

SECTION 18 SUBDIVISION AND BONDING REGULATIONS

The purpose of this Section is to establish procedures and standards for the development and subdivision of real property within the corporate limits of the Town of Waxhaw, NC, in an effort to, among other things, insure proper legal description, identification, monumentation, and recordation of real property boundaries. Further, this Ordinance will promote the orderly layout and appropriate use of the land; provide safe, convenient, and economic circulation of vehicular traffic; provide suitable building sites which are readily accessible to emergency vehicles; assure the proper installation of streets and utilities; promote the eventual elimination of unsafe or unsanitary conditions arising from undue concentration of population; and help conserve and protect the physical and economic resources of the Town of Waxhaw.

18.1 PREQUISITE TO PLAT RECORDATION

After the effective date of this Ordinance, each individual subdivision of land within the Town of Waxhaw's Corporate Limits shall comply with the requirements specified in this text before any plat can be recorded or lots sold.

18.2 HOMEOWNERS ASSOCIATION

A homeowners association shall be required for maintenance of those improvements not dedicated for public use that are associated with a subdivision. The Homeowners Association must have clear legal authority to maintain and exercise control over the common areas and facilities. The Homeowners Association must have the power to compel contributions from residents of the development to cover their proportionate share of the cost associated with the maintenance and upkeep of such common areas and facilities. A copy of such document must be submitted to the Town before final plat approval. Homeowners Association documents must be recorded in the Union County Register of Deeds before any lot is sold or any building occupied.

18.3 PLAT REVIEW PROCEDURE - GENERAL

Subdivision review is a four (4) stage review process. As an initial step, a developer shall prepare an informal sketch plan and have it reviewed by the Administrator. The purpose of this informal process is not to approve any plans but to provide an opportunity to exchange information between the developer and the Administrator.

The formal review process begins with the preliminary plan. A plan shall be submitted in accordance with specific development standards as listed in Sections 18.9 and 18.10. - Minimum Standards of Design and Required Improvements. Initially, the plan is to be reviewed by the Administrator and all applicable review agencies, to determine whether or not it complies with the requirements of this

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Ordinance. Once the Administrator is satisfied, the plan shall be submitted to the Planning Board. After reviewing the comments from the Administrator, the Planning Board recommends to the Waxhaw Board of Commissioners to approve, approve conditionally, or disapprove the plan.

Once the preliminary plan has been approved, the subdivider may begin constructing the subdivision. Prior to any development, all construction plans shall be approved by the proper regulatory agencies.

Within twelve (12) months after approval of the preliminary plan by the Waxhaw Board of Commissioners, the subdivider shall submit a final plat showing that he has completed the subdivision according to the preliminary plan. The final plat shall be reviewed and approved by the Administrator. Only after the final plat has been approved by the Administrator and recorded at the Union County Register of Deeds office shall any lots be transferred or conveyed. The Administrator must record the plat within thirty (30) days after approval.

In order to expedite the review process, minor subdivisions may complete an abbreviated review procedure. As in the full review process, the Administrator shall review informally the project to insure compliance with the general development goals of the community. Instead of then submitting a preliminary plan for review and approval, the subdivider submits only the final plat for approval by the Administrator.

1. **Sketch Design Plan**

As stated above, the sketch plan review is an informal process that allows an exchange of information between the developer and the Administrator. Consequently, no formal application or fee is required. It is suggested, however, that plans should be on the same size paper and scale as required for preliminary plans and final plats. Two (2) paper copies shall be submitted to the Administrator. The Administrator and developer shall review the project to evaluate its feasibility in light of the Town's development practices and requirements. Once the review process has been completed, one (1) copy shall be returned to the subdivider and one (1) copy retained by the Administrator. It is important to remember that this review shall not in any way be construed as constituting an official action of approval for recording of the subdivision by the Town of Waxhaw.

2. **Preliminary Plan**

A. Review Procedure

The subdivider or his authorized agent shall submit copies of the preliminary plan to the Administrator at least fourteen (14) days prior to a regular meeting of the Planning Board. During this period, the Administrator shall evaluate the plan to determine whether or not it meets the requirements of this Ordinance. The Administrator may receive comments from other persons or agencies before making final recommendations. After the Administrator determines the plan meets the requirements of this Ordinance, it shall be submitted to the Planning Board for recommendation to the Waxhaw Board of Commissioners for approval. This

body shall provide to the Waxhaw Board of Commissioners recommendation of approve, approve with conditions, or disapprove the plan within forty-five (45) days after first consideration by them. When the Planning Board fails to act within the forty-five (45) day period, the subdivider may appeal directly to the Waxhaw Board of Commissioners. If the preliminary plan is not submitted to the Administrator at least fourteen (14) days prior to the regular meeting of the Planning Board, the Administrator will not have sufficient time to review the proposal, so the plan will not be submitted to the Planning Board until their next regular meeting.

B. Number of Copies and Graphic Media

Six (6) black or blue line prints of the proposed subdivision shall be submitted.

C. Scale and Size of Sheets

The preliminary plan shall be at a scale not to exceed one (1) inch to one hundred (100) feet and be drawn on a sheet with an outside dimension or not more than twenty-four (24) inches by thirty-six (36) inches and shall include a one-half (1/2) inch border on each side. Preliminary plan shall also be submitted in digital format.

