CHAPTER 152: SUBDIVISIONS

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§ 152.01 TITLE AND PURPOSE.

(A) This chapter shall be known and may be cited as the Subdivision Chapter of the Town of Liberty, North Carolina, and may be referred to as the Subdivision Chapter.

(B) (1) The purpose of this chapter is to establish procedures and standards for the development and subdivision of land within the territorial jurisdiction of the Town of Liberty, North Carolina.

(2) It is further designed to provide for the orderly growth and development of Liberty; for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities; for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety and the general welfare.

(3) This chapter is designed to further facilitate adequate provision for water, sewerage, parks, schools and playgrounds, and also to facilitate the further re-subdivision of larger tracts into small parcels of land.

§ 152.02 AUTHORITY AND JURISDICTION.

(A) This chapter is hereby adopted under the authority and provisions of G.S. Ch. 160D, Article 8.

(B) The regulations of this chapter contained herein as provided in G.S. Ch. 160D, Article 8 shall apply throughout the Town of Liberty and its extraterritorial planning jurisdiction, as it may from time to time exist.

§ 152.03 PREREQUISITE TO PLAT RECORDATION AND APPROVAL OF PUBLIC SERVICES.

(A) Prerequisite to plat recordation. After the effective date of this chapter, each individual subdivision plat of land within the territorial jurisdiction of the Town of Liberty shall be approved by the Town of Liberty in accordance with the procedures for submission and approval as set forth herein.

(B) Approval of public services. No street shall be maintained by the town nor street dedication accepted for ownership and maintenance, no construction permits shall be issued, nor shall water, or sewer or other town facilities or services be extended to or connected within any subdivision for which a plat is required to be approved unless and until the requirements set forth in this chapter have been fully complied with and the final plat has been approved by the Town of Liberty and recorded with the Randolph County Register of Deeds.

§ 152.04 LEGAL PROVISIONS.

(A) Administration.

(1) The Town Manager shall be the Administrator of this chapter.

(2) The Town Manager shall be responsible for administering the provisions of this chapter, providing necessary materials and information to the Planning and Zoning Board and Town Council and performing all other duties consistent with the administration of this chapter.

(3) It shall further be the duty of the Town Manager to enforce these regulations and to bring to the attention of the Liberty Town Attorney any violation or lack of compliance herewith.

(B) Procedure for plat approval. After the effective date of this chapter, no subdivision plat of land within the territorial jurisdiction of the Town of Liberty shall be filed or recorded until it has been submitted to and approved by the Town of Liberty and until approval is certified in writing on the face of the plat by the Town Manager.

(C) Enforcement.

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

(2) Building Inspector. After the effective date of this chapter, the Building Inspector(s) shall not issue any permits for construction until a final plat has been approved and recorded in accordance with these provisions.

(3) Violation. It is a violation of this chapter to record any deed indicating a lot on a preliminary or sketch plat until a final plat has been recorded.

(D) Penalties for violation.

(1) After the effective date of this chapter, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this chapter, thereafter subdivides his or her land in violation of this chapter or transfers or sells land by reference to, exhibition of, or any other uses of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this chapter and recorded in the office of the Randolph County Register of Deeds, shall be guilty of a misdemeanor.

(2) The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty.

(3) The Town of Liberty through its attorney or other official designated by the Town Council, may enjoin illegal subdivision, transfer or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the Subdivision Chapter. Further, violators of this chapter shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S. § 14-4.

(E) Effect of plat approval on dedications. The approval of a plat pursuant to this chapter shall not be deemed to constitute or effect the acceptance by the Town of Liberty of the dedication or maintenance of any street or other ground, public utility line or other public facility shown on the plat.

(F) Variances.

(1) Where, because of severe topographical or other conditions peculiar to the site, strict adherence to the provisions of this chapter would cause an unnecessary hardship, the Town Council upon recommendation of the Planning and Zoning Board, may authorize a variance to the terms of this chapter only to the extent that is absolutely necessary and not to an extent which would violate the intent of the chapter.

(2) All requests for variances shall be submitted in writing, by the subdivider or their agent, to the Town Manager. The request shall be accompanied by materials providing sufficient evidence to support the claim of hardship.

(G) Amendments.

(1) The Town Council of the Town of Liberty may from time to time amend the terms of this chapter, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning and Zoning Board for review and recommendation.

(2) The Planning and Zoning Board shall have 60 days within which to submit its report. If the Planning and Zoning Board fails to submit a report within the specified time, it shall be deemed to have approved the amendment.

(3) Upon receipt of the Planning and Zoning Board's recommendation, or upon the expiration of the above mentioned 60-day period with no recommendation from the Planning and Zoning Board, the Town Council shall schedule a public hearing on the proposed amendment.

(4) After the hearing the Town Council may adopt, by ordinance, amendments to this chapter.

(H) Abrogation. It is not intended that this chapter repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, permits previously issued pursuant to law or other agreements between parties, provided however, where this chapter imposes greater restrictions upon the land or requires a higher standard of development, the provision of this chapter shall govern.

(I) Re-enactment and repeal of existing Subdivision Chapter.

(1) This chapter in part carries forward by re-enactment some of the provisions of the Town of Liberty Subdivision Chapter adopted September 28, 1981 as amended, and it is not the intention to repeal but rather to re-enact and continue in force those existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced.

(2) All provisions of the Subdivision Chapter, which are not re-enacted herein are hereby repealed.

(3) All suits at law or in equity and/or all prosecutions resulting from the violation of any subdivision ordinance heretofore in effect, which are now pending in any of the courts of this state or of the United States, shall not be abated or abandoned by reason of the adoption of this chapter, but shall be prosecuted to their finality the same as if this chapter had not been adopted; and any and all violations of the existing chapter, prosecutions for which had not yet been instituted, may be hereafter filed and prosecuted; and nothing in this chapter shall be construed as to abandon, abate or dismiss any litigation or prosecution now pending and/or which may heretofore have been instituted or prosecuted.

§ 152.06 COMPLIANCE WITH OFFICIAL PLANS.

(A) Thoroughfare plans. Where a proposed subdivision includes any part of a thoroughfare which has been designated as so upon the officially adopted Thoroughfare Plan of the Town of Liberty that part of the thoroughfare shall be platted by the subdivider in the location shown on the plan and at the width specified.

(B) School plans. Where a tract of land that has been approved by the Randolph County School Board of Education as a proposed school site lies wholly or partially within an area proposed to be subdivided, and provided the Board of Education has notified the Planning and Zoning Board and the property owner of its approval of the school site prior to or within 10 days after the presentation of a preliminary design plat to the Planning and Zoning Board for approval, the subdivider shall reserve the proposed school site for a period of at least 60 days from the date of approval of the preliminary design plat.

(C) Zoning. Proposed subdivisions shall comply in all respects with the requirements of Chapter 154 in effect in the area to be subdivided.

