

TOWN OF STEDMAN SUBDIVISION ORDINANCE



**EFFECTIVE DATE: JANUARY 5, 1995
(with amendments through June 22, 2015)**

.SUBDIVISION REGULATIONS FOR THE TOWN OF STEDMAN

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Disclaimer: The material contained with the appendixes is for general reference, informational and illustrative purposes only and is not to be construed or used in place of the officially adopted regulations, policies or plan nor does it replace any officially adopted regulations, policies or plans. While the information contained herein is believed to be accurate, the Town of Stedman nor the County of Cumberland assume any responsibility for the information and the users of this manual should contact the County Planning & Inspections Department to verify the contents prior to relying on this information.

ARTICLE I. PREAMBLE

SECTION 1.1. PURPOSE

The purpose of this Ordinance is to establish regulations and procedures for the platting, recording and development of real property within the Town of Stedman. The Stedman Board of Commissioners hereby finds that these regulations and procedures are necessary in order to promote the orderly development of the Town; provide for the coordination and dedication of streets and thoroughfares; provide for the dedication of land for other public purposes; ensure the proper installation of streets, public utilities and other community facilities, promote the eventual elimination of unsafe and unsanitary conditions arising from improper land subdivision and development; ensure proper description, identification, monumentation and recording of subdivision properties; and ultimately promote the public health, safety and general welfare.

SECTION 1.2. AUTHORITY AND ENACTMENT

The Board of Commissioners of the Town of Stedman, pursuant to the authority conferred by General Statute Chapter 160A, Article 189, Part 2, does hereby ordain and enact into law these articles and sections.

SECTION 1.3. SHORT TITLE

This Ordinance shall be known and may be cited as the "Stedman Subdivision Ordinance."

SECTION 1.4. JURISDICTION

This Ordinance shall control the subdivision of land, as defined herein, lying within the corporate limits of the Town of Stedman.

SECTION 1.5. PLATTING AUTHORITY

The Board of Commissioners of the Town of Stedman, as permitted by the authority conferred by Chapter 160A-373 of the General Statutes of North Carolina, does hereby designate the Cumberland County Joint Planning Board as administrator of this Ordinance. The Stedman Board of Commissioners reserves the authority to grant preliminary and final plat approval in accordance with the provisions of this Ordinance.

SECTION 1.6. COMPLIANCE WITH ORDINANCE REQUIRED

All plats for the subdivision of land shall conform to the requirements of this Ordinance, and shall be submitted in accordance with the procedures and specifications established herein. Plans for Group Developments, Variable Lot Residential Developments, Zero Lot Line Developments, and Condominium Developments shall be submitted in the same manner as other plats.

SECTION 1.7. PLATS TO BE APPROVED

After the effective date of this Ordinance, no subdivision plat of land, (as defined in Section 1.8 "subdivision") within the jurisdiction of this Ordinance, shall be filed or recorded until it shall have been submitted to and approved by the Planning Department and approved by the Stedman Board of Commissioners as hereinafter provided, and no land shall be sold or transferred by reference to a subdivision plat, except those recorded prior to the effective date of this Ordinance, that has been approved and recorded in accordance with the provisions of this Ordinance.

SECTION 1.8. DEFINITIONS

Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated. Words used in the present tense include the future. The singular number includes the plural and the plural the singular. The word "shall" is mandatory, not directory. For the purpose of this Ordinance, the following definitions shall apply:

Alley: A paved public or private right-of-way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on a street and is not intended for general traffic. *(Amd. 9-7-2006)*

Board of Commissioners or Commissioners: The Town of Stedman Board of Commissioners.

Building rear yard: A line parallel to the rear property line, extending across the full width of the lot, thus creating a rear yard in which no principal structure shall be built.

Building setback line: A line parallel to the front property line, extending across the full width of the lot, thus creating a front yard in which no structure shall be built.

Building side yard: A line parallel to the side property lines, extending across the full depth of the lot, thus creating a side yard in which no principal structure shall be built.

Condominium (unit ownership) development: A project of two (2) or more units in one or more multi-unit buildings designed and constructed for unit ownership as permitted by the North Carolina Unit Ownership Act [G.S. § 47A - 1 et seq.], when approved under the requirements for condominium developments set forth in Section 3.23 of the Subdivision Ordinance.

County: Cumberland County.

Crosswalk: A right-of-way dedicated to public use which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

Cul-de-sac: A local street of relatively short length with one end open to traffic and the other end permanently terminating in a vehicular turnaround. *(Amd. 9-7-2006)*

Greenway: A linear space established along a natural corridor, such as a riverfront, wetland area, stream valley, forest, or ridgeline, or over land along a right-of-way converted to a paved course for pedestrian passage to ultimately connect land areas within the Town for pedestrian access. (Amd. 8-3-2006, 9-6-2007)

Group Development: A group of two or more principal uses, structures or dwelling units occupying, built on, or intended to occur on a single lot, tract or parcel of land. (Amd. 12-1-2005)

Health Department: The Cumberland County Health Department.

High Voltage Line: A high voltage line is an electrical line 25kv or greater. (Amd. 12-1-2005)

Highway Commission: The North Carolina Department of Transportation.

Highway Plan: A plan, formally known as "Fayetteville Area Metropolitan Planning Organization Highway Plan", which provides and defines a functional system of streets permitting travel from origins to destinations with directness, ease and safety. Different streets in this system are designed and called on to perform specific functions, thus minimizing the traffic and land service conflict. (Amd. 9-7-2006)

Lot: A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership or for development or both. The word "lot" includes "plot", "tract", parcel, and etc.

Lot, corner: A lot abutting upon two (2) or more streets or roads (including platted or provided at unopened streets or roads) at their intersection. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an angle of less than one hundred thirty-five (135) degrees.

Lot, interior: A lot other than a corner lot.

Lot lines: The property lines bounding a lot.

Lot measurements:

- (1) Depth of lots shall be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- (2) Width of lots shall be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the building line.

Lot, through: An interior lot having a frontage on two (2) streets.

Municipal Influence Area (MIA): Areas within the Urban Services Area that are assigned to a specific municipality where that municipality's standards shall be applicable. The official Municipal Influence Area Map shall be filed with the County Clerk and maintained by the Planning Board. The map shall be amended by a municipality submitting a request to the Cumberland County Board of Commissioners for approval. *(Amd. 8-4-2005)*

Mobile home: A moveable or portable dwelling over thirty-two (32) feet in length and over eight (8) feet wide, constructed to be towed on its own chassis and designed without permanent foundation for year-round occupancy, which includes one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity or of two (2) or more units separately towable but designed to be jointed into one integral unit, as well as a portable dwelling composed of a single unit. Any such structure to be classed as a mobile home must be constructed in accordance with the State of North Carolina Regulations for Mobile Homes. Further, any structure meeting all the requirements specified in the North Carolina State Building Code for One and Two Family Dwellings, shall not be considered a mobile home for the purpose of this Ordinance.

Open Space: The land used for recreation, natural resource protection, amenities and/or buffer areas. Open space may include, but is not limited to, walkways, recreation areas, playgrounds, wooded areas, greenways and watercourses. *(Amd. 12-1-2005)*

Planning Board: The Cumberland County Joint Planning Board.

Planning Director: The Director of Planning of the Cumberland County Joint Planning Board.

Planning Staff: The personnel of the Cumberland County Planning and Inspections Department. *(Amd. 9-7-2006)*

Principal structure: A structure in which is conducted the principal use of the lot on which it is situated.

Public water and/or sewer systems: Shall include municipal, sanitary district, community and privately owned water and/or sewer systems as regulated and controlled by the North Carolina State Utilities Commission and the Health Department.

Stedman Area Detailed Land Use Plan: The long-range plan for the desirable use of land within the Town and within its Municipal Influence Area, and immediate surrounding area may be officially adopted and as amended from time to time by the Stedman Board of Commissioners and the County Board of Commissioners. *(Amd. 12-1-2005)*

Street, Public: A public right-of-way for vehicular traffic. The word "street" includes, but is not limited to, "freeways, expressways, thoroughfares and streets" as fully defined in the adopted Highway Plan and briefly described below: *(Amd. 9-7-2006)*

(1) **Freeways and expressways (arterials):** The primary function of freeways

and expressways is to move large volumes of inter-urban, inter-county and interstate traffic at high speeds with safety and efficiency. These are facilities with full control of access and are not intended to serve the abutting property. *(Amd. 8-3-2006, 9-7-2006)*

- (2) **Major thoroughfares:** The main function of major thoroughfares is to serve as primary traffic arteries of the urban area and to accommodate traffic movements within, around, and through the area. Though their primary function is to serve traffic, they may also serve abutting property with limited or controlled access. *(Amd. 9-7-2006)*
- (3) **Minor thoroughfares (collectors):** The main function of minor thoroughfares is to collect traffic from the local streets and carry it to the major thoroughfares system. They should be designed to serve a limited area with no access control or grade separation. *(Amd. 9-7-2006)*
- (4) **Local street:** A local service street designed primarily for access to abutting properties, such as: residential streets, cul-de-sacs, etc. *(Amd. 9-7-2006)*
- (5) **Marginal access street:** A local street which parallels and is immediately adjacent to a major thoroughfare, freeway or expressway, and which provides access to abutting property and protection from through traffic. *(Amd. 9-7-2006)*

Street, private: A private right-of-way for vehicular traffic.

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

- (1) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
- (2) The public acquisition by purchase of strips of land for the widening or opening of streets;
- (3) The combination or recombination of portions of previously platted and/or deeded* (recorded) lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town as shown in the Subdivision Ordinance;
- (4) The division of a tract in a single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street

* As of 7/27/88 via Bob Bartlet and George Vaughn – Administrative procedure

right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the Town as shown in this Subdivision Ordinance.

However, plats in categories (3) and (4) above shall have the Planning Board's stamp "No Approval Required" before filing in the office of the Register of Deeds inasmuch as a determination must be made as to whether or not the resultant lots are equal to or exceed the standards of the Town as shown in this Subdivision Ordinance.

