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YOUNGSVILLE SUBDIVISION ORDINANCE

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YOUNGSVILLE SUBDIVISION ORDINANCE

ARTICLE I-GENERAL PROVISIONS

Section I-1 Title

This ordinance shall be known and may be cited as the Subdivision Regulations of Youngsville, North Carolina.

Section I-2 Purpose

The purpose of this ordinance is to establish procedures and standards for the development and subdivision of land within the territorial jurisdiction of Youngsville. It is further designed to provide for the orderly growth and development of the Town; for the coordination of streets and highways within proposed subdivisions with existing and 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 of 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. This ordinance is designed to further facilitate adequate provision of water, sewage, parks, schools, playgrounds, and also to facilitate the further re-subdivision of larger tracts into smaller parcels of land.

Section I-3 Jurisdiction

The regulations contained herein, as provided in G.S 160A. Article 19 shall govern each and every subdivision within the jurisdiction of Youngsville and within the jurisdiction of any municipality whose governing body by resolution agrees to such regulation.

Section I-4 Authority

The provisions of this ordinance are hereby adopted under the authority and provisions of the General Statutes of North Carolina, Chapter 153A. Article 18, Part 2 and Chapter 143, Article 21.

Section I-5 Prerequisite of Plat Recording

After the effective date of this ordinance, each individual plat of land within the Town's jurisdiction shall be approved by the Youngsville Planning Board or Zoning Administrator.

Section I-6 Thoroughfare Plans

Where a proposed subdivision includes any part of a thoroughfare which has been designated as such upon the officially adopted thoroughfare plan of the Town of Youngsville, such part of such thoroughfare shall be platted by the subdivider in the location shown on the plan and at the width specified in this ordinance.

Section I-7 School Sites on Land Use Plan

If the Franklin County Board of Education has determined the specific location and size of any school sites to be reserved or if this information appears in the comprehensive land use plan, the Youngsville Planning Board shall immediately notify the Board of Education whenever a

preliminary plan for a subdivision is submitted which includes all or part of a school site to be reserved. The Board of Education shall properly decide whether it still wishes the site to be reserved. If the Board of Education does not wish to reserve the site, it shall so notify the Planning Board. If the Board of Education does wish to reserve the site, the subdivision shall not be approved without such reservation. The Board of Education shall then have eighteen (18) months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by exercise of the power of eminent domain. If the Board of Education has not purchased or begun proceedings to condemn the site within eighteen (18) months, the subdivider may treat the land as freed of the reservation.

Section I-8 Zoning and Other Plans

Similarly, proposed subdivisions must comply in all respects with the requirements of the Zoning Ordinance in effect in the area to be subdivided, and any other officially adopted plans.

Section I-9 Exclusions and Exceptions

The following shall be exempt from the subdivision regulations.

9.1 Estate Exclusion

The Town of Youngsville chooses to exclude a voluntary partition of land made for the purpose of dividing up the estate of a decedent among his heirs, whether the decedent died testate or intestate, provided that no new roads are created and/or dedicated for public or private ingress and egress. In the event of a transfer or division of an estate in which interior parcels do not abut a public road, each such parcel must have an approved access to a public road of at least sixty (60) feet in width.

9.2 Combination/Recombination

The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed that standards of the County as shown by the regulations prescribed by this ordinance shall be exempt.

9.3 Divisions Greater than Ten Acres

The division of land into parcels greater than ten (10) acres where no street right of way dedication is involved, shall be exempt.

9.4 Public Acquisitions/Rights of Way

The public acquisition by purchase of land for the widening or openings of streets shall be exempt.

9.5 Definition

The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved, and where the resultant lots are equal to or exceed the standards of the Town as shown by the Subdivision Regulations contained in this ordinance.

9.6 Lots of Record/Not Platted

Lots of Record which were recorded by a deed in the Franklin County Courthouse prior to the adoption of the Subdivision Ordinance may have a plat prepared and recorded.

9.7 Cemetery Lots

Individual cemetery plots may be platted and recorded that do not meet the minimum lots size requirement of the zoning district in which it exists; however, the cemetery shall comply with the applicable zoning district regulation.

9.8 Utility Easements/Utility Lease Agreements

Utility easements shall be shown on subdivision plats as required by this ordinance; however, utility easements and utility lease agreements for distribution boxes or structures shall be exempt from the subdivision regulations. All applicable zoning regulations shall apply.

Section I-10 Construction Procedures

No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved, and all plans and specifications have been approved by the appropriate authorities.

No building, zoning or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this ordinance until the final plat has been approved and recorded. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the administrator of this ordinance to provide for adequate inspection. The approving authorities having jurisdiction of their representatives, shall inspect and approve all completed work prior to release of the sureties.

ARTICLE II

PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

Section II-1 Plat Shall be Required on any Subdivision of Land

Pursuant to G.S. 153A. Article 18, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this ordinance whenever any subdivision of land takes place in the Town of Youngsville.

Section II-2 Approval Prerequisite to Plat Recording

Pursuant to G.S. 153, Article 18, no final plat of a subdivision within the jurisdiction of the Town of Youngsville as established in this ordinance shall be recorded by the Register of Deeds of Franklin County until it has been approved by the Zoning Administrator or by Youngsville Planning Board as provided herein. To secure such approval of a final plat, the subdivider shall follow the procedures established in this article.

Section II-3 Minor Subdivision Procedure

In an effort to simplify and condense the review process for small subdivisions of land, minor subdivisions of land shall comply with the following procedures and only require that a final plat be submitted for approval.

3.1 Minor Subdivision -To qualify as a minor subdivision, the subdivision must meet all of the following:

- A. No new public or private streets or roads or other rights-of-way shall be created.
- B. No extension of water or sewer will be required.
- C. No more than five (5) lots.
- D. The Subdivision shall not be in conflict with the Town of Youngsville's Land Use Plan.

3.2 Prior to submitting a final plat the subdivider, or his agent, shall discuss his subdivision with the Zoning Administrator to insure that the proposed subdivision qualifies as a minor subdivision and that the subdivider understands the requirements and procedures necessary to gain approval of the subdivision.

3.3 The final plat for a minor subdivision shall be prepared by a registered land surveyor licensed and registered to practice in North Carolina, and drawn at a scale of two hundred (200) feet to one (1) inch or larger, on a sheet with a maximum size of twenty four (24) inches by thirty six (36) inches, and a minimum size of eight and one half (8 ½) inches by eleven (11) inches, suitable for recording in the Register of Deeds Office and in conformance with 6.5.47-30.

3.4 The subdivider shall submit six (6) paper print copies and one (1) final plat suitable for reproduction, to the Zoning Administrator. This final plat shall be accompanied by a filing fee as set by the Youngsville Board of Commissioners.