(D) Recreation facilities and open spaces. Where a tract of land that is an approved site for a public recreation facility or public open space lies wholly or partially within an area proposed to be subdivided, and provided the Planning and Zoning Board has notified the property owners of its approval of the site prior to or within 10 days after the presentation of the preliminary design plat for Planning and Zoning Board approval, the subdivider shall reserve the proposed recreation site as required by G.S. § 160D-804(d).

(E) Other public facilities plan. Where a tract of land that is an approved site for a public facility such as a fire station, water treatment plant or other public facility lies wholly or partially within an area proposed to be subdivided, and provided the public agency concerned has notified the Planning and Zoning Board and the property owners of the approved public facilities prior to or within 10 days after the presentation of the preliminary design plat to the Planning and Zoning Board for approval, the subdivider shall reserve the proposed public facilities for a period of at least 60 days from the date of approval of the sketch design plat.

§ 152.07 PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS.

(A) Minor subdivisions.

(1) The Town Council of the Town of Liberty, North Carolina hereby designates the Town Manager to approve minor subdivisions, pursuant to G.S. Ch. 160D, Article 18, Part 1, § 301.

(2) Whenever a subdivision of land is within the definition of a minor subdivision as set forth in § 152.05 above, the subdivider shall submit to the Town Manager copies of a surveyed plat which shall meet the requirements set forth in § 152.08 below.

(3) The Town Manager shall, within 21 days from the date of submission of the plat, review the plat for compliance with the requirements set forth in § 152.08 below. No minor

subdivision plat shall be approved unless it complies with all the requirements of this chapter.

(4) When a minor subdivision plat has met all the requirements of this chapter, the Town Manager shall place the stamp of approval and his or her signature on the plat. The stamp of approval and the signature of the Town Manager on the minor subdivision plat will constitute approval.

(5) The subdivider shall record the approved plat with the Randolph County Register of Deeds. No building permits shall be issued for any lot in a minor subdivision until the Town Manager is informed of the book and page number assigned to the plat by the Register of Deeds.

(B) Major subdivisions.

(1) Preliminary plat.

(a) Whenever a subdivision of land is within the definition of a major subdivision as set forth in § 152.05 above and which is located within the territorial jurisdiction established by § 152.02 above, the subdivider shall submit copies of a preliminary plat which shall meet the requirements set forth in § 152.08 below to the Town Manager at least 20 days prior to a regularly scheduled meeting of the Planning and Zoning Board.

(b) The Town Manager shall refer copies of the preliminary plat and all accompanying materials to those public officials and agencies concerned with new development or those whose advice will in the opinion of the Town Manager be useful to the Planning and Zoning Board including, but not limited to the Randolph County Health Department, the Randolph County Board of Education, the District Engineer of the North Carolina Department of Transportation, the Town Engineer, the Director of Public Works and the Building Inspector.

(c) If no response is received from these agencies within 15 days from the date the Town Manager issues the plats for review, “no comment” will be recorded as the response.

(d) At its next regular meeting, the Planning and Zoning Board shall review the preliminary plat for compliance with this chapter and consider any recommendations made by public officials or agencies concerned with new development.

(e) Within 60 days from the date of its review of the preliminary plat, the Planning and Zoning Board shall transmit the plat along with its recommendations including any conditions or modifications to the Town Council.

(f) Failure to transmit the plat within the 60 days shall have the same effect as a recommendation to the Town Council that the plat be approved. The subdivider or the subdivider’s authorized agent may waive this requirement and consent to an extension of the 60-days’ period.

(g) Upon receipt of the preliminary plat with recommendations including any recommended conditions or recommended changes from the Planning and Zoning Board or upon the expiration of 60 days from the date of the Planning and Zoning Board meeting

at which the preliminary plat was first reviewed, the Town Council shall review it for compliance with the requirements of this chapter and shall consider the recommendations of the Planning and Zoning Board and any public official or agency concerned with new development.

(h) The Town Council shall approve, approve conditionally, or disapprove the preliminary plat.

1. If the Town Council approves the preliminary plat, approval shall be noted on at least 2 copies of the plat by the Town Clerk.

2. One copy shall be returned to the subdivider and 1 shall be retained as a part of the records of the Town Council.

(i) If the Town Council approves the preliminary plat with conditions, the conditions and the reasons for the conditional approval shall be recorded in the minutes of the meeting. A copy of any conditions shall be attached to the plat that is returned to the subdivider.

(j) If, after Town Council approval of a preliminary plat, the subdivider wishes to modify the plat the Town Manager shall determine if the modification is substantial (i.e., increase in the number of lots, relocation of streets and the like).

(k) If found to be substantial, the subdivider shall re-submit the preliminary plat for approval in accordance with the requirements of this subchapter.

(2) Engineering data.

(a) The subdivider may choose to submit the engineering data concerning approximate street grade, design data for street corners and curves and the plan and profile for streets and water and sewer lines after receiving preliminary plat approval.

(b) If this option is chosen, the engineering data shall be approved by the Town Manager before installation of improvements is begun.

(3) Improvements. Upon approval (with or without conditions) of the preliminary plat by the Town Council and approval of the engineering data by the Town Manager, the subdivider may proceed with the installation of or the guarantee for the installation of the required improvements and the preparation of the final plat in accordance with the approved preliminary plat and the requirements of this chapter.

(4) Final plat certification.

(a) Upon installation of or guarantee for the required improvements, the subdivider shall submit a final plat which shall meet the requirements set forth in § 152.08 below, to the Town Manager at least 15 days prior to a regularly scheduled meeting of the Planning and Zoning Board.

(b) The submission shall not be more than 12 months after the date on which the preliminary plat was approved, otherwise the preliminary plat approval shall be null and void unless a written extension of his or her time limit is granted by the Town Council.

(c) The final plat shall contain only that portion of the preliminary plat which the subdivider proposes to develop and record at that time.

(d) No final plat shall be certified unless and until the subdivider has installed in that area, represented on the final plat, all improvements required by this chapter or shall have guaranteed their installation as required by § 152.08(B)(2) below.

(e) The final plat and accompanying material shall be submitted together with inspection fee to be fixed by the Town Council in the amount sufficient to defray all costs involved in inspection of the property and improvements for compliance with all provisions of this chapter.

(f) At its next regular meeting, the Planning and Zoning Board shall review the final plat for conformance with the approved preliminary plat and for compliance with all requirements of this chapter and consider any recommendations made by public officials or agencies concerned with new development.

(g) Within 60 days from the date of its review of the final plat, the Planning and Zoning Board shall transmit the plat along with its recommendations including any conditions or changes to the Town Council.

(h) Failure to transmit the plat within 60 days shall have the same effect as a recommendation that the plat be certified. The subdivider or the subdivider's authorized agent may waive this requirement and consent to an extension of the 60-day period.

(i) Upon receipt of the final plat with recommendations including any conditions or modifications from the Planning and Zoning Board or upon expiration of 60 days from the date of the Planning Board meeting at which the final plat was first reviewed, the Town Council shall review it for conformance with the approved preliminary plat and for compliance with the requirements of this chapter, and shall consider the recommendations of the Planning and Zoning Board and any public official or agency concerned with new development.