Town Administrator: The Town employee who is responsible for managing the daily affairs of the Town. . (*Am. 12-1-2005*)

Variable Lot Residential Development: A variable lot residential development shall consist of single-family residential structures on individual lots where the developer may reduce the size of such lots in accordance with Section 3.22 of the Subdivision Ordinance while maintaining applicable overall density standards for the zoning district in which located.

Zero Lot Line Developments: A development including, but not limited to, patio homes, town houses, and businesses consisting of one or more structure(s) comprising at least two (2) single-family residences or businesses, whether attached or detached, intended for separate ownership, and developed in accordance with Section 3.24 of this Ordinance.

ARTICLE II. PROCEDURE FOR SECURING APPROVAL OF SUBDIVISIONS

SECTION 2.1. PRE-APPLICATION

Whenever a subdivision is proposed to be made and before any improvements shall be made, including grading, the subdivider shall cause a preliminary plat to be prepared. The preliminary plat shall comply fully with this Ordinance and with the health, zoning, and other applicable ordinances in effect at the time the plat is submitted for preliminary approval. Before filing a preliminary plat for review by the Planning Board, the subdivider is encouraged to submit a pre-application sketch plan to the Planning Department for criticisms and suggestions.

SECTION 2.2. PRELIMINARY PLAT - SUBMISSION AND APPROVAL REQUIRED

- a. Twelve (12) copies of the preliminary plat in such form as required by Article V shall be submitted to the Planning Department in accordance with the schedule established by the Planning Board.
- b. The Department shall review the preliminary plat to determine its compliance with official plans and shall negotiate with the subdivider for required changes in order that the subdivision shall comply with the provisions of this Ordinance. The department may negotiate for such other changes as may be found desirable.
- c. After such review and negotiations by the Planning Department, the Department may approve the plat and state the conditions of such approval, if any, or shall disapprove the plat and state its reason therefore.
- d. In addition to approving variances, the Stedman Town Board of Commissioners shall decide all conditions of approval where the Planning Department and subdivider cannot agree.

SECTION 2.3. PRELIMINARY PLAT - MEANING OF PRELIMINARY PLAT APPROVAL

Where agreement is reached between the Stedman Town Board of Commissioners and the subdivider, and where preliminary plat approval is granted, the subdivider may then proceed to construct improvements in accordance with the requirements of Article IV of this Ordinance and to prepare and submit the final plat.

SECTION 2.4. FINAL PLAT - GENERALLY

The final plat shall conform to the preliminary plat as approved. The subdivider may submit as a final plat that portion of the approved preliminary plat which he proposes to develop immediately, provided that, unless the final plat is submitted to the Planning Department for final approval within two (2) years from the date on which preliminary plat

approval was granted, such action on the preliminary plat by the Planning Department shall become void.

SECTION 2.5. FINAL PLAT - SUBMISSION AND APPROVAL OF FINAL PLAT REQUIRED

The final plat shall be submitted to the Planning Department in such a form as required by Article V. The Planning Department shall review the final plat for compliance with the provisions of the Ordinance and other such specifications as agreed upon at the time the preliminary plat was approved. No final plat shall be approved until the improvements specified by the approval of the preliminary plat and required by Article IV have been installed or assured to be installed in accordance with Section 2.6.

SECTION 2.6. GUARANTEES OF IMPROVEMENTS

Final plats of a subdivision may be approved by the Planning Department after the subdivider has complied with one (1) of the following procedures:

- a. All required improvements have been installed by the subdivider in accordance with the requirements of this Ordinance; or
- b. A surety bond or certified check has been posted by the subdivider, payable to the Town upon default, in an amount determined by the Planning Department to assure installation of the required improvements. The subdivider and the Planning Department shall set a reasonable time by which it is estimated the improvements can be installed and completed. Unless an extension of that time is granted by the Planning Department and a new estimated date of completion established, the Town shall take necessary steps to proceed with the accomplishment and completion of the improvements, making use of the certified check or calling upon the surety of the bond; or
- c. An irrevocable letter of credit, in a form approved by the Town Attorney, issued by a bank or other lending institution or a deposit of funds in escrow, may be accepted in lieu of a bond or check under the same terms and conditions; or
- d. The Planning Department may approve the first and succeeding sections of an approved preliminary plat, submitted as final plats, without installation of improvements or financial guarantee to improvements, with the provisions that final plat approval of any succeeding section of the subdivision will be withheld until the required improvements have been installed in the preceding section. Final plats approved under this procedure shall be limited to a maximum of twenty-five (25) lots in size, or fifty percent (50%) of the gross area of the approved preliminary plat remaining in preliminary form prior to submission, whichever is the lesser. A final plat of the last section of a subdivision submitted under this procedure or a final plat constituting an entire subdivision may be of any size and shall be granted final approval only under a procedure stated in a, b, or c above.

SECTION 2.7. FINAL PLAT - RECORDING

Within thirty (30) days following approval of this final plat by the Planning Department, the subdivider shall cause the recording of the final plat in the Office of the Register of Deeds of Cumberland County. Failure of the subdivider to cause the recording of the final plat in the office of the Register of Deeds within thirty (30) days after the final approval of the Planning Department shall cause such final approval to be null and void.

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ARTICLE III. GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN

SECTION 3.1. CONFORMITY

All proposed subdivisions shall be so planned as to facilitate the most advantageous development of the entire community and shall bear a reasonable relationship to existing or amended plans of the Planning Board.

SECTION 3.1.1. MUNICIPAL INFLUENCE AREA

(Amd. 9-6-2007)

All development, unless specifically excepted below, proposed within the Town's Municipal Influence Area (MIA) shall be developed in accordance with the Town Subdivision Ordinance development standards as stipulated in the County Subdivision Ordinance. The specific exceptions below apply only to developments located outside the corporate limits of the Town and within the Town's MIA:

- a. Concrete curb and gutter (Section 4.1.e.) is not required to be installed when:
 - (1) Developments of three or less lots or units, derived from the parent tract as of the effective date of this Ordinance, and the development is located on an existing street without existing curb and gutter.
 - (2) Any development where a new street is not being constructed or an existing street is not being altered, unless the existing street is partially constructed with curb and gutter and the new development extends the existing street.
- b. Greenway standards (Section 3.13.2.) are not applicable or only partially applicable when:
 - (1) The proposed residential development does not abut the designated Greenway Corridor as defined in the officially adopted Stedman Greenway Plan, Section 3.13.2. shall not apply.
 - (2) Proposed residential developments of three or less contiguous lots or units, derived from the parent tract as of the effective date of this Ordinance, abutting the Greenway Corridor, as defined in the officially adopted Stedman Greenway Plan, are not required to construct the walkway; however, dedication of the land area within the Greenway Corridor is required. Any residential development dedicating land area for the greenway and/or constructing a walkway is exempt from the provisions of Section 3.13.1., Required Parks, Open Space, Recreation Area Provisions.

Any non-residential development abutting the designated Greenway Corridor as defined in the officially adopted Stedman Greenway Plan, must comply with all provisions of Section 3.13.2.

c. Sidewalks (Section 4.3.g.) are not required if the proposed development consists of three or less contiguous lots, derived from the parent tract as of the effective date of this Ordinance, and if there are no sidewalks existing along the street which the proposed development abuts.

Sidewalks are required for any proposed development, regardless of the number of lots or units being proposed, when:

- (1) A development abuts a street with an existing sidewalk;
- (2) Any development is proposed along Clinton Road;
- (3) Any new street is to be constructed or any stub street extended; or
- (4) An area is pending annexation into the Town.

d. Street trees are not excepted under this Section and all properties, subject to this Ordinance, being developed within the Town's MIA shall comply with the provisions of Section 4.3.h.

SECTION 3.2. RELATION OF PROPOSED STREETS TO ADJOINING STREET SYSTEMS

The proposed street system shall extend existing or proposed streets at the same or greater width, but in no case less than the required minimum width, provided that no extension wider than eighty (80) feet shall be required. Where in the opinion of the Planning Board, it is desirable, to meet the purpose of this Ordinance, to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property.

SECTION 3.3. THROUGH TRAFFIC

Minor residential streets shall be laid out so as to discourage through traffic.

SECTION 3.4. THOROUGHFARE PLANS

Where any portion of a subdivision lies with the proposed right-of-way of any major street or road shown on an officially adopted Thoroughfare Plan of any municipality or the County, the street shall be dedicated in the location and width shown on the official plan; provided that no dedication wider than eighty (80) feet shall be required and provided that no dedication shall be required when (where) right of direct access from abutting property is denied.

SECTION 3.5. ACCESS TO UNSUBDIVIDED PROPERTY

The proposed street system shall be designed to provide for the dedication of access to and not to impose undue hardship upon unsubdivided property adjoining the subdivision.

Reserve strips adjoining street right-of-way for the purpose of preventing access to adjacent property shall not be permitted.

SECTION 3.6. LOTS INTENDED FOR COMMERCIAL AND INDUSTRIAL USES ONLY

Commercial and industrial lots may be arranged in convenient units of width and to a depth that is appropriate to the development contemplated, provided that the minimum requirements for lots, blocks and zoning are met.

SECTION 3.7. STREET NAMES

Proposed street names shall not duplicate nor closely approximate phonetically the name of any street anywhere within Cumberland County. Where proposed streets are extensions of existing streets, the existing street names shall be used except where a new name can reasonably be used to avoid further street name duplication.

SECTION 3.8. ALLEYS

A reservation or easement for an alley to the rear of business lots may be required provided that a comprehensive plan for the entire block in which the property is located establishes the need for such reservation or easement. Alleys shall not be provided in residential blocks except where the subdivider produces evidence satisfactory to the Planning Board of the need of alleys.

