public streets		X	X
Cul-de-sac R/W radius from centerpoint		X	X
Existing and proposed streets showing:			
Pavement and curb lines		X	
Pavement width dimensions		X	

Information	Sketch Plan	Preliminary Plan	Final Plat
Cul-de-sac pavement radius from centerpoint		X	
Existing & proposed street names		X	X
Location, dimension & type of all easements (existing and proposed)		X	X
Utility Layout Plan showing connections to existing systems, line sizes, material of lines, location of fire hydrants, blowoffs, valves, manholes, catch basins, force mains, etc. for the following types of utility lines: (not to substitute for construction plans)			
Sanitary sewer		X	
Water distribution		X	
Storm sewer		X	
Natural gas, electric, cable TV		X	
Plan for providing water and sewer service in graphic or narrative form	X	X	

D. CERTIFICATIONS, NOTES AND APPROVAL BLOCKS

The following Certificates, Notes and Approval Blocks shall appear on the appropriate plans and plats in substantially the following formats:

Sketch Plan -

I certify that this Sketch Plan was approved by the Planning Board of the Town of Wendell on the _____day of _____, 20 _____.

_____
Subdivision Administrator

Preliminary Plan - Major

Planning Board

I hereby certify that this Preliminary Plan was approved by the Planning Board of the Town of Wendell on the _____ day of _____ 20____.

_____
Subdivision Administrator

Date: _____

Board of Commissioners

I hereby certify that this Preliminary Plan was approved by the Board of Commissioners of the Town of Wendell on the _____ day of _____ 20 _____.

_____
Clerk

Date: _____

Final Plat:

Certificate of Survey and Accuracy

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 clearly indicated as drawn from information found in Book _____, Page_____; that the ratio of precision as calculated is 1:_____; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this _____ day of _____, A.D., 20_____.

Seal or Stamp

_____
Surveyor

_____
Registration #

(maximum allowable error: 1:10,000)

Review Officer Certificate

State of North Carolina
County of Wake

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

_____
Review Officer

_____
Date

Certificate of Ownership and Dedication

I (We) hereby certify that I am (we are) owner(s) of the property shown and described herein, that the property is within the Subdivision Jurisdiction of the Town of Wendell and that I (we) hereby adopt this plan of subdivision with my (our) free consent and hereby establish all lots and dedicate all streets, alleys, walks, parks and other open spaces to public or private use as noted.

_____

_____
Owner(s)

Certificate of Final Approval

Approved for recording by the Subdivision Administrator of the Town of Wendell, N.C. on this the _____ day of _____, 20 _____ pursuant to authority of Section 155-13 of the Subdivision Regulations. Must be recorded within thirty (30) days of this date.

_____
Subdivision Administrator

NCDOT Construction Standards Certification

Department of Transportation
Division of Highways
Proposed Subdivision Road
Construction Standards Certificate

Approved: _____
District Engineer

Date: _____

Onsite Water and/or Sewer Note
(where appropriate)

Note: (ALL the LOTS) or (LOTS #_____) as shown on this Plat are proposed to be served with on-site water and/or sewer systems. The lots as shown meet the minimum size prescribed by the Wake County Health Department for such system(s). However, the recording of this Plat does not guarantee that any such lots will meet the requirements for approval by the Health Department for such on-site system(s).

_____
Engineer/Survey License or Registration #

Register of Deeds Certificate

State of North Carolina, Wake County

This instrument was presented for registration and recorded in Map Book _____,
Page _____, this _____ day of _____, 20_____ at _____ a.m.

_____
Register of Deeds

Special Flood Hazard Area Note
(word to represent actual situation)

Note: (Part of) this property (does) (does not) lie in a special Flood Hazard Area

Reference: Floodway Panel # _____
Date: _____ (of Panel)

(If part of the property is in a Special Flood Hazard Area it shall be shown graphically on the plat).

MINIMUM PUBLIC STREET STANDARDS

Major Thoroughfare:
Average Daily Traffic ..... 8000 +
(vehicles per 24-hour day)
Right-of-way Width ..... 90'-100'
Pavement Width (face to face of curb) ... 64' - 68'

Minor Thoroughfare:
Average Daily Traffic ..... 5000 - 8000 +
(vehicles per 24-hour day)
Right-of-way Width ..... 68 - 80'
Pavement Width (face to face of curb) ..... 50'

Collector:
Average Daily Traffic ..... 3000 - 5000 +
(vehicles per 24-hour day)
Right-of-way Width ..... 60'
Pavement Width (face to face of curb) ..... 36'

Sub-Collector:
Average Daily Traffic ..... 1000 - 3000 +
(vehicles per 24-hour day)
Right-of-way Width ..... 60'
Pavement Width (face to face of curb) ..... 34'

Local Residential:
Average Daily Traffic ..... 500 - 1000 +
(vehicles per 24-hour day)
Right-of-way Width ..... 50'
Pavement Width (face to face of curb) ..... 24'

Local Non-Residential:
Average Daily Traffic ..... 1000 - 3000 +
(vehicles per 24-hour day)
Right-of-way Width ..... 60'
Pavement Width (face to face of curb) ..... 36'

Cul-de-sac Residential
Average Daily Traffic ..... 0 - 300 +
(vehicles per 24-hour day)
Right-of-way Width ..... 50'
Pavement Width (face to face of curb) ..... 24'
Turn around
Right-of-way Width ..... 100'
Pavement Width (face to face of curb) ..... 80'

Cul-de-sac Non-Residential
Average Daily Traffic ..... 0 - 500 +
(vehicles per 24-hour day)
Right-of-way Width ..... 60'
Pavement Width (face to face of curb) ..... 32'
Turn around
Right-of-way Width ..... 120'
Pavement Width (face to face of curb) ..... 96'

NOTE: Minimum Public Street Standards for special development types that may be permitted by the Zoning Ordinance shall be as set forth in the Zoning Ordinance.