



TOWN OF FARMVILLE

CODE OF ORDINANCES

CHAPTER 23 – SUBDIVISION

REGULATIONS IN THE TOWN OF

FARMVILLE

Article 1 IN GENERAL

1.1 Authority, Enactment, Purpose

Pursuant to the provisions of Chapter 160A, Article 19, Part 142 of the General Statutes of North Carolina, sections 160A-360 and et. seq., the Board of Commissioners of the Town of Farmville, North Carolina do hereby enact this Subdivision Regulation Ordinance in order to provide for the orderly development of the municipality and its environs; for the coordination of streets within proposed subdivisions with existing or planned streets or with other public facilities; for the dedication or reservations of rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic which shall avoid congestion and over-crowding, and which shall create conditions essential to public health, safety, and the general welfare.

1.2 Effective Date and Jurisdiction

On and after November 7, 1972, this ordinance shall regulate the platting and recording of every subdivision of land a defined in Section 1-3 of this Article, within the corporate limits of Farmville, North Carolina.

This ordinance shall apply to that extraterritorial area within one mile of the corporate limits of the Town of Farmville pursuant to the procedures and provisions of G.S. 160A-360, Subsections A, B, and E.

1.3 Subdivision Defined

A "subdivision" shall include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition nor be subject to the regulations authorized by this part: (1) the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality as shown in its subdivision regulations; (2) the division of land into parcels greater than ten acres where no street right-of-way dedication is involved; (3) the public acquisition by purchase of strips of

land for the widening or opening of streets; (4) the division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality, as shown in its subdivision regulations.

Article II DEFINITION OF TERMS

For the purpose of interpreting this ordinance, certain terms or words shall be defined as follows:

BLOCK - A parcel of land, which is bounded on all sides by public streets, highways, railroad rights-of-way, parks or green strips, rural land or drainage channels, or a combination thereof.

MINIMUM BUILDING LINE - A line parallel to the front property line in front of which no structure shall be built.

DEDICATION - A gift, by the owner, of a right to use land for stated purposes. Since a transfer of property is involved, the dedication is made by written instrument and is completed with an acceptance.

EASEMENT - A grant by the property owner for use, by the public, a corporation or person(s) of a strip of land for specific purposes.

GROUP DEVELOPMENT - A group of two or more principal structures built on a single lot, tract, or parcel of land and designed for occupancy by separate families, firms, businesses, or other enterprises not subdivided into the customary streets or lots.

LOT - A portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership or for development or both. The word "lot" includes the words "plat" and "parcel".

Corner Lot - A lot abutting upon two streets at their intersection.

Double-Frontage Lot - A continuous (through) lot which is accessible from both of the parallel streets upon which it fronts.

OFFICIAL PLANS - Any maps, plans, chart or text officially adopted by the Planning Board or the Town Commissioners of Farmville as a guide for the development of the town.

RESERVATION - A reservation of land does not involve any transfer of property rights. It simply constitutes an obligation to keep property free from

development for a stated period of time.

STREET - A dedicated and accepted public right-of-way which affords the principal means of access to abutting properties for vehicular traffic, and are further defined as follows:

- 1) **Major Thoroughfare**: A street which is used for moving heavy volumes of traffic or high speed traffic, or both, or which has been designated as a major thoroughfare on the Thoroughfare Plan.
- 2) **Minor Thoroughfare**: A street which carries traffic from minor streets to the system of major thorough-fares or which has been designated as a minor thoroughfare on the Thoroughfare Plan.
- 3) **Local Street**: A street whose principal function is to provide access to adjacent properties.
- 4) **Marginal Access Street**: A local street parallel and adjacent to a major thoroughfare or railroad, which provides access to abutting properties, protection from through traffic and control of access to the major thoroughfare.
- 5) **Cul-De-Sac**: A short minor street having one end open to traffic and the other permanently terminated by vehicular turnaround.

SHALL - The word shall is always mandatory.

SUBDIVIDER OR DEVELOPER - A person, firm or corporation who has applied for approval of or who has duly recorded a plat for the subdivision of a tract of land pursuant to the jurisdiction and requirements of this ordinance.

MOBILE HOME - A residential dwelling unit, designed for transportation after fabrication on its own wheels or on flatbeds, or other trailers, and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy except for minor and incidental unpacking and assembly operations including, but not limited to, location on jacks or other temporary or permanent foundation, and connection to utilities. Travel trailers and campers shall not be considered mobile homes.