SECTION 3.9. HALF STREETS

Whenever an existing half street is adjacent to a tract of land to be subdivided, the other half of the street shall be dedicated or shown as an easement for conditional future dedication within the new subdivision. New half streets are prohibited except when essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and where it will be practicable to require the dedication of the other half when the adjoining property is subdivided.

SECTION 3.10. MARGINAL ACCESS STREETS

When a tract of land to be subdivided adjoins a limited access highway, the subdivider may be required to provide a marginal access street parallel to the highway or reserve frontage on an interior street for the lots to be developed adjacent to the highway.

SECTION 3.11. EASEMENTS

To provide for existing or future service poles, underground electric and communication lines, public utilities, conduits, drainage facilities, water and sewer lines, an easement not less than ten (10) feet wide, five (5) feet on each side of the common rear lot line or in other locations where necessary, shall be provided. No building or other permanent obstruction, not including fences, shall be erected on any such easement.

Where property to be subdivided is traversed by a watercourse, drainage way, canal, or stream, there shall be provided a drainage easement for channel improvement which conforms substantially with the center line of such watercourse, drainage way, canal, or stream. Such drainage easement shall be a minimum of twenty (20) feet wide (not necessarily centered) but in no case shall it be required to exceed twenty (20) feet from the top of the bank (natural stream channel) on either side of the watercourse, drainage way, canal, or stream. In the event that the subdivision includes a man-made lake, such drainage easement shall conform to the original stream or watercourse where known or a note added to the plat to read as follows: "In the event that the lake(s) shown on this plat is drained or otherwise lowered to the natural stream level, a public drainage easement for the purpose of channel improvement is hereby dedicated at a minimum width of twenty (20) feet but not to exceed twenty (20) feet from the top of the bank on either side of the natural stream course."

SECTION 3.12. SCHOOL SITES

When a tract of land that has been approved by the School Board as a proposed school site lies wholly or partially within an area proposed to be subdivided, and provided that the School Board has notified the Planning Department and the property owner of its approval of the school site prior to Planning Department action on the preliminary plat, the subdivider shall reserve the proposed school site for acquisition by the School Board for a period of not more than thirty (30) days.

SECTION 3.13. ACCESS TO PARKS, SCHOOLS, ETC.

Streets shall be designed or walkways dedicated to assure convenient access to adjacent parks, playgrounds, schools, and other public places. Dedicated walkways shall not be less than ten (10) feet in width.

SECTION 3.13.1 REQUIRED PARKS, OPEN SPACE, RECREATION AREA PROVISIONS (Amd. 12-1-2005)

Every residential development shall provide a portion of land for the purpose of providing park, recreation and open space areas. Existing development with residential structures thereon shall not be subject to the standards of this Section. For residential group developments, residential condominium developments, townhouses, and other multi-family development's recreation provisions, see Section 3.21.k of this Ordinance.

- a. Amount of Land: The amount of parks, open space, or recreation area shall be 500 square feet per dwelling unit or lot when the area is above the floodplain; 1,000 square feet per dwelling unit or lot when the area is located within the floodplain; and 2,000 square feet per dwelling unit or lot when the area is a water body. When water bodies are dedicated for meeting these requirements, the Town's Board of Commissioners must approve the area. No credit shall be given for land subject to mandatory preservation such as the requirements of the *Flood Damage Prevention Ordinance* requirements and storm water requirements. The dedication

provision may include a combination of land above the floodplain, land in the floodplain, water bodies and land not within the development. Parkland dedicated that contains five acres or more, meets park specifications, and is consistent with the *Stedman Area Detailed Land Use Plan* shall be accepted by the Town. Developments that require less than five acres and are not consistent with the *Stedman Area Detailed Land Use Plan* may pay a fee in lieu of dedication as determined by the Town's Board of Commissioners.

Park, recreation or open space areas shall be of such dimensions as to be functionally useable and maintainable. Developments that would require less than five acres may be exempt from providing on-site park, recreation or open space areas by the Stedman Board of Commissioners when:

- (1) The onsite park, recreation or open space area cannot be combined with such areas serving adjacent property to form a functionally usable and maintainable area; or
- (2) The parks, recreation, or open space needs of the development can be adequately met by existing or planned public parks, recreation, or open space areas. In determining the size of a development for this purpose, the Town and the Planning Staff shall consider the entire project developed on a single tract or contiguous multiple tracts under common ownership, regardless of whether the development is constructed in phases or sections; however,
- (3) For any development exempt from providing on-site park, recreation or open space areas, the developer shall pay a fee to the Town of Stedman in lieu thereof to be used to acquire parks, recreation or open space areas to benefit the area residents.

b. Standards for Park, Recreation and Open Space Areas: All park, recreation and open space areas shall meet the following standards unless special exception is recommended by the Town Administrator or his/her designee and the Planning Staff, and approved by the Town. These standards are as follows:

- (1) Unity: The dedicated land shall be a single parcel of land, whether or not the development is developed in phases or sections, except where it is determined by the Town Board of Commissioners, after consideration of a recommendation from the Town Administrator or his/her designee and the Planning Staff, that multiple parcels would better serve the residents of the development and the public.
- (2) Usability: A maximum of one-half of the dedicated park, recreation or open space area may be water. When one-half of the dedicated area is water, the remaining land must be useable land for a park. The usability of dedicated parks, recreation or open space area shall be determined by the Town Board of Commissioners, after consideration of a recommendation from the Town

Administrator or his/her designee and the Planning Staff. The Town Board of Commissioners is the final authority on this matter.

- (3) Shape: The portion of the dedicated area not water or wetlands shall be of such shape to be usable for recreation facilities, including, but not limited to, tennis courts, swimming pools, clubhouses, athletic fields, basketball courts, swings, slides, play apparatuses, open play areas, picnicking, etc.
- (4) Location: The dedicated land shall be located to reasonably serve the recreation and open space needs of the residents within the development. The Town Board of Commissioners, after consideration of a recommendation from the Town Administrator or his/her designee and the Planning Staff, may require that the land dedicated be located on the periphery of the development in order to allow enlargement by combining the park, recreation and open space areas with adjacent developments; when adjacent property is publicly owned; or when there are plans that identify the area as future parks, recreation or open space to be acquired by the Town. There shall be provisions at the discretion of the Town, to negotiate the location of the land or fee when it is deemed in the best interest of the immediate residents and the long-range parks and recreation plan. This negotiation includes swapping larger, cheaper tracts of land away from the development for the smaller more expensive tract near the development. This shall only be allowed when there is sufficient park and recreation area to meet the needs of the affected development's residents.
- (5) Access: All residents of the development shall have free, easy and convenient ingress and egress to and from the dedicated area within the development provided by means of streets or public walkways or trails with the primary point of access being a minimum width of 20 feet. Rights-of-way for this access shall be shown on the preliminary plats or plans and final plats. All dedicated land areas shall have access by way of a public street. Dedicated areas that do not have frontage on a public street but are adjacent to an existing public park, recreation or open space area that has such access is exempt from this requirement.
- (6) Required Storm Water Detention/Retention Facilities: These facilities shall not be accepted as fulfilling the park, recreation or open space requirements.
- (7) Landscaping: Dedicated parks, recreation and open space areas shall have a sufficient natural or manmade buffer or screen to minimize any negative impacts on adjacent residents.
- (8) Consistency with Master Open Space Plans: Any portion of a development that lies within an area designated on the *Stedman Area Detailed Land Use Plan* (not exceeding the amount required to be dedicated) shall be included as part of the area set aside to satisfy the park, recreation and open

space requirements. This area shall be dedicated to public use.

(9) 100-Year Flood Elevation: In addition, all base parkland (above the 100-year flood elevation) dedicated to the public sector must meet the following:

- (a) Must be outside of the 100-year flood area;
- (b) Must a minimum average slope of three percent and a maximum average slope of fifteen percent;
- (c) Must not be a former site of or contain any remains of hazardous materials;
- (d) Must have access to a public street;
- (e) Must be a single parcel of land, unless exception is granted by the Town; and
- (f) All sites containing developed facilities must be approved by the Town.

c. Procedure for the Dedication of Parks, Recreation and Open Space Areas:

- (1) Designation of Land to be Dedicated: The developer, upon submission of a residential preliminary plan, shall indicate at that time his/her intent to either dedicate land or pay a fee in lieu thereof. The developer shall designate whether such dedication will be to the public sector or a homeowners' association. The developer shall also designate on the preliminary plan the area or areas to be dedicated for park, recreation or open space.
- (2) Review of Land to be Dedicated: The Planning Staff shall submit a copy of the preliminary to the Town Administrator for review. The Town Administrator or his/her designee shall submit any and all recommendations concerning the land to be dedicated to the Planning Staff within ten working days upon receipt of the preliminary plan.
- (3) Ownership: The entity owning land to be dedicated for parks, recreation and open space shall be selected by the owner, developer or subdivider, subject to the approval of the Town Administrator. These entities may include, but are not limited to, the following:
 - (a) The County of Cumberland, subject to acceptance by the County;
 - (b) The Town of Stedman, whether within its boundary or not, subject to acceptance by the Town;

- (c) Other public jurisdictions or agencies, conservancy or nonprofit organizations, subject to their acceptance; and/or
- (d) Homeowner, condominium, or cooperative associations or organizations.

(4) **Required Conditions of Homeowner Associations:** Homeowner associations or similar legal entities that own and maintain park, recreation and open space areas shall be established in such a manner that:

- (a) Provision for the establishment of the association or similar entity is made prior to any lot or unit in the development being sold or any building being occupied;
- (b) Membership must be mandatory for each lot or unit owner and any successive buyer;
- (c) The association shall be responsible for the liability insurance, if any, local taxes and maintenance of the areas;
- (d) Any sums levied by the association that remain unpaid shall become a lien on the individual homeowner's property;
- (e) If all or any portion of the property held by the association is being disposed of or if the association is dissolved, the park, recreation and open space areas shall be first offered to the Town and if accepted, deeded to the Town. If the Town declines such offer, then the area shall be offered to any of the remaining entities as defined in Ownership [Subsection (3)] above; and
- (f) The right to use the park, recreation or open space shall be guaranteed to each resident of the development in good standing with the homeowners' association.

