

**FINAL
AMENDED SUBDIVISION
REGULATIONS
9/2/03
TOWN OF LONG VIEW
NORTH CAROLINA**

PREPARED BY:

WESTERN PIEDMONT COUNCIL OF GOVERNMENTS

AND

TOWN OF LONG VIEW PLANNING BOARD

DECEMBER, 1989

11682

FILE

1989

SUBDIVISION REGULATIONS

✓ TOWN OF LONG VIEW

NORTH CAROLINA

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WESTERN PIEDMONT COUNCIL OF GOVERNMENTS

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TOWN OF LONG VIEW PLANNING BOARD

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TOWN OF LONG VIEW

2404 FIRST AVENUE, SOUTH WEST
LONG VIEW, NORTH CAROLINA 28802
(704) 322-3921



BOOK 1893 PAGE 593

15628

The Board of Aldermen of the Town of Long View adopted Subdivision Regulations on December 5, 1989 which were recorded at Catawba County Register of Deeds' Office at Book 1647 Page 380.

On March 2, 1993, the Town of Long View adopted amendments to the Subdivision Regulations. Pages 4, 5, 6, 7, 8, 12, 13, 15, 16, 51, 52, and 53 have been amended to read as follows:

FILED
RUTH VICKIE

'94 JUL 19 PM 1 06

REGISTER OF DEEDS
CATAWBA CO., N.C.

The foregoing modified pages of the subdivision regulations are certified to be correct and not duly modified since the date of adoption.

This the 11th day of July, 1994.

Norman E. Cook
Norman E. Cook
Mayor

ATTEST:

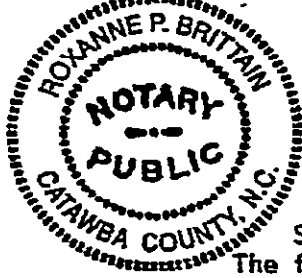
Amy Hall
Amy Hall
Town Clerk



STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

I, a Notary Public of the County and State aforesaid, certify that Amy Hall personally came before me this day and acknowledged that she is the Town Clerk of the Town of Long View, a North Carolina municipal corporation, and that by authority duly given and as the act of the Board of Aldermen of the Town of Long View, the foregoing instrument was signed in its name by its Mayor, sealed with its corporate seal and attested by her as its Town Clerk.

Witness my hand and seal this 11th day of July, 1994.



Roxanne P. Brittain
Notary Public

My commission expires: 3/31/98

STATE OF NORTH CAROLINA CATAWBA COUNTY

The foregoing certificate of Roxanne P. Brittain, a Notary Public of Catawba County, N.C. is certified to be correct. This instrument was presented for registration this 19th day of July, 1994 at 1:06 P.M. and duly recorded in the office of the Register of Deeds of Catawba County, N.C. in Ord. Book 3, at Page 711 and in Book 1893 at Page 593.

Ruth Mackie
RUTH MACKIE - REGISTER OF DEEDS,igs

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The foregoing modified pages of the subdivision regulations are certified to be correct and not duly modified since the date of adoption.

This the 11th day of July, 1994.

Norman E. Cook
Norman E. Cook
Mayor

ATTEST:

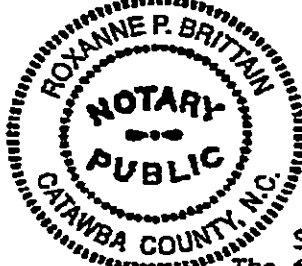
Amy Hall
Amy Hall
Town Clerk



STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

I, a Notary Public of the County and State aforesaid, certify that Amy Hall personally came before me this day and acknowledged that she is the Town Clerk of the Town of Long View, a North Carolina municipal corporation, and that by authority duly given and as the act of the Board of Aldermen of the Town of Long View, the foregoing instrument was signed in its name by its Mayor, sealed with its corporate seal and attested by her as its Town Clerk.

Witness my hand and seal this 11th day of July, 1994.



Roxanne P. Brittain
Notary Public

My commission expires: 3/31/98

STATE OF NORTH CAROLINA CATAWBA COUNTY

The foregoing certificate of Roxanne P. Brittain, a Notary Public of Catawba County, N.C. is certified to be correct. This instrument was presented for registration this 19th day of July, 1994 at 1:06 P.M. and duly recorded in the office of the Register of Deeds of Catawba County, N.C. in Ord. Book 3, at Page 711 and in Book 3 at Page 593.

Ruth Mackie
RUTH MACKIE - REGISTER OF DEEDS igs

SUBDIVISION ORDINANCE
FOR
LONG VIEW, NORTH CAROLINA

ARTICLE I

AN ORDINANCE ESTABLISHING COMPREHENSIVE SUBDIVISION REGULATIONS FOR THE TOWN OF LONG VIEW, NORTH CAROLINA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF.

SECTION 1.1. TITLE

This Ordinance shall be known and may be cited as the
Subdivision Ordinance for the Town of Long View, North Carolina.

SECTION 1.2. AUTHORITY AND ENACTMENT CLAUSE

The Board of Aldermen of the Town of Long View, pursuant to the authority conferred by Chapter 160A-371 through Section 160A-376 of the General Statutes of the State of North Carolina, do hereby ordain and enact into law these Articles and Sections.

SECTION 1.3. JURISDICTION

On and after the date of adoption, these regulations shall govern each and every subdivision of land submitted for review within the Town of Long View (hereinafter referred to as the "Town").

SECTION 1.4. PURPOSE

An ordinance establishing procedures and standards for the development and subdivision of real estate and regulating the subdivision of land and for the surveying and platting thereof, as adopted and prescribed in this Ordinance, as hereby found by the Board of Aldermen of Long View to be necessary and appropriate in order to aid in promoting the following:

- a. The orderly development of the Town and safeguard conditions essential to public health, safety and welfare;
- b. To provide space for safe and sanitary dwelling accommodations within the Town;
- c. To promote the eventual elimination of unsafe and unsanitary conditions arising from the overcrowding and concentration of population, improper planning, lack of proper light, air and space, unsafe or unsanitary design and arrangements, lack of sanitary facilities, and existence of conditions which endanger life or property by fire or other causes;
- d. To provide for suitable neighborhoods with adequate streets and utilities and appropriate building sites;
- e. To save unnecessary expenditures of public funds by reserving space for public lands and buildings and by initial proper construction of streets and utilities;
- f. To provide for economical and sufficient streets with adequate width and proper alignment and grade for the

coordination of utilities, streets, and highways within proposed subdivisions with existing or planned streets and highways and other public facilities; and

- g. To provide proper land records for the convenience of the public and for better identification and permanent location of real property boundaries.

SECTION 1.5. NO SERVICE OR PERMITS UNTIL FINAL PLAT APPROVED

No street shall be accepted and maintained by the Town nor shall any street lighting, water, or sewer be extended to or connected with any subdivision of land nor shall any permit be issued by an administrative agent or department of the Town for the construction of any building or other improvement requiring a permit, upon any land concerning which a plat is required to be approved, unless and until the requirements set forth in this Ordinance have been complied with.

SECTION 1.6. PENALTIES FOR VIOLATION

After the effective date of this Ordinance, any person who, being the owner or agent of the owner of any land located within the jurisdiction of this Ordinance thereafter subdivides his land in violation of the ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under such ordinance and recorded in the office of the appropriate register of deeds, shall be guilty of a misdemeanor. The

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description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The Town, through its attorney or other official designated by the Council, may enjoin illegal subdivision, transfer, or sale of land by action for injunction. Further, violators of this Ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S. 14-4.