(j) The subdivider shall record the approved plat with the Randolph County Register of Deeds. No building permits shall be issued for any lot in a major subdivision until the Town Manager is informed of the book and page number assigned to the plat by the Register of Deeds.

(k) If the Town Council certifies the final plat with modifications, the subdivider shall prepare and submit to the Town Council a new final plat or additional materials which incorporate the modifications. The Town Council may refer the modified final plat and accompanying material to the Planning and Zoning Board or to public officials or agencies concerned with new development for their recommendations.

(l) If the Town Council denies certification of the final plat, the reasons for the denial shall be recorded in the minutes of the meeting.

(m) Upon City Council approval of a final plat the Town Manager shall transmit copies of the approved final plat to appropriate public officials and agencies.

§ 152.08 REQUIREMENTS FOR APPROVAL OF SUBDIVISION PLATS.

(A) Minor subdivisions.

(1) Plat prepared. A minor subdivision plat shall be prepared by a surveyor, licensed and registered to practice in the State of North Carolina.

(2) Number of copies and graphic media. One copy of the minor subdivision plat shall be submitted, either in paper or mylar.

(3) Plat size and scale.

(a) Minor subdivision plats shall have an outside marginal size of not more than 24 inches by 36 inches nor less than 11 inches by 17 inches, including 1-1/2 inch for binding on the left margin and 1/2-inch border on each of the other sides.

(b) Where size of land areas, or suitable scale to assure legibility require, maps may be placed on 2 or more sheets with appropriate match lines. Minor subdivision plats shall be drawn at any scale that assure legibility.

(4) Contents required. The minor subdivision plat shall depict or contain the following information.

(a) Title information:

1. Name of proposed subdivision;

2. Name(s), address(es) and telephone number(s) of owner(s) of property included in the proposed subdivision;

3. Name(s) of the city, township(s), county and state in which the subdivision is located;

4. Scale denoted graphically and numerically;

5. North arrow with indication of true grid if within 2,000 feet of grid reference;

6. Date of preparation;

7. Name(s), address(es) and telephone number(s) of surveyor, engineer, landscape architect, planner or other individual responsible for the design and layout of the proposed subdivision or for the preparation of the plat; and

8. Vicinity map at any convenient scale, inset on the plat showing the location of the proposed subdivision with respect to the surrounding area including principal highways and streets.

(b) Existing information:

1. The tract to be subdivided shall show boundaries fully with bearings, distances and closures indicated (the tract to be subdivided includes the original entire tract and the new tract being created), however if the residual portion of the tract that is left after all new parcels are created exceeds 10.01 acres in area a survey shall not be required for that residual portion. The residual area shall be shown on the plat of the subdivision including its bearings and distances either as a dashed line at the same scale or as a reduced scale map insert. A note indicating that the area is drawn from non surveyed data, where the data was obtained and a statement that this area is not part of the final plat but is reserved for future division or use shall be placed on the plat;

2. The location of existing and platted property lines, railroads, utility transmission lines, water lines, bridges, culverts, storm drain pipes, town limit lines and any easements within the boundaries of the tract to be subdivided and on a 50-foot area of the land immediately adjoining it;

3. The locations of wooded areas, swamps, bogs, rock outcrops of a magnitude to cause development problems, ponds or lakes, streams or stream beds, channels and any other natural features affecting the site of the proposed subdivision;

4. Zoning classification of the land to be subdivided and of a 50-foot area of the property immediately adjoining it;

5. Existing topography of the proposed subdivision and of a 50-foot area contiguous to it, at a contour interval of no more than 5 feet. (This information may be submitted on separate sheet); and

6. Base flood elevation data if proposed subdivision is within a flood hazard area.

(c) Information concerning proposed subdivision.

1. Proposed riding trails, natural buffers, pedestrian, bicycle or other rights-of-way or other easement; their location, width and purpose;

2. Layout of lot arrangement including lot lines, lot dimensions and lot and block numbers;

3. Layout of proposed utilities (sewer, water, drainage, gas, electricity, telephone and the like) showing connections to existing systems or location plans for individual water supply, sewage disposal, storm drainage and other. Provisions for the installation or the installation of these utilities shall be made prior to minor subdivision plat approval;

4. Proposed location and size of parks, school sites and other recreational or open spaces accompanied by provisions concerning their future ownership;

5. Site data:

a. Acreage in total tract;

b. Acreage in parks and other non-residential use;

c. Total number of lots; and

d. Average lot size.

6. Any proposed modification to the topography of the proposed subdivision at a contour interval of not more than 10 feet.

(5) Certification required.

(a) Certification of ownership and dedication. The following certificate shall be placed on the minor subdivision plat and signed by the owner(s) of the subdivision.

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent.

Further I (we) certify the land as shown hereon is within the subdivision regulation jurisdiction of the Town of Liberty, North Carolina.

_____(Date) _____ (Owner)

_____ (Owner)

(b) Certificate of survey.

1. The following certificate shall be placed on the minor subdivision plat and shall be signed by the surveyor preparing the plat or under whose supervision it was prepared.

2. The signature shall be accompanied by the seal and registration number of the above mentioned survey and shall be certified as true by a Notary Public or Clerk of Superior Court.

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 _____, Book _____, page _____, and the like) (Other); that the error of closure as calculated by latitudes and departures is 1:____; that the boundaries not surveyed are shown are 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 _____ A.D., 20____.

(c) Certificate of approval of the design of public utilities connections. A minor subdivision plat that proposes the installation or connection(s) to public utilities such as water and sewer shall have the following certificate placed upon it and signed by the Public Works Director.

I hereby certify that the water and sewer facilities are existing or have been designed in an acceptable manner according to the town specifications and standards in the _____ subdivision.

_____ (Date) _____Town Manager

(6) Design standards.

(a) General. All minor subdivision shall be designed so as to minimize flood damage to any lots, buildings or other facilities within the subdivision.

(b) Utilities.

1. All utilities in a minor subdivision including water systems, sewerage systems, gas lines and electrical distribution facilities shall be designed and constructed so as to eliminate or minimize flood damage to those facilities.

2. All water supply and sewerage systems within a proposed minor subdivision shall be designed in accordance with Town of Liberty specifications and standard details.

3. Any on-site waste disposal system shall be located so as to avoid impairment of the system or contamination from the system during flooding.

(c) Drainage. Adequate drainage shall be provided in all subdivisions so that exposure to flood hazards will be at a minimum.

(d) Rights-of-way.

1. Existing street rights-of-ways shall be designated 50 feet wide minimum, or 25 feet minimum when measured from the property line to the center line of an existing right-of-way.

2. Triangular sight distances must be designated at intersections in accordance with the N.C. D.O.T. minimum standards for subdivision roads.

(B) Major subdivision plats.

(1) Preliminary plat.