3.5 The final plat for a minor subdivision shall show:

- A. The name of the subdivision, if applicable.
- B. The lines and names of all streets and roads.
- C. Lot lines and lot numbers.
- D. Minimum building setback lines.
- E. All reservations and easement.
- F. All dimensions should be to the nearest one-hundredth (1/100) of a foot and angles to the nearest minute.
- G. Accurate location and description of all monuments and stakes.
- H. The names and locations of adjoining subdivisions and streets, and the location and ownership of adjoining property.
- I. Title, date, name, and location of subdivision, graphic scale, and magnetic north point.
- J. Name of owner and registered surveyor or professional engineer.
- K. Sketch vicinity map showing relationship between subdivision and surrounding area.
- L. Proposed deed restrictions or similar covenants, if any, be attached.
- M. An Erosion and Sedimentation Control Plan in compliance with State and Local Ordinances, where required, be attached.
- N. The ratio of precision as calculated by latitudes and departures before any adjustments, must be shown.
- O. A statement from the Franklin County Health Department, Environmental Health Section that a copy of the sketch plan has been submitted to them if septic tank or other on site waste water disposal systems are to be used or a statement from the Franklin Water And Sewer Authority that public water and sewer is available to the subdivision.
- P. Other information considered pertinent to review of final plat.
- Q. The following certificates, where applicable, shall be placed on the final plat:
 - 1. I (We) here certify that I am (we are) the owner(s) of the property shown and described hereon which was conveyed to me (us) by deed recorded in Book _____. Page _____. and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building lines, and dedicate all drainage ways and other open space to public or private use as

noted. Further I (we) certify that the land as shown hereon is within the Subdivision Regulation jurisdiction of the Town of Youngsville.

Owner (s) _____

_____ Date

2. I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____, Page _____, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, Page _____, that the ratio of precision as calculated is 1:____; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number, and seal this _____ day of ____, A.D., 19__.

Surveyor
Seal or Stamp

Registration Number

3. The certificate of the Notary shall read as follows:

North Carolina, Franklin County

I, _____ a Notary Public of the County and State aforesaid, certify that, a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this _____ day of ____, 19__.

Seal or Stamp

Notary Public

My Commission expires _____

4. I hereby certify that the subdivision plat shown herein has been found to comply with the Subdivision Regulations of Franklin County, with all variances noted in the minutes of the Youngsville Board of Commissioners and that this map has been approved for recording in the Office of the Register of Deeds.

Subdivision Administrator
or Assistant

Date

R. Delineation of Water Supply Watershed areas as designed by the NC Environmental

Management Commission.

If the subdivision is in an area zoned WS-LR-II or WS-SC-II the following statement shall be included on the plat.

“This subdivision contains areas designated a WS-II Water Supply Watershed protection area by the NC Environmental Management Commissioner and is subject to regulations of the State and the Town of Youngsville limiting type and intensity of development.”

3.6 Within forty five (45) days of submission, the final plat shall be reviewed by the Zoning Administrator. The Planning Board may upon recommendation of the Zoning Administrator, contact the NC State Board of Registration for Professional Engineers and Land Surveyors for any suspected noncompliance.

3.7 If the final plat is in compliance with the ordinance, the Subdivision Administrator shall approve the final plat.

A. Approval of the final plat is authorization for the plat to be filed with the Register of Deeds.

B. This approval shall be noted on the original and two (2) copies of the final plat. The original shall be returned to the subdivider, (1) copy shall be filed by the Town Clerk.

C. No final plat shall be approved until it meets the requirements set forth, all required fees have even paid, and certificates required by this ordinance to appear on the final plat have been properly filled out, dated, and signed.

D. If the final plat is not in compliance with these regulations, the reasons for disapproval and conditions to be met before the Zoning Administrator will approve the final plat, shall be noted on two (2) copies of the proposed final plat. One (1) copy shall be returned to the subdivider and one (1) copy shall be retained by the Zoning Administrator.

E. If the final plat is denied by the Zoning Administrator, the applicant may appeal the decision to the Planning Board. The applicant shall notify the Administrator in writing of his/her intent to appeal, within thirty (30) days of the denial. The Administrator will place the appeal on the next available Planning Board agenda and notify the applicant and the Zoning Administrator.

F. If the final plat is denied by the Planning Board, then the applicant may appeal to the Youngsville Board of Commissioner. The applicant shall notify the Town Clerk in writing of his/her intent to appeal, within thirty (30) days of the denial. The Town Clerk shall place the appeal on the next available Board of Commissioners agenda and notify the applicant and the Zoning Administrator.

G. If the final plat is denied by the Youngsville Board of Commissioners, then the applicant may appeal to the Superior Court. Any appeal to the Superior Court must be taken within

thirty (30) days after the decision of the Youngsville Planning Board is filed in the Office of the Zoning Administrator, or after a written copy of the decision is mailed to the appellant by registered mail, return receipt requested, whichever is later.

H. Such appeal shall be for the Court to determine if the Youngsville Planning "Board correctly applied the ordinance to the subdivision request.

Section II-4 Major Subdivision Procedure

4.1 Sketch Design Plan

A. Prior to submitting a preliminary plat, the subdivider shall prepare and submit to the Planning Board, a sketch design plan of the proposed subdivision at a regular meeting of the Youngsville Planning Board. At the meeting, the subdivider shall explain his plan, answer questions about it, and advise the Planning Board of any variations from these Subdivision Regulation. This procedure does not require application or fee.

B. The sketch design plan shall be drawn to a scale of approximately one (1) inch to two hundred (200) feet and should show the following:

1. Street rights of way, public or private.
2. Other rights of way and easements.
3. Lot lines, water courses, buildings, etc.
4. Sites, if any, for schools, churches, parks, etc.
5. Site Data:
 - A. Acreage in tract.
 - B. Approximate acreage of public use, including streets
 - C. Number of lots proposed.
6. Sketch vicinity map showing relationship between subdivision and surrounding area.

4.2 Preliminary Plat

A. The subdivider shall submit nine (9) copies and any supplementary material to the Zoning Administrator at least seven (7) days prior to the next regularly scheduled meeting of the Youngsville Planning board.

B. The preliminary plat shall be at a scale of one hundred (100) to one (1) inch or larger. The preliminary plat shall meet the specifications in Section 4.5 Information to be contained or depicted on Preliminary and Final Plats.

C. The preliminary plat shall be checked against the design standards and plat requirements of these regulations be the Town of Youngsville Planning Board.

1. The applicant shall provide the following agencies an opportunity to review and make recommendations concerning the proposed subdivision plat before approval is given.
 - a. The District Engineer of the NC Department of Transportation as to proposed

street, highways and drainage systems.

b. The County Health Director or Franklin County Water and Sewer Authority as to proposed water and sewer systems.

c. The county School Superintendent and Board of Education as to proposed school sites.

2. The Zoning Administrator may provide the following agencies an opportunity to review and make recommendations concerning the proposed subdivision plat before approval is given.

a. The Soil Conservationist may review the plat and comment on land use suitability based on soil conditions with respect to drainage, erosion hazards, apparent flood plains, and pertinent points.

b. The Franklin County Director of Economic Development as to proposed industrial and commercial development.

c. Such other agencies and officials as the Planning Board may deem necessary or desirable.

D. The subdivider, developer, or his agent, shall attend the Planning Board meeting at which the preliminary plat is to be considered by the Youngsville Planning Board. The planning Board shall discuss with the subdivider, developer or agent, changes deemed advisable if any, and the kind and extent of improvements to be made by the subdivider. The Planning Board may delay action one month for each meeting the subdivider or agent does not attend, thus extending the forty (40) days allowed under item 4.2E.3 in this ordinance.

E. The Planning Board shall in writing approve or disapprove the preliminary plat.

1. If the Planning Board approves the preliminary plat, such approval shall be noted on three (3) copies of the plat. One (1) such copy shall be retained by the Planning Board for their minutes, one (1) copy shall be returned to the subdivider and one (1) copy shall be forwarded to the Franklin County Planner for the assignment of addresses.

If the Planning Board approves the preliminary plat with conditions, approval shall be noted on two (2) copies of the plat along with a reference to the conditions. One (1) such copy shall be retained by the Planning Board for their minutes, one (1) copy of the preliminary plat along with the conditions shall be returned to the subdivider and one copy shall be forwarded to the Franklin County Planner for the assignment of addresses.

If the Planning Board disapproves the preliminary plat, the reasons for such disapproval shall be specified in writing. One (1) copy and the reasons for disapproval shall be retained by the Planning Board for their minutes and one (1) copy with the reasons shall be

returned to the subdivider.

If the preliminary plan is denied by the Planning Board, then the applicant may appeal the decision to the Youngsville Board of commissioners. The applicant shall notify the Town Clerk in writing of his/her intent to appeal, within thirty (30) days of the denial. The Town Clerk shall place the appeal on the next available Board of Commissioners agenda and notify the applicant and the Zoning Administrator.

If the final plat is denied by the Youngsville Board of Commissioners, then the applicant may appeal to the Superior Court. Any appeal to the Superior Court must be taken within thirty (30) days after the decision of the Youngsville Planning Board is filed in the office of the Zoning Administrator, or after a written copy of the decision is mailed to the appellant by registered mail, return receipt requested, whichever is later.

Such appeal shall be for the Court to determine if the Youngsville Planning Board correctly applied the ordinance to the subdivision request.

2. Approval of the preliminary plat is authorization for the subdivider to proceed with the construction of improvements in preparation for submission of the final plat.

3. If the Planning Board does not make a written recommendation within forty (40) days after its first consideration of the plat, the preliminary plat shall be deemed approved.

G. When a subdivision is to be developed in stages, the preliminary plat shall be submitted for the entire development. A final plat shall be submitted for each stage. The first final plat shall be submitted within twelve (12) months after approval of the preliminary plat; otherwise, the preliminary plat shall become null and void, unless an extension of time is applied for and granted by the Youngsville Planning Board.

4.3 Final Plat

After the improvements shown on the approved preliminary plat have been installed, or guaranteed, for the whole or portion of a subdivision, the applicant shall submit a final plat of the area covered by such improvements. The final plat shall be prepared by a land surveyor or professional engineer registered to practice in North Carolina, and such registration shall be notarized on the final plat. All final plats to be recorded by the Franklin County Register of Deeds shall be probated and shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. 47-30 as amended, and the Standards of Practice for Land Surveying in North Carolina.

A. The developer shall submit nine (9) copies and one (1) copy suitable for reproduction, and any supplementary material to the Zoning Administrator at least seven (7) days prior to the next regularly scheduled meeting of the Youngsville Planning Board.

The final plat shall be accompanied by a check payable to the Town of Youngsville to cover costs

associated with plat review and filing costs as adopted by the Youngsville Board of Commissioners.

B. The Final Plat shall be drawn at a scale of two hundred (200) feet to one (1) inch or larger, on a sheet with a minimum size of eighteen (18) inches by twenty four (24) inches, twenty-one (21) inches by thirty (30) inches or twenty-four inches by thirty six (36) inches and have a minimum one half inch border on all sides. The final plat shall conform substantially to the preliminary plat as approved and shall constitute only that portion of the approved preliminary plat which the subdivider proposed to record and develop at the time.

The final plat will contain the information required in Section 4.5 Information to be contained or depicted on Preliminary and Final Plats and the following certifications where applicable.

1. I (We) here certify that I am (we are) the owner(s) of the property shown and described hereon which was conveyed to me (us) by deed recorded in Book _____. Page _____. and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building lines, and dedicate all streets, alleys, walks, parks, drainage ways and other open space to public or private use as noted. Further I (we) certify that the land as shown hereon is within the Subdivision Regulation jurisdiction of Franklin County.

Owner (s) Date

2. I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book ____, Page _____. etc.) (other): that the boundaries not surveyed are shown as broken lines plotted from information found in Book ____, Page ____, that clearly indicated as drawn from information found in Book ____, Page ____, that the ratio of precision as calculated is 1:____; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number, and seal this ____ day of __, A.D., 19__.

Surveyor
Seal or Stamp

Registration Number

3. The certificate of the Notary shall read as follows:

North Carolina, Franklin County

I, a notary public of the County and State aforesaid, certify that, _____ a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this ____ day of ____, A.D., 19__.

Notary Public

Seal or Stamp

My Commission expires _____

4. If subdivision utilizes well and on site ground application of waste water.

I hereby certify that this subdivision, entitled _____ is generally suitable for the use of individual septic tank systems and individual water supplies. However, this certification does not constitute "blanket approval" of all lots in the subdivision and is issued subject to the approval of each individual lot by the Franklin County Health Department and the issuance of an improvements permit for each lot as required by the General Statutes of North Carolina. Any artificial drainage measures installed or proposed for installation in this subdivision to control water table must be properly maintained. Lots must be properly landscaped to control surface water in order to decrease the chances of septic tank system malfunctions.

Franklin County Health Director or
Authorized Representative

Date

5. Public subdivision streets and roads Construction Standards Certification signed by the District Highway Engineer.

6. I hereby certify that the subdivision as depicted hereon has been granted final approval pursuant to the Town of Youngsville Subdivision Regulations.

Chairperson, Youngsville Planning Board

Date

7. I hereby certify that the streets, utilities, and other improvements have been installed in an acceptable manner and according to Town of Youngsville specifications in subdivision entitled _____, or that a security bond or irrevocable letter of credit in the amount of \$_____ have been posted with the Town of Youngsville to ensure the installation thereof.

Zoning Administrator Date

C. In order for the Planning Board to approve the final plat, all of the above certificates must be properly signed and dated to the satisfaction of the Youngsville Planning Board.

D. The subdivider, developer or his agent shall attend the Planning Board meeting at which his final plat is to be considered to answer any questions that Planning Board may have. The Planning Board may delay action one month for each Planning Board meeting the applicant or agent does not attend, thus extending the forty (40) days allowed under this section of this ordinance.

Within forty (40) days of submission the final plat shall be reviewed by the Planning Board for compliance with the approved preliminary plat. The Planning Board may appoint an engineer or surveyor to check the final plat against the subdivision's actual layout for correctness, charging the cost to the subdivider if the plat is found to be in error. Failure to approve or disapprove within this forty (40) day period shall constitute a favorable recommendation.

1. If the Planning Board finds the final plat to be in compliance with the preliminary plat and the Subdivision ordinance or the Planning Board approves of the changes made from the approved preliminary plat, then this approval shall be noted in the original and four (4) copies of the final plat. The original shall be returned to the subdivider. One (1) copy shall be transferred to either the Franklin county Health Department or the Franklin Water and Sewer Authority, one (1) copy shall be sent to the Franklin County Planner for addressing and one (1) copy shall be retained for the Planning Board for their minutes, and one (1) copy shall be retained for the permanent files of the Zoning Administrator. The approval is authority for the subdivider to record the subdivision plat and to begin the sale of lots.

F. No final plat shall be approved until all improvements are installed or meet the requirements set forth below, all required fees have been paid, and certificates required by this ordinance to appear on the final plat have been properly filled out and signed.

1. If the preliminary plan is denied by the Planning Board, then the applicant may appeal the decision to the Youngsville Board of commissioners. The applicant shall notify the Town Clerk in writing of his/her intent to appeal, within thirty (30) days of the denial. The Town Clerk shall place the appeal on the next available Board of Commissioners agenda and notify the applicant and the Zoning Administrator.

2. If the final plat is denied by the Youngsville Board of Commissioner, then the applicant may appeal to the Superior Court. Any appeal to the Superior Court must be taken within thirty (30) days of the decision of the Youngsville Planning Board is filed in the office of the Zoning Administrator, or after a written copy of the decision is mailed to the appellant by registered mail, return receipt requested, whichever is later.

Such appeal shall be for the Court to determine if the Youngsville Planning Board correctly applied the ordinance to the subdivision request.

G. If the final plat is not in compliance with these regulations, the reasons for disapproval and conditions to be met before the Planning board will approve the final plat shall be noted on two (2) copies of the proposed final plat. One (1) copy shall be returned to the subdivider and one (1) copy shall be retained for the Planning Board's records. The subdivider will be given six (6) months to submit a revised final plat. If the revised final plat is not received by the Planning Board

within six (6) months, the approved preliminary plat shall be null and void.

H. Where the required improvements have not been completed prior to the submission of the final plat, the Town Board may accept from the subdivider a bond with surety in an amount equal to the estimated cost of the installation of the required improvements plus twenty-five (25) percent, whereby improvements may be made and utilities installed without cost to the Town in the event of default by the subdivider. One of the methods described in "Section 11-4.4 Improvement Guarantees" may be used by the subdivider to guarantee the installation of said improvements.

I. The approval of a final plat pursuant to regulations adopted under this article shall not be deemed to constitute or affect the acceptance by the Town or the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat.

4.4 Improvement Guarantees

In lieu of requiring the completion, installation, and dedication of all improvements prior to final plat approval, the Town may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements, with the exception of electric utilities. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Youngsville planning Board, if all other requirements of this ordinance are met. To secure this agreement, the subdivider shall provide, subject to the approval of the Town Attorney the following guarantees not exceeding one hundred and twenty five percent (125%) of the entire cost as provided herein:

A. Surety Performance Bond(s)

The subdivider shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina. The bonds shall be payable to the Town of Youngsville and shall be in an amount equal to one hundred and twenty five percent (125%) of the entire cost, as estimated by the subdivider and approved by the Town Attorney, of installing all required improvements, with the exception of electric utilities. The duration of the bond(s) shall be until such time as the improvements are accepted by the Youngsville Town Board.

B. Certification of Electric Utilities.

A written statement by the utility company, authorized to divide the subdivision, stating their commitment to install electric utilities with projected completion dates may be accepted in lieu of guarantees set forth in this ordinance.

C. Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as spelled out in the performance bond, then the surety, or the financial institution holding the escrow account shall, if requested by the Town Board, pay all or any portion of the bond or escrow fund to the Town of Youngsville up to the amount needed to complete the improvements based on an engineering estimate. Upon payment, the Town Board, 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 subdivider any funds not spent in completing the improvements.

D. Release of Performance Bond

The Youngsville Town Board may release a portion of any security posted as the improvements are completed and recommended for approval by the Town Attorney. Within fourteen (14) days after receiving the town Attorney's recommendation, the Town Board of commissioners shall approve said improvements. If the Planning Board approves said improvements, then it shall immediately release any security posted.

E. The Town shall require a bond guaranteeing utility taps, curbs, gutters, sidewalks, drainage facilities, water and sewer lines, and other improvements against defects for one (1) year. This bond shall be in the amount determined by the town Attorney and shall be made by a surety company authorized to do business in North Carolina.

F. The Town Board of Commissioners shall secure from all subdividers a letter in which said subdivider shall agree to maintain the backfill and improvements located thereon and therein and any ditch or drain tile which has been dug or installed in connection with the installation of such improvements. Such letter shall be binding on the subdivider for a period of one (1) year after the acceptance of such improvement by the Town Board.

The subdivider shall notify the buyer of the nature, extent, and location of these improvements and shall include such notice as a part of the written sales transaction. Likewise, the subdivider shall also retain responsibility for maintenance of such improvements on all such lands until sale thereof is made.

4.5 Information to be contained or depicted on Preliminary and Final Plats

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

Information	Plat	Plat	Prelim.	Final
Title Block Containing				
-Property designation			X	X
-Name of owner			X	X
-Location (including Township, county and state)			X	X
-Date or dates survey was conducted and plat prepared)			X	X
-A scale of drawing in feet per inch listed in words or figures			X	X
-A bar graph depicting the scale			X	X
-Name, address, registration number and seal of the Registered Land Surveyor			X	X
The name of the Subdivider			X	X
A sketch vicinity map showing the relationship between the proposed property and the surrounding area			X	X
Corporate limits if on the subdivision tract			X	X
The names and addresses of all owner, mortgagees, registered land surveyors, land planners, architects, landscape architects and professional engineers				

responsible for the subdivision	X	X
The registration numbers and seals of the professional engineers	X	X
Date of Plat preparation	X	X
North Arrow	X	X
The boundaries of the tract or portion thereof to be subdivided	X	
The exact boundary lines of the tract to be subdivided, fully X dimensioned by azimuth or course and distances, and the location of existing boundary lines of adjoining lands, all plat distances shall be by horizontal or grid measurements. Where boundary is formed by a curved line; the following data must be given; actual survey data from point of curvature to the point of tendency shall be shown as standard curve data, or as a transverse of bearings and distances around the curve.		X
The names of adjoining property owners	X	X
The names of any adjoining subdivisions of record or proposed under review	X	X
The zoning classification on the tract to be subdivided and on adjoining properties	X	
Existing Property lines on the tract to be subdivided and on adjoining properties	X	X
Existing buildings or other structures water courses, railroads bridges, culvert, storm drains on the land to be subdivided	X	
 Information		
		Prelim. Plat
		Final Plat
<hr/>		
Topography at 5' contour interval or less and at a scale greater than or equal to 1" = 100'	X	
Proposed lot lines, lot and block numbers and approximate dimensions	X	
The lots numbered consecutively throughout the subdivision X		
Wooded area, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site.	X	
The exact location of the flood hazard, flood way and flood way fringe areas from FHBM or other FEMA maps	X	X
The following date concerning streets:		
-Proposed streets	X	X
-Existing and platted streets on adjoining properties and in the proposed subdivision	X	X

-Rights of way, location and dimension	X	X
-Pavement widths	X	
-Approximate grades	X	
-Design engineering data for all corners and curves	X	
-Typical street cross section	X	
-Streets names	X	X
-Street maintenance agreement in accordance with this ordinance		X
-Public street designation; Where streets are to be dedicated to the Town, the subdivider must submit all plans to the subdivision administrator for approval. Where streets are to be dedicated to NC DOT, plans shall be submitted to the District Engineer for approval	X	X
-Where streets are dedicated to the public, but not accepted before lots are sold, a statement explaining the status of the street in accordance with this ordinance		X
-If any street is proposed to intersect with a state maintained road, evidence of a driveway permit from NC DOT	X	
The location and dimensions of all:		
-Utility and other easements	X	X
-Natural buffers	X	X
-Parks and recreation areas with specific type indicated	X	X
-School sites	X	X
-Areas to be dedicated for public use	X	X
-The future ownership of recreation and open space lands	X	
The plans for utility layouts illustrating connection to existing system, showing line sizes, locations, of hydrants, valves, manholes, force mains, profiles for sanitary sewer lines and storm sewer lines, etc. and including;		
Information	Prelim. Plat	Final Plat
<hr/>		
-Sanitary sewers	X	
-Storm sewers	X	
-Water distribution lines	X	
-Natural gas lines	X	
-Telephone lines	X	
-Electric lines	X	
Site calculations including;		
-acreage in total tract to be subdivided	X	
-total number of lots created	X	
-acreage in the smallest lot in the subdivision		X
-the name and location of any property or buildings within the proposed subdivision or within any contiguous property that is on the US National Register of Historic Places	X	

- sufficient engineering data to determine readily and reproduce on the ground every street line, right of way line, easement line including dimensions, bearings, angles, radii, etc. X
- the accurate location and descriptions of all monuments, markers and control points X
- a copy of proposed deed restrictions or similar covenants concerning private recreation areas X
- certification by the surveyor to one of the following conditions: X
 - a) That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
 - b) That the survey is of an existing parcel of land;
 - c) That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of survey.
 - d) That the information available to the survey is such that the surveyor is unable to make a determination to the best of his or her professional ability as to these provisions.

Delineation of Water Supply Watershed areas as designated by the NC X X

Environmental Management Commission

If the subdivision contains areas designated a WS-II Water Supply X X

X

Watershed, the following statement shall be included on the plat.

“This subdivision contains areas designated WS-II Water Supply Watershed by the NC Environmental Management Commissioner and is subject to the regulations of the State and the Town of Youngsville limiting the type and intensity of development.”

4.6 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.

ARTICLE III

REQUIRED IMPROVEMENTS AND MINIMUM STANDARDS OF DESIGN

Section III-1 General

Each subdivision of land shall meet the minimum standards of design and contain the improvements required by this article. Land may be dedicated and reserved in each subdivision and the required improvements shall be paid for by the subdivider or developer.

Section III-2 Suitability of Land

2.1 Land which has been determined by the Planning Board on the basis of engineering or other expert surveys, to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed, shall not be platted for that purpose, unless and until the subdivider has taken the necessary measures to correct said conditions and to eliminate said danger.

2.2 Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Franklin County Health Department, a structural engineer, and a soils expert determine that the land is suitable for the purpose proposed.

2.3

A. All subdivision proposals shall be consistent with the need to minimize flood damage.

B. Public utilities and facilities, such as gas, electrical, water, and sewer systems in all subdivision proposals, shall be located and constructed to minimize flood damage.

Section III-3 Name Duplication

The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision within Franklin County.

Section III-4 Subdivision Design

4.1 Blocks

A. The lengths, width, 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; needs for vehicular and pedestrian circulation; control and safety of street traffic; limitations and opportunities of topography; and convenient access to water areas.

B. Blocks shall have sufficient width to allow two (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, in non-residential subdivisions, or where abutting a water area.

C. Where deemed necessary by the Planning Board, a pedestrian crosswalk at least fifteen (15) feet in width may be required to provide convenient public access to a public area such as a park or school, to a water area or to areas such as shopping centers, religious, or transportation facilities.

D. Block numbers shall conform to the Franklin County numbering system as designated by the Franklin County Planner.

4.2 Lots

A. All lots in new subdivisions shall conform to zoning regulations of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the zoning ordinance. It is not sufficient merely for the average lot to meet zoning requirements.

4.3 Sidewalks and Handicapped Access

A. Sidewalks are required by the Planning Board on one (1) or both sides of the street as follows:
West and East Winston - on the south side
West and East Franklin - on the south side
West and East Persimmon - on the south side
West and East Pine - on the north side
Northwest and Northeast Railroad - on the east side
Southwest and Southeast Railroad - on the west side
North Cross - on the east side
South Nassau - on the west side
Tom Williams Road - on the south side
Hillsboro - from US1-A/Hwy 96 to West Winston on the east side

Such sidewalks being on Town streets shall be constructed to a minimum width of four (4) feet, and shall consist of a minimum thickness of four (4) inches of concrete. All sidewalks shall be placed in the right of way, unless the development is platted as a planned unit or group development. Sidewalks shall consist of a minimum of six (6) inches of concrete at driveway crossings.

B. Sidewalks are required by the Planning Board on one (1) or both sides of the street as follows:
West and East Main - on both sides
North and South College - on the east side
South Cross - on the west side
North Nassau - on the west side

Such sidewalks being on State DOT roads shall be constructed to a minimum width of five (5) feet, and shall consist of a minimum thickness of four (4) inches of concrete. All sidewalks shall be placed in the right of way, unless the development is platted as a planned unit or group development. Sidewalks shall consist of a minimum of six (6) inches of concrete at driveway crossings. Cost of installation of sidewalk shall be the responsibility of the developer.

C. Wheelchair ramps - In accordance with Chapter 136, Article 2A, Section 136.44.14, all street curbs in North Carolina being constructed or reconstructed for maintenance procedures, traffic operations, repairs, correction of utilities, or altered for reason after September 1, 1973 shall provide wheelchair ramps for the physically handicapped at all intersections where both curb and gutter and sidewalks are provided and at other major points of pedestrian flow.

Section III-5 Streets

5.1 Streets

All streets shall be public and built to the standards of this ordinance and the NC Department of Transportation. Public streets which are eligible for acceptance into the state Highway System shall be constructed to the standards necessary to be put on the State Highway System or the standards in this ordinance, whichever is stricter in regard to each particular item, and shall be put on streets which are not eligible to be put on the State Highway System because there are too few lots or residences shall, nevertheless, be dedicated to the public and shall be constructed in accordance with the standards in this ordinance or the standards necessary to be put on the State Highway System, whichever is stricter in regard to each particular item so as to be eligible to be put on the system at a later date. A written maintenance agreement with provisions for maintenance of the street until it is put on the State system shall be included with the final plat.

5.2 Subdivision Street Disclosure Statement

All streets shown on the final plat shall be designated in accordance with G.S. 136-102.6 and designation as public shall be conclusively presumed an offer of dedication to the public. Where streets are dedicated to the public but not accepted into a municipal or the state system, before lots are sold, a statement explaining the status of the street shall be included with the final plat.

5.3 Half Streets

The dedication of half-streets shall be prohibited.

5.4 Marginal Access Streets

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

5.5 Access to adjacent Properties

Where, in the opinion of the Planning Board, it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turn-around provided.

5.6 Nonresidential Streets

The subdivider of a nonresidential subdivision shall provide streets in accordance with F-4 of the North Carolina Roads. Minimum Construction Standards, May 1, 1983, or current standards, and the standards in this ordinance, whichever are stricter in regard to each particular item.

5.7 Design Standards

The design of all streets and roads within the jurisdiction of the ordinance shall be in accordance with the accepted policies of the NC Department of Transportation, Division of Highways, as taken or modified from the American Association of State Highway's Officials (AASHO) Manuals. The NC Department of Transportation, Division of Highway's Subdivision Roads Minimum Construction Standards, May 1, 1983 or current standards, shall apply for any items not included in this ordinance.

5.8 The minimum right of way widths shall be as follows:

Right of way widths shall not be less than the following and shall apply except in those cases where right of way requirements have been specifically set out in the thorough plan.

<u>Rural</u>	<u>Minimum Right-of-Way, Feet</u>
1. Principal Arterial	
Freeways	350
Other	200
2. Minor Arterial	100
3. Major Collector	100
4. Minor Collector	60
5. Local Road	60*

<u>Urban</u>	<u>Minimum Right of Way, Feet</u>
1. Major Thoroughfare, other than Freeway & Expressway	90
2. Minor Thoroughfare	70
3. Local Street	60*
4. Cul-de-sac	90**

* The desired minimum right of way is sixty (60) feet. If curb and gutter is provided, fifty (50) feet of right of way is adequate on a local residential street.

** The right of way dimension will accommodate thirty three foot paved turning radius. The distance from the edge of pavement to the right of way should not be less than the distance from edge of pavement to right of way on the street approaching the turn around.

The subdivider will only be required to dedicate a maximum of one hundred (100) feet of right of way. In cases where over one hundred (100) feet of right of way is desired, the subdivider will be required only to reserve the amount in excess of one hundred (100) feet in width. In all cases in which right of way is sought for an access controlled facility, the subdivider will only be required to make a reservation.

5.9 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 sixty (60) degrees.

2. Property lines at intersections should be set so that the distance from the edge of pavement; of the street turnout to the property line will be at least as great as the distance from the edge of pavement to the property line along the intersecting streets. This property line can be established as a residence or as a sight triangle. Greater offsets from the edge of pavements to the property lines will be required, if necessary, to provide sight distance for the vehicle on the side street.

3. Offset intercessions are to be avoided unless exception is granted by the Division of Highways. Intersections which cannot be aligned should be separated by a minimum, length of two hundred (200) feet between survey center lines.

4. Intersections with arterial, collectors, and thoroughfares, shall be at least on thousand (1,00) feet from center line to center line, or more if required by the NC Department of Transportation.

5.10 Discourage through traffic on residential collector and local streets

Through Traffic Discourage on Residential Collector and Local Streets.

Residential collector and local streets shall be laid out in such a way that their use by through traffic will be discouraged. Streets shall be designed or walkways dedicated to assure convenient access to parks, playgrounds, schools, or other places of public assembly.

5.11 Cul de Sacs

Cul de sacs should not exceed nine hundred (900) feet in length unless necessitated by topography or property accessibility. Measurement shall be from the point where the center line of the dead-end street intersects with the center of a through street to the center of the turnaround of the cul de sac. The distance from the edge of pavement on the vehicular turn around to the right of way line shall not be less than the distance from the edge of pavement of right of way line on the street approaching the turn around. Cul de sacs should not be used to avoid connection with an existing street or to avoid the extension of an important street, unless exception is granted by the town Board.

5.12 Alleys

Alleys may be used to serve lots used for commercial and industrial purposes and shall meet these standards.

1. The width of an alley shall be at least twenty (20) feet.
2. Dead-end alleys shall be avoided where possible, but if unavoidable shall be provided with adequate turn-around facilities at the dead-end as may be approved by the Planning Board.
3. Sharp changes in alignment and grade shall be avoided.
4. All Alleys shall be designed in accordance with the NC Department of Transportation standards.

5.13 Street Widths

Widths for streets and road classifications other than local shall be as required by the thoroughfare plan. Width of local roads and streets shall be as follows:

Local Residential

Curb and gutter section - 26 feet, from face of curb to face of curb

Shoulder section - 20 feet to edge of pavement

6 foot minimum width of each shoulder

5.14 Curb and Gutter

Curb and gutter is required if included on roadway sections on the Thoroughfare Plan.

Curb and gutter may be required where it is needed to improve drainage situation.

Curb and gutter is required when the abutting lot width is less than one hundred (100) feet or if driveways are located with less than eighty (80) feet of separation measured centerline to centerline on a single non-residential lot.

5.15 Existing Private Roads

All subdivisions with private roads that as of the effective date of this ordinance have Franklin

county Planning Board approval on the preliminary plat shall be built as approved, however, any additions to that subdivision shall follow these regulations.
No Additional Private Roads will be Permitted.

5.16 Other Requirements

A. Street Names

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 in the county, irrespective of the use of a suffix such as street, road, drive, place, court, etc. The Franklin County Planner shall determine if a proposed street name is ineligible because of duplication. Street names shall also be subject to the approval of the Planning Board.

B. Street name signs

The subdivider shall be required to provide and erect street name signs to Town of Youngsville standards at all intersections with the subdivision.

C. Permits for Connection to State Roads

An approval permit is required for connection to any existing State system road. This permit is required prior to any construction on the street or road. The application is available at the office of the nearest district engineer of the Division of Highways.

D. Structures in the Right of way

No permanent structures, such as brick or stone mail boxes or brick or stone walls, shall be built in the right of way of any public or private street or road.

Section 111-6 Utilities

6.1 Water and Sewer Facilities

Within Youngsville's jurisdiction, each lot in all subdivisions located within five hundred (500) feet of a public water and/or sewer system should be connected, at the subdivider's or developer's expense, to that water and/or sewer system. If the developer provides a community water and/or sewer system rather than connecting to another community or public water and/or sewer system or provides individual wells and/or septic tanks when the subdivision is more than five hundred (500) feet away, the materials design and installation should be subject to approval by the Division of Health Services, NC Department of Human Resources; Division of Environmental Management, NC Department of Environment, Health and Natural Resources; or the Franklin County Health Department.

Sanitary sewer collection lines shall meet the standards of Franklin Water and Sewer Authority. Water distribution lines shall meet the standards of Franklin Water and Sewer Authority.

On streets which are "stubbed out" at property lines to permit future development, service must be provided by lines of at least six (6) inches nominal diameter.

Private water systems shall meet the approval of the Franklin County Health Department Environmental Health Section or the Division of Environment, Health and Natural Resources.

6.2 Storm Water Drainage System

The subdivider shall provide a surface water drainage system constructed to the standards of the NC Department of Transportation, as reflected in Handbook for the Design of Highway Surface Drainage Structures, 1973, subject to review by the County Consulting Engineer.

- A. No surface water shall be channeled or directed into a sanitary sewer.
- B. Where feasible, the subdivider shall connect to an existing storm drainage system.
- C. Where an existing storm drainage system cannot feasible be extended to the subdivision, a surface drainage system shall be designed to protect the proposed development from water damage.
- D. Surface drainage courses shall have side slopes of at least three (3) feet of horizontal distance for each on (1) foot of vertical distance, and courses shall be of sufficient size to accommodate the drainage area without flooding, and designed to comply with the standards and specifications for erosion control of the NC Sedimentation Pollution Control Act, G.S. 143-34.12, Chapter 113A, Article 4, and NC Administrative Code, Title 15, Chapter 14, and any locally adopted erosion and sedimentation control ordinances.
- E. The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one (1) foot in each two hundred (200) feet of horizontal distance.
- F. Stream banks and channels downstream from any land disturbing activity shall be protected from increased degradation by accelerated erosion caused by increase velocity of runoff from the land disturbing activity in accordance with the NC Sedimentation Pollution Control Act, G.S.143-34.12, Chapter 113A, Article 4, and NC Administrative Code, Title 15, Chapter 14, and any locally adopted erosion and sedimentation control ordinances.
- G. Anyone constructing a dam or impoundment within the subdivision must comply with the NC Dam Safety law of 1967 and NC Administrative Code, Title 15, Subchapter 2K.
- H. In all areas of special flood hazards, all subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

6.3 Underground Wiring

All subdivisions in which the smallest lot is less than forty thousand (40,000) square feet shall have underground wiring. This requirement may be waived by the Youngsville Town Board if underlying rock is less than four (4) feet from surface, in areas where soils have a high water table, or if there is extensive preexisting overhead wiring on the street in the immediate neighborhood of the subdivision. The subdivider shall be required to pay the charges for installation of the underground service, which charges will be made in accordance with the then effective underground electric serve plan as filed with the NC utilities Commission.

6.4 Offsets to Utility Poles

Poles for overhead utilities should be located clear of roadway shoulders, preferably a minimum of at least thirty (30) feet from the edge of pavement.

6.5 Utility Easements

A. Utility and drainage easements shall be provided for utilities where necessary. Drainage easements shall be at least twenty (20) feet wide. Utility easements shall meet the requirements of the utility provider. Easements should be centered on rear or side lot lines to the maximum practical extent.

B. Where a subdivision is traversed by a water course, drainage way, drainage tile, channel, or stream, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines of such water course, and such further width or construction, or both as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

Section III-7 Buffering and Recreation Requirement

7.1 Buffering

In residential subdivisions, a buffer strip at least fifty (50) feet in depth in addition to the normal lot size and depth required, shall be provided adjacent to all railroads and limited access highways, and public developments. This strip shall be a part of the platted lot, but shall have the following restrictions lettered on the face of the plat: "This strip reserved for the planting of trees or shrubs by the owners: the building of structures hereon is prohibited."

7.2 Recreation Requirement

A. Every person or corporation who subdivides land for residential purposes shall be required to dedicate a portion of such land, as set forth in this ordinance for the purposes of park, recreation, and open space sites to serve the residents of the neighborhood in which the subdivision is located.

B. The amount of land required to be dedicated by a subdivider shall be based on family size and development density. The actual amount of land to be dedicated shall be determined as follows:

The minimum amount of land that shall be dedicated for recreation, parks, or open space in all subdivisions shall be one half (1/2) acre for each subdivision, five (5) percent of the gross acreage, or the amount determined by the following formula, whichever is greatest.

Total	Average			
number of	size of	.008 Acres	Variable	Amount
Dwelling X	Family in X	per Person	Multiple	(Acreage)
Units or	the Comm	X	X	Dedication
Lots	unity last			
Census				

Variable Density Factor Table

<u>Acreage of Smallest Lot</u>	<u>Variable Multiple</u>
<u>in Subdivision</u>	
.0-.1	1.8
.1-.2	1.6
.2-.3	1.4
.3-.4	1.2
.4-.5	1.0

.5-.6	.9
.6-.7	.8
.7-.8	.7
.8-.9	.6
.9-over	.5

C. Suitability of Land

Criteria for evaluating suitability of propose recreation, parks and open space areas shall include but not be limited to the following as determined by the Youngsville Planning Board.

1. Unity. The dedicated land shall be a single parcel except where it is determined that two more parcels would be in the public interest. The Planning Board may require that parcels be connected, and may require the dedication of a connecting at of up to sixty (60) feet, and in no case less than thirty (30) feet, in width in addition to the land required in this ordinance.
2. Location. The dedicated land shall be located so as to serve the recreation needs of the immediate neighborhood within the subdivision.
3. Accessibility. Public access to the dedicated land shall be provided either by and abutting street or public easement. Such easement may be required to be up to sixty (60) feet and shall in no case be less than thirty (30) feet in width.
4. Usability. The dedicated land shall be useable for active recreation. (Play areas, ballfields, tennis courts, or similar recreation uses.) Lakes may not be included in computing the amount of land to be dedicated unless acceptable to the Youngsville Planning Board. If the Planning Board determines that active recreation needs are being met by other dedicated parcels or existing recreation facilities, then land that is suitable for open space may be dedicated.

D. Fees in Lieu of dedication:

A subdivider may provide funds in the amount of the tax value of an average acre of land in the subdivision times acreage required in the formula for dedication to the Town in lieu of providing the land required in this section of this ordinance. The Town shall use these funds for the acquisition of recreational land to serve the Town, the purchase of improvements to recreational lands.

Section III-8 Placement of Monuments

Unless otherwise specified by this ordinance, the Standard of Practice for Land Surveying as adopted by the NC State Board of Registration for Professional Engineers and Land Surveyors, under the provisions of Title 21 of NC Administrative Code, Chapter 56(21 NCAC 56), Shall apply when conducting surveys for subdivisions; to determine the accuracy for surveys and placement of monuments, control corners, marker, and property corner ties; to determine the location, design, and material of monuments, markers, control corners, and the property corner ties; and to determine other standards and procedure governing the practice of land surveying for subdivisions.

8.1 Permanent concrete monuments three (3) inches or larger in diameter or square, thirty (30) inches or longer shall be placed at not less than two (2) corners of the subdivision, provided that additional monuments shall be placed where necessary so that no point within the subdivision lies

more than five hundred (500) feet from a monument. Two (2) or more of the required monuments shall be designated as corners. The top of each monument shall have an indented cross, metal pin, or metal plate to identify properly the location of the point. All monuments shall be shown on the final plat.

8.2 All lot corners, all points where the street lines intersect the exterior boundaries of the subdivision, and all angle points of curve in each street, shall be marked with iron pipe or iron stakes at least three-eighths (3/8) inch in diameter and twenty four (24) inches long. Where a corner or important point falls in a right of way, in trees, in a stream, or on a fence post, boulder, stone, or other inaccessible point, one (1) or more monuments or metal stakes shall be placed in the boundary line so that the inaccessible point may be located accurately on the ground and the map.

8.3 At least one (1) corner of the property surveyed shall be designated by course and distance (tie) from a readily discernible reference marker.

If a corner is within two thousand (2,000) feet of a U.S. Coast and Geodetic Station or NC Grid System coordinated monument, then this corner shall be marked with a monument so designated and shall be accurately tied to the station or monument by computed X and Y coordinates which shall appear on the map with a statement identifying the station or monument and to an accuracy of at least 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.

ARTICLE IV

ADMINISTRATIVE PROVISIONS

Section IV-1 General 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 Youngsville Planning Board for major subdivisions or the Youngsville Zoning Administrator for minor subdivisions, as set forth in Chapter 3, of this ordinance, and until this approval appears on the face of the plat.

The Register of Deeds shall not file or record a plat of a subdivision of land located within the territorial jurisdiction of Youngsville 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..

Section IV-2 Statement By Owner

The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the Subdivision Regulation jurisdiction of Youngsville.

Section IV-3 Effect of Plat Approval on Dedications

Pursuant to G.S. 153A-333, the approval of a plat does not constitute or affect the acceptance by the Town of Youngsville or the public of a dedication of any street or other ground, public utility line, or other public facility shown on the plat and shall not be construed to do so.

Section IV-4 Penalties For Violation

4.1 After the effective date of this ordinance, any person who, being the owner or agent of the

owner of any land located within the territorial jurisdiction of this ordinance, thereafter subdivides his land in violation of this ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this ordinance and recorded in the Office of the Franklin County Register of Deeds, shall be guilty of a misdemeanor. 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. The Town, through its attorney or other official designated by The Town Board of Commissioners, may enjoin illegal subdivision, transfer, or sale of land by action for injunction. Further, the violation of any provision of this ordinance shall subject the offender to the penalties prescribed by G.S. 153A-334.

4.2 Violators of this ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S I4-4.

Section IV-5 Variances to Subdivision Regulations

The Youngsville Planning Board may authorize a variance from these regulations for major and minor plats when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Board shall make the findings required below, taking into account the nature of the proposed subdivision, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Board finds all of the following:

5.1 That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land.

5.2 That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

5.3 That the circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction.

5.4 That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which said property is situated.

Section IV-6 Amendments

The Youngsville Town Board may from time to time amend the terms of this ordinance but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation. The Planning Board shall have thirty five days from the time the proposed amendment is submitted to its report. If the planning Board fails to submit a report within the specified time, it shall be deemed to have recommended approval of the amendment.

No amendment shall be adopted by the governing body until they have held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in Franklin County at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall be published the first time not less than ten (10) days not more than twenty five (25) days before the date fixed for the hearing. In computing such period, the day of publication is not to be included, but the day of the hearing shall be included.

Section IV-7 Abrogation

It is not intended that this ordinance repeal, abrogate, annul, impair, or interfere with any existing easement, covenants, deed restriction, agreements, rules, regulations, or permits previously adopted or issued pursuant to law.; However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

Section IV-8 Effective Date

This ordinance shall take effect and be in force from and after October 1, 1993.

Section IV-9 Adoption

Duly adopted by the Board of Commissioners of the Town of Youngsville, North Carolina, this the 9th day of September, 1993.

Clerk

Mayor

Section IV-10 Administrator

The holder of the office of Zoning Administration is hereby appointed to serve as subdivision administrator.

ARTICLE V

DEFINITIONS

For the purpose of this ordinance, certain words or terms used herein shall be defined as follows:
Block. A piece of land bounded on one or more sides by street or roads.

Building set back line. A line parallel to the front property line on front of which no structure shall be erected. Setbacks shall be figured from the right of way line.

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

Easement. A grant by the property owner of a strip of land for a specified purpose and use be the public, a corporation, or persons.

Half Street. A street whose centerline coincides with a subdivision plat boundary, with on half the street right of way width being contained within the subdivision plat. Also, any existing street to which the parcel of land to be subdivided abuts on only one side.

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

Lot of record. A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Franklin County prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

Lot Types:

Corner lot. A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

Double frontage lot. A continuous (through) lot which is accessible from both streets upon which it fronts.

Interior Lot. A lot other than a corner lot with only one frontage on a street.

Through lot or a Double Frontage Lot. A lot other than a corner lot with frontage on more than one street, through lots abutting two streets may be referred to as double frontage lots.

Reversed Frontage Lot. A lot on which the frontage is at right angles or approximately right angles (interior angles less the one hundred thirty five (135) degrees to the general pattern in the area. A reversed frontage lot may also be a corner lot, an interior lot or a through lot.

Single-tier Lot. A lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.

Lot Width. Lot width means the distance between straight lines connecting front and rear lot lines or each side of the lot, measured across the rear of the required front yard; provided however, that frontage width (the width between side lot lines at their foremost points where they intersect the

right of way line shall not be less than eighty (80) percent of the required lot width, except in the case of the turning circle of cul de sacs where the eighty percent shall not apply.

Official Maps or Plans. Any maps or plans officially adopted by the Youngsville Town Board of commissioners.

Open Space. An area (land and/or water) generally lacking in manmade structures and reserved for enjoyment in its unaltered state.

Plat. A map or plan of a parcel of land which is to be, or has been subdivided.

Recreation area or Park. An area of land or combination of land and water resources that is developed for active and/or passive recreation pursuits with various man made features that accommodate such activities.

Reservation. A reservation of land does not involve the transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period of time.

Street. A dedicated and accepted public right of way for vehicular traffic.
The following classifications shall apply:

Rural Roads

Principal Arterial. A rural link in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel and existing solely to serve traffic. This network would consist of interstate routes and other routes designed as principal arterials.

Minor arterial. A rural link in a network joining cities and larger towns and providing intrastate and inter-county service at relatively high overall travel speeds with minimum interference to through movement. This network would primarily serve traffic.

Major collector. A road which serves major intra-county travel corridors and traffic generators and provides access to the arterial system.

Minor Collector. A road which provides service to small local communities and links locally important traffic generators.

Local Road. A local road serves primarily to provide access to adjacent land and for travel over relatively short distances.

Urban Streets

Major thoroughfares. Major thoroughfares consist of interstate, other freeway and expressway links, and major streets that provide for the expeditious movement of volumes of traffic within and through urban areas.

Minor Thoroughfares. Minor thoroughfares are important streets in the urban system and perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system by facilitating a minor through traffic movement and may also serve abutting property.

Local Street. A local street is any link not part of a higher order urban system which serves primarily to provide direct access to abutting land and access to higher systems.

Residential Collector Street. A local access street which serves as a connector street between local residential streets and the thoroughfares system. Residential collector streets typically serve between 100 to 400 dwelling units.

Local Residential Street. Cul de sacs, loop streets less than 2500 feet in length, or streets less than one mile in length at do not collect traffic from more than 100 dwelling units.

Cul de Sac. A short street having one end open to traffic and the other end being permanently terminated with a vehicular turnaround.

Alley. A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back side of properties otherwise abutting on a street.

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

Section V-I Word Interpretation

For the Purposes of this ordinance, certain words shall be interpreted as follows:

Words used in the present tense include the future tense.

Words used in the singular number include the plural and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.

The word "person" includes a firm, association, corporation, trust, and company as well as an individual.

The word "used for" shall include the meaning "designed for"

The word "structure" shall include the word "building".

The word "lot" shall include the words "plot", "parcel", or "tract".

The word "shall" is always mandatory and not merely directive.