SECTION 1.7. SEPARABILITY

Should any section or provision of this Ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 1.8. VARIANCES

1.8.1. Varying Minimum Standards

These land subdivision regulations are adopted only as minimum requirements. Developers are encouraged to go beyond the standards of these regulations. The Board of Aldermen may require on recommendation of the Planning Board, standards above the minimum contained herein whenever the public health, safety, and welfare justify such increase. Furthermore, the Board of Aldermen may reduce or otherwise vary the requirements of these regulations only when it encounters the situation described below. In granting such

variances, the Board of Aldermen may attach and require whatever conditions it feels are necessary to secure the basic objectives of this Ordinance. Any variance granted shall be noted in the official minutes of the Board of Aldermen along with the reasons which justified the granting of the variance.

1.8.2. Hardship Required

The Board of Aldermen may reduce or otherwise vary the requirements of these regulations only when a definite hardship is created by strict enforcement of the standards herein. The following conditions must be met before any variance can be granted by the Board of Aldermen:

- A. That a particular hardship to the subdivider would occur because of peculiar physical surroundings or topographical conditions of the specific property involved. A definite major hardship must be demonstrated and distinguished from a minor inconvenience.
- B. That the conditions upon which the request for a variance is based are unique to the property involved and are not generally applicable to other properties and have not been created by any person having an interest in the property.
- C. That the purpose of the variation is not based exclusively upon a desire for financial gain.
- D. That the variance will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located.

SECTION 1.9. REGISTRATION OF ORDINANCE AND PLATS1.9.1. North Carolina General Statutes

In accordance with Article 160A-373 of the General Statutes of North Carolina, the Town shall file a copy of this Ordinance with the Register of Deeds of the appropriate County upon adoption.

1.9.2. Register of Deeds

The Register of Deeds shall not, after the effective date of this Ordinance, record a plat of a subdivision of land lying within the jurisdiction of this Ordinance that has not been approved in accordance with the provisions contained herein; nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with the provisions or intent of this Ordinance.

SECTION 1.10. AMENDMENTS

The Board of Aldermen may from time to time amend the terms of this Ordinance, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation. The Planning Board shall have thirty-one (31) days within which to submit its report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have approved the amendment.

SECTION 1.11. RELATION OF SUBDIVISION REGULATIONS TO ZONINGAND OTHER REGULATIONS

Regulations set forth herein are part of a system of regulations governing land subdivision, development and use,

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construction and improvements on land, supplementing and supplemented by zoning, health, drainage, improvement, flood hazard and other controls. Applications for subdivision approval shall be considered in relation to all such regulations applicable in the particular case forth herein. Where there are conflicts between these and other lawfully adopted regulations involved in such considerations, those which establish the highest requirements or most stringent limitations shall govern except where specific exceptions are set forth in such regulations.

In addition, where a proposed subdivision includes any part of a major or minor thoroughfare which has been designated as such upon the officially adopted thoroughfare plan of the Hickory-Newton-Conover Urban Area Thoroughfare Plan, ^{such} ~~such~~ part of the thoroughfare shall be platted by the subdivider in the location shown on the plan and at the width specified in the plan.

SECTION 1.12. LOTS SHALL BE SUITABLE FOR USES INTENDED

No lot shall be approved unless an adequate portion thereof is suitable for a use permitted by the zoning ordinance; and, in particular, no lot shall be platted for building unless it contains an adequate building site, as required by Section 5.3.

SECTION 1.13. EFFECT OF PLAT APPROVAL ON STATUS OF
DEDICATION AND ACCEPTANCE OF STREETS

The approval of a plat shall not be deemed to constitute or effect an acceptance by the Town or the public of the dedication of any street or other ground shown upon the plat. Acceptance of

such dedications within the Town of Long View shall be only by resolutions of the Board of Aldermen. It shall consider such resolutions only on determination that any required improvements have been properly installed and all applicable conditions met as determined by the Staff Planner.

SECTION 1.14. EFFECT OF SUBDIVISION REGULATIONS ON ERECTION
OF STRUCTURES

From and after the time these subdivision regulations become effective, no building permit shall be issued for and no structure shall be erected on any lot unless the street giving access to the lot upon which the structure is proposed to be placed:

- (a) has been accepted, or opened as, or otherwise has received the legal status of, a public street prior to that time; or
- (b) corresponds in its locations and lines with a street shown on a subdivision plat approved by the Town of Long View or on an official map adopted by the Planning Board and the Board of Aldermen, or with a street located and accepted by the Board of Aldermen.

Any structure erected in violation of this section shall be deemed an unlawful structure, and the building official or other official designated by the Board of Aldermen may bring appropriate action to enjoin such erections or cause the building to be vacated or removed.

ARTICLE II

DEFINITIONS

SECTION 2.1. SUBDIVISION

For the purposes of this Ordinance, the term "subdivision" shall mean all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided that the following shall not be included within this definition nor be subject to the regulations established herein:

"EXEMPTIONS"

- a. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town of Long View as shown in its subdivision regulations;
- b. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
- c. The public acquisition by purchase of strips of land for the widening or opening of streets; and

- d. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of Long View, as shown in this Ordinance. In interpretation of a. above, the term "previously platted" shall mean platted, approved and recorded, if such lots were created in accordance with subdivision regulations in effect at the time of their creation, or created as a result of a recorded land division prior to existence of applicable subdivision regulations.

In interpretation of b. above, the phrase "where no street right-of-way dedication is involved" shall be construed as meaning that any such parcel shall be served by an existing street which has been accepted for dedication and maintenance by the Town of Long View or the North Carolina Department of Transportation.

SECTION 2.2. MINOR SUBDIVISION

For purposes of these regulations, a minor subdivision is defined as a subdivision:

- a. involving not more than five (5) lots fronting on an existing approved street; and
- b. not involving any new street or prospectively requiring any new street for access to interior property; and
- c. not requiring extension of public sewage or water lines

- or creation of new drainage easements through lots to serve property at the rear; and
- ✓ d. not adversely affecting the development of the remainder of the parcel or of adjoining property; and
 - e. creating no new or residual parcels not conforming to the requirements of these regulations.

SECTION 2.3. ADDITIONAL DEFINITIONS

For the purpose of this Ordinance, certain words or terms used herein shall be defined as follows:

1. ACCESS STREETS. A platted street designed for the purpose of giving access to adjacent property owners.
2. ALLEY. A minor right-of-way privately or publicly owned, primarily for service access to the back or side of properties.
3. BUFFER. A buffer as required by certain sections of these regulations shall be one of, or equal to one of the following:

A six-foot high wood, basket-weave type fence;

A six-foot high solid picket type fence with the pickets being placed facing the adjoining property.

A six-foot high chain link type fence with panel inserts.

A six-foot high, open type fence with evergreen vegetation planted facing the adjoining property

and completely blocking the view from one area to another.

A six-foot high solid masonry wall.

4. BUILDING. Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals or chattel. The word "building" includes the word "structure".
5. BUILDING SETBACK LINE. A line parallel to the front property line in front of which no structure shall be erected.
6. CLERK OF SUPERIOR COURT. Clerk of Superior Court of Burke County and Catawba County, North Carolina.
7. Board of Aldermen. The words "Board of Aldermen" shall mean the Board of Aldermen of Long View, North Carolina.
8. DEDICATION. A gift, by the owner, of his property to another party without any consideration being given for the transfer. Since a transfer of property is involved, the dedication is made by written instrument and is completed with an acceptance.
9. DOUBLE FRONTAGE LOT. A continuous (through) lot which is accessible from both streets upon which it fronts.
10. EASEMENT. A grant by the property owner of a strip of land for a specified purpose and use by the public, a corporation or persons.
11. HILLSIDE SUBDIVISION. Land proposed to be subdivided which has a slope of sixteen percent (16%) or greater.