(a) Number of copies and graphic media. A minimum of 8 copies of the preliminary plat shall be submitted. No specific graphic media must be employed unless the preliminary plat will also serve as the final plat. In that case, the graphic media employed shall be of the same type as required for final plat.

(b) Scale. Major subdivision preliminary plats shall be drawn at a scale that assures legibility.

(c) Contents required. The preliminary plat shall depict or contain the following information:

1. Title information.

a. Name of proposed subdivision;

b. Name(s), address(es) and telephone number(s) of owner(s) of the property included in the proposed subdivision;

c. Name(s) of the city, township(s), county and state in which the subdivision is located;

d. Scale denoted graphically and numerically;

e. North arrow with indication whether true grid or magnetic and date of magnetic reading;

f. Date of preparation;

g. Name(s), address(es) and telephone number(s) of surveyor, engineer, landscape architect, planner or other individual responsible for the design and layout of the proposed subdivision or for the preparation of the plat; and

h. Vicinity map at any convenient scale, inset on the plat showing the location of the proposed subdivision with respect to the surrounding area including principal highways and streets.

2. Existing information.

a. Boundaries of the tract to be subdivided;

b. The location of existing and platted property lines, streets, structures, water courses, railroads, utility transmission lines, water lines, bridges, culverts, storm drain pipes, town limit lines and any easements within the boundaries of the tract to be subdivided and on a 50-foot area of land immediately adjoining it;

c. The locations of wooded areas, swamps, bogs, rock outcrops of a magnitude to cause development problems, ponds or lakes, streams or stream beds, channels and any other natural features affecting the site of the proposed subdivision;

d. Zoning classification of the land to be subdivided and of a 50-foot area of the property immediately adjoining it; and

e. Existing topography of the proposed subdivision and a 50-foot area of the property immediately adjoining it, at a contour interval of no more than 5 feet. (This information may be submitted on a separate sheet).

3. Information concerning proposed subdivision.

a. Names of proposed streets and the locations and widths of proposed street rights-of-way and street pavement;

b. Proposed riding trails, natural buffers, pedestrian, bicycle or other rights-of-way or other easement, their location, width and purpose;

c. Layout of lot arrangement including lot lines, lot dimensions and lot and block numbers;

d. Proposed minimum building setback lines; in conformance with the Liberty Zoning Chapter;

e. Location of proposed utilities (sewer, water, drainage, gas, electricity, telephone and the like) showing connections to existing systems or location plans to existing systems or location plans for individual water supply, sewage disposal, storm drainage and other;

f. Proposed location and size of parks, school sites and other recreational or open spaces accompanied by provisions concerning their future ownership;

g. Site data:

i. Acreage in total tract;

ii. Acreage in parks and other non-residential use;

iii. Total number of lots;

iv. Average lot size; and

v. Linear feet of streets.

h. Grading plan indicating proposed modifications to the topography, other than street construction, at a contour of not more than 5 feet;

i. Engineering data: approximate street grade; design data for street corners and curves; and plan and profiles for streets, water and sewer lines; and

j. Base flood elevation data if proposed subdivision is within a flood hazard area.

(2) Final plat.

(a) Improvements, installation or guarantees. Prior to certification of a final plat the subdivider shall have installed improvements specified in § 152.09 below or guaranteed their installation in one of the following ways:

1. File with the Town Clerk a performance or surety bond made by a surety company licensed to do business in North Carolina. The guarantee shall be in an amount of 125% of the construction of required uncompleted improvements as estimated by the Town Manager. Performance guarantees shall run for a period of 1 year and may be renewed once for a period of 1 year upon written approval from the Town Manager;

2. Deposit or place in escrow with the Town Clerk a certified check or cash in an amount of 125% estimated cost of the construction of the required improvements. The funds shall not be returned by the town until improvements have been satisfactorily installed. Portions of the deposit may be released as work progresses provided that the refunds shall be made no often than 1 calendar month; or

3. File with the Town Clerk a letter of credit from a financial institution licensed to do business in the State of North Carolina for the cost. The letter of credit shall be in an amount of 125% of the construction of required uncompleted improvements as estimated by the Town Manager. The letter of credit shall run for a period of 1 year and may be renewed once for a period of 1 year upon written approval from the Town Manager. The guarantee shall not apply to the installation of the water and sewer systems. These systems shall be installed prior to approval of any final plat.

(b) Maintenance and defects guarantee.

1. The Town Clerk shall secure from all subdividers a letter in which the subdivider shall agree to maintain the backfill on any improvements, stabilize erosion control as required, and guarantee improvements against defects for 1 year, except those improvements made by utility companies.

2. The letter shall be binding on the subdivider for a period of 1 year after the acceptance of such improvements by the town.

(c) Plat prepared. The final plat shall be prepared by a surveyor licensed and registered to practice in the State of North Carolina.

(d) Number of copies and graphic media. A minimum of 8 copies of the final plat shall be submitted.

(e) Plat size and scale. Final plats shall have an outside marginal size of not more than 8-1/2 inches by 11 inches, including 1-1/2 inch for binding on the left margin and 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 2 or more sheets with appropriate match lines. Final plat shall be drawn at a scale not to exceed 1 inch equals 200 feet.

(f) Contents required. The final plat shall depict or contain the following information:

1. Title information:

a. Name of proposed subdivision;

b. Name(s), address(es) and telephone number(s) of owner(s) of the property included in the proposed subdivision;

c. Name(s) of the city, township(s), county and state in which the subdivision is located;

d. Scale denoted graphically and numerically;

e. North arrow with indication of true grid; if within 2,000 feet of grid reference;

f. Date of preparation;

g. Name(s), address(es) and telephone number(s) of surveyor, engineer, landscape architect, planner or other individual responsible for the design and layout of the proposed subdivision or for the preparation of the plat; and

h. Vicinity map at any convenient scale, inset on the plat showing the location of the proposed subdivision with respect to the surrounding area including principal highways and streets.

2. Existing information:

a. Names of proposed streets and the locations and widths of proposed street rights-of-way and street pavements;

b. Layout of lot arrangement including lot lines, lot dimensions and lot and block numbers;

c. Site data:

i. Acreage in total tract;

ii. Acreage in parks and other non-residential use;

iii. Total number of lots;

iv. Average lot size; and

v. Linear feet of streets.

d. As built engineering data. The following information shall be contained in a plan and profile accompanying the final plat.

i. The plans for utility layout, including sanitary sewers, water distribution lines, natural gas, telephone and electric service, illustrating connections to existing systems or plans for individual water supply systems and/or sewerage disposal systems. Plans must show lines sizes, the location of fire hydrants, blowoffs, manholes, pumps, force mains and gate valves;

ii. 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;

iii. Location, purpose and dimensions of areas to be used for purposes other than residential;

iv. Right-of-way lines, sight distance lines, pavement widths and names of all streets and the location, name and width of all adjacent streets and easements;

v. Property lines, building or other structures, water courses, railroads, bridges, culverts, storm drains, corporate limits on land to be subdivided and on a portion of the land immediately adjoining;

vi. 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, setback line, sight distance line including dimensions, bearings or deflection angles, radii, central angles and tangent distances for the center line of curved streets and curved

property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest 1/100 of a foot and all angles to the nearest minute;

vii. Accurate location and description of all monuments, markers and control points; and

viii. Modifications other than street construction, if any, to the topography of the proposed subdivision at a contour interval of not more than 5 feet.

e. Base flood elevation data if proposed subdivision is within a flood hazard area.