MOBILE HOME SUBDIVISION - A subdivision designed and intended for residential use where residence is in mobile homes exclusively.

Article III PLAT PREPARATION AND APPROVAL

3.1 Register of Deeds

From and after the time that this ordinance is filed with the Register of Deeds of Pitt County, no subdivision plat shall be filed or recorded until it shall have been submitted to and approved by the Board of Commissioners of Farmville according to the procedure provided for in this ordinance, and such approval entered in writing on the plat by the town clerk. The Register of Deeds shall not file or record a plat of a subdivision of land located within the jurisdiction of this ordinance which has not been approved in accordance with these provisions. 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 subject to the jurisdiction of this ordinance.

3.2 Penalties for Transferring Lots in Unapproved Subdivisions

Any person who, being the owner or agent of the owner of any land located within the platting jurisdiction of this ordinance who transfers or sells such land by reference to a plat showing a subdivision of such land before such plat has been approved by said legislative body and recorded in the office of the Register of Deeds, shall be guilty of a misdemeanor and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. Said municipality, through its town attorney or other official designated by the legislative body, may enjoin such transfer or sale by action for injunction.

3.3 No Service or Permit Until Final Plat Approved

No street shall be accepted and maintained by the town, nor shall any street lighting, water, or sewer be extended to or connected with any subdivision of land nor shall any permit be issued by any administrative agency or department of the Town of Farmville for the construction of any building or other improvements requiring a permit unless and until the requirements set forth in this ordinance have been complied with and the same approved by the Town of Farmville.

For the subdivision in the extraterritorial areas, permits for the construction of buildings or other improvements may be issued when the agencies providing utilities accept improvements by letter, and when the North Carolina Department of Transportation states by letter that streets and drainage systems meet their requirements for acceptance except for population densities, and said letter from the North Carolina Department of Transportation shall meet the requirements in Section 4.3.1 and 4.4 for lots to front on a public street. (Amended 01/05/88)

Construction permits may be issued in subdivisions where final plats are approved with a performance guarantee for improvement as set forth in Section 3.6.1 so long as the terms of the performance guarantee are being met. (Added 05/02/89)

3.4 Sketch Design Plan

Before an application for approval of the preliminary plat is filed, the subdivider is encouraged to submit to the Planning Board, through the administrator of this ordinance, a sketch plan of the proposed subdivision.

The sketch plan should be drawn at a scale of one (1) inch to 100 feet and contain or be accompanied by the following information: (1) the name and address of the owner and subdivider; (2) a vicinity sketch showing the relationship of the subdivision to surrounding properties; (3) existing conditions on the site including streets, roads, water courses, rights-of-way, easements, and structures where available; (4) total acreage in the tract; and (5) the tentative arrangement of rights-of-way, easements, lots and sites to be dedicated for schools, churches, parks, etc., if any.

The Planning Board will review the sketch plan for general compliance with the requirements of this ordinance and advise the subdivider as to the regulations which pertain to the proposed development and the procedure the subdivider shall follow in preparing and submitting a subdivision plat. The subdivider or his representative should utilize this opportunity to informally discuss plans for development of the proposed subdivision with the Planning Board.

3.5 Preliminary Plat

The subdivider shall submit five (5) black or blue line prints of the preliminary plat and any supplementary material to the Planning Board through the administrator of this ordinance at least fifteen (15) working days prior to the next regular meeting of the Planning Board at which the preliminary plat is to be considered.

If the subdivision is outside the Farmville Town limits, the subdivider shall also submit two (2) copies of the preliminary plat to each of those agencies listed in Article 3, Section 5.2 at least thirty (30) days prior to the next regular meeting of the Planning Board.

A Sedimentation control plan for all subdivisions shall be submitted with the preliminary plan as required by Chapter 21 of the Town of Farmville Code of Ordinances. (Amended 02/02/88)