That is, an average difference in elevation of at least sixteen (16) feet in a horizontal distance of one hundred (100) feet. The average shall be obtained from at least fifteen (15) measurements, each twenty (20) feet from the next.

12. 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. This word may also include the words "plot", "parcel", "tract", or "site".
13. LOT FRONT. A portion of the lot adjacent to the street. In the case of lots which abut a stream, lake or pond, the lot front is considered to be the part of the lot which abuts the water.
14. OFFICIAL MAPS OR PLANS. Any maps or plans endorsed by the Board of Aldermen as a guide to the development of Long View.
15. ORDINANCE. The word "Ordinance" or "Regulation" shall mean the Subdivision Ordinance for Long View, North Carolina.
16. PLANNING BOARD. The words "Planning Board" shall mean the Planning Board of Long View, North Carolina.
17. PLAT. A map or plan of a parcel of land which is to be or has been subdivided.
18. PRIVATE DRIVEWAY. A roadway serving two (2) or fewer lots, building sites, or other division of land and not intended to be public ingress or egress.
19. PRIVATE STREETS. A street intended for private ingress or egress to serve a large development under one

ownership; such as in a large industrial park or within a planned unit development.

20. RECREATION AREA OR PARK. An area of land or combination of land and water resources that is developed for active and/or passive recreation pursuant with various manmade features that accommodate such activities.
21. RESERVATION. A reservation of land does not involve any transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period of time.
22. SINGLE-TIER LOT. A lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.
23. STAFF PLANNER. The words "Staff Planner" shall mean the planner for Long View, North Carolina or his designated agent.
24. STREETS. A dedicated and accepted public right-of-way for vehicular traffic. The following classifications shall apply:

Arterials. This thoroughfare category includes those streets and highways which carry large volumes of traffic at moderate speeds through and within Long View. These thoroughfares provide access to major commercial, industrial, and public traffic generators.

Major Collector Streets. As the name indicates, traffic from local streets is collected by these

thoroughfares and carried to arterial streets. While also serving as connectors between arterials, these streets perform an additional function of providing access to abutting properties. Smaller volumes of traffic are carried on these streets and speeds are lower.

Local Streets. The local street system comprises all facilities not in one of the higher systems. It serves primarily to provide direct access to abutting land and access to the higher order system.

Cul-de-sac. A short local street having but one end open to traffic and the other end being permanently terminated and a vehicular turn-around provided.

24A. STRUCTURE. Anything constructed or erected, the use of which requires more or less permanent location on the ground, or which is attached to something giving more or less permanent location on the ground. The word "structure" includes the word "building".

25. SUBDIVIDER. Any person, firm, organization or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

26. TOWN ENGINEER. The words "Town Engineer" shall mean the engineer for Long View, North Carolina, or his designated agent.

SECTION 2.4. WORD INTERPRETATION

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

The word "may" is permissive.

The words "shall" and "will" are mandatory.

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

The singular includes the plural and the plural includes the singular.

ARTICLE III

PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

SECTION 3.1. GENERAL

No final plat of a subdivision within the jurisdiction of Long View as established in Section 1.3 of this Ordinance shall be recorded by the Register of Deeds of Burke County and Catawba County until it has been approved by the Board of Aldermen as provided herein. To secure such approval of a final plat, the subdivider shall generally follow the procedure established in this section.

SECTION 3.2. MINOR SUBDIVISION APPROVAL PROCESS

If the land to be subdivided meets the requirements of a minor subdivision as defined in Section 2.2 of this Ordinance, the subdivider will not have to follow the same procedures as for a general subdivision. The review process for minor subdivisions shall be adequate to protect the public interest, but should also provide minimum delay and expense to the subdivider. A preliminary plat is not required. The developer may go from a sketch plan to a final plat with the approval of the Staff Planner. However, the

following minor plat approval process may be used only where the subdivision includes all contiguous land under the ownership of the sponsor.

3.2.1. Sketch Plan Required

A preliminary plat shall not be required for approval for minor subdivisions. Instead, a sketch design plan shall first be submitted to the Staff Planner for approval and shall depict or contain the following information:

- A. A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways.
- B. The boundaries of the tract to be subdivided.
- C. The total acreage to be subdivided.
- D. The existing and proposed uses of the land within the subdivision and adjoining it.
- E. The lines of existing streets and easements.
- F. The name, address and telephone number of the owner and/or developer.
- G. The zoning classification of the tract and adjacent properties.

3.2.2. Review Procedure

The Staff Planner shall review the sketch design plan for general compliance with the requirements of this Ordinance and shall advise the subdivider or his authorized agent of the regulations pertaining to the proposed subdivision and the

procedures to be followed in the preparation and submission of the final plat.

3.2.3. Approval of Sketch Plat by Staff Planner

The Staff Planner, after determining that all requirements of this Ordinance have been met on the sketch map, shall submit copies to the County Health Department, Erosion Control Section, Soil and Water Conservation District and Inspection Division for their comments and reports. The sketch plan shall be approved and the subdivider shall be advised that the final plat may be prepared as long as it conforms to the sketch plat. This review shall in no way be construed as constituting an official approval for recording.

3.2.4. Dispute of Findings of Staff Planner

In the event that the subdivider disagrees with any findings of the Staff Planner concerning approval of a sketch plan of a minor subdivision, the matter shall be taken to the Planning Board for a decision. No final plat shall be prepared until the Planning Board has acted on the disputed sketch plan.

3.2.5. Disposition of Copies

Five copies of the sketch plan shall be retained as part of the files of the Planning Board, with the original drawing being returned to the subdivider or his authorized agent.

3.2.6. Final Plat Approval of Minor Subdivision

In order not to cause any unnecessary expense to the developer and to the administrative departments of the Town, the Planning Board shall have the responsibility for approving minor

subdivisions. A final plat shall be submitted to the Staff Planner at least twenty (20) days prior to the next regular meeting of the Planning Board. The final plat for minor subdivision shall be complete and show all information required for a final plat for general subdivisions as prescribed by this Ordinance. The recording of a minor subdivision plat shall be the same as for a general subdivision as provided in this Ordinance. If a minor subdivision plat is disapproved, the Planning Board shall specify the reasons for such action in writing. One (1) copy of such reasons shall be given to the subdivider. If a minor subdivision plat is disapproved, the subdivider may make the recommended changes as requested and submit a revised minor plat, or appeal the decision to the Board of Aldermen.

SECTION 3.3. GENERAL SUBDIVISION APPROVAL PROCESS

The following procedure shall be followed to obtain approval of all general subdivisions.

3.3.1. Sketch Design Plan

If the land to be subdivided contains more than ten (10) acres, the subdivider shall submit a sketch plan prior to submitting a preliminary plat. Smaller subdivisions may be submitted in sketch plan form if the developer wishes. Sketch plans shall conform to the following requirements.

3.3.2. Number of Copies and Graphic Media

A minimum of two (2) copies of a sketch design plan shall be submitted. No specific graphic media must be employed.

3.3.3. Size of Plan and Scale

No specific size requirements apply to a sketch design plan; it is suggested that the requirements applicable to preliminary and final plats be utilized. (See Section 3.6.4.)