(g) Certification required.

1. Certification of ownership and dedication. The following certificate shall be placed on the final plat and signed by the owner(s) of the subdivision.

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent.

Further I (we) certify the land as shown hereon is within the subdivision regulation jurisdiction of the Town of Liberty, North Carolina.

_____ Date _____ Owner

_____ Owner

2. Certificate of survey.

a. The following certificate shall be placed on the final plat and shall be signed by the surveyor preparing the plat or under whose supervision it was prepared.

b. The signature shall be accompanied by the seal and registration number of the above mentioned survey and shall be certified as true by Notary Public or Clerk of Superior Court:

_____, 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 record in Book_____, page _____, Book _____, page _____, and the like) (Other); that the error of closure as calculated by latitudes and departures is 1:_____; that the boundaries not surveyed are shown are 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 _____, 20_____.

3. Certificate of approval of the design and installation of required improvements. The following certificate shall be placed on the final plat and shall be signed by the Town Manager.

I hereby certify that the street, utility, monument and other required improvements have been installed or provisions have been made for installation in an acceptable manner and according to town specifications and standards in the _____ subdivision.

(Date) _____ Town Manager _____

§ 152.09 REQUIRED IMPROVEMENTS AND DESIGN STANDARDS.

(A) Required improvements.

(1) General. Each subdivision as defined in § 152.05 above shall contain the following improvements as applicable:

(a) Survey;

(b) Streets;

(c) Sidewalks;

(d) Storm water drainage system;

(e) Water and sewerage systems;

(f) Blocks; and

(g) Lots.

(2) Survey. Survey, plat, monuments and control corners shall be provided in accordance with the latest edition of the Manual of Practice for Land Surveying in North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors.

(3) Streets, publicly maintained.

(a) Design standards.

1. All streets shall be designed and built in accordance with the current edition of the North Carolina Department of Transportation Division of Highways Minimum Construction Standards for Subdivision Roads, with the following modifications:

a. Streets with curb and gutter section:

i. Curb and gutter shall be 30 inches concrete per North Carolina Department of Transportation Standard #846.01; and

ii. Right-of-way, pavement width and typical street sections for local and collector roads shall conform to the attached illustration for curb and gutter sections.(See Appendix A of this chapter)

b. Streets with shoulder section:

i. Right-of-way, pavement width and typical street sections for local and collector roads shall conform to the attached illustration for shoulder section. (See Appendix A of this chapter); and

ii. The erosion control plan for shoulder section streets must include the following items certified by a registered professional engineer: storm water quantity and town calculations for side ditches exceeding 5% slope; properly designed measures for permanent erosion control of side ditches; and storm water in grassed side ditches will have a non-erodible velocity.

2. All streets, drainage systems and erosion control shall be built in accordance with Town of Liberty specifications and standard details.

(b) Construction. Streets shall be cleared and graded to the full width of the right-of-way and as required for stable side slopes.

(c) Coordination and continuation of streets. The proposed street layout within a major subdivision shall be coordinated with the existing street system of the surrounding area and where possible, existing principal streets shall be extended.

(d) Conformity to Thoroughfare Plan. The alignment of all proposed streets shall follow the general alignments shown in the adopted Liberty Thoroughfare Plan. Proposed thoroughfare streets shall be designed to appropriate thoroughfare standards.

(e) Access to adjacent property.

1. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line.

2. A temporary cul-de-sac, or a T or L-shaped turnabout shall be provided for all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to the abutters whenever the street is continued.

3. The Town Council may limit the length of temporary dead-end streets.

(f) Half-streets.

1. The dedication of half streets of less than 50 feet at the perimeter of a new subdivision shall be prohibited.

2. If circumstances render this impracticable, adequate provision for the concurrent dedication of the remaining half of the street must be furnished by the subdivider.

3. Where there exists a half street in an adjoining subdivision, the remaining half shall be provided by the proposed development.

(g) Private streets and reserve strips. Private streets or reserve strips shall be prohibited within any platted subdivision, unless required to obtain access to existing inaccessible property. Ownership and maintenance of a private street shall be designated on the plat..

(h) Subdivision street disclosure statement (G.S. § 136-102.6). All streets shown on the final plat and designated as public shall be presumed an offer of dedication to the public.

(i) Street names.

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

2. Street name signs will be provided by the Town of Liberty inside the town limits, and shall be provided by the developer outside the town limits.

(j) Street traffic signs. Traffic signs such as stop and yield signs will be provided by the Town of Liberty inside the town limits, and shall be provided by the developer or North Carolina Department of Transportation outside the town limits.

(k) Cul-de-sac (dead end street).

1. Permanent dead end streets shall not exceed 500 feet in length unless necessitated by topography or property configuration and shall be provided with a turnaround.

2. Where a street does not extend to the boundary of the subdivision and its continuation is not required by the Town Council for access to adjoining property, its terminus shall not normally be nearer to the boundary than 50 feet.

(l) Street intersection.

1. Angle of intersection. All streets shall intersect as nearly as possible at right angles and no street shall intersect at less than 75 degrees.

2. Spacing of intersection. The number of intersections with a major or minor thoroughfare should be limited to a minimum number necessary to adequately serve normal traffic. The number and spacing of intersections shall be determined by the Town Manager if within the corporate limits and the District Highway Engineer if outside the corporate limits. Generally, intersections on major or minor thoroughfares should be at least 1,000 feet apart measured from centerline to centerline.

3. Curb radii. Curb radii at street intersections shall not be less than 20 feet. At an angle of intersection of less than 90 degrees, or on major or minor thoroughfares a greater radius may be required.

4. Sight distances at intersections. Property sight distances shall be maintained at all intersections of streets. There shall be a clear sight distance in the triangular area formed by the intersecting street right-of-way lines and a straight line connecting points on the street right-of-way lines in accordance with the current edition of the North Carolina Department of Transportation Division of Highways Minimum Construction Standards for

Subdivision Roads. The sight distance shall be surveyed and platted as street right-of-way, and no obstruction shall be permitted in this area.

(m) Rights-of-way. Existing street rights-of-way shall be designated 50 feet wide minimum, or 25 feet minimum when measured from the property line to the center line of an existing right-of-way. Triangular sight distances must be designated at intersections in accordance with the N.C. D.O.T. minimum standards for subdivision roads.

(4) Sidewalks. Sidewalks are not required, however, the subdivider is encouraged to provide sidewalks especially in high density developments where provided, the design and construction of sidewalks shall be subject to the approval of the Town Manager. The Planning and Zoning Board may require adequate grading along streets for future sidewalks.

(5) Storm water drainage system. The subdivider shall provide an adequate drainage system for the proper drainage of all surface water. The design of a system shall be subject to the approval of the Town Manager.

(a) No surface water shall be channeled or directed into a sanitary sewer.

(b) Where feasible, the subdivider shall connect to existing storm drainage.

(c) Storm water drainage collectors shall be adequately sized and placed to carry the flow of 10-year frequency.

(d) Cross drainage pipes and bridges shall be adequately sized and placed to carry the flow of a flood of 25-year frequency.

(e) Catch basins shall be placed at low points and as otherwise needed.

(6) Water and sewerage systems.

(a) Within the corporate limit.

1. Water mains and sanitary sewers shall be installed in accordance with Town of Liberty specifications and standard details for each lot in the tract of land to be subdivided in whole or in part. The developer shall provide complete water and sewer services for all residential lots when street construction or water and sewer utility construction is proposed. The town will install water meters when required upon payment of the applicable fee.

2. Before installation, a complete set of construction plans for the proposed water and/or sewerage system prepared by a registered professional engineer shall be submitted for approval by the Town Manager. Also, plans for water improvements must be submitted to the North Carolina Department of Human Resources for approval, and plans for sewer improvements must be submitted to the North Carolina Department of Natural Resources and Community Development for approval.

3. Water supply systems shall be approved by the Fire Chief as to location of hydrants and size of mains. Water mains shall not be less than 6 inches in diameter, except

that 2-inch mains may be used on permanent cul-de-sacs where approved by the Fire Chief. Water mains shall be designed to form a complete circuit where practical, and fire hydrants or blowoffs shall be placed at dead ends.

4. Water and sewer lines should be installed outside of the street pavement where possible.

(b) Within the extraterritorial area.

1. Any connection to either water and/or sewerage system operated by the town shall require the approval of the Town Manager. If approval is obtained, the water and/or sewerage system must meet the requirements of division (A)(6)(a) above.

2. If the proposed water distribution and/or sewerage disposal system is to be a private system, it shall be approved by the Randolph County Health Department; Division of Health Services, North Carolina Department of Human Resources; Division of Environmental Management, North Carolina Department of Natural Resources and Community Development whichever is (are) appropriate and the Town Manager. Layout and easements for the future extension of town sewer must be provided.

(c) General. The town may require installation of certain oversized facilities such as water mains in excess of 6 inches in diameter, when it is in the interest of future development. The town may pay for that portion of the improvement which exceeds the standards set forth in this chapter.

(7) Blocks.

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

(b) Block length. Blocks shall not be less than 400 feet nor more than 1,320 feet in length.

(c) Block width. Blocks shall have sufficient width to allow 2 tiers of lots of minimum depth except where single-tier lots are required to separate residential development from through vehicular traffic or another type of use, or when abutting a water area.

(d) Pedestrian crosswalks. Where deemed necessary by the Planning and Zoning Board and approved by the Town Council a dedicated pedestrian crosswalk easement at least 15 feet in width may be required to provide convenient public access to a public area such as a park or school or to a water area such as a stream, river or lake.

(8) Lots.

(a) General.

1. The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be in conformance with the Liberty Zoning Chapter for the type of development and use contemplated.

2. The width, depth, shape and orientation, and the minimum building setback lines may be modified from this chapter's requirements where it is necessary to allow the subdivision of land which is developed prior to the time of subdivision application.

3. Modifications may be permitted to make reasonable use of property. The modifications may be approved where the following findings are met:

a. That the intent and purpose of the Zoning Chapter concerning width, depth, shape and separation, are maintained;

b. That the approval will not alter the existing plan of the neighborhood;

c. That the approval is compatible with the existing neighborhood;

d. That the modifications approved are only to the extent necessary to allow reasonable use of the property and that no additional nonconformities beyond those currently existing will be created; and

e. The resulting subdivision will promote home ownership, or will more likely result in improved maintenance, and economic productivity of the property.

(b) Utility easements.

1. Easements for underground or above ground utilities shall be provided where necessary across lots or preferably located along rear or side lot lines.

2. Easements for utilities to be maintained by the Town of Liberty shall have a minimum width of 20 feet and shall be designated "Town of Liberty Water (or Sewer) Easement."

(c) Drainage easements. Where street construction grading or street drainage structures extend outside of the street right-of-way, a drainage easement shall be provided as necessary for street maintenance.

(B) Sedimentation pollution control.

(1) In order to prevent soil erosion and sedimentation pollution of streams, springs, flat water bodies, or other drainage networks, the subdivider shall comply with all requirements of the North Carolina Sedimentation Pollution Control Act of 1973 and the Liberty Sedimentation Pollution Control Ordinance.

(2) Erosion control shall be provided in accordance with Town of Liberty specifications for grassing and Town of Liberty standard details for erosion control.

(C) Plans required for proposed improvements. Plans signed by a professional engineer for the following proposed improvements are required and must be submitted to the Town Manager for approval.

(1) Streets and storm drainage. Plans and profiles for streets and storm drainage must be submitted per the application requirements of the North Carolina Department of Transportation's Minimum Construction Standards for Subdivision Roads.

(2) Water and sewerage systems. Plans and profiles for water and sewer improvements must be submitted for review by the Town Manager prior to submission to the appropriate North Carolina regulatory agencies.

(3) Erosion control. Erosion control plans are required when the construction area exceeds 1 acre.

(4) PDF or paper copy for as-built drawings.

(a) In order to meet certification requirements by state review agencies, the subdivider will be required to resubmit revised mylar sepias of the engineering plans showing changes made during construction in the location and grade of streets or water and sewer utilities.

(b) These revised plans must also be certified by the design engineer.

§ 152.10 PLANNED UNIT DEVELOPMENTS.

(A) General. The intent of this section is to permit greater flexibility in the design of residential and other developments by allowing certain variations in lot size and design requirements and the establishment of townhouses and condominiums so that open space in commonly owned areas, tree covered and recreation areas can be provided.

(B) Coordination with the Liberty Zoning Chapter.

(1) Site plans. Site plans for planned unit developments shall meet the requirements set forth in §§ 154.190 through 154.239 special use regulations of the Liberty Zoning Chapter.

(2) Design requirements. Individual lot size may be varied but the overall density of a planned unit development shall not exceed the applicable zoning requirements of that district.

(3) Review process. Planned unit development plans shall be reviewed simultaneously for compliance with this chapter and § 154.220.

(C) Plat requirements. The preliminary and final plats for a planned unit development shall meet the requirements of this chapter and in addition the following requirements.

(1) Common areas.

(a) Common areas or areas not shown as lots shall be held in nonprofit corporate ownership by the owners of the lots within the development.

(b) The title to common areas of property shall be preserved to the perpetual benefit of the private properties in the development and shall be restricted against private ownership for any other purpose.

(c) Improvements may be made within the common areas provided that maximum coverage of the area shall not exceed 25% of the entire common property.

(d) The developer shall submit and after approval by the Town Council, record a declaration of the covenants and restrictions that govern the ownership, management and maintenance of the common area and the ownership and maintenance of private streets and alleys, if any.

(2) Improvements.

(a) All improvements required in this chapter shall apply to planned unit developments regardless of private ownership of streets and utilities.

(b) Private streets and alleys shall be designed as required for emergency services and garbage collection if public collection is desired.

(c) All private streets within residential and commercial developments shall have a paved surface.

(d) The street layout of the development shall be in conformity with the Liberty Thoroughfare Plan and:

1. Where a proposed development will extend an existing public street the extension shall be a public street unless it is an existing deadend street not necessary for access to adjacent property; and

2. Where a through street is required to provide access to adjacent properties or for general public usefulness the street shall be a public street.

(3) Public access, easements, private party walls.

(a) Building lots may abut or be provided with frontage on common areas or private streets or alleys, properly restricted through a property owners association to assure access.

(b) Easements over the common areas for access, ingress and egress from and to public streets and walkways and easements for enjoyment of the common areas, as well as for parking, shall be granted to each owner of a residential site.

(c) All common walls between individual residences shall be party walls and provisions for the maintenance thereof and restoration in the event of destruction or damage shall be established.

(d) Ownership and maintenance responsibility of a private street shall be designated on the plat.

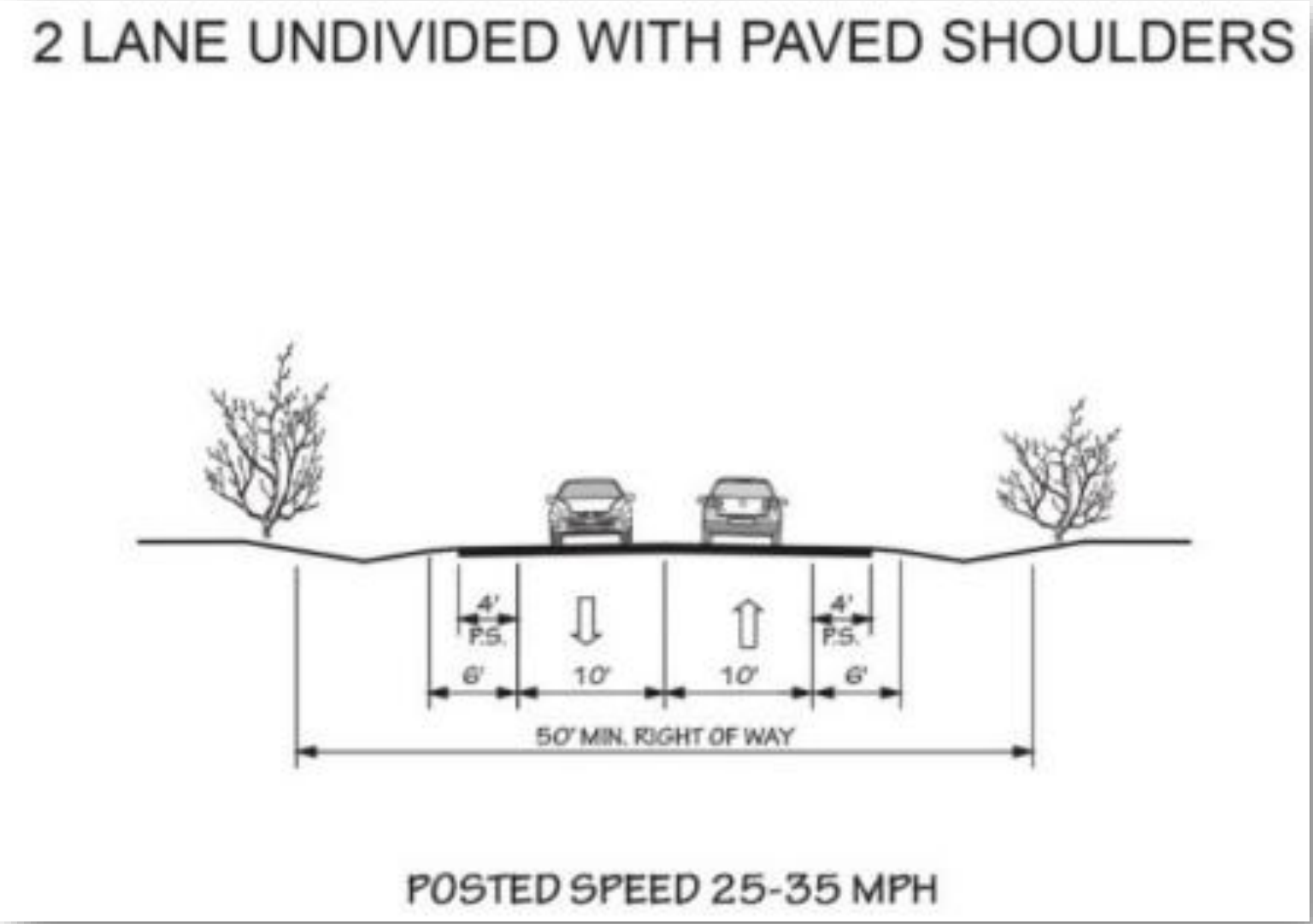
(e) In developments containing private streets or alleys, a release of liability shall be included in the recorded covenants and restrictions which releases the Town of Liberty from any liability resulting from utility maintenance, garbage collection and responsibility for failing to provide any emergency or regular fire, police or other public service to the developments or their occupants when the failure is due to the lack of access to the areas due to inadequate design or construction, blocking of access routes, inadequate maintenance or any other factor within the control of the developer, homeowner's association or occupants. In no case shall the town or the state be responsible for maintaining any private street. The responsibility shall rest with the homeowner's association and occupants in that the private streets will not be constructed to the minimum standards sufficient to allow their inclusion for public maintenance.

(3) Landscape plan. A landscape plan for all planned development shall show all existing and proposed plant material. The plan shall indicate the size and type of existing plant material and the size and type of plants to be planted.

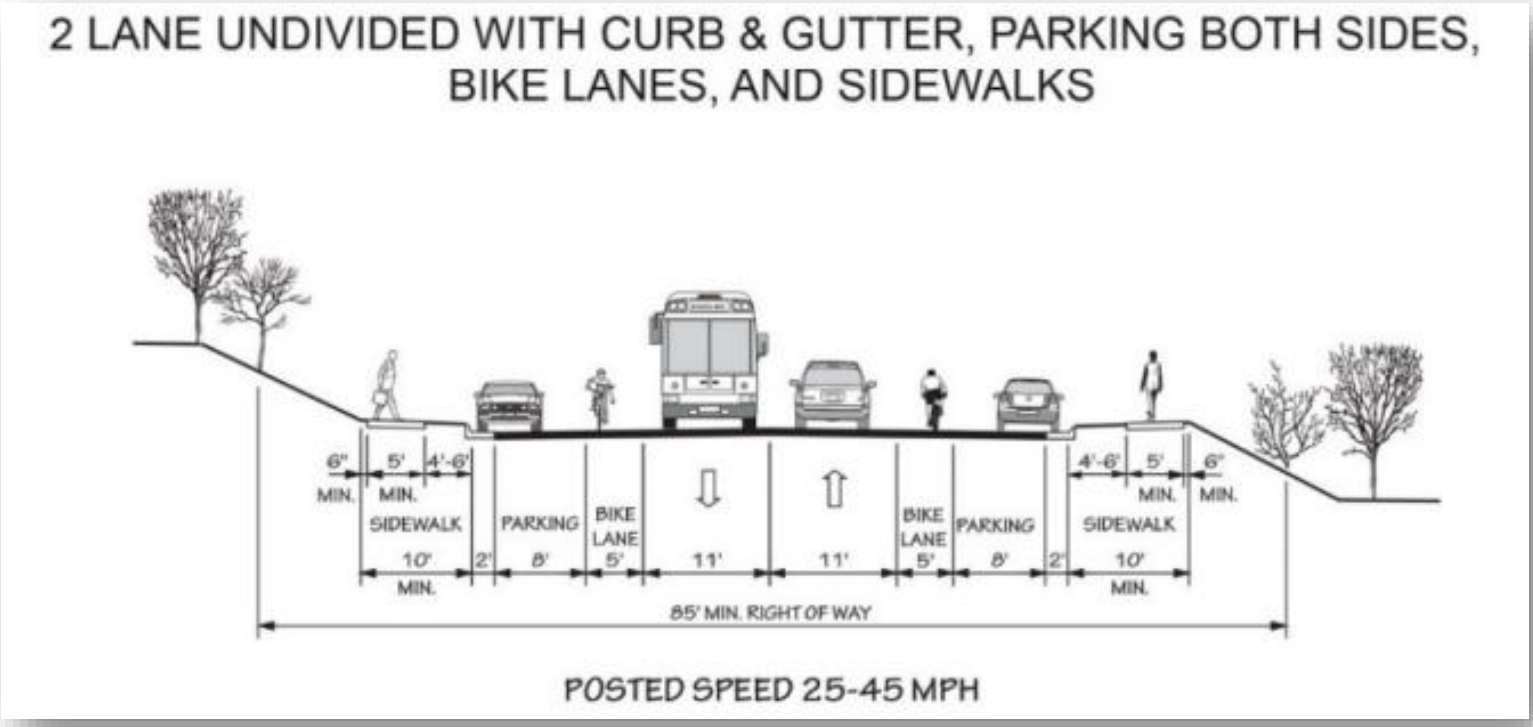
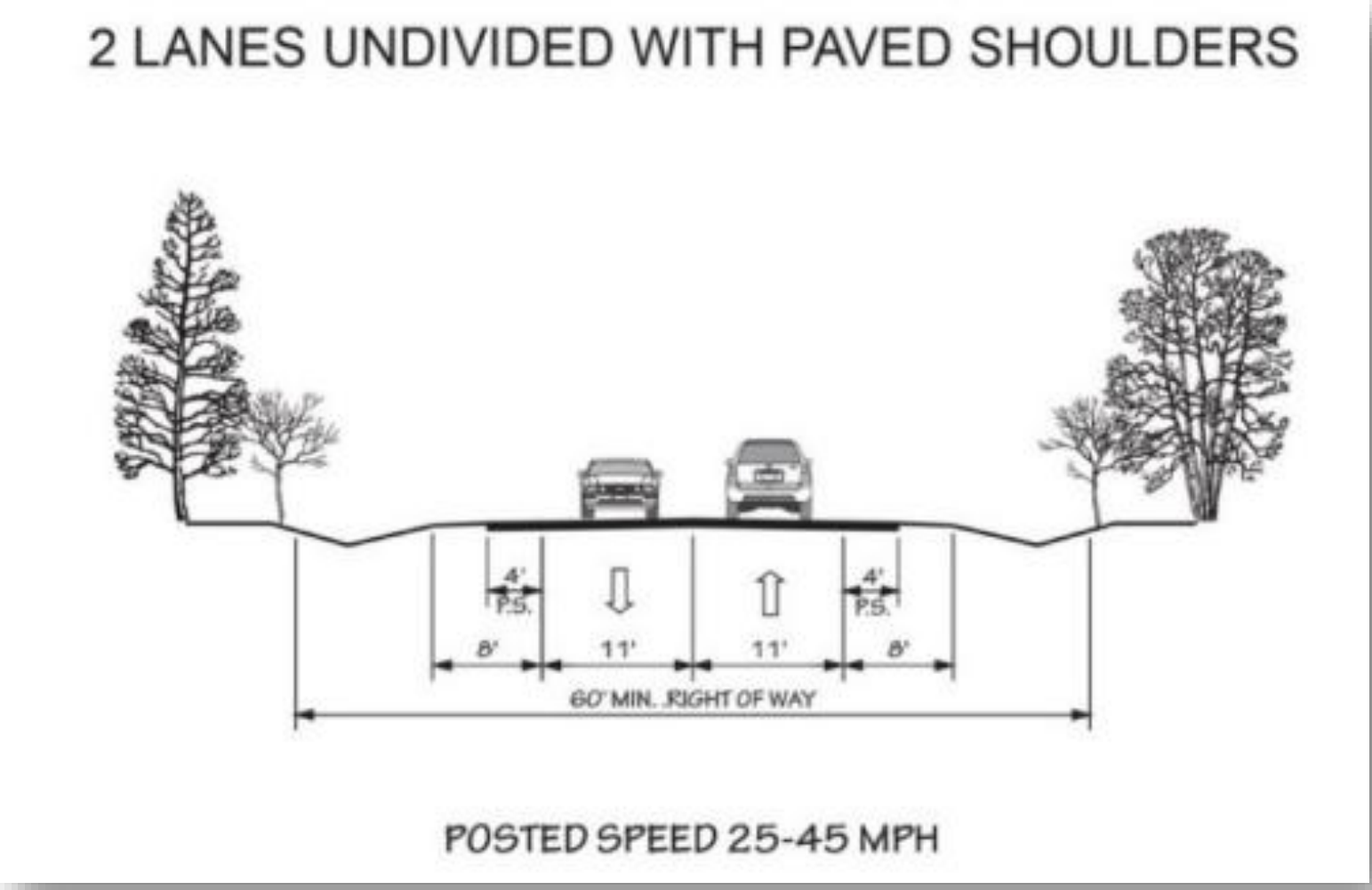
(4) PUDs in RMF. PUD developments located entirely within property zoned RMF shall be reviewed administratively to meet all applicable requirements associated with PUDs as detailed in §§ 154.190 through 154.239. This includes preliminary and final plat approvals to be reviewed administratively.

APPENDIX A: TYPICAL STREET SECTIONS

STANDARD RESIDENTAL STREET



STANDARD RESIDENTIAL STREET WITH ON-STREET PARKING



STANDARD MINOR COLLECTOR STREET