D. Administrative Fees

At the time of submission of the preliminary plan, the subdivider shall pay to the Town of Waxhaw a filing fee as established by the Board of Commissioners. The applicant, in submitting an application for a preliminary plat, shall also be responsible for reimbursing the Town for all costs associated with the Town's engineering and/or outside professional consultant services with respect to review of the preliminary plat. Said fees shall be paid to the Town within thirty (30) days of preliminary plat approval. Otherwise, preliminary plat approval shall be null and void. Furthermore, no application for final plat approval shall be processed until such fee has been paid.

E. Submission to Planning Board

The Administrator shall evaluate the preliminary plan to determine whether or not it meets the requirements of this Ordinance. After review by the Administrator, the Waxhaw Planning Board shall send to the Waxhaw Board of Commissioners with a recommendation to approve, approve conditionally, or disapprove the preliminary plan. If approved or approved conditionally, the Planning Board shall certify their recommendation of approval on three (3) paper copies of the plan. This certification shall be placed on the plan by the subdivider and shall read as follows:

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CERTIFICATION OF RECOMMENDATION FOR APPROVAL OF THE PRELIMINARY PLAN BY THE WAXHAW PLANNING BOARD

The Waxhaw Planning Board hereby recommends to the Waxhaw Board of Commissioners that it approves or approves conditionally the _____ Subdivision.
If approved conditionally, the specific conditions shall be listed.

Date

Chairman - Waxhaw Planning Board

F. Contents Required

The preliminary plan shall depict or contain the information specified in Section 18.6 (Plans not illustrating or containing the information required therein shall be returned to the subdivider or his authorized agent for completion and resubmission.)

G. Disposition of Copies

If the preliminary plan is approved or approved conditionally, the Planning Board Chairman shall note approval and conditions on at least three (3) copies of the plan. One (1) copy shall be returned to the subdivider and the Planning Board shall retain two (2) copies. If the preliminary plan is disapproved, the Planning Board shall specify the reasons for such action in writing. One (1) copy of such reasons shall be returned to the subdivider and two (2) copies retained by the Planning Board. If the preliminary plan is disapproved, the subdivider may make the recommended changes and submit a revised preliminary plan to the Planning Board.

18.4 IMPROVEMENTS

All site improvements shall be in accordance with applicable standards, including without limitation the provisions of this Ordinance, the standards of Union County Public Works Department (and all applicable rules, regulations, and policies of Union County), and the North Carolina Department of Transportation (and all applicable rules, regulations, and policies of NCDOT). Except as herein provided, before a final plat is eligible for approval by the Administrator, all improvements shall be installed, approved, and completed. All plans and specifications for site improvements, including but not limited to grading, drainage, sidewalks, utilities, and street improvements shall be inspected and approved by the proper agency prior to final plat approval.

1. Improvement Guarantees

A. Agreement and Security Required

The Town of Waxhaw may enter into an agreement allowing the applicant to complete all required improvements in the subdivision / on the parcel at a later date. Such agreement can call for the completion of improvements for only a portion (i.e. phase) of the subdivision. Once said agreement is approved by the Zoning Administrator and is signed by both the Town and the applicant and the applicant provides the security required herein, the final plat, or portion thereof, may be approved by the Town, if all other requirements of this Ordinance are met. To secure this agreement, the applicant shall provide to the Zoning Administrator, either one, or a combination of the following guarantees shown. The amount of such guarantee shall be equal to 1.25 times the cost of installing all required improvements. The Town's Engineer shall verify such amount furnished by the applicant. A fee, in accordance with the Town's fee schedule, shall be paid by the applicant to cover the costs associated with such review.

The following is a list of monetary guarantees, which shall be considered for approval by the Zoning Administrator. All such guarantees shall be made payable to the Town of Waxhaw on such terms and conditions as approved by the Zoning Administrator.

1. Surety Performance Bond(s)

The applicant shall obtain one or more performance bond(s) from a surety bonding company authorized to do business in North Carolina. The duration of the bond(s) shall be until such time as the Zoning Administrator accepts the improvements.

2. Cash or Equivalent Security

The applicant shall deposit cash, an irrevocable letter of credit, or other instrument readily convertible into cash at face value, either with the Town or in escrow with a financial institution designated as an official depository of the Town of Waxhaw. If cash or other instrument is deposited in escrow with a financial institution as herein provided, the applicant shall then file with the Zoning Administrator an agreement between the financial institution and himself guaranteeing the following:

- a. That said escrow account shall be held in trust until released by the Zoning Administrator and may not be used or pledged by the applicant in any other matter during the term of the escrow; and
- b. That in case of a failure on the part of the applicant to properly construct or complete said improvements, the financial institution shall, upon notification by the Zoning Administrator, immediately either pay to the Town the funds estimated to complete the improvements, up to the full balance of the escrow account, or

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deliver to the Town any other instruments fully endorsed or otherwise made payable in full to the Town.

B. Default

Upon default, meaning failure on the part of the applicant to complete the required improvements within twelve months after the date of final plat approval, unless this time period is extended by the Zoning Administrator, then the surety, or the financial institution, holding the escrow account, shall, if requested by the Zoning Administrator, pay all or any portion of the bond or escrow fund to the Town of Waxhaw up to the amount needed to complete the improvements. Upon payment, the Zoning Administrator, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The Town shall return to the bonding firm any funds not spent in completing the improvements. Should the amount of funds needed to complete the installation of all required improvements exceed the amount in the bond or escrow account, the applicant shall nonetheless be responsible for providing the funds to cover such costs. The applicant shall at all times bear the financial burden for the installation of all required improvements.