- 3.5.1 Preliminary Plat Requirements. The scale of the preliminary plat shall be a minimum of one (1) inch to one hundred (100) feet. The allowable error of closure shall be 1:5000. The plat shall contain or be accompanied by the following information: (1) the name and address of the owner, the subdivider and the person preparing the plat, the scale, north point and date; (2) a location map showing the relationship between the subdivision and the surrounding area inset on the plat sheet, the names and locations of adjoining subdivisions and streets, the location and ownership

of adjoining unsubdivided property, and the location of county and/or municipal boundaries if falling within or immediately adjoining the tract, the zoning classification of the tract, if applicable; (3) the boundaries of the tract with all bearings and distances indicated, total acreage in the tract, the location of existing structures, water courses, rights-of-way and utility easements; (4) the proposed name of the subdivision, street rights-of-way and surface widths, approximate grades, street names, water supply storm drainage and sewage disposal systems (except that individual wells and septic tanks need not be shown), lot lines, lot and block numbers, approximate dimensions of lots, buildings setback lines, areas to be used for parks, churches, etc., if any; (5) topographical map of area; and (6) any other supplemental information considered by the subdivider or the Planning Board to be pertinent to the review of the preliminary plat, including any restrictive covenants which the developer intends to attach to parcels within the subdivision.

3.5.2 Additional Site Plan Review. For subdivisions outside the Farmville Town limits, the developer shall submit two (2) preliminary plats for review and approval to each of the following agencies at least thirty (30) days prior to the next regular meeting of the Planning Board:

- Pitt County Health Department
- District Engineer, N.C. Department of Transportation
- Pitt County Soil and Water Conservation District

3.5.3 Planning Board Action. The Planning Board shall review the preliminary plat at its next regular meeting after the preliminary plat has been properly submitted. The Planning Board shall have forty-five (45) days after its regular meeting in which to take action on the preliminary plat. Failure on the part of the Planning Board to act within the specified time shall be deemed as approval by the Planning Board. The Planning Board shall approve, approve conditionally, or disapprove the plat.

- (1) If the preliminary plat is approved, approval shall be noted on two prints of the plat by the Chairman of the Planning Board. One print of the plat shall be transmitted to the subdivider and the second approved print shall be retained by the Planning Board.
- (2) In the case of conditional approval, the reasons for conditional approval and the conditions to be met shall be specified in writing. One copy of such reasons and conditions, along with one print of the plat, shall be

retained by the Planning Board and a print of the plat with the reasons for conditional approval shall be given to the subdivider. The Planning Board may require the subdivider to submit a revised preliminary plat including the recommended changes before approving the plat.

- (3) Upon approval or conditional approval of the preliminary plat, the subdivider may proceed, with the installation or arrangement of the required improvements in accordance with the preliminary plat as approved and the requirements of this ordinance, and with the preparation of the final plat.
- (4) When a preliminary plat is disapproved, the Planning Board shall specify the reasons for such action in writing. One copy of such reasons and one print shall be retained by the Planning Board, and a print of the plat with the reasons for disapproval shall be given to the subdivider. If the preliminary plat is disapproved, the subdivider may make the recommended changes and submit a revised preliminary plat.

3.5.4 Development in Stages. When a subdivision is to be developed in stages, the preliminary plat shall be submitted for the entire development. A final plat may be submitted for each stage.

3.6 Final Plat

The subdivider shall submit a final plat, constituting that portion of the approved preliminary plat that he proposes to record and develop, within twelve (12) months after approval of the preliminary plat. Otherwise, such approval of the preliminary plat shall become null and void unless an extension of time is applied for and granted by the Planning Board.

The subdivider shall submit eight (8) black or blue line copies of the final plat, and one (1) reproducible drawing through the administrator of this ordinance fifteen (15) working days prior to the regular meeting of the Planning Board at which the plat is to be considered.

- 3.6.1 Completion of Improvements or Performance Guarantee Required. Except as hereinafter provided concerning performance guarantees, no final plat shall be approved until all required improvements are installed. The subdivider is responsible for the installation of all improvements as indicated on the approved preliminary plat and as further required by the Ordinance. These improvements must meet the standards set by

the Town of Farmville.

In lieu of completion of required improvements prior to approval of a final plat, the subdivider may post a performance guarantee in an amount sufficient to secure to the town the satisfactory installation of improvements. The performance guarantee may be in the form of one of the following methods:

- (1) Irrevocable letter of credit from an insured financial institution.
- (2) A first or second Deed of Trust.
- (3) Performance or surety bond executed by a company licensed to operate in the State of North Carolina.
- (4) Escrow Deposit by cash or certified check.

Where performance guarantees are used in lieu of the completion of improvements, and prior to submission of a final plat to the Town Board of Commissioners, the subdivider must provide specifications, quantities, unit costs, and a total cost estimate, along with an estimated date for the completion of improvements. The Town Engineer, or other appropriate official, shall review the above information from the subdivider for reasonableness as to cost and time estimates.