3.3.4. Administrative Fees

No administrative fees are charged in connection with the submission of sketch design plans.

3.3.5. Certification Required

No certificates are required in connection with the submission of sketch design plans.

3.3.6. Contents Required

The sketch design plan shall depict or contain the following information:

- A. A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads and waterways;
- B. The boundaries of the tract and the portion of the tract to be subdivided;
- C. The total acreage to be subdivided;
- D. The existing and proposed uses of the land within the subdivision and adjoining it;
- E. The proposed street and lot layout;
- F. The name, address and telephone number of the owners;
- G. Street and lots of adjacent developed or platted properties;

H. The zoning classification(s) of the tract and of adjacent properties. .

3.3.7. Review Procedure

The Staff Planner shall review the sketch design plan for general compliance with the requirements of this Ordinance and any other applicable Ordinances and shall advise the subdivider or his authorized agent of the procedures to be followed in the preparation and submission of the preliminary and final plats. This review shall in no way be construed as constituting an official action of approval for recording of the subdivision by the Planning Board or the Board of Aldermen as required by this Ordinance.

3.3.8. Dispute of Findings of the Planning Division

In the event that the subdivider disagrees with any findings of the Staff Planner concerning approval of a sketch plan, the matter shall be taken to the Planning Board for a decision. No final plat shall be prepared until the Planning Board has acted on the disputed sketch plan.

3.3.9. Disposition of Copies

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

SECTION 3.4. PRELIMINARY PLAT

After approval of the sketch plan, the preliminary plat can then be prepared and shall be submitted to the Planning Board at

least twenty (20) days prior to a regular meeting of the Planning Board, for every subdivision of land which is located within the territorial jurisdiction established by Section 1.3. hereof, unless it meets the requirements of a minor plat.

3.4.1. Number of Copies and Graphic Media

Eight (8) copies of the preliminary plat shall be submitted; no specific graphic media must be employed.

3.4.2. Size of Plat and Scale

No specific size requirements apply to preliminary plats. Preliminary plats shall be prepared at a scale of one (1) inch equals two hundred (200) feet, or greater. (Reference to Section 3.6.4.)

3.4.3. Administrative Fees

When submitting the preliminary plat, the subdivider shall pay a filing and inspection fee of one dollar (\$1.00) per lot in the subdivision, or twenty-five dollars (\$25.00) whichever is greater to the Town Clerk of Long View. The fee once paid will not be refundable.

3.4.4. Certifications Required

No certifications need be shown on the drawing in connection with the submission of preliminary plats. However, plans for proposed utilities shall be approved by appropriate Town, County and State agencies.

3.4.5. Contents Required

The preliminary plat shall depict or contain the following information; plats not illustrating or containing the following

data shall be returned by the Staff Planner to the subdivider or his authorized agent for completion and resubmission:

- A. The proposed name of the subdivision;
- B. A sketch vicinity map showing the relationship between the proposed subdivision and the surrounding area;
- C. The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented, with all bearings and distances shown;
- D. Street line and grade profile;
- E. Scale denoted both graphically and numerically;
- F. North arrow and declination;
- G. The plans for proposed landscaping, sediment control programs, utility layouts, including sanitary sewers, storm sewers, water distribution lines, natural gas, telephone and electric service, illustrating connections to existing systems. Plans for water supply and/or sewage disposal, and sediment control must receive approval by the appropriate County and State authorities including the Burke County and Catawba County Health Department and the Division of Land Resources and Division of Environmental Management/Water Quality Section of the North Carolina Department of Natural Resources and Community Development. Utility plans must show line sizes, the location of fire hydrants, blow-offs, manholes, pumps, force mains, and gate valves, and shall include profiles based upon Mean Sea Level datum for sanitary sewers and storm sewers. These plans may be submitted

separate from the preliminary plat but are due on the same date as the preliminary plat.

- H. Utility layout calculations including storm sewer, sanitary sewer and water distribution;
- I. Proposed street names;
- J. Zoning classification of proposed subdivision and adjacent property;
- K. Street design information including vertical and horizontal curvatures;
- L. Proposed location and size of parks, school sites, or other recreational or open spaces, if any, and their future ownership (dedication for public use to governmental body, from owners to duly constituted homeowners or community association, or for tenants, but remaining in subdivider's ownership);
- M. Site calculations, including:
 - 1. acreage in total tract to be subdivided;
 - 2. acreage in parks and other nonresidential use;
 - 3. total number of parcels created;
 - 4. linear feet in streets;
 - 5. delineate drainage area onsite and offsite.
- N. Proposed minimum building setback lines;
- O. The names of owners of adjoining properties and any adjoining subdivisions of record (or proposed and under review);
- P. Any proposed riding trails, natural buffers,

pedestrian, bicycle or other rights-of-way, utility or other easements, their location, width and purposes;

- Q. Proposed streets, existing and platted streets on adjoining properties and in the proposed subdivision, rights-of-way, pavement widths, grades, typical street cross sections. If any street is proposed to intersect with a state-maintained road, the plat shall be accompanied by an application for driveway approval as required by the Department of Transportation, Division of Highway's Manual on Driveway Regulations;
- R. Water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and on the land immediately adjoining corporate limits, township boundaries, and county lines;
- S. Proposed lot lines, lot and block numbers and approximate dimensions;
- T. Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds, and any other natural features affecting the site;
- U. The preliminary plat shall be accompanied by a copy of any proposed deed restrictions or similar covenants (mandatory when private recreation areas are established).

3.4.6. Review Procedure

The Planning Board shall review and take action on each preliminary plat within thirty-one (31) days after submission. First considerations shall be at the next regularly scheduled

meeting of the Planning Board that follows at least twenty (20) days after the plat is submitted. Before taking action on the plat, the Staff Planner shall refer copies of the plat and any accompanying material of those public officials and agencies concerned with new development, including but not limited to the County Health Director, the County Building Inspection Department, the District Engineer of the North Carolina Department of Transportation, and the County Soil Conservation Service.

3.4.7. Disposition of Copies

If the plat is approved, approval shall be noted on at least three (3) copies of the plat by the Staff Planner who shall retain one (1) copy for public examination, one copy shall be returned to the subdivider, and one copy shall be retained for the Planning Board files.

If the preliminary plat is disapproved, the Planning Board shall specify the reasons for such action in writing. One (1) copy of such reasons shall be retained by the Staff Planner and one (1) copy shall be given to the subdivider. If the preliminary plat is disapproved, the subdivider may make the recommended changes and submit a revised preliminary plat, or appeal the decision to the Board of Aldermen.

SECTION 3.5. FINAL PLAT APPROVAL PROCESS

3.5.1. Improvements Installation

Upon the approval of the preliminary plat by the Planning Board, the subdivider may proceed with the preparation of the final

plat, and the installation or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this Ordinance, except as hereinafter provided concerning performance guarantees, before final plats are approved:

- (a) All required improvements shall be completed by the applicant or his agents, and inspected and approved by appropriate public officials or agencies; and
- (b) All required offers to dedicate, or to reserve for future dedication, shall be made, clear of all liens and encumbrances on the property and public improvements thus dedicated; and
- (c) All required maintenance guarantees shall have been made.

3.5.2. Performance Guarantees

In lieu of completion of all or part of required improvements prior to approval of final plats, the applicant may post a performance guarantee in an amount sufficient to secure to the Town of Long View the satisfactory construction, installation and dedication of the uncompleted portion of the required improvements.

3.5.3. Type of Guarantee

The performance guarantee may be in the form of a certified check, a no-contest irrevocable bank letter of credit or a performance and payment bond underwritten by a North Carolina licensed corporate surety company.

Except in the case of certified check, such sureties shall not be accepted unless the Town Attorney has made a review thereof and

rendered a written opinion that the interests of the Town of Long View are fully protected.

The certified check should be deposited with the Town Clerk, as escrow agent, who shall deposit it in an escrow account of the Town of Long View.

The no-contest irrevocable bank letter of credit shall be from a banking corporation licensed to do business in North Carolina. The terms of the letter shall include the absolute right of the Town Clerk to withdraw funds from the bank forthwith upon the Town Clerk certifying to the bank that the terms and conditions of the performance guarantee have been breached.

3.5.4. Plans and Construction Programs

Plans, specifications, quantities, unit costs and estimated total costs shall be provided by the applicant to the Staff Planner, together with a schedule indicating time of initiation and completion of the work, as a whole or in stages. Number of copies shall be as required for records and processing in the particular case.

The Staff Planner shall refer such plans and programs to governmental bodies exercising control for their recommendations as to whether the proposals meet all requirements of such agencies, as to sufficiency of cost estimates, and as to reasonableness of construction programs.

3.5.5. Amount and Terms of Guarantee; Time Limits

Following receipt of such recommendations, the Staff Planner shall prepare recommendations as to amount and terms of the

performance guarantee, including time of initiation and completion of the work, as a whole or in stages, provisions concerning extensions for cause, and provisions for release of portions of the guarantee upon completion of portions or stages of the work.

The time between initiation and the completion of the required improvements, including any provision for extension shall not exceed two years.

The Planning Board, based upon the recommendations and with such changes as it sees fit, shall set the amount and terms of the performance guarantee, subject to the legal review and opinion required by 3.5.3. The amount of the guarantee shall be sufficient to provide adequate funds to the Town of Long View to insure, in the case of default, the installation of all required improvements uncompleted at the time of default. In setting the amount of the performance guarantee, the Planning Board shall consider the difficulty of restarting a closed project, the size and complexity of the required improvements, the record of the applicant and the site conditions.

3.5.6. Inspections; Reports; Cost Responsibility

Governmental bodies exercising control shall make inspections to determine whether work has started as scheduled; shall make inspections as are necessary during the course of work, and shall make final inspections to determine whether stages of construction required under the performance guarantee have been completed in accordance with the terms of the guarantee.

Within five days of such inspections, copies of reports of the results thereof shall be provided to the Staff Planner. The full cost of making such inspections and preparing such reports shall be paid by the applicant.

3.5.7. Action on Inspection Reports

(a) Reports Indicating Satisfaction of Requirements

Where such reports indicate satisfactory completion of work within time limits set and in accord with other terms of the performance guarantee, for agreed-upon stages or for the entire work, the Staff Planner shall so indicate to the applicant, any surety company involved and the Town Clerk. The Town Clerk, upon such notification and any further assurance that may be required from the Town Attorney or governmental bodies exercising operating control, shall then release all or portions of the performance guarantee in accordance with the terms thereof.

(b) Reports Indicating Failure to Satisfy Requirements

Where such reports indicate failure to initiate work on schedule or to complete work on schedule in full compliance with the terms of the performance guarantee, the Staff Planner shall so indicate to the applicant, governmental bodies exercising control, any surety company involved and the Town Clerk. Such notice shall indicate that, unless action required under the terms of the performance guarantee is completed within 30 days of the date of such notification, the performance guarantee or portions thereof set forth in its

terms shall be called. Unless such action is completed, as evidenced by inspections and reports from governmental bodies exercising control transmitted through the Staff Planner, the Town Clerk shall call the performance guarantee or affected portions thereof.

(c) Reports Indicating Unsatisfactory Progress

Where such reports indicate that work initiated appears likely not to be completed on schedule, and where the performance guarantee provides for extension of time for cause, the Staff Planner shall notify the applicant and any surety company involved concerning potential need for an application for such extension. Where such notice has been given, no application for extension shall be considered after expiration of the original schedule date.

3.5.8. Actions Following Failure to Complete Work Under

Performance Guarantee

Where work required under the terms of any performance guarantee is not completed by the applicant as specified therein, the Town Clerk, following the call of the guarantee, shall take such action as is appropriate in the circumstances of the case to procure the completion of the required improvements at the earliest reasonable time, according to the plans and specifications and staging of construction approved in connection therewith.

3.5.9. Maintenance and Warranty Funds

The applicant shall maintain all land and required improvements in satisfactory condition until acceptance of

dedication. Prior to acceptance of dedication, the applicant shall make or cause to be made payment to a warranty fund of an amount not to exceed three percent (3%) of contract costs, determined by the Town Clerk, upon reports from governmental bodies exercising control, as sufficient to remedy defects in workmanship or materials for a period of one year from date of acceptance of dedication. At the end of such year, any balance of such funds not expended in remedying defects in workmanship or materials shall be returned to the applicant.

3.5.10. Acceptance of Guarantee of Other Governmental Agency, Or Public Utility

Where all or part of required improvements are to be completed by another government agency or public utility, the Town Clerk may accept the written guarantee of such agency to complete such improvements within a time to be mutually agreed upon, with time for completion limited as provided in Section 3.5.5.

3.5.11. Building Permits and Certificates of Occupancy

Prior to Completion of Improvements

Building permits may be issued for construction of buildings in subdivisions prior to completion of required improvements. Certificates of Occupancy may be issued and buildings occupied only when all of the following improvements are available and as further provided below:

- (a) Streets shall be passable for private, service and

emergency vehicles under normal weather conditions provided that distance along such streets shall not exceed 1200 feet by normal routes;

- (b) Driveways shall be passable under normal weather conditions;
- (c) Drainage shall be installed and operative, thus assuring that under normal weather conditions there will be no flooding of the building site or accessways to the site;
- (d) Erosion protection, acceptable under normal weather conditions, shall be installed;
- (e) Domestic water supply and sanitary sewerage shall be installed and operative.

No such permits or certificates shall be issued unless all remaining required improvements are covered by a performance guarantee and the applicant accepts tort liability pending completion of all required improvements.

SECTION 3.6. THE FINAL PLAT

The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at the time; such portion shall conform to all requirements of this Ordinance.

No final plat shall be approved unless and until the subdivider shall have installed in that area represented on the final plat all improvements required by this Ordinance (or shall have guaranteed their installation as provided for in Section 3.5.2. of this Ordinance and all permanent reference points described in Article III of this Ordinance).

3.6.1. Plat Submitted

The subdivider shall submit five (5) copies of the final plat, so marked, to the Staff Planner not less than twenty (20) days prior to the Planning Board meeting, at which time it will be considered for approval. Further, the plat shall be submitted not more than twelve (12) months after the date on which the preliminary plat was approved, otherwise a written extension of this time limit may be granted by the Planning Board on or before the one year anniversary of the approval.

3.6.2. Plat Prepared

The final plat shall be prepared by a surveyor or professional engineer licensed and registered to practice in the State of North Carolina. The final plat shall substantially conform to the preliminary plat as it was approved. The final plat shall conform to the provisions of Section 47-30 of the General Statutes of North Carolina.

3.6.3. Number of Copies and Graphic Media

Eight (8) copies of the final plat shall be submitted not less than twenty (20) days prior to the Planning Board meeting; one (1) additional copy shall be drawn in ink on linen or film suitable for reproduction, and shall bear all the required certifications set forth in Section 3.6.5. of this Ordinance. The reproducible drawing shall be given to the Staff Planner not later than the date of the Planning Board meeting in which approval is requested.

3.6.4. Size of Plat and Scale

3.6.4. Size of Plat and Scale

Final plats shall have an outside marginal size of not more than eighteen (18) inches by twenty-four (24) inches nor less than eight and one-half (8 1/2) inches by eleven (11) inches, including one and one-half (1 1/2) inch border for binding on the left margin and one-half (1/2) inch border on each of the other sides. Where size of land areas or suitable scale to assure legibility require, maps may be placed on two or more sheets with appropriate match lines. Final plats shall be drawn at a scale of one (1) inch equals two hundred (200) feet, or greater.

3.6.5. Certification Required

The following signed and notarized certificates shall appear on the reproducible copy of the final plat which is submitted to the Planning Board by the subdivider:

A. CERTIFICATION OF OWNERSHIP AND DEDICATION

I hereby certify that I am/we are the owner(s) of the property shown and described hereon, which is located in the subdivision jurisdiction of Long View and that I/we hereby adopt this plan of subdivision setback lines, and dedicate all sanitary sewer, water lines and streets to Long View.

DATE _____

B.

CERTIFICATE OF SURVEY AND ACCURACY

I, _____, certify that this was
 (drawn by me) (drawn under my supervision) from (an actual
 survey made by me) (an actual survey made under my
 supervision) (deed description recorded in Book ___, Page ___,
 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 G.S. 74-30 as amended. Witness my hand and seal this
 ___ day of _____, A.D., 19__.

 Registered Surveyor or Professional Engineer

 License or Registration Number

C. CERTIFICATE OR APPROVAL OF THE DESIGN AND
INSTALLATION OF UTILITIES, AND OTHER REQUIRED IMPROVEMENTS

I hereby certify that all required improvements have been installed in an acceptable manner and according to the Long View specifications and standards in the _____ Subdivision or that guarantees of the installation of the required improvements in an amount and manner satisfactory to Long View and has been received, and that the filing fee for this plat, in the amount of \$_____ has been paid.

Town Clerk

Town Engineer

D. CERTIFICATE OF APPROVAL OF THE DESIGN AND INSTALLATION
OF PUBLIC STREETS

DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
SUBDIVISION ROAD CONSTRUCTION STANDARDS CERTIFICATION

APPROVED _____
District Engineer

DATE _____

Disclosure Statement for the Responsibility for
Constructing and Maintaining Private Streets.

This statement shall be placed on the final plat
and signed by the subdivider or agent before final
approval can be granted.

All roads in this subdivision are hereby declared private and
shall not be maintained by the North Carolina Department of
Transportation. The maintenance of all streets and roads in
this subdivision shall be the responsibility of
_____, and it shall be the
responsibility of _____
_____ to bring the roads up to the standards of
the North Carolina Department of Transportation Secondary
Roads Council before any private streets or roads on this plat
are included, at any time after the approval of this plat,
into the North Carolina State Maintained Road System.

Subdivider or Agent _____

3.6.6. Contents Required

The final plat shall depict or contain the following information. Plats not illustrating or containing the following data shall be returned by the Staff Planner to the subdivider or his authorized agent for completion and resubmission:

- a. The name of the subdivision;
- b. The exact boundary lines of the tract to be subdivided fully dimensioned by lengths and bearings, and the location of intersecting boundary lines of adjoining lines;
- c. Scale denoted both graphically and numerically;
- d. Street names;
- e. The location, purpose and dimensions of areas to be used for purposes other than residential;
- f. The names of owners of adjoining properties and any adjoining subdivisions of record (or proposed and under review);
- g. The location and dimensions of all rights-of-way, utility or other easements, riding trails, natural buffers, pedestrian or bicycle paths, and areas to be dedicated to public use with the purpose of each stated;
- h. Rights-of-way lines and pavement widths of all streets and the location and width of all adjacent streets and easements;
- i. Property lines, buildings or other structures, water

- courses, railroads, bridges, culverts, storm drains, and both on the land to be subdivided and on the land immediately adjoining;
- j. Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line; including dimensions, bearings, or deflection angles, radii, central angles, and tangent distances for the center line of curbed streets and curbed property lines that are not the boundary of curbed streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute;
 - k. The accurate locations and descriptions of all monuments, markers and control points;
 - l. The blocks numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each block;
 - m. The deed restrictions or any other similar covenants proposed for the subdivision, if any;
 - n. The date of the survey and plat preparation;
 - o. North arrow and declination;
 - p. All certifications as required by Article III, Section 3.6.5.
 - q. The name(s), address(es), and telephone number(s) of the owner(s), registered surveyor(s), land planner(s), architect(s), landscape architect(s), and professional

engineer(s) responsible for the subdivision and the registration number(s) and seal(s) of the professional engineer(s) and registered surveyor(s);

- r. Any other information considered by either the subdivider or the Planning Board to be pertinent to the review of the final plat.

SECTION 3.7. REVIEW PROCEDURE

Final plats shall be reviewed according to the following procedure:

3.7.1. Planning Board Review

The Planning Board shall approve or disapprove the final plat within thirty-one (31) days of its first consideration.

During its review of the final plat, the Planning Board may appoint any engineer or surveyor to confirm the accuracy of the final plat. If substantial errors are found, the costs shall be charged to the subdivider and the plat shall not be approved until such errors have been corrected.

If the Planning Board approves the final plat, such approval shall be indicated on each copy of the plat by the following signed certificate:

CERTIFICATION OF APPROVAL BY THE PLANNING BOARD

The Long View Planning Board hereby approves the final plat for the _____ Subdivision.

Date

Chairman, Long View
Planning Board

If the Planning Board disapproved the final plat, the Staff Planner shall state in writing its reasons for such action, specifying the provisions of this Ordinance with which the plat does not comply. One copy of this statement shall be transmitted to the subdivider within fifteen (15) days of disapproval; one copy shall be retained by the Planning Board as part of its proceedings. If the final plat is disapproved, the subdivider may make such changes as will bring the plat into compliance with the provisions of this Ordinance and resubmit same for reconsideration by the Planning Board.

If the Planning Board fails to approve or disapprove the final plat within sixty (60) days after the submission date of the completed final plat as previously defined in Paragraph 3.7.1.,

such failure shall be deemed to be approval and shall constitute grounds for the subdivider to apply for final approval by the Board of Aldermen.

3.7.2. Board of Aldermen Review

The Board of Aldermen shall review the final plat with the requirements of the Planning Board and shall approve or disapprove the plat at their next regularly scheduled meeting or within thirty-one (31) days of the Planning Board's final action.

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

CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Ordinance for Long View, North Carolina, and that this plat has been approved by the Board of Aldermen for recording in the office of the Register of Deeds of Burke County and Catawba County.

Date

Town Clerk

If the final plat is disapproved by the Board of Aldermen, the reasons for such disapproval shall be stated in writing, specifying the provision(s) of this Ordinance with which the final plat does

not comply. One (1) copy of such reasons shall be retained by the Board of Aldermen as a part of its proceedings, and the Staff Planner, Planning Board Chairman and the subdivider shall each receive one (1) copy. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance with this Ordinance and resubmit same for consideration by the Planning Board.

3.7.3. Disposition of Copies

If the final plat is approved by the Board of Aldermen, two (2) copies of the plat shall be returned to the subdivider. The reproducible tracing and two (2) prints shall be filed with the Register of Deeds. One (1) print shall be retained by the Planning Board.

3.7.4. Recording of the Final Plat

The subdivider shall file the approved final plat with the Register of Deeds of Burke County and Catawba County for recording and a copy mailed to the Town within sixty (60) days after the date of the Board of Aldermen approval; otherwise, such approval shall be null and void.

3.7.5. Resubdivision Procedure

For any replatting or resubdivision of land, the same procedures, rules and regulations shall apply as prescribed herein for an original subdivision. Lot sizes may, however, be varied on an approved plat after recording, provided that (a) no lot or tract of land shall be created or sold that is smaller than the size

shown on the approved plat; (b) drainage, easements, or rights-of-way shall not be changed;

(c) street alignment and block sizes shall not be changed;

(d) the property line between the back of the lots shall not be changed; (e) the rear portion of lots shall not be subdivided from the front parts; and (f) the character of the area shall be maintained.

ARTICLE IV

INSTALLATION OF PERMANENT REFERENCE POINTS AND IMPROVEMENTS

SECTION 4.1. PERMANENT REFERENCE POINTS

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

- A. SUBDIVISION CORNER TIE: At least one corner of the subdivision shall be designated by course and distance (tie) from a readily discernible reference marker. If a corner is within two thousand (2,000) feet of a U.S. Coast or Geodetic Station or N.C. Grid System coordinated monument, then this corner shall be marked with a Monument so designated by computed X & Y coordinates which shall appear on the map with a statement identifying this Station or Monument to an accuracy of 1:10000. When such a Monument or Station is not

available, the tie shall be made to some pertinent and physical object or structure that could not be destroyed.

- B. MONUMENTS: Monuments, complying with the requirements of the current edition of the Manual of Practice for Land Surveying in North Carolina, shall be placed in all subdivisions. Within each block of a subdivision, at least two (2) Monuments designed and designated as Control Corners shall be installed. The Surveyor shall employ additional Monuments if and when required. All Monuments shall be constructed of concrete and shall be at least four (4) inches in diameter or square and not less than three (3) feet in length. Each Monument shall have imbedded in its top or attached by a suitable means a metal plate of noncorrosive material and marked plainly with the point, the surveyor's registration number, the month and the year it was installed, and the word "Monument" or "Control Corner." Monuments shall be set at least thirty (30) inches in the ground with at least six (6) inches exposed above the ground unless this requirement is impractical.

- C. PROPERTY MARKERS: A steel or wrought iron pipe or the equivalent not less than three-fourths ($3/4$) inches in diameter and at least thirty (30) inches in length shall be set at all corners, except those located by Monuments. A marker shall also be set at a point of curve, point of intersection, property corner, point of tangency and reference

point unless a Monument is placed at said points. Additional markers shall be placed where necessary.

4.1.1. Public Sites and Open Spaces

In subdividing property, due consideration should be given by the subdivider and the Planning Board to the designation of suitable sites for parks, schools and other uses. Such provision should be indicated on the sketch plan in order that it may be determined when and in what manner such areas will be required.

4.1.2. Access to Parks, Schools, Etc.

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

4.1.3. Restrictions on the Subdivision for Residential

Purposes of Land Subject to Flooding

Lots that are subject to flooding shall not be established in subdivisions for the purpose of creating residential building sites except as herein provided. These areas can be obtained from the Burke County and Catawba County Planning Department. Where the developer proposes to provide a levee or raise the floor elevations above the flood level, an engineering report shall accompany the subdivision application.

- A. If there is any water course of any type running through or within one hundred and fifty (150) feet of the property proposed for subdividing, the prospective subdivider

shall furnish reasonable evidence to the Planning Board that residential lots within the subdivision will not be flooded.

- B. No proposed residential building lot shown that is wholly subject to flooding shall be approved.

SECTION 4.2. DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

Street requirements for subdivisions shall meet the current Minimum Construction Standards of North Carolina Department of Transportation, Division of Highways.

ARTICLE V

GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN

SECTION 5.1. GENERAL REQUIREMENTS

5.1.1. Conformity to Existing Maps or Plans

The location and width of all proposed streets shall be in conformity with official plans and maps of the Town of Long View and with existing or amended plans of the Planning Board.

5.1.2. Continuation of Existing Roads

The proposed road layout shall be coordinated with the existing road system of the surrounding area and, where possible, existing principal roads shall be extended.

5.1.3. Access to Adjacent Properties

Where, in the opinion of the Planning Board, it is desirable to provide access to an adjoining property, proposed roads shall be extended by dedication to the boundary of such property and a temporary turnaround shall be provided.

5.1.4 Private Streets

Private streets may be allowed to serve large development under one ownership; such as in a large industrial park or within a planned unit development if it can be substantially established that a legally binding mechanism for maintenance of streets is provided and that any other standards as required by this ordinance are met.

5.1.5. Reserve Strips

There shall be no reserve strips platted in any subdivision unless the developer can show good cause for such to the Planning Board.

5.1.6. Large Tracts and Parcels

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

5.1.7. Lots

All lots shall front upon a public or private street according to the requirements of the Town's Zoning Ordinance.

5.1.8. Alleys

Alleys shall be provided to the rear of all lots used for other than residential purposes. Alleys are prohibited in residential blocks unless such are approved by the Planning Board. All dead-end alleys shall be provided with a turnaround.

5.1.9. Contour Map

A contour map shall be provided if requested by the Staff Planner. The contour interval required will depend upon topographic and drainage characteristics and shall be specified by the Town Engineer.

5.1.10 Street Names

Proposed streets, which are obviously in alignment with others existing and named, shall bear the assigned name of the existing streets. In no case shall the name for proposed streets duplicate or be phonetically similar to existing street names, irrespective of the use of the suffix street, avenue, boulevard, drive, place, court, etc. All new streets must conform to grid naming by Hickory.

* SECTION 5.2. DESIGN STANDARDS

The following design standards shall be considered minimum requirements.

5.2.1. Streets

All streets within the subdivision shall be graded and paved. The design standards which shall apply to streets are as follows:

- A. Right-of-Way Widths. Minimum street right-of-way widths shall be in accordance with the major street plan and shall be not less than the following:
1. Major Arterials..... 90 feet
 2. Collector Streets..... 60 feet

3. Local or Minor (Residential) Streets..... 50 feet
4. Marginal Access Streets..... 50 feet
5. Cul-de-sacs (Turnarounds).....100 feet
6. Alleys..... 20 feet

B. Pavement Widths. Curb and gutter shall be required on all new street development.

With Curb and Gutter Pavement:

Where curb and gutter are provided, paving widths back to back of curb shall not be less than the following:

1. Major Arterials..... 44 feet
2. Collector Streets..... 34 feet
3. Local or Minor (Residential) Streets..... 26 feet
4. Marginal Access Streets..... 26 feet
5. Cul-de-sacs (Turnarounds)..... 80 feet

Without Curb and Gutter Pavement:

Where curb and gutter are not provided, the paving widths shall not be less than the following:

1. Collector Streets..... 24 feet
2. Local or Minor (Residential) Streets..... 20 feet
3. Marginal Access Streets..... 20 feet
4. Cul-de-sacs (turnarounds)..... 80 feet

C. Grades. Street grades shall be as follows:

1. Street grades shall be not more than twelve percent (12%) nor less than one-half of one percent.

2. Grades approaching intersections shall not exceed five percent (5%) for a distance of not less than one hundred (100) feet from the centerline of said intersection.

D. Horizontal Curves. Where a centerline deflection angle of more than ten degrees (10) occurs, a circular curve shall be introduced, having a centerline radius of not less than the following:

1. Major Arterials..... 300 feet
2. Collector Streets..... 200 feet
3. Minor Streets..... 100 feet

E. Vertical Curves. All vertical curves shall have such lengths as necessary to provide safe sight distance.

F. Tangents. A tangent of not less than one hundred (100) feet in length shall be provided between curves.

G. Intersections. Streets shall be laid out as follows:

1. Streets shall intersect as nearly as possible at right angles and no street shall intersect at less than seventy-five (75) degrees.
2. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.
3. Intersections with a major street or highway shall be at least eight hundred (800) feet apart. This requirement can be waived by the Planning Board if such requirement would prevent a property owner

fronting on a major street or thoroughfare from
having access to such a facility.

4. The dedication of half streets at the perimeter of a new subdivision is prohibited. If circumstances render this impractical, adequate provision for the concurrent dedication of the remaining half of the street must be furnished by the subdivider. Where there exists a half street in an adjoining subdivision, the remaining half shall be provided by the proposed development.

H. Alleys. All alleys shall be constructed in accordance with Town specifications and standards and shall meet the following requirements:

1. Right-of-way width..... 20 feet
2. Minimum centerline radius when a
deflection angle of more than ten
degrees (10) occurs..... 35 feet
3. Property line radius at alley
intersections..... 15 feet

5.2.2. Blocks

The maximum and minimum length and width of blocks shall be as follows:

- A. Length. Block lengths shall not exceed sixteen hundred (1600) feet nor be less than four hundred (400) feet. Where deemed necessary by the Planning Board, a pedestrian crosswalk of at least ten (10) feet easement in width may be required.
- B. Width. Blocks shall be wide enough to allow two tiers

of lots of minimum depth, except where fronting on major streets or prevented by topographic conditions, in which case a single tier of lots may be approved.

SECTION 5.3. LOT DESIGNS

5.3.1. Lots

The size, shape, and orientation of lots shall reflect due consideration for topography and drainage. Lots shall conform to the requirement of this Ordinance and, in addition, shall conform to the following provisions.

5.3.2. Arrangement

See Z.O. 6.10

Every lot must front for at least thirty-five (35) feet on a public street which is either an existing public street or one which, upon completion of installation can be accepted by the State of North Carolina or one of its political subdivisions for continual maintenance. However, limited access highways, which provide no direct access to abutting properties, shall not be considered streets for the purpose of this section. Insofar as practical, side lot lines shall be at right angles to straight lines or radial to curbed street lines.

5.3.3. Minimum Lot Dimensions.

All lots shall have a minimum area required by the zoning classification of the Town of Long View zoning ordinance, subject to increases as required by the appropriate county Health Department for residential lots not served by public water supply and public sanitary sewerage.

Depth and width of lots subdivided for non-residential purposes shall be adequate for off-street parking and service facilities required by the type of use and development anticipated. Where such lots are to be used for purposes requiring public water and sewerage, and where it is not provided, they shall also conform to minimum area requirements set by the appropriate county Health Department.

5.3.4. Width

All lots shall have a minimum width at the street line of thirty-five (35) feet. Corner lots shall have an extra width of ten (10) feet to permit adequate setback from side streets.

5.3.5. Depth

Depth of residential lots shall not normally exceed 2.5 times width, except in the case of attached dwellings or in cases where portions in excess of that depth are for the purpose of providing separation from major streets or railroads, non-access reservations, easements, or marshes or water areas or protective strips pertaining thereto. The depth-width ratio shall not apply in cases where the width of a lot exceeds 300 feet for its entire depth, and it may be increased by the Planning Board in individual cases where it finds good cause.

5.3.6. Orientation of Lot Lines

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

5.3.7 Setbacks

All lots shall have the minimum setbacks required by zoning ordinance.

5.3.8. Easements

Utility and other easements shall be provided as follows:

- A. Utility and drainage easements centered on rear or side lot lines shall be provided where necessary and shall be at least twenty-five (25) feet in width; or greater width if required for the installation and maintenance of the facility.
- B. Crosswalk easements of ten (10) feet in width shall be provided when such area is required by the Planning Board.
- C. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purposes. Parallel streets or parkways may be required in connection therewith.

5.3.9. Buffer Strips

It is required that a buffer of at least 10 feet be provided adjacent to a railroad, a limited access highway, and commercial or industrial developments. The screening shall be installed by the subdivider and maintained by his successors in title.

5.3.10 Storm Water Drainage

- A. Where curbs and gutters are constructed, they shall be in accordance with the standards of the North Carolina Department of Transportation's "Guidelines for Curb Cuts and Ramps for Handicapped Persons."
- B. No surface water shall be channeled or directed into a sanitary sewer.
- C. Where feasible, the subdivider shall connect to an existing storm drainage system or stream.
- D. Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to protect the proposed development from water damage.
- E. Surface drainage courses shall have side slopes of at least three (3) feet of horizontal distance for each one (1) foot of vertical distance, and courses shall be of sufficient size to accommodate the drainage area without flooding. The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one (1) foot in each two hundred (200) feet of horizontal distance.
- F. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate

for the purposes. Parallel streets or parkways may be required in connection therewith.

- G. Where storm sewers, drains and structures are installed, they shall be of a size and type, and location as required by the Town of Long View. The minimum size of storm drains shall be eighteen (18) inches in diameter. The design frequency for storm sewer collectors shall be at a ten (10) year flood level with cross street frequency at a twenty-five (25) year storm level. Storm drains carrying water from street right-of-way shall be placed along lot lines where feasible and shall extend for a distance of thirty-five (35) feet minimum back of the building line. All off-street storm drains or extensions shall be installed initially by the subdivider or the responsibilities thereafter shall be transferred to the purchaser through the instrument of property transfer, which responsibility shall be clearly indicated on the final plat.
- H. Cross pipes under streets shall be constructed of N.C. Department of Transportation approved plastic, reinforced concrete, or asphalt coated corrugated metal.
- I. Culverts shall be provided to accommodate all natural water flow and shall be sufficient length to permit full width roadway and the required slopes. The size openings to be provided shall in no case be built less than eighteen (18) inches. Cross drains shall be built on straight line and grade shall be laid on a firm base, but not on rock. Pipes shall be laid with the spigot pointing in the direction of the

Amendment to Section 3.6.5 of the Subdivision Ordinance

- F. If the subject property is located within the Water Supply Watershed Protection Overlay District (WSP), the following certificate shall appear on the reproducible copy of the final plat which is submitted to the Town Planner by the subdivider:

CERTIFICATE OF APPROVAL FOR RECORDING

I certify that the plat shown hereon is located within the Lake Hickory Watershed and complies with the provisions of the Long View Watershed Protection Ordinance.

Date

Town Planner

NOTICE: This property is located within a Public Water Supply Watershed - development restrictions may apply.

flow and with the end filled and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the road bed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one (1) foot below the road bed and shall be constructed of N.C. Department of Transportation approved plastic, reinforced concrete, or asphalt coated corrugated metal.

Adopted this the 5th day of December, 1989.

Norman E. Cook

Mayor of Long View

1/9/90

Date

ATTEST:

Kenneth A. Redd

Long View Town Clerk

1/9/90

Date

H. Clinton Chelms

Attorney for Town of Long View

1/9/90

Date



STATE OF NORTH CAROLINA CATAWBA COUNTY

This instrument was presented for registration this 12 day of January, 1990 at 9:00 A.M. and duly recorded in the office of the Register of Deeds of Catawba County, N.C. in Book 1647 at Page 380.

Ruth Mackie

RUTH MACKIE - REGISTER OF DEEDS

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