(5) **Maintenance of Areas:** The entity as defined in Ownership [Subsection (3)] above shall be responsible for the continuing upkeep and proper maintenance of the park, recreation or open space area.

(6) **Provisions for Payment in Lieu of Dedication:** When it is determined that the park, recreation and open space needs of a development can be met by existing or proposed public park, recreation or open space areas, then the Town Administrator and the Planning Staff, with approval from the Town Board of Commissioners, may authorize the developer to pay a fee to the Town in lieu of dedication. The Town Administrator and the Planning Staff may also authorize, with approval from the Town Board of Commissioners, a combination dedication and partial payment in lieu of dedication when

it is determined that this method is in the best interest of the residents in the area to be served and the public at large. The Town Board of Commissioners shall make the final decision on this matter.

- a. Procedure: The developer shall include with the application for a preliminary approval a letter requesting approval to make a payment in lieu of dedication. Upon receipt of the preliminary, the Planning Staff shall submit a copy of the preliminary with the letter to the Town Administrator. The Town Administrator shall submit a recommendation to the Planning Staff within ten working days.
- b. Amount of Payment: The fee in lieu of dedication shall be \$50.00 per lot or unit shown on the preliminary plan. Any additional lots or units created by revisions to initial preliminary plan shall also be subject to the \$50.00 per lot or unit fee.
- c. Use of Payments in Lieu of Dedication: All monies received by the Town for fees in lieu of dedication shall only be used for the acquisition and development of parkland or recreation area nearest to the development within the Town or its Municipal Influence Area, or other areas with the approval of the Town Board of Commissioners that will benefit the residents within the development. All funds will be spent within the Town of Stedman or its Municipal Influence Area. This does not imply that the general public cannot benefit from these funds, especially in cases where the money is used for acquisition of neighborhood, community and regional parks.
- d. Required Payment in Lieu of Dedication: If the existing or proposed dedicated land does not meet the long-range plans for Parks and Recreation, the Town Administrator and the Planning Staff, with approval from the Town Board of Commissioners, may require payment in lieu of dedication. The Town Administrator and the Planning Staff, with the Town Board of Commissioners' approval, may also require a fee in lieu of dedication when the proposed dedicated area is less than one-half acre in size. All subdivisions that qualify to be approved as "No Approval Required" under Subsections 3 and 4 of the definition of "subdivision" in Section 1.8 of this Ordinance shall pay the fee in lieu of dedication unless it is determined that it would be in the best interest of the residents in the development or the general public otherwise.
- e. Time of Payment: When a payment in lieu of dedication is authorized, such payment must be made before approval of the final plat or if a final plat is not required, then prior to the issuance of any Certificate of Occupancy. If the development is constructed in phases or sections, a payment relating to each phase or section must be made prior to the approval of the final plat or in the event a

final plat is not required, prior to issuance of the Certificate of Occupancy for each unit within the phase or section.

SECTION 3.13.2 GREENWAY STANDARDS

(Amd. 8-3-2007)

Any new developments and/or subdivisions within the Town's corporate limits and within the Town's Municipal Influence Area shall be required to incorporate a greenway system if the proposed development is located in an area delineated as a Greenway Corridor in the officially adopted *Stedman Greenway Plan*. The greenway system shall be constructed to the following standards: *(Amd. 9-6-2007)*

- a. **Inter-Development Connection:** The greenway or open space plan for the individual residential developments with a gross land area of two acres or greater shall include a walkway path that provides connections to all adjacent parcels. In instances where adjacent properties have existing greenway or walkways installed to the shared property line, the proposed development's greenway plan shall include walkway connections at these points. *(Amd. 9-6-2007)*

All non-residential developments shall provide a greenway system and construct a walkway path regardless of the size of the development. *(Amd. 9-6-2007)*

- b. **Walkway Dimensions:** Walkways shall comply with the standards of the Americans with Disabilities Act (ADA) and be ADA accessible. Walkways shall be a minimum of 48-inches in width. If a minimum width of 48-inches is selected, a 60-inch wide section shall be provided every 500 linear feet to allow for wheelchair passing. Walkways in open spaces (forest, meadows, etc.) shall be approximately centered in a 15-foot wide area cleared of underbrush, diseased vegetation, and stunted or deformed trees. Every attempt should be made to leave mature "shade" type trees. Ground cover shall be restored in the cleared area via mulch, grass, or other naturally growing vegetation.

- c. **Roadway Crossings:** At locations where the walkway crosses existing or proposed roadways (private and public), a painted crosswalk shall be installed on the roadway pavement. The crosswalk shall meet the North Carolina Department of Transportation (NCDOT) standards. Applicable NCDOT standard pedestrian crossing signs shall be installed at these locations in such a manner as to be viewable by approaching traffic.

- d. **Walkway Pavement:** Walkways shall be paved with a minimum of 1 ½ inches of asphalt pavement.

- e. **Public Accessibility:** Walkway layout shall include a minimum of one location to allow for public access to the walkway. (Example: walkway connection to sidewalk on a State or Town owned roadway) The Town of Stedman may require the greenway plan for a development include between two to six off-street parking spaces for access. Of the parking spaces provided, 50% of such spaces must be handicap accessible per the N. C. Accessibility Code.

- f. Park Benches: The greenway plan shall incorporate the installation of handicap accessible park benches every 2,000 linear feet along the walkway. Park benches shall be a minimum of 6-foot in length with a seat and backrest. Park benches shall be framed with aluminum or hot-dipped galvanized steel. The seat and backrest shall be constructed of treated or composite lumber. Park benches shall be constructed such that the bench frame is embedded in the ground and each post encased in a minimum of 12-inch diameter concrete.
- g. Boardwalks, Piers, and Bridges: In locations where the proposed greenway plan includes boardwalks, piers, or bridges to cross waterways, wetlands, drainage ways, or slope prohibitive areas, the boardwalks, piers, or bridges shall be constructed to a minimum set of standards as follows:
 - (1) 48-inch minimum clear width with areas to permit two-way wheelchair traffic (enlarged landings).
 - (2) Incorporate guardrails that meet the NC Accessibility Code.
 - (3) Structure shall be of sufficient strength to support the imposed dead, live, and impact loads without exceeding the allowable stresses prescribed for various materials in the current North Carolina Building Code. Minimum live load: 40 pounds lbs per square foot or 300 pounds concentrated load on any area two foot square. *(Amd. 9-6-2007)*
 - (4) Design of the boardwalk or bridge shall include a built in or mounted park bench every 1000 linear feet.
 - (5) The design of the boardwalks, piers, or bridges shall be sealed by a professional engineer, landscape architect or architect.
 - (6) All wood structures shall be constructed of treated lumber.
 - (7) If constructed from wood, support posts or piers, shall be a minimum of 6x6 inches in dimension. Wood framing components shall be a minimum of 2x6 inches in dimension. Wood framing shall be sufficiently braced and supported to minimize sagging or warping of the lumber.
- h. Development Open Space Requirements. The construction and dedication of a greenway system that meet the requirements above can be counted toward meeting the provisions of Section 3.13.1. Required Parks, Open Space, Recreation Area Provisions, concerning the required land area to be set aside, or fee paid in lieu of, for open space per unit in residential developments. *(Amd. 9-6-2007)*
- i. Plan Approval. Prior to final subdivision approval by the Town, the owner or developer shall submit plans to the Town for review and comment. Plans shall be of sufficient detail to demonstrate incorporation of all of the above requirements.

Plans shall be prepared by a NC licensed professional engineer, land surveyor or landscape architect. Plans shall be a minimum of 18x24 inches in size and at a minimum scale of 1:100. Text font size shall be a minimum of 8 points. Submissions shall include a minimum of four copies.

SECTION 3.14. PUBLIC WATER AND SEWER SYSTEMS

Where public water and/or sewer systems are to be installed as part of the subdivision improvements, such systems shall be designed and installed in accordance with standards and specifications of the Health Department and/or governmental agency responsible for the approval of such systems.

SECTION 3.15. ON-SITE WATER AND SEWER SYSTEMS

Prerequisite to final plat approval, all lots on the plat to be recorded must be certified in writing by the Health Department to be large enough to meet Health Department minimum standards for on-site water and/or sewer systems when either or both of such systems are proposed to be used.

SECTION 3.16. LOTS SUBJECT TO FLOODING

(Amd. 4-6-2000)

Lots located, in whole or in part, in areas of special flood hazard, as such term is defined in Chapter 6.5 (Flood Damage Prevention Ordinance) of the Cumberland County Code, shall not be established or developed in any type of subdivision, group development, mobile home park or any other type of development for the purpose of creating building sites, except as herein provided.

- a. The preliminary and final plats of subdivisions, group developments, or mobile home parks, or sections thereof, in which there are areas of special flood hazard, shall have a line or lines drawn thereon delineating the boundaries of such areas within the subdivision, group development, or mobile home park. Each such boundary line shall be the same as the boundary line(s) of the 100-year special flood hazard area as shown on the official flood maps of Cumberland County. The Flood Boundary and Floodway Map (FBFM) and/or Flood Insurance Rate Map (FIRM), as defined in Chapter 6.5 of the Cumberland County Code, where the boundaries of the areas of special flood hazard have been identified as Zone A and shall be designated as the "100-year floodplain". Such plats shall also be annotated with the effective date, community number and map number(s) of the pertinent FBFM and/or FIRM and a statement that such map(s) and the 100-year floodplain line is subject to change by FEMA. When the pertinent FBFM and/or FIRM contains an "approximate" line delineating an area of special flood hazard, such approximate line may, at the option of the developer, be depicted on the plat as the "approximate 100-year floodplain". Any interpretation by the County Engineer may be appealed to Stedman Board of Adjustment, as established by Section 12.4 of the Stedman Zoning Ordinance, shall hear and decide appeals wherein it is alleged that there is an error in any requirement, decision, determination or order made by the County

Engineer in the enforcement or administration of this chapter.

b. The preliminary and final plats of a subdivision, group development, or mobile home park, or section thereof, in which it is proposed to alter the 100-year floodplain line by construction of a levee system, as such term is defined in Chapter 6.5 (Flood Damage Prevention Ordinance) of the Cumberland County Code, shall have the following additional lines drawn thereon:

- (1) A line or lines depicting the contour of the base or bases of the proposed levee system. Each such line will be designed as a "levee base contour line."
- (2) A line or lines, within the subdivision, twenty (20) feet outside the levee base contour line or lines, each such line to be designated as a "levee base contour line."
- (3) A line delineating a revised boundary of the 100-year floodplain, which shall be placed on the final plat or amended final plat when a revised 100-year floodplain line pertinent to the subdivision, group development, or mobile home park is redrawn on the official flood map(s), following approval by or Federal Emergency Management Agency (FEMA) of the levee system as constructed. Such line shall be designated as the "revised 100-year floodplain".
- (4) A line delineating the outermost boundary of an area twenty (20) feet from either side of the bank of every watercourse in the subdivision, group development, or mobile home park, the flow of which will be restricted or stopped by closure of a levee. Such line shall be designated as the "watercourse maintenance line." In the event that Agency (FEMA) of the levee system as constructed. Such line shall be designated as the "revised 100-year floodplain" such watercourse is incorporated into a pipe, the watercourse maintenance line need only designated a twenty-foot easement within which the pipe is located.

c. No improvement of any lot, street or common area shall be commenced in a subdivision, group development, or mobile home park, or section thereof, subject to this section, unless the developer, builder, landowner, or other appropriate permittee has complied with the provisions of Chapter 6.5 (Flood Damage Prevention Ordinance) of the Cumberland County Code. The preliminary and final plats of a subdivision, group development, or mobile home park, or section thereof, subject to the provisions of this section, shall be annotated with the following notices:

- (1) "*Notice: Any improvement within the 100-year floodplain, or any revision thereof, is subject to the provisions of Chapter 6.5 (Flood Damage Prevention Ordinance) of the Cumberland County Code and may be limited or precluded thereby.*" This notice shall be on all plats having a 100-year floodplain.

- (2) "Notice: Any improvement between the levee maintenance line and the levee base contour line and between the watercourse maintenance line and the watercourse bank is subject to the provisions of Chapter 6.5 (Flood Damage Prevention Ordinance) of the Cumberland County Code and may be limited or precluded thereby." This additional notice is required only on plats showing construction of a levee system.
- (3) "Notice: The area hereon lying between the 100-year floodplain line and the revised 100-year floodplain line is protected from the 100-year flood by levee, dike or other structure subject to failure or overtopping during larger floods." This additional notice is required only on plats showing construction of a levee system.

d. Notwithstanding any other provisions of Stedman Subdivision Ordinance, no lot or improvement, or part thereof, in a subdivision, group development, or mobile home park in which it is proposed to alter the 100-year floodplain by construction of a levee, shall be sold or created, if such lot or improvement, or part thereof, is located downstream from the proposed levee, until the "revised 100-year floodplain line," as provided in paragraph b., (3), above, is annotated on the final or amended final plat of such subdivision, group development, or mobile home park.

e. No preliminary or final plat subject to this section shall be approved unless such plat is submitted to the County Engineer for review and said official reports to the Planning Director that the plat fulfills the requirements of the Cumberland County Flood Damage Prevention Ordinance, Chapter 6.5 of the Cumberland County Code. Preliminary and final plats for subdivisions, group developments, or mobile home parks for subdivisions, group developments, or mobile home parks containing area which will be protected by levee upon revision of the official flood maps of Cumberland County by FEMA may be approved prior to such revision if the County Engineer affirms that he has issued a permit allowing construction of the levee to commence. Such preliminary and final plats, however, shall be treated as subdivisions, group developments, or mobile home parks containing areas of special flood hazard not protected by a levee until such time as the levee system is constructed and certified and the official flood maps of Cumberland County are revised by FEMA pursuant thereto. Upon such subsequent revision, the developer shall submit a revised final plat in accordance with foregoing provisions of this section, which shall be submitted to the County Engineer for review. Such revised final plat shall not be approved unless the County Engineer recommends approval as complying with all provisions of Chapter 6.5 (Flood Damage Prevention Ordinance) of the Cumberland County Code.

SECTION 3.17. STREET DESIGN

The following shall be considered the minimum standards of design for streets within the Town of Stedman's jurisdiction, unless specified herein, these standards shall not be less than the accepted policies of the North Carolina Department of Transportation,

Division of Highways as taken or modified from the American Association of State Highway Officials' (AASHO) manuals. Specifically the Division of Highways manual for Subdivision Roads, Minimum Construction Standards, dated January 1, 2000, or amendment thereof, shall be used as a standard for design and construction of streets. (Amd. 9-7-2006)

- a. Right-of-Way. Proposed street right-of-way shall be of sufficient width to meet the requirements of this Ordinance. Street right-of-way shall be provided as follows:

| <u>Street Classification</u> | <u>Minimum Width (feet)</u> |
|----------------------------------|-----------------------------|
| Arterial | 100-175 |
| Major Thoroughfare | 80 |
| Minor Thoroughfare (collector) | 60 |
| Minor Thoroughfare (residential) | 50 |
| Cul-de-sac | 40 |
| Alley | 20 |

The classification of all proposed streets will be determined by the Planning & Inspections Staff with the approval of the Town Board of Commissioners. Where a subdivider elects to establish a street divided with a median strip, the right-of-way width shall not be less than 80 feet and no median strip shall be less than 20 feet wide. (Amd. 9-7-2006)

- b. Street cross section, exception. For flat topography, street cross section as depicted in Exhibits 1 and 2 of this Section may be used where it is certified by a North Carolina registered professional engineer, that no other standard storm water design can be used. (Amd. 9-7-2006)
- c. Cul-de-sac. A cul-de-sac shall not be longer than 800 feet and shall be provided at the closed end with a circular turnaround having an outside roadway diameter of at least 80 feet and a right-of-way line diameter of at least 100 feet. (Amd. 9-7-2006)
- d. Corner radii. Property lines at street intersection shall be rounded with a radius of 25 feet. (Amd. 9-7-2006)
- e. Intersecting streets. Streets shall be laid out so as to intersect as nearly as possible at right angles.
- f. Street offsets. Where there is an offset in the alignment of a street across an intersection, the offset of the centerlines shall not be less than 125 feet. (Amd. 9-7-2006)
- g. Driveways. All new driveway pipes shall be designed to meet the area storm water runoff requirements. The pipe shall have a minimum inside diameter of 15" with 1' cover and will require a permit from the Town prior to installation. The Town of Stedman Street and Driveway Access Permit Application can be found inside the back cover of this Ordinance. (Amd. 9-7-2006)

SECTION 3.18. BLOCK LENGTHS

- h. Block lengths shall not be longer than 1,800 feet; provided, that where a longer block will result in less traffic through residential subdivisions from adjoining businesses or areas, the Planning Staff may *recommend and the Town Board of Commissioners may approve* block lengths in excess of 1,800 feet. Where blocks longer than 1,800 feet are permitted, *paved* crosswalks of a width not less than ten feet may be required. (Amd. 9-7-2006)

SECTION 3.19. BLOCK WIDTHS

Block width shall be sufficient to allow two (2) tiers of lots except where prevented by topographical conditions of the size of the property. A single tier of lots may be used to separate residential developments from non-residential developments or residential developments from watercourses, traffic arteries, or railroads.

SECTION 3.20. LOT STANDARDS

Lot standards shall conform to the standards of the zoning ordinance and the following provisions, except as provided for in zero lot line and variable lot residential developments, lot standards shall be observed:

- a. Lots not served by public water and/or sewer systems shall be large enough and of such physical character to meet Health Department minimum standards for on-site water and/or sewer systems.
- b. Except as otherwise provided for zero lot line developments and variable lot residential developments, no residential lot shall be created with an area of less than six thousand (6,000) square feet and a lot width of less than eighty (80) feet.
- c. Except as otherwise provided for in group developments, every lot shall abut a public street or approved private street for at least twenty (20) feet, such frontage (abutting) to be continuous from the property line to building setback line where the lot width must conform to the provisions of subsection "b" above.

SECTION 3.21. GROUP DEVELOPMENTS

The site plan for group developments shall show the locations and sites for buildings, streets, alleys, parking, recreation areas, signs, loading berths, yards and other open spaces, and shall be in accordance with the following specifications:

- a. The plot area per dwelling unit, excluding the area of publicly dedicated rights-of-way within the development, shall be as permitted by the zoning ordinance where a zoning ordinance is in effect. In areas where a zoning ordinance is not in effect, the plot area per dwelling shall be as follows:

- (1) Minimum required plot area for the first dwelling unit: six thousand (6,000) square feet;
- (2) Minimum additional plot area for each dwelling unit in excess of one: three thousand (3,000) square feet; and
- (3) Developments without public water and/or sewer systems shall provide sufficient land area of such physical character to meet Health Department minimum standards for on-site water and/or sewer systems, but in no case shall such area be less than required in (1) or (2) above.

b. Each building on the periphery of a group development shall observe the minimum yard requirements of the zoning ordinance for the district in which it occurs, provided that in areas in which a zoning ordinance is not in effect, the following peripheral yards shall be observed:

- (1) Minimum required front yard: Twenty-five (25) feet from the street right-of-way line or forty-five (45) feet from the street center line, whichever is the greater distance for residential developments and fifty (50) feet from the street right-of-way line for commercial developments;
- (2) Minimum required side yard: One story, ten (10) feet, least sum of both side yards, twenty-five (25) feet; for structures of more than one story, four (4) feet shall be added to each side yard for each story in excess of one story. Side yards on corner lots must be at least fifteen (15) feet from the side street property line. For commercial developments, the minimum required side yard shall be fifty (50) feet adjacent to a street and thirty (30) feet adjacent to an interior lot line;
- (3) Minimum required rear yard: Thirty (30) feet;
- (4) Maximum building area: Thirty-five (35%) percent of the total area for residential developments.

The judgment of the Town Board as to what constitutes the front, rear and side yards of each building in the group development shall be final.

- c. Buildings within group developments under single ownership shall be separated by a minimum distance of twenty (20) feet plus ten (10) feet for each story above two (2) stories.
- d. In no case shall any part of a principal residential building be located closer than twenty (20) feet to any part of another principal building.
- e. The property to be developed must have a boundary line or lines contiguous with and giving direct vehicular access to and from one or more public streets or private streets with public access rights. All portions of every building shall be located

within five hundred (500) feet of some portion of one (1) or more said access points, except when it can be demonstrated that adequate provisions can be made for fire protection, garbage collection, law enforcement, and other county services, and the local street system is completed as necessary.

- f. Where official plans show future streets or thoroughfares or where reasonable access to adjoining property is required, the development will be designed so as to provide right-of-way for such future streets or thoroughfares and to give access to such properties by means of a public street dedication.
- g. Parking shall be provided in accordance with applicable zoning regulations provided that where no zoning ordinance is in effect, the following parking standards shall be observed:
 - (1) Residential Developments: One and one-half (1 1/2) spaces per dwelling unit;
 - (2) Commercial Developments:
 - a. Retail stores and shops of all kinds, including restaurants, cafeterias, barber and shoe shops, and similar service outlets: one space for each two hundred (200) square feet of floor area not used exclusively for storage;
 - b. Other uses: One space for each three hundred (300) square feet of floor area not used exclusively for storage.
- h. At least three-fourths (3/4) of the required parking spaces shall be located on the development in off-street parking lots, no part of which shall be located closer than fifteen (15) feet to any street right-of-way lines. Each space shall be not less than nine (9) feet by twenty (20) feet in area. One-fourth (1/4) of the required parking space may be in parking bays on minor public streets which are entirely within the development, provided that none shall be in the turn-around portion of cul-de-sacs. Bays shall not be longer than eighty (80) feet along such street lines and each bay shall be separated from any other bay by a distance of not less than one-half (1/2) the combined width of both bays. No more than one-third (1/3) of the total frontage of any such street shall be devoted to parking bays.
- i. Each off-street parking space for each residential building shall be located within two hundred (200) feet of said building.
- j. Swimming pools which are constructed within a group development shall be located not less than one hundred (100) feet from any boundary of the project and not less than fifty (50) feet from any public street and conform to the following:
 - (1) Have a fence at least three (3) feet high completely enclosing the portion of the yard containing the pool with a gate that can be securely fastened;

- (2) Cause all floodlights to be shielded in such a manner that no offensive glare will be visible from adjoining streets or property; and
- (3) Have, for each pool with a capacity of two thousand (2,000) gallons or more, filtering and purification equipment or automatic water exchange capable of changing all of the water every twenty-four (24) hours.

k. Recreation Areas. In residential group developments, designated recreation areas and facilities shall be provided on site and shall consist of at least 500 square feet of area for each dwelling unit within the development and shall be located and designed with a reasonable relationship to building locations and the particular recreation requirements of the occupants. Recreation areas shall comply with the following provisions: *(Amd. 12-1-2005)*

- (1) Group developments containing less than 10 units shall provide 500 square feet of recreation area per unit,
- (2) Group developments containing between 10 and 100 units shall provide individual recreation site(s) having a minimum size of 5,000 square feet; and
- (3) Group developments containing more than 100 units shall provide individual recreation sites having a minimum size of 10,000 square feet.

Land areas within the required yard can be counted as part of the required recreation/open space area provided they are developed, which would include tennis and basketball courts, jogging trails, etc. These facilities shall not consist of over 10% of the required recreation/open space area. On-site amenities outside the required yard area such as indoor recreation centers and clubhouses may be counted as part of the recreation/open space requirements up to one-half of the required area. Recreation/open space areas dedicated to the public sector shall be subject to all the requirements in Section 3.13.1 - Required Parks, Open Space, and Recreation Area Provisions, of this Ordinance.

SECTION 3.22. DESIGN STANDARDS FOR VARIABLE LOT RESIDENTIAL DEVELOPMENTS

The purpose of this Section is to provide desirable open space, tree cover, recreation, scenic vistas, and site design variety in residential subdivisions by allowing certain variations in lot sizes so long as the overall density of dwelling units and maximum number of lots is no greater than that permitted by the zoning ordinance by preparing a preliminary and final subdivision plat in full accord with the applicable requirements of this Ordinance in conformity with the following:

- a. Public water and sewer prerequisite. Any subdivision submitted as a variable lot residential development shall be served by public water and sewer systems as required subdivision improvements.
- b. Maximum number of lots. The maximum number of lots that may be created in a variable lot residential development shall be computed as follows:
 - (1) From the gross area of land to be committed to the development, subtract all land covered by water and all land subject to flooding as provided in Section 3.16;
 - (2) From the remainder, subtract twenty (20%) percent as allowance for normal street right-of-way. This standard shall apply regardless of the amount of land that would have been placed in street right-of-way;
 - (3) Divide the remainder by the minimum lot area requirement for single family dwellings of the zoning district in which the development is located. The result is the maximum number of lots that may be created in the development.
- c. Minimum lot standards. As permitted by this Ordinance and the Zoning Ordinance, a variable lot residential development is exempt from the minimum lot sizes specified therein for the district in which the development is located. In no case, however, shall the lot size of any development be less than seventy-five percent (75%) of the minimum required for single family lots by this Ordinance or by the Zoning Ordinance for the district in which the development is located, whichever minimum is applicable, and all other dimensional requirements of the applicable Ordinance shall be complied with.
- d. Open space standards. At the discretion of the developer, a variable lot residential development may utilize a range of lot sizes not in conflict with the minimums specified above. Where any reduction is made in lot size in accordance with these provisions, an amount of land at least equivalent to the difference in the required lot sizes and the minimum lot sizes, but in no case less than three (3) acres, shall be reserved and first offered for dedication to the county for use as parks, recreation areas, school sites or other public purposes, or, if any part is not to be accepted by the Town, shown and designated as private parks or open spaces. No parcel of any such area thus provided shall be less than one contiguous acre in size, and all such area shall be physically a part of the area being subdivided. Such areas as provided in accordance with these provisions, which are not to be dedicated to the county, shall be held in nonprofit corporate ownership by the owners of lots within the development. In consideration of the purposes served by a variable lot residential development, the title to such areas as provided shall be preserved to the perpetual benefit of the public generally or the private parties in the development shall be restricted against private ownership for any other purpose. Improvements clearly incidental to the purpose of these provisions may be made

within the open space, provided that the maximum coverage of each type of improvement shall not exceed the following:

- (1) Above ground improvements: Three (3%) percent of the total open space;
- (2) Level or below ground improvements: Twenty (20%) percent of the total open space.

e. Access to open space. All lots created within the development shall have direct access to all parks or open spaces, as provided, by means of public streets or dedicated walkways or by fact of physical contiguity or other public lands or lands in common ownership by all residents.

f. Open space provisions. Where the open space is to be deeded to a homeowners association or other such nonprofit ownership, the developer shall file a declaration of covenants and restrictions that will govern the open space and the association or non profit organization. This declaration shall be submitted prior to final plan approval and shall include but not be limited to the following:

- (1) The homeowners association or the nonprofit organization shall be established before any lots are sold;
- (2) Membership shall be mandatory for each lot buyer and any successive buyer;
- (3) The association shall provide for liability insurance, any taxes and the maintenance of all grounds and facilities;
- (4) Any sums levied by the association that remain unpaid shall become a lien upon the lot owner's property; and
- (5) If all or any portion of the property held by the association is to be disposed of or if the association is dissolved, all such property shall be deeded in fee simple absolute title to the Town of Stedman at no cost to the Town.

SECTION 3.23. REQUIREMENTS FOR CONDOMINIUM DEVELOPMENTS

Before a declaration establishing a condominium development may be recorded in the office of the Cumberland County Register of Deeds as prescribed in the North Carolina Unit Ownership Act (G.S. § 47A-1 et seq.) the declaration and plan shall be approved by the Stedman Board of Commissioners. Such declaration and plan shall conform to applicable subdivision or residential group development requirements as set forth in this Ordinance and to the applicable zoning requirements. In addition, the following requirements shall be complied with:

- a. The declaration shall be a complete legal document prepared strictly in accordance with the North Carolina Unit Ownership Act (G.S. § 47A-1 et seq.) and shall be

submitted in final form in five (5) copies to the Town Attorney at least ten (10) days prior to a regularly scheduled Planning Board meeting along with a plan drawing described below.

- b. The final plan of the proposed development shall contain the following particulars:
 - (1) Unit designation of each unit and a statement of its location, approximate area, number of rooms, and/or immediate common area to which it has access and any other data necessary for its proper identification;
 - (2) Description of the general common areas and facilities as defined in the North Carolina Unit Ownership Act (G.S. § 47A-1 et seq.) and the proportionate interest of each unit owner therein;
 - (3) Description of boundary lines between portions of the structures designed for different ownership;
 - (4) Description of all garages, balconies, patios, etc., which form a part of any unit;
 - (5) Description of any special common areas and/or facilities stating what units shall share the same and in what proportion; and
 - (6) Statement of the purpose for which the building and each of the units are intended and restricted as to use.
- c. The recordation of the declaration and plan shall be completed by the developer within thirty (30) days after approval by the Planning Department in accordance with the provisions of Section 2.7. Where a condominium is submitted as a residential group development, a group development plan as provided in Section 3.21 shall accompany the declaration and plan.

SECTION 3.24. ZERO LOT LINE DEVELOPMENTS

Zero lot line developments shall comply with all of the requirements of group developments when not specified herein (Section 3.21), and for the purposes of determining compliance with this Ordinance and the Stedman Zoning Ordinance, such development plan shall be considered a group development. Residential zero lot line developments shall be exempt from the provisions of Section 3.20 "Lot Standards" of this Ordinance and Section 10.1 of the Stedman Zoning Ordinance entitled "Lot," provided that any such development complies with all provisions of this section. *(Amd. 12-1-2005)*

- a. Site plans. Site plans for zero lot line developments shall show the locations of buildings, streets and drives, alleys, walks, parking and recreation areas, yards, residential sites, the boundary of the development, maintenance easements, and all common area.

b. Building sites. A building site shall be that property intended for conveyance to a fee simple owner after the construction thereon of a single-family residence or business, and shall be sufficient in size to contain the structure to be constructed thereon and any other proposed components of the property that area to be conveyed. Each site shall abut and have direct access to a public street or private street that is maintained by a homeowners association.

Building sites, and buildings and accessory buildings thereon, are exempt from all zoning district dimensional requirements of the Town Zoning Ordinance, Section 7.3, for lot width, front yard, side yard, rear yards, and building area except as provided in subsection "c" below.

c. Building yards. Structures on building sites must meet the following yard requirements:

- (1) Buildings having direct access to a public street must meet the front yard and/or corner lot provisions of the applicable zoning district.
- (2) Unless common consent is provided at the time of plan submission, buildings on the periphery of the development plan must meet all setback requirements of the applicable zoning district. The judgment of the Planning Board as to what constitutes front, rear, and side yard of each building on the periphery shall be final.

d. Density. The number of residential building sites created shall not exceed the density standard for such developments as stated in the district dimensional requirements for the applicable zoning district, excluding public right of way which is dedicated or reserved.

e. Homeowners association. A homeowners association complying with subsection "g" below, shall be mandatory when any triplex units or more are proposed and/or when land is to be held in common.

f. Common Areas. All areas on the site plan, other than building sites and public right-of-ways, shall be shown and designated as common areas, the fee simple title to which shall be conveyed by the developer to the homeowners association as specified below. All common areas shall be designated as a single parcel regardless of the proximity of each common area to one or all of the other common areas, and such areas shall not be subdivided or conveyed by the homeowners association. This shall be so stated in the covenants and restrictions and shall be noted on the final plat.

g. Covenants and restrictions. The developer shall file, along with the application for preliminary approval, a declaration of covenants and restrictions governing the common areas, the homeowners association and the building sites which shall be approved by the Town Attorney prior to recording of such documents, and prior to

final plan approval. The restrictions shall contain, but not be limited to, provisions for the following as necessary:

- (1) The homeowners association shall be organized and in legal existence prior to the sale of any building site in the development.
- (2) Membership in the homeowners association shall be mandatory for each original purchaser and each successive purchaser of a building site.
- (3) The homeowners association shall be responsible for the provision of liability insurance, any taxes, maintenance of recreation and other facilities located on the common areas, and payment of assessments for public and private capital improvements made to or for the benefit of the common areas located within the development. It shall be further provided that upon default by the homeowners association in the payment to the governmental authority entitled thereto of any ad valorem taxes levied against the common areas or assessments for public improvements to the common areas, which default shall continue for a period of six (6) months, each owner of a building site in the development shall become personally obligated to pay to the tax assessing governmental authority a portion of such taxes or assessments in an amount determined by dividing the total taxes and/or assessments due by the total number of building sites in the development. If such sum is not paid by the owner within thirty (30) days following receipt of notice of the amount due, then such sum shall become a continuing lien on the building site of the then owner, his heirs, devisees, personal representatives and assigns, and the taxing or assessing governmental authority may either bring an action at law against the owner personally obligated to pay the same or may elect to foreclose the lien against the property of the owner.
- (4) The homeowners association shall be empowered to levy assessments against the owners of building sites within the development for payment of expenditures made by the homeowners association for the items set forth in the preceding paragraph, and any such assessments not paid by the owner against whom such are assessed shall constitute a lien on the building site of the owner.
- (5) Easements over the common areas for access, ingress and egress from and to public streets and walkways, and easements for enjoyment of the common areas and for parking areas shall be granted to each owner of a building site.
- (6) All common walls between buildings shall be party walls, and provisions for the maintenance thereof, and restoration in the event of destruction or damage shall be established either within the homeowners association or by covenants.

h. Proof of subordinate mortgage. The developer shall submit, along with the final plat, documents showing proof that any mortgage on the property or facility is

subject to all easements or rights which may be transferred to the individual building site owner or to the owners' association.

- i. Final plat. A final plat shall be prepared in accordance with Section 5.2 of this Ordinance and in addition shall show the following items:
 - (1) All building sites numbered, and bearings and distances given for their boundaries with any buildings as erected thereon.
 - (2) All common areas labeled with the facilities thereon indicated.
 - (3) Any notes as required under this Section, including maintenance easements when required.
 - (4) An indication as to the location (book and page number) of the covenants and restrictions governing the plat.
- j. Compliance with state law. In addition to the above requirements, all zero lot line developments shall comply with the following sections of Chapter 47 of the W. C. G. S. as if such development has been submitted to the provisions of that chapter:
 - (1) 47A-7
 - (2) 47A-8
 - (3) 47A-9
 - (4) 47A-10
 - (5) 47A-11
 - (6) 47A-14
 - (7) 47A-18
 - (8) 47A-19
 - (9) 47A-20
 - (10) 47A-23
- k. Recreation Areas. All developments shall provide recreation area in accordance with Section 3.13.1 - Parks, Recreation, and Open Space of this Ordinance.
(Amd. 12-1-2005)

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ARTICLE IV. IMPROVEMENTS REQUIRED

Before any subdivision plat shall be eligible for final approval, the following minimum improvements must have been installed, or assured to be installed, in accordance with the provisions of Section 2.6. Guarantees of Improvements proposed by the subdivider and exceeding those required by this Article shall be installed in accordance with the standards and requirements for acceptance of the North Carolina Department of Transportation, the standards of the Health Department, the standards of the Planning Department, or the standards of the Town of Stedman, whichever is applicable.

SECTION 4.1. STREETS

- a. Grading. Right-of-ways and roadways shall be graded in accordance with the standards and specifications of the North Carolina Department of Transportation (NCDOT) or the Town of Stedman, whichever is applicable.
- b. Roadway base. All roadways shall be improved with a base course to the required width of the North Carolina Department of Transportation. All construction and materials shall meet the standards and specifications of the North Carolina Department of Transportation or the Town of Stedman, whichever is applicable.
- c. Roadway surface. All roadways shall be improved with a surface material to meet the standards and specifications of the North Carolina Department of Transportation or the Town of Stedman, whichever is applicable.
- d. Pavement width. All surfaced roadways shall be improved with a minimum surface course to meet the standards and specifications of the North Carolina Department of Transportation, or the Town of Stedman, whichever is applicable.
- e. Gutters or curbs and gutters. All streets constructed under this Chapter shall provide concrete curbs and gutters installed in accordance with the North Carolina Department of Transportation or the Town of Stedman's standards and specifications. Curb and gutters shall be two foot rolled or valley types on residential streets and two foot six inch, 90 degree vertical high back concrete curb and gutters for commercial development. Curb inlets shall be placed a maximum of 500 feet apart, unless otherwise approved by the Town Engineer.
(Amd. 9-7-2006)
- f. Required drainage.
 - (1) An adequate drainage system shall be installed by the subdivider in accordance with good engineering practices and the standards of the North Carolina Department of Transportation or the Town of Stedman, whichever is applicable. Such drainage shall remove all surface water without undue damage to street right-of-way and adjacent properties. Conditions contributing to the breeding of insects shall be avoided. All drainage plans shall be approved by the Town Engineer. *(Amd. 9-7-2006)*

(2) All culvert and pipe drains shall be installed to the standards and specifications of the North Carolina Department of Transportation or the Town of Stedman, and approved by the Town Engineer. (*Amd. 9-7-2006*)

SECTION 4.2 RESERVED

SECTION 4.3. OTHER REQUIREMENTS

- a. Monuments. Monuments of a permanent material shall be installed in accordance with the North Carolina General Statutes, Chapter 39, Article 5A (§ 39-32.1 et seq.) and at such points as may be consistent with good engineering practices.
- b. Removal of rubbish. All cut or fallen trees, stumps, or rubbish shall be completely burned or in other ways removed from the subdivision.
- c. Drainage. During the construction, preparation, arrangement, and installation of subdivision improvements and facilities in subdivisions located at or along a watercourse, the developer shall maintain the watercourse in an unobstructed state and shall remove from the channel and banks of the watercourse all debris, logs, timber, junk, and other accumulations of nature that would, in time of flood, clog or dam the passage of waters in their downstream course; provided that installation of appropriately sized storm water drains, culverts, bridges, levee systems or closure structures in a levee system shall not be constructed as obstructions in the stream.
- d. Public water and sewer systems.
 - (1) Generally. Where the installation of public water and/or sewer systems is prerequisite to approval of lot sizes and standards, such systems shall be installed and certified prior to final plat approval or assured to be installed in accordance with the provisions of Section 2.6.
- e. Street signs. All streets within a subdivision shall be marked with a street name sign of a design and location approved by the Town of Stedman Board of Commissioners.
- f. Fire Hydrants. Fire hydrants are required when a development is to be served by a community, municipal or county water system. Fire hydrants in developments subject to this Ordinance are also required in any area of the Town where Town or public water system is used for the water supply.
 - (1) Fire hydrants shall be located no more than one thousand (1,000) feet apart and at a maximum of five hundred (500) feet from any residential or commercial lot;
 - (2) Each fire hydrant shall have a minimum six-inch main supply line;
 - (3) Fire hydrants shall be maintained by the entity supplying water thereto; and