The Town Engineer may affirm or modify the subdividers cost and time estimates and make a recommendation to the Town Manager as to the amount of the performance guarantee and the time limit for completion.

Based on the Town Engineers recommendation, the Town Manager shall set the amount and terms of the performance guarantee as necessary to insure that the interests of the Town of Farmville are fully protected.

When work required under the terms of the performance guarantee is not completed by the subdivider, the Town Manager shall inform the Town Board of Commissioners, at its next regularly scheduled meeting, and shall recommend to the Board of Commissioners such action, including call of the guarantee, as is appropriate in the circumstances of the case to procure the completion of the required improvements." (Section 3.6.1 amended September 2, 1986)

3.6.2 Final Plat Requirements

The final plat shall conform substantially to the preliminary plat as it was approved, and shall comply specifically with the

provisions of G.S. 47-30. The allowable error of closure shall be 1:5000. The final plat shall be prepared by a registered surveyor and/or engineer, and shall be drawn at a scale of not less than one (1) inch to one hundred (100) feet, and shall contain or be accompanied by the following information: (1) the name of the subdivision, the owner, the subdivider, and the name of the surveyor or engineer preparing the final plat, the date, north point, and graphic scale; (2) the exact boundary lines of the tract fully dimensioned by bearings and distances, the names and locations of all adjoining subdivisions and unsubdivided property, the accurate location and descriptions of all monuments, markers and control points, sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary line, street lines, lot line, right-of-way line, easement, and building setback line including distances, bearings, and radii, length, and central angles of curved lines, the location areas to be used for parks, churches, etc., if any, blocks alphabetized consecutively and lots numbered consecutively through out each block, any other information considered by the subdivider, Planning Board or Town Commissioners, to be pertinent to the review of the final plat; and (3) Certificate of Ownership, Dedication, and Jurisdiction, signed, Certificate of Accuracy of Mapping, signed, Certificate of Planning Board approval, unsigned, Certificate of Approval of Town Board of Commissioners, unsigned. A space of three by five inches shall be left for the signature and seal of the Register of Deeds of Pitt County; and (4) must include an engineer's or surveyor's statement as to which lots, if any, are partially or completely located in an area of special flood hazard identified pursuant to the National Flood Insurance Act of 1968. This statement must include the BFE of the affected lot(s) and should list the lowest adjacent grade of each lot located within the flood zone.
(amended 04/06/2004)

- 3.6.3 Planning Board Action. The Planning Board shall discuss the final plat at its next regular meeting after the final plat has been properly submitted. The Planning Board shall have forty-five (45) days after its regular meeting in which to take action on the final plat. Unless stipulation for additional time is agreed to by the subdivider and if the Planning Board fails to take action in the allotted time, the final plat shall be deemed approved by the Planning Board.

The Planning Board shall review the final plat for compliance with the requirements of this ordinance and any other specifications which were agreed upon at the time of the review

of the preliminary plat.

During its review of the final plat, the Planning Board may appoint a registered engineer or registered surveyor to check the accuracy of the subdivision layout and the final plat. If substantial errors are found, the costs shall be charged to the subdivider.

The Planning Board shall approve or disapprove the final plat.

- (1) If the final plat is approved, approval shall be indicated on the appropriate certificate of the final plat, and the final plat shall be forwarded to the Town Board of Commissioners for final approval.
- (2) If the final plat is disapproved by the Planning Board, the reasons for such action shall be stated in writing. The reasons for disapproval shall refer specifically to those parts of this ordinance, other statutes or practices with which the plat does not comply. One copy of such reasons with the original drawing and remaining prints of the proposed sub-division shall be transmitted to the subdivider. Before final approval is granted, the subdivider shall make the required changes and submit a revised final plat.

3.6.4 Action by Board of Town Commissioners

The Board of Town Commissioners shall take action on the final plat at its first regular meeting following the approval of the final plat by the Planning Board. The Board of Commissioners shall approve or disapprove the final plat.

- (1) If the final plat is approved, approval shall be indicated on the appropriate certificate on the final plat. The subdivider shall file the approved plat with the Register of Deeds within ninety (90) days after the approval of the Board of Town Commissioners or such approval shall be void.
- (2) If the final plat is disapproved by the Town Board of Commissioners, the reasons for such action shall be stated in writing. The reasons for disapproval shall refer specifically to those parts of this ordinance, other statutes or practices with which the plat does not comply. One copy of such reasons with the original drawing remaining prints of the proposed subdivision shall be transmitted to the subdivider. Before final approval is granted, the subdivider shall make the required changes and submit a revised final plat.