C. Partial Release

The Zoning Administrator may release a portion of any security posted as the improvements are completed and approved by the responsible agencies. The applicant shall submit the request for releasing a portion of the security in writing to the Zoning Administrator and shall only be allowed one such request for each recorded plat. Such funds shall then be released within ten (10) days after the corresponding improvements have been so approved.

D. Maintenance of Dedicated Areas until Acceptance

Facilities and improvements with respect to which the owner makes an offer of dedication to public use shall be maintained by the owner for a warranty period of one year from the date of acceptance of dedication by the Town Commission. Notwithstanding the foregoing, the owner of any development containing streets or sidewalks intended for public dedication shall maintain the streets and/or sidewalks for a warranty period until 80% of the lots on the street petitioned for acceptance have received a Certificate of Occupancy.

In order to properly secure such maintenance and warranty, the owner of any development containing improvements intended for public dedication shall post a maintenance bond or other sufficient surety to guarantee that such improvements will be properly maintained until (i) the date that 80% of the lots on the street and/or sidewalk petitioned for acceptance have received a Certificate of Occupancy and (ii) one-year of formal acceptance by resolution of the Town of Waxhaw. The amount of the security shall be \$10,000 plus 5% of the

cost of stone base, paving, curb & gutter, sidewalk and street trees. The owner shall provide information sufficient for the Town of Waxhaw Zoning Administrator to determine the actual cost of such improvements. If the surety/bond described herein is not provided, the Town of Waxhaw may not issue Zoning Permits to any properties on the said street(s) without (i) a showing of undue hardship (ii) the grant will not materially affect the Town's future enforcement of this provision on the improvements at issue; (iii) approval by both the Zoning Administrator and the Director of Planning and Community Development; and (iv) compliance with any policy adopted by the Board of Commissioners related to maintenance of dedicated areas. The Zoning Administrator may relieve the owner of the requirements of this Section, if it determines that a property owners association has been established for the development, and that this association has requested responsibility for the subject improvements, and is capable of performing the obligations set forth in Section 18.4.1 above. The Zoning Administrator may require the property owners association post the bond referred to above.

The above bond/surety shall be posted with the Town of Waxhaw prior to the release of any Guarantee Surety referred to in Section 18.4.1-A (1) and (2). The Town shall have the right to increase the warranty period for atypical construction materials or construction techniques or sub-standard construction.

No street shall be petitioned for acceptance of dedication until sixty percent (60%) of the lots on the street have been issued a Certificate of Occupancy by the Town of Waxhaw.

Prior to the expiration of the maintenance guarantee instrument, any defects in workmanship and/or materials shall be repaired to the satisfaction of the Zoning Administrator or his/her designee. Any repairs not completed within thirty (30) days prior to the expiration of the maintenance guarantee shall require the renewal of the maintenance guarantee. The Town shall, upon final acceptance at the end of the applicable warranty period, release the applicant's bond or letter of credit.

E. Renewal of Bonds

Whenever a surety bond or letter of credit has been submitted, the Zoning Administrator may notify the applicant / property owners association up to sixty (60) days prior to the time said guarantee is about to expire. If the applicant / property owners association does not extend or replace said guarantee within the time parameters set forth in said notification, the Zoning Administrator begin proceedings for calling upon the guarantee.

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18.5 FINAL PLAT

1. Review Procedure

The subdivider or his authorized agent shall submit copies of the final plat to the Administrator for review and approval. The Administrator shall determine whether or not the final plat substantially agrees with the approved preliminary plan. If substantial differences exist, the plat shall be resubmitted as a new preliminary plan. After receiving a correct plat, the Administrator shall approve or disapprove the final plat within thirty (30) days after its submittal.

2. Certifications Required From Subdivider

Before the Administrator shall accept a final plat, the following certifications shall appear on all seven (7) copies:

CERTIFICATE OF OWNERSHIP AND DEDICATION

I hereby certify that I am the owner of the property shown and described hereon, which is located in the Corporate Limits of the Town of Waxhaw and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I hereby dedicate all infrastructure being the whole system of improvements required for the use of the subdivision that allow it to be used for its intended subdivided purpose. This includes but is not limited to public streets, street curb and gutter, sidewalks, public sewer, public water, storm water detention, drainage features, traffic control devices, street lighting, street signs, and landscaping to the appropriate agency.

Date

Owner

CERTIFICATE OF SURVEY AND ACCURACY

I, _____, certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book _____, page _____, etc.) (other, specify); 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. 47-30 as amended,

Witness my hand and seal this ___ day of ___, AD, 20__.

Surveyor

License or Registration #

CERTIFICATION OF APPROVAL

I hereby certify that this Final Plat is in substantial compliance with the Preliminary Plan as approved, that all required improvements have been installed in accordance with the Waxhaw Unified Development Ordinance and that this plat is finally approved provided it is recorded with the Union County Register of Deeds within thirty (30) days of this date.

Date

Administrator

3. Plat Submittal Time Limit

The final plat shall be submitted not more than twelve (12) months after the date on which the preliminary plan was approved; otherwise, the approval of the preliminary plan shall be null and void. In that case, the preliminary plat shall be resubmitted as if it were a new subdivision.

4. Number of Copies and Graphic Media

Seven (7) copies of the final plat shall be submitted: the original, three (3) mylar copies, and three (3) blue line paper copies. The mylar shall be 3 ml., suitable for reproduction. The four (4) reproducible copies shall each have original signatures.

5. Plat Prepared by Licensed Surveyor

The final plat shall be prepared by a surveyor 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. It shall also conform to the provisions of plats, subdivisions, and mapping requirements as set forth in General Statutes 47-30, as amended, and the "Standards of Practice of Land Surveying in North Carolina".

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6. Administrative Fees

At the time of submission of the final plat, the subdivider or his authorized agent shall pay the Town of Waxhaw a filing fee as established by the Waxhaw Board of Commissioners. The applicant, in submitting an application for a final plat, shall also be responsible for reimbursing the Town for all costs associated with the Town’s engineering and/or outside professional consultant services with respect to review of the final plat. The Administrator shall not sign the “Certification of Approval” for any approved final plat unless such fees have been paid in full to the Town.

7. Contents Required

The final plat shall depict or contain the information specified in Section 18.6. Plats not illustrating or containing the information required in Section 18.6 shall be returned to the subdivider or his authorized agent for completion and resubmission.

8. Disposition of Final Plats

The original and three (3) mylar copies shall be signed and executed as required for recording by the Register of Deeds Office of Union County within thirty (30) days after approval by the Administrator. The original copy shall be returned to the subdivider, two (2) mylar copies shall be recorded at the Register of Deeds Office, and one (1) copy shall be returned to the Administrator.

9. Re-subdivision Procedures

For any re-platting or re-subdivision of land, the same procedures, rules, and regulations shall apply as prescribed herein for an original subdivision.

18.6 INFORMATION TO BE CONTAINED IN OR DEPICTED ON PRIMARY PLAN AND FINAL PLATS

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

Information	Preliminary Plat	Final Plat
A. Information Block Containing:		
Name of Subdivision	X	X
Name of Owner / Subdivider	X	X
Location (including township, county, state)	X	X
Scale of drawing in feet per inch listed in words and figures	X	X
Graphic Scale Bar	X	X
Name, Address, phone number, registration number of The registered land surveyor		X
Name, Address, phone number of the preparer	X	X

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<i>Information</i>	<i>Preliminary Plat</i>	<i>Final Plat</i>
B. A sketch vicinity map showing the relationship between the proposed sub division and surrounding area.	X	X
C. Corporate Limits, township boundaries, county lines if on subdivision tract.	X	X
D. Names, addresses and phone numbers of all owners, registered land surveyors, architects, landscape architects, and professional engineers responsible for subdivision.		X
E. Seal of the registered land surveyor	X	
F. Dates of plan/plat preparation	X	X
G. North arrow and source of data	X	X
H. Boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and distances shown.	X	X
I. The exact boundary lines of the lots to be subdivided, fully dimensioned by lengths and bearings; and the location of existing boundary lines of adjoining lands.		X
J. The names of owners of adjoining properties	X	X
K. The names of any adjoining subdivisions of record or proposed and under review.	X	X
L. Minimum building setback lines		X
M. The zoning classifications of the tract to be subdivided and on adjoining properties.	X	
N. Existing property lines on the tract to be subdivided and on adjoining properties.	X	
O. Existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining.	X	X
P. Proposed lot lines, lot and block numbers and approximate dimensions.	X	
Q. The lots numbered consecutively throughout the subdivision.	X	X
R. Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site.	X	
S. The exact location of the flood hazard, floodway, and floodway fringe areas from the community's FEMA maps or other approved maps.	X	X
<i>Information</i>	<i>Preliminary Plat</i>	<i>Final Plat</i>
T. Following data concerning streets:		
Proposed streets	X	X
Existing and platted streets on adjoining properties and in the proposed subdivision.	X	X

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Rights-of-way, location and dimensions	X	X
Pavement widths	X	X
Approximate grades	X	X
Curb and gutter detail	X	X
Sidewalks	X	X
Traffic Control Devices	X	X
Street lighting (location and type used in subdivision)	X	X
Street signs (type used in subdivision)	X	X
Mailboxes (type used in subdivision)	X	X
Landscaping	X	X
Design engineering data for all corners and curves		X
Typical street cross sections	X	X
Street names (if any street is proposed to intersect with a state maintained road, the subdivider shall apply for driveway approval as required by the North Carolina Department of Transportation (NCDOT), Division of Highways' Manual on Driveway regulations. Evidence that the subdivider has obtained such approval must accompany the plat)	X	X
U. Location and dimensions of all:		
Utility and other easements	X	X
Natural buffers	X	X
Pedestrian or bicycle paths, if applicable	X	X
Parks and recreation areas with specific type indicated	X	X
School sites, if applicable	X	X
Areas to be dedicated to or reserved for public use	X	X
Areas to be used for purposes other than residential with the purpose of each stated.	X	X
Proposed homeowners association documents	X	
Recorded homeowners association documents		X
The future ownership (dedication or reservation for public use to governmental body, for owners to duly constituted homeowners' association, or for tenants remaining in the subdivider's ownership) of recreation and open space lands.		X
V. Utility layouts:		
Sanitary sewers	X	X
Storm sewers	X	X
Information	Preliminary Plat	Final Plat
Other drainage facilities, if any	X	X
Water distribution lines	X	X
Natural gas lines	X	X
Underground telephone lines	X	X
Underground electric lines	X	X
Underground cable TV	X	X
W. Utility Systems:		
Pans for individual water supply and sewage disposal	X	X

systems if any		
Profiles based upon mean sea level datum for sanitary sewers and storm sewers	X	
X. Site Calculations:		
Acreage in total tract to be subdivided	X	X
Acreage in parks and recreation areas and other nonresidential uses	X	X
Total number of parcels created	X	X
Acreage in smallest lot in the subdivision	X	X
Linear feet in streets	X	X
Y. Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles, and tangent distance for the center dimensions shall be measures to the nearest one-hundredth (1/100) of a foot all angles to the nearest thirty (30) seconds.		X
Z. Any historical properties identifies on the National Register of Historic Places	X	X
AA. The accurate locations and descriptions of all monuments, markers and control points.		
BB. A copy of the erosion control plan submitted to the appropriate authority, if such a plan is required. (Plan shall be submitted to the State Division of Land Quality, Regional Office.)		

18.7 REVIEW PROCEDURE FOR MINOR SUBDIVISIONS

1. Objective

An abbreviated process shall be permitted to simplify and speed up the review procedure for handling minor subdivisions without undermining the objectives of the subdivision regulations.

2. Procedure

- A. The developer shall submit a sketch development plan to the Administrator. At this stage the Administrator and the developer shall informally review the proposal.
- B. After this initial review has been completed, the subdivider or his authorized representative shall prepare a final plat as specified in Section 18.6 and submit it to the Administrator for review and approval.

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18.8 | INSTALLATION OF PERMANENT REFERENCE

1. Permanent Reference Points

A. Subdivision Corner Tie

At least one (1) corner of the subdivision shall be designated by course and distance (tie) from a readily designated by course and distance (tie) from a readily discernible reference marker. If a corner is within two thousand (2,000) feet of a United States Coast and Geodetic Station or North Carolina Grid System coordinated monument, then this corner shall be marked with a monument so designated by computed x and y coordinates which shall appear on the map with a statement identifying this station or monument to an accuracy of 1:10,000. When such a monument or station is not available, the tie shall be made to some pertinent and readily recognizable landmark or identifiable point, physical object, or structure.

B. Monuments

Within each block of a subdivision at least two (2) monuments designed and designated as Control Corners shall be installed. The surveyor shall employ additional monuments if and when required by the Town. All monuments shall be of concrete or granite. Granite monuments shall be at least four (4) inches square and not less than thirty (30) inches in length. A hole not less than one-half (1/2) inch in depth and one-eighth (1/8) inch in width shall be bored in the top of the monument to serve as the point. Concrete monuments shall be at least four (4) inches in diameter or square and not less than three (3) feet in length. Each concrete monument shall have a metal disk with stem six (6) inches long embedded in the concrete with the disk flush with the top. The disk shall be marked to show the corner or the monument shall have a three-fourths (3/4) inch solid metal steel pin six (6) inches long, with four (4) inches embedded in the concrete and two (2) inches sticking out the top of the marker. The pin shall have a hole not less than one-half (1/2) inch in depth and one-eighth (1/8) inch in width drilled in the top to designate the corner.

C. Property Markers

A steel pin or wrought iron pipe not less than three-fourths (3/4) inch 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 has already been placed at said points. Additional markers shall be placed at other points when required.

D. Accuracy

Land Surveys shall be as follows:

1. Angular error closure shall not exceed twenty (20) seconds times the square root of the number of angles turned.
2. Linear error of closure shall not exceed one (1) foot per ten thousand (10,000) feet of perimeter of the lot of land.

18.9 MINIMUM STANDARDS OF DESIGN

1. General Requirements

A. Zoning and Other Laws

All subdivisions and lots created under this Ordinance must comply with all other local, State and Federal laws.

B. Flood Hazard Areas

Land located within the 100-year flood hazard area shall be subdivided in such a way as to minimize the impact of a flood on developed property. No part of the buildable area of any lot shall be located in a floodway. Development activity in land below the 100-year flood contour may require a permit from the US Army Corps of Engineers or other Federal and State agencies. In addition, all properties located in a FP Flood Hazard Overlay District shall meet the requirements of Section 6.5 of this Ordinance.

C. Sedimentation Pollution Control

In order to prevent soil erosion and sedimentation pollution of waterways, the subdivider shall comply with all requirements of the North Carolina Pollution Control Act.

D. Name Duplication

The subdivision name shall not duplicate or closely approximate the name of an existing subdivision within Union County.

E. Site Improvement Standards

All site improvements shall be done in accordance with standards established by the Town of Waxhaw. Plans for such improvement shall be approved prior to any site work commencement.

F. Sidewalks

Sidewalks shall be required in subdivisions on both sides of the street and on the perimeter of the development along any existing streets. Sidewalks shall provide public access and be dedicated to the Town upon request. All sidewalks shall be connected to existing sidewalks within 500 feet. Sidewalks should be located within the street right-of-way. In order for a sidewalk to be located outside the public right-of-way, the Zoning Administrator must approve the location and an approved sidewalk easement must be recorded with the Union County Register of Deeds prior to issuance of final Zoning Compliance.

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1. On all thoroughfare, collector, and commercial streets where sidewalks are provided, there shall be a planting strip placed between the inner edge of the sidewalk and the outer edge of the curb. Said planting strip shall be a minimum of five (5) feet in depth. All sidewalks shall otherwise be built in compliance with current NCDOT Standards for sidewalks in public rights-of-way.
2. The Administrator, in approving plats, shall have the ability to waive or modify the requirements of this Section in particular situations where strict application would serve no meaningful purpose.

2. Streets

A. Coordination and Continuation of Streets and Greenways

The proposed street and greenway layout within a subdivision shall be coordinated with the existing street and greenway system of the surrounding area and where possible, existing principal streets and greenways shall be extended.

B. Access to Adjacent Properties

Where, in the opinion of the Planning Board, Administrator or the Board of Commissioners, it is necessary to provide for street and greenway access to an adjoining property, proposed streets and greenways shall be extended to the boundary of such adjoining property and barricaded with signage indicating it. Said street access shall be professionally engineered allowing a street extension into the adjoining property, a minimum of three hundred feet.

C. Reserve Strips

There shall be no reserve strips platted in any subdivision

D. Marginal Access Streets

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

E. Street Names

Proposed streets that are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be subject to the approval of Union County EMS. The applicant shall provide evidence of such approval prior to the preliminary plat being approved.

F. Right-of-Way Widths

Minimum street right-of-way widths shall not be less than the following:

1. Major thoroughfares- 120 feet
2. Minor thoroughfares- 80 feet
3. Collectors- 50 feet
4. Local streets- 40 feet
5. Cul-de-sacs- 87 feet

G. Pavement Widths

Minimal pavement widths shall be in accordance with the standards of the North Carolina Department of Transportation except that the end of any cul-de-sac street shall have a minimum pavement width (i.e., diameter) of sixty-seven (67) feet.

H. Grades

1. Street grades shall not be less than one (1) percent.
2. Grades approaching intersections shall not exceed five (5) percent for a distance of not less than one hundred (100) feet from the centerline of the intersection. This requirement shall only apply to the road required to stop at the intersection.

I. Horizontal Curves

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

1. Major thoroughfare- 500 feet
2. Minor thoroughfare & collectors 300 feet
3. Local streets 150 feet

J. Vertical Curves

All vertical curves shall have such length as necessary to provide safe sight distance.

K. Intersections

1. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle less than seventy (70) degrees.
2. Property lines at street intersections shall be round with a minimum radius of twenty (20) feet. At an angle of intersection of less than seventy-five (75) degrees, a greater radius may be required. Where a street intersects a highway, the design standards of the North Carolina Department of Transportation, Division of Highways, shall apply.

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3. Offset intersections are to be avoided unless exception is granted. Intersections, which cannot be aligned, should be separated by a minimum length of two hundred (200) feet between survey centerlines.
4. Intersections with major or minor thoroughfares should meet applicable NCDOT distance requirements.

L. Cul-de-sacs

Permanent dead-end streets shall not exceed four hundred (400) feet in length and shall be provided with a turnaround of a diameter of 67 feet.

M. Alleys

Alleys shall be allowed where approved as part of a Conditional Use Permit or Conditional Zoning. Alleys shall conform to the following standards as a minimum:

Easement,	30 feet
Pavement Width	20 feet
Crown	1/4 inch/foot - positive or negative
Pavement Design	1-1/2 inch 1-2, Minimum 6 inch stone base

Any accessory structure shall be at least fifteen (15) feet from the edge of the pavement of the alley. The standards of construction shall be per NCDOT requirements. A certified letter from a registered Professional Engineer qualified in such work shall be submitted to the Town prior to placement of stone base and prior to installation of asphalt. The letter shall certify the results of a NCDOT quality proof roll as witnessed by that Professional Engineer.

Alternative alley design standards shall apply for alleys in TND's per applicable NCDOT TND guidelines.

N. Street Construction and Curb and Gutter

Except as may otherwise be provided in this Ordinance, all streets within the proposed subdivision shall be graded and paved by the developer in accordance with Town of Waxhaw typical design standard for paved streets. Curb and gutter shall be required on all new subdivision road segments. All associated storm drainage is to be contained within the street right-of-way and shall be in accordance with the Town of Waxhaw *Stormwater Design Manual*.

Proof rolls are required for streets and curb and gutter. A proof roll is a method used by a municipality to test the subgrade soil strength for any deflection that would identify poor weight bearing capacity of a soil prior to the installation of a road or street. Proof rolling identifies areas of poor compaction, high moisture content that is indicated by the truck tires "pumping" as it passes over the soil and areas where organic material may be present.

Town of Waxhaw staff must be present to observe proof rolls. General guidelines and procedures for proof rolls are outlined in the *Proof Roll Guidelines* document. The property owner is responsible for the associated proof roll fee as delineated in the Town of Waxhaw *Proof Roll Guidelines*.

3. Block Length and Width

- A. Blocks shall not exceed a perimeter length of four thousand, eight hundred (4,800) feet, perimeter length being the shortest perimeter measurement along the abutting right-of-way line.
- B. Blocks shall be at least wide enough to allow two (2) tiers of lots of minimum depth, except where prevented by topographical conditions or the size of the property. A single tier of lots may be used adjoining a major thoroughfare where access is provided from a minor interior street.

4. Lot Dimensions

The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated, and shall conform to the following:

- A. Every lot or parcel of land shall abut a public street for at least twenty-five (25) feet, except for lots in approved special developments, which may abut common area or lots used for public utility facility for the health, safety, and welfare of the general public.
- B. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.
- C. Lots intended for business uses only may be arranged in convenient units of width and to a depth that is appropriate to the development contemplated.
- D. Every lot shall have sufficient area, dimensions, and street access to permit a principal building to be erected thereon in compliance with all lot size and dimensions, yard space, setback, and other requirements of the Waxhaw Unified Development Ordinance.
- E. Panhandle lots shall not be allowed in subdivisions except in cases where such lots would serve to provide lot access to a body of water, golf course, or similar recreational facility. In no case shall the majority of lots within a subdivision consist of panhandle lots. All panhandle lots shall have a minimum road frontage of twenty-five (25) feet. The length of the panhandle strip in the lots shall not exceed one hundred (100) feet. Said strip shall not be used to determine lot area, lot width, or

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required setback lines. Said strip, at all times, shall be at least twenty-five (25) feet in width.

- F. Every structure shall be clearly marked with its numerical street address. The street address numbers must be placed on the building unless otherwise authorized by the Zoning Administrator. Each number shall be a minimum of four (4) inches in height and shall be displayed in such a manner to be plainly visible and legible from the street or roadway.

5. Reserved

6. Easements

A. Utility Easements

Utility easements shall be provided, where necessary, across lots or centered on rear or lot lines and shall be at least twenty (20) feet minimum width for water and sanitary sewer lines and as required by the companies involved for telephone, gas, power lines and cable television. The Administrator will determine whether one (1) easement is sufficient or whether several easements are necessary to accommodate the various facilities, and the subdivider shall provide the required easements.

B. Drainage

Where a parcel of land is traversed by a stream, open drainage channel, subsurface drainage or any combination thereof, a drainage easement of sufficient width shall be provided along said drainage feature when located outside of public rights-of-way. Drainage easements shall apply to both existing and proposed drainage features used to convey stormwater runoff across a property and shall be maintained by the individual property owner, Homeowners Association or Business Association, whichever will apply. See Section 18.10.5 for minimum drainage easement standards.

7. Points of Ingress and Egress

Each subdivision shall be provided with two external points of ingress and egress on a public road at the subdivision's periphery, except under the following conditions:

- A. When the exterior frontage of the subdivision on a particular public road is less than five-hundred (500) feet; or,
- B. When the subdivision contains less than fifty (50) lots; or,
- C. When the Planning Board determines that there are unique physical characteristics of the property which would render a second entrance impractical; or,

- D. Where the NCDOT would not allow such second entrance.

18.10 REQUIRED IMPROVEMENTS

1. Streets

All streets within the proposed subdivision and any street upon which any lot within the proposed subdivision has its required frontage and which is not a Town or State maintained street shall be graded and paved by the developer in accordance with Town of Waxhaw typical design standard for paved streets with curb and gutter and offered for dedication to the Town. The Planning Board may modify the requirement for curb and gutter where in the opinion of the Board, based upon the recommendation of the Town Engineer, curb and gutter would not be in the best interest of the Town and would not be the best manner to handle storm water runoff for the specific subdivision. All storm drainage to be contained within the street right-of-way shall be in accordance with the Town of Waxhaw *Stormwater Design Manual*.

2. Water and Sewer

Any subdivision which has either public water or public sewer system or both legally available or to be made available within three hundred (300) feet of its boundary shall have such available systems extended by the developer to provide service to each lot in the subdivision. Water and sewer installations shall be in accordance with the standards of the Union County Public Works Department. When not in conflict with such standards, fire hydrants shall be installed at intervals of five hundred (500) feet along such water lines. Where water and/or sewer is not made available to each lot a certificate shall appear on the final plat from the Union County Health Department indicating the appropriateness of the lots to support whatever alternate systems are to be permitted.

3. Street Name Signs and Mailboxes

Street name signs shall be installed by the developer at each street intersection as appropriate to identify all street names. Approved mailboxes will be installed before any residence can be occupied. Street name signs, poles and brackets and mailboxes shall be of a decorative type and shall be subject to approval by the Town in the preliminary subdivision plat review process. Where feasible and practical, street name signs and mailboxes shall be of a common design or theme throughout the subdivision or in individual phases of the subdivision.

4. Traffic Control Devices

- A. Traffic control devices such as stop, yield and speed limit signs (but not including electric or electronic traffic signals) shall be installed on public streets by the developer at the appropriate locations as determined by NCDOT. Installation standards and materials shall be in conformance with NCDOT standards for such devices.

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- B. The construction of new roadway intersections and existing roadway intersections on which traffic light signalization is installed initially or replaced in whole shall utilize “mast arm” type supports. The utilization of mast arm type supports shall also apply to the replacement of existing street light signals on projects involving intersection improvements or street widening. The utilization of mast arm type supports pursuant to the preceding requirements shall apply to all projects, including those resulting from private development and projects of public entities. The design of mast arms installed shall be approved by Waxhaw Planning Staff. Any exception to this policy must be approved by the Waxhaw Board of Commissioners.

All construction of “mast arm” metal utility poles and/or supports shall conform with NCDOT Design Standards, be approved by NCDOT and be in conformance with any and all requirements by NCDOT and the Town of Waxhaw.

5. Storm Drainage Not Contained in Street Right-of-Way

During the 10 year storm, convey stormwater runoff across more than two (2) lots in a defined channel/swale or convey stormwater runoff within subsurface drains which are not situated within public street rights-of-way shall be treated by the developer in one or more of the following ways:

- A. Enclosed in subsurface drains. Subsurface drain material shall be of a type approved for use by NC DOT and shall be sized in accordance with calculations made by a Registered Professional Engineer using the twenty-five (25) year storm. A maintenance and utility easement shall be placed on the final plat approximately centered on the drain and the outside edge of the easement shall be no closer than five (5) feet to the outer wall of the drain. In no case shall the maintenance and utility easement be less than fifteen (15) feet when maintained by an individual, Homeowners Association or Business Association. Storm drainage systems located outside of public street rights-of-way will not be maintained by the Town unless specifically approved otherwise. Minimum storm drainage easement widths for Town maintenance and acceptance are as follows:

<u>Pipe Diameter</u>	<u>Width</u>
15”-36”	20”
42-48”	25’
54”+	30’

- B. Open Channel in Dedicated Flood Plain and Open Space. This option shall only be available when the Town of Waxhaw agrees to accept the dedication. The dedicated floodplain and open space shall include the drainage channel and the land between the channel and the natural one hundred (100) year flood contour as determined by calculations made by a Registered Professional Engineer, provided that in no case shall the average minimum width be less than two hundred (200) feet plus the width of the

channel. The area to be dedicated shall be left in its natural condition by the subdivider unless the Town Board approves some other treatment. The dedicated flood plain and open space shall abut public street right-of-way on at least thirty (30) percent of its perimeter except when the Town Board determines that adequate access is otherwise provided. The minimum length of street frontage at each location where floodplain and open space abuts public street right-of-way shall be sixty (60) feet.

- C. **Open Channel on Private Property Within a Drainage and Maintenance Easement.** The drainage maintenance and utility easement shall include the drainage channel and the land between the channel and the natural one hundred (100) year flood contour as determined above. The Town Board may permit modification of an existing drainage channel by the subdivider provided that the modification will be designed to carry the 100 year storm, all disturbed slopes will be adequately stabilized and the applicable local, state and federal permits are obtained for the specified impact to any jurisdictional waters/wetlands. The use of masonry paving, rip rap or other approved materials shall line all modified drainage channel slopes when slopes are greater than 2:1 (horizontal to vertical). In no case shall the minimum drainage maintenance and utility easement be less than the following:

<u>Drainage Area</u>	<u>Width</u>
1-45 Acres	20'
45-120 Acres	30'
120-500 Acres	40'
500 +	Determined by Town

6. **Street Lighting**

All public streets, sidewalks, and other common areas or facilities in subdivisions shall be sufficiently illuminated to ensure the security of property and the safety of persons using such streets, sidewalks, and other common areas or facilities.

- A. Streetlights shall be rated a minimum of 9500-lumen, and shall be 100 watt high pressure sodium vapor located at all intersections and mid-block locations with intervals not exceeding 250 feet.
- B. All roads, driveways, sidewalks, parking lots, and other common areas and facilities in un-subdivided developments shall be sufficiently illuminated to ensure the security of property and the safety of persons using such roads, driveways, sidewalks, parking lots, and other common areas and facilities.

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- C. All entrances and exits in substantial buildings used for non-residential purposes and in multi-family residential dwellings containing more than four dwelling units shall be adequately lighted to ensure the safety of persons and the security of the building.

Streetlights, poles and brackets are to be decorative and shall be subject to approval in the preliminary plat. Where feasible and practical, street light varieties shall be the same throughout the subdivision or individual phases of the subdivision.

All streetlights shall be placed at least two (2) feet inward (i.e., away from the street) from the sidewalk.

7. Reserved

8. Utility Lines

All utility lines (water, sewer, telephone, gas, cable television and electric) shall be located underground in all subdivisions.

18.11 LEGAL PROVISIONS

1. Procedure for Plat Approval

After the effective date of this Ordinance, no subdivision plat of land within the Town's jurisdiction shall be filed or recorded until it has been submitted to and approved by the appropriate agencies, and until this approval is entered in writing on the face of the plat by the Chairman or head of that agency.

A plat shall not be filed or recorded by the Union County Register of Deeds of any subdivision located within the Town's jurisdiction that has not been approved in accordance with this Ordinance, nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with the requirements of this Ordinance.

2. Effect of Plat Approval on Dedications

Pursuant to General Statute 160A-374, the approval of a plat shall not be deemed to constitute or effect the acceptance by the Town of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, the Waxhaw Board of Commissioners may, by resolution, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its corporate limits.

3. Variances

The Town Board may authorize a variance from the regulations contained in this Section (for all other variances, refer to Section 15), if, in its opinion, undue hardship may result from strict

compliance with these regulations. Such variance shall be granted only to the extent that it is absolutely necessary and not to an extent which would violate the intent of this Ordinance.

A petition for such variance shall be submitted in writing by the subdivider to the Administrator. The petition shall include:

- A. The nature of the proposed variance
- B. The reason that the variance is needed

The Administrator shall review the petition and submit his written comments and recommendations to the Planning Board. The Planning Board shall consider the request and make a recommendation regarding the variance to the Town Board. The variance request may be handled simultaneously by either the Planning Board and/or the Town Board as part of the plat review process. Such review shall be subject to all submittal and recommendation deadlines otherwise called for in this Ordinance.

The Town Board may only approve a variance if each of the following findings is first made:

- A. There are special circumstances or conditions affecting the property such that the strict application of the provisions of this ordinance would deprive the applicant of reasonable use of his land.
- B. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- C. The circumstances giving rise to the need of the variance are peculiar to the tract in question and are generally not characteristics of other tracts in Waxhaw.
- D. The granting of the variance will not be detrimental to the public health, welfare and safety.
- E. The variance will not vary any of the provisions of this Ordinance outside of those contained in Section 18 herein.

In approving a variance, the Town Board may apply fair and reasonable conditions that support one or more of the findings listed above. The Town Board shall not be required to hold a public hearing with association with the petition for a variance as herein called for.

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4. Appeals

An aggrieved party may appeal to the Board of Adjustment a decision of the Administrator made with respect to the provisions of Section 18 of this Ordinance. Such appeal shall be made in a manner as prescribed in Section 15 of this Ordinance.