- (4) Standard hydrant design (National Standard Thread, one 4 1/2-inch steamer, two 2 1/2-inch discharge connections, etc.) and maintenance be utilized throughout the Town.
- g. Sidewalks. All new development inside the Town of Stedman or its Municipal Influence Area (MIA) fronting on a public or private street shall be required to construct a minimum of four foot wide concrete sidewalk along the existing street(s) and all new streets, except for cul-de-sacs serving eight or less residential lots or units and for any development proposed on property zoned M2 Heavy Industrial. However, for development on properties abutting Clinton Road a sidewalk is required to be constructed regardless of zoning district. Walks along designated major or minor thoroughfares and collector streets as defined in the Highway Plan shall be a minimum of five feet wide. This shall apply to the development on both sides of the street. The cost of these required walks shall be borne by the developer. All walks shall meet the *Americans With Disabilities Act* (ADA) standards. When walks are installed adjacent to parking areas, the walks shall be six feet wide to accommodate vehicular bumper overhang. All sidewalk plans must be reviewed and approved by the Town of Stedman. (Amd. 8-4-2005; 4-3-2014)
- h. Street Tree Requirements. All developments shall provide a minimum of one tree per 50 linear feet of street frontage. Calculation of the required number of trees shall be as follows: Take the total length of street frontage plus the distance to the last tree (if the adjacent development has an approved plan) and divide by 50; if this calculation results in a fraction of $\frac{1}{2}$ or greater one additional tree shall be added and less than $\frac{1}{2}$ shall be ignored. (Amd. 12-1-2005)
 - (1) Trees shall be planned in the center of an area a minimum of three-foot in width from the back of the curb to the sidewalk or as approved by the Town Board of Commissioners.
 - (2) Street trees may be a deciduous or evergreen variety that reaches a height 30 feet at maturity as understood by the American Nursery Association.
 - (3) The size of the trees to be planted shall be 2" caliper minimum (circumference) in accordance with the American Nursery Association standards.
 - (4) Healthy existing trees may be used to meet these requirements with a recommendation from the Planning Staff and approval by the Town Board of Commissioners.
 - (5) Street trees shall be a maximum of 50 feet apart.
- i. Underground Utilities. All utilities within a development shall be placed underground except for high voltage electrical lines. (Amd. 12-1-2005)

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ARTICLE V. PLATS AND SUBDIVISION DATA

SECTION 5.1. PRELIMINARY PLAT AND SUPPORTING DATA

The preliminary plat shall be drawn to a scale of not less than two hundred (200) feet to the inch nor more than fifty (50) feet to the inch. It shall be superimposed on a topographic map with contour lines shown at one or two foot intervals. In addition, the preliminary plat shall show the following:

- a. Title data. Subdivision name, the names and addresses of the owner or owners, name of the designer of the plat, the scale, date, and approximate north point;
- b. Vicinity sketch. A key map or vicinity sketch at a scale of not less than one inch to one thousand (1,000) feet showing the relation of the property to adjoining properties;
- c. Existing data. Location of existing and platted property and street lines, existing buildings, water mains, sewers, drainpipes, culverts, bridges, watercourses, railroads and spurs, political boundary lines, zoning district lines, parks, playgrounds, public easements both on the land to be subdivided and on the land immediately adjoining, names of existing streets on and adjoining the land to be subdivided, and the names of adjoining subdivisions and property owners;
- d. Data relating to proposed subdivision. The names, locations and dimensions of proposed streets, alleys, crosswalks, lots, easements, building setback lines, building restriction flood lines, parks, playgrounds and other open restrictions or restricting covenants;
- e. Data relating to surrounding area. Where the preliminary plat submitted includes only a part of the subdivider's tract, an additional sketch showing the prospective future street system, proposed public open spaces, and other features for the development of the entire tract shall accompany the preliminary plat;
- f. Utility plans. Preliminary plans of proposed utility layouts for public water and/or sewer, if these utilities are to be furnished to the subdivision, shall be provided, the preliminary plan shall contain a statement as to the proposed method of water supply and/or sewage disposal;
- g. Street cross sections. Typical cross sections of proposed streets shall be drawn, showing width and proposed construction of roadways at a scale of not less than thirty (30) feet to the inch; and
- h. Other improvements. Where other improvements are to be provided in the subdivision, appropriate plans shall accompany the preliminary plat.

SECTION 5.2. FINAL PLAT

The final plat shall be submitted as a reproducible map in cloth, linen, film or other permanent material; shall be drawn to a scale of not larger than fifty (50) feet to the inch, and not less than two hundred (200) feet to the inch; and shall have an outside margin size of either eighteen (18) by twenty-four (24) inches or twenty-four (24) by thirty-six (36) inches. Where size of land areas require, maps may be shown on two (2) or more sheets with appropriate match lines, and each section shall contain a key map showing the location of the sections. In addition, the final plat shall show the following:

- a. General. The final plat shall conform to the approved preliminary plat and to the requirements of North Carolina General Statutes, Section 47-30.
- b. Engineer's or surveyor's certificate. There shall appear on each final plat a certificate by the person making the survey, or on each map where no survey was made, a certificate by the person under whose supervision such survey or such map was made, stating the origin of the information shown on the map, including deeds and any recorded data shown thereon. If a complete survey was made, the error of closure as calculated by latitudes and departures must be shown. Any lines on the map that were not actually surveyed must be clearly indicated and a statement included revealing the source of information. The execution of such certificate shall be acknowledged, before any officer authorized to take acknowledgements, by the person preparing the map. All maps to be recorded shall be probated as required by law for the register of deeds.

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

"I, _____, certify that this map was (drawn under my supervision) from (actual survey made under my supervision) (deed description recorded in Book ___, page ___, Book ___, page ___, etc.) (other); that the error of closure as calculated by latitudes and departures is 1) ___, that the boundaries not surveyed are shown as broken lines plotted from information found in Book ___, page ___, that this map was prepared in accordance with North Carolina General Statutes, Section 47-30, as amended."

"Witness my hand and seal this ___ day of _____, AD 19___.

(Acknowledgement)

Surveyor or Engineer

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c. Certificate of ownership and dedication. On the final plat, the following shall be printed over the signature of the owner(s):

"The undersigned here acknowledges that the land shown on this plan is within the subdivision regulation jurisdiction of the Town of Stedman and that this plat and allotment is (my or our) free act and deed and that (I or we) do hereby dedicate to public use as (streets, parks, playgrounds, school site, open spaces and easements) forever all areas so shown or indicated on said plat."

Owner(s) Signature(s)

d. Certificate of Registration. Space shall be provided on the final plat for the Certificate of Registration on the Register of Deeds as required by law.

e. Certificate of approval of final plat. The following certificate shall appear on the final plat with a blank line provided for the signature of the Chairman of the Planning Board or Planning Director:

"Approved by the Cumberland County Joint Planning Board on the ____ day of _____, 19____."

Signed _____ (Seal)
Chairman

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ARTICLE VI. LEGAL PROVISIONS

SECTION 6.1. VARIANCES

The Stedman Board of Commissioners may vary the requirements of this Ordinance where because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Ordinance would cause an unusual and unnecessary hardship on the subdivider. In granting variances, the Town Board may require such conditions as will secure, in so far as practicable, the objectives of the requirements varied. Any variance, thus granted, is required to be entered in writing in the minutes of the Town Board and the reasoning upon which departure was justified set forth.

SECTION 6.2. RESPONSIBILITY OF THE REGISTER OF DEEDS

From and after the adoption of this Ordinance by the Stedman Board of Commissioners and the filing of a copy with the Register of Deeds, no subdivision plat of land within the Town's subdivision regulation jurisdiction shall be filed or recorded until it shall have been submitted to and approved by the Town of Stedman and until such approval shall have been entered on the face of the plat in writing, by the Director of the Planning Department.

The Register of Deeds shall not file a plat of subdivision land located within the territorial jurisdiction of the Town of Stedman as defined in Section 1.4 of this Ordinance, which has not been approved in accordance with these provisions, nor shall the Clerk of Superior Court order or direct the recording of a plat where such recording would be in conflict with this section.

SECTION 6.3 RESERVED

SECTION 6.4. APPROVAL OF PLAT NOT TO CONSTITUTE ACCEPTANCE OF DEDICATION

The approval of a plat pursuant to this Ordinance shall not be deemed to constitute or effect the acceptance by the Town or the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat.

SECTION 6.5. PENALTY

From and after the effective date of this Ordinance, any person who is the owner or agent of the owner of land located within the platting jurisdiction of this Ordinance as defined in Section 1.4., thereafter subdivides his land in violation of the Ordinance or transfers or sells such land by reference to, exhibition of, or any other use of a plat showing a subdivision of land before such plat has been properly approved under this Ordinance and recorded in the Office of the Register of Deeds, shall be guilty of a Class 1 misdemeanor. The description of metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from this penalty. The Town, through its Town Attorney or other official designated by the Stedman Board of Commissioners, may bring an action for injunction of any illegal subdivision,

transfer, conveyance or sale of land, and the court shall, upon appropriate findings, issue and injunction and order requiring the offending party to comply with the Subdivision Ordinance.

SECTION 6.6. VALIDITY

If any article, 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 Stedman Board of Commissioners hereby declares that it would have passed this Ordinance and each article, section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more article, section, subsection, sentence, clause, or phrase be declared invalid.

SECTION 6.7. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage by the Stedman Board of Commissioners of Town of Stedman this the fifth (5th) day of January, 1995.

ARTICLE VII. FEES

SECTION 7.1. FEES

For each preliminary plat, final plat, each group development plan, and each site plan as required under Article IV of the Stedman Zoning Ordinance filed, the owner or agent of said property shall pay a nonrefundable filing fee to the Cumberland County Joint Planning Board in accordance with a fee schedule recommended by the Planning Board and approved by the Town Board of Commissioners.

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