3.7 Approval Not to Constitute Acceptance

The approval of a final plat pursuant to regulations adopted under this ordinance shall not be deemed to constitute or effect the acceptance by the town, a governmental unit or a public body of the dedication of any street or other ground, public utility line, or other public facility shown on the plat.

For subdivision in the extraterritorial areas, permits for the construction of buildings or other improvements may be issued when the agencies providing utilities accept improvements by letter, and when the North Carolina Department of Transportation states by letter that streets and drainage systems meet their requirements for acceptance except for population densities, and said letter from the North Carolina Department of Transportation shall meet the requirements in Section 4.3.1 and 4.4 for lots to front on a public street.

3.8 Minor Subdivision Approval

3.8.1 The Planning Director or his designee shall approve or disapprove minor subdivision final plats in accordance with the provisions of this section.

3.8.2 The applicant for minor subdivision plat approval, before complying with Section 3.8.3, shall submit a sketch plan to the Town Planner for a determination of whether the approval process authorized by this section may be and should be utilized. The planning director may require the applicant to submit whatever information is necessary to make this determination, including, but not limited to, a copy of the tax map showing the land being subdivided and all lots previously subdivided from the tract of land within the previous five (5) years.

3.8.3 Applicants for minor subdivision approval shall submit to the Town Planner a copy of the plat conforming to the requirements set forth in Section 3.6.2 (as well as six prints of such plat), except that a minor subdivision plat shall contain the following certificates in lieu of those required in Section 3.6.2:

(1) Certificate of Ownership

I hereby certify that I am the owner of the property described hereon, which property is within the subdivision regulation jurisdiction of the Town of Farmville, and that I freely adopt this plan of subdivision. _____ Owner

_____ Date

(2) Certificate of Approval

I hereby certify that the minor subdivision shown on this plat does not involve the creation of new public streets or any change in existing public streets, that the subdivision shown is in all respects in compliance with _____ of the Town of Farmville Ordinances, and that therefore this plat has been approved by the Town Planner, subject to its being recorded in the Pitt County Registry within 60 days of the date below.

(3) Certificate of Survey and Accuracy

- 3.8.4 The Town Planner shall take expeditious action on an application for minor subdivision plat approval. However, either the Town Planner or the applicant may at any time refer the application to the major subdivision approval process.
- 3.8.5 Not more than a total of three (3) lots may be created out of one tract using the minor subdivision plat approval process, regardless of whether the lots are created at one (1) time or over an extended period of time.
- 3.8.6 Subject to the criteria of Section 3.8, the Town Planner shall approve the proposed subdivision, unless the subdivision would be considered a major subdivision, or it is referred to the major subdivision approval process.
- 3.8.7 If the subdivision is disapproved, the Town Planner shall promptly furnish the applicant with a written statement of the reason for disapproval.
- 3.8.8 The Town Planner or his designee shall be responsible for recording the approved plat. (Section added 1/6/98)

Article 4 DESIGN STANDARDS AND IMPROVEMENTS

4.1 General Provisions

Any land area within the jurisdiction of this ordinance which is deemed unsuitable for residential occupancy by the Planning Board, shall be prohibitive for subdivision development, or for other use that may jeopardize life, health or property. Lands of this nature shall be used only for such uses that comply with official plans of the town and that will not be endangered by periodic or occasional flooding. The Planning Board, in making their determination, shall be guided by an analysis of available data on topography, soils, flood plains, drainage, and ground and surface water.

4.2 Subdivision Names

In no case shall the name for a proposed subdivision duplicate or be phonetically similar to existing subdivisions in Farmville.

4.3 Streets and Roads

In any new subdivision the street layout shall conform to the arrangement, width and location indicated on any official plans or maps for Farmville. In areas for which the town has not completed such plans, the plans of Pitt County should be utilized. In areas where no plans have been completed, the streets shall be designed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety and to the proposed use of land to be served by such streets.

The proposed street layout shall be made according to good land planning practice for the type of development proposed, and shall be coordinated with the street system of Farmville. All streets must provide for the continuation or appropriate projection of principal streets in surrounding areas and provide reasonable means of ingress and egress for surrounding acreage tracts.

- 1) Minimum street right-of-way width shall be as shown in the thoroughfare plan for the community and not less than the following:
 - a. Major Thoroughfare - (See Thoroughfare Plan)
 - b. Minor Thoroughfare - (See Thoroughfare Plan)
 - c. Local streets 50 feet
 - d. Marginal access streets 50 feet
 - e. Cul-de-sac 50 feet
 - f. Street right-of-way outside of any municipal limits 50 feet
(Amended 09/05/89)

- 2) Curbs and gutters are required inside the corporate limits, and the paving widths back to back of curbs shall be as shown in the Thoroughfare Plan and not be less than the following:
 - a. Major Thoroughfare - (See Thoroughfare Plan)
 - b. Minor Thoroughfare - (See Thoroughfare Plan)
 - c. Local streets 32 feet
 - d. Marginal access streets 32 feet
 - e. Cul-de-sac 32 feet
(Amended 09/05/89)

- 3) Curbs and gutters are not required in the extraterritorial jurisdiction, and if not installed, paving widths shall not be less than the following:
 - a. Collector streets 24 feet
 - b. Minor (residential) streets 22 feet

If curbs and gutters are installed in the extraterritorial jurisdiction, the paving widths set forth in Article 4.3(2) above shall be met.
(Amended September 2, 1986)

- 4) Unless necessitated by exceptional topography and subject to the approval of the Planning Board, the grades shall not be more than ten percent nor less than one-fourth of one percent on any street.
 - a. Grades approaching intersections shall not exceed five percent for a distance of not less than 100 feet from the center lines of said intersection.
 - b. Street grades shall be established wherever practicable in such a manner as to avoid excessive grading, the promiscuous removal of ground cover and tree growth and general leveling of the topography.
 - c. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to 15 times the algebraic difference in the rates of grade for major and collector streets, and one-half this minimum for all other streets.

- 5) When a continuous street center line deflects at any point by more than 10 degrees a circular curve shall be introduced, having a radius of curvature on said center line of not less than the following:
 - a. Major streets 30 feet
 - b. Collector streets 200 feet
 - c. Minor streets 100 feet

- 6) A tangent at least 50 feet long shall be provided between reverse curves on all streets.

- 7) 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 less than 60 degrees.
 - a. Street jogs with center line offsets of less than 125 feet shall be avoided.
 - b. Intersections with a major street or highway shall be at least 800 feet apart.
 - c. Property lines at street intersections shall be rounded with a minimum radius of 15 feet or of a greater radius when required by the Planning Board.

- 8) Every permanent dead-end street shall be developed as a cul-de-sac and shall not exceed one-thousand, eight-hundred (1,800) feet in length, measured from the centerline of the nearest intersecting street to the turn-around, except where the shape of the tract of land being

subdivided makes this requirement impractical. Permanent dead-end streets or cul-de-sacs shall be provided at the closed end with a turn around having an outside roadway diameter of at least 80 feet, and a street property line diameter of at least 100 feet. (Amended 10/6/98)

9) Street names for all subdivision plats shall be subject to approval of the Planning Board. New street names shall not duplicate or be similar to existing street names and existing street names shall be projected wherever possible.

4.3.1 No Private Streets. There will be no private streets platted in any subdivision. All subdivided property shall be served from publicly dedicated streets.

4.3.2 Alignment. The street pattern shall be such as to cause no hardship in the subdividing of adjacent properties. All streets shall provide for the continuation or appropriate projection of principal streets in surrounding areas and provide reasonable means of ingress for surrounding acreage tracts. Streets shall align as nearly as possible with existing adjacent streets or roads.

4.3.3 Street Names. Proposed streets which are obviously in alignment with other existing and named streets shall bear the assigned names of the existing streets. In no case shall the name for proposed streets duplicate or be phonetically similar to existing street names in Farmville or its planning area.

4.4 Lot Requirements

Lot sizes, shapes, and location shall be made with due regard to topographic conditions, contemplated use, and the surrounding area. Land subject to flooding and land deemed by the Planning Board to be uninhabitable for other reasons shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, but such land may be set aside for such uses as will not be endangered by periodic or occasional inundation, or will not produce unsatisfactory living conditions.

Each lot shall front on a public street, double frontage lots shall be permitted only under unusual or exceptional circumstances, and side lot lines shall be substantially at right angles to street lines.

The size of all lots shall conform with the Town Zoning Ordinance. Whenever there is a discrepancy between the minimum standards or dimensions noted herein and those contained in the Zoning Ordinance, Building Codes, or other official regulations, the more stringent requirements shall apply.

Lots for residential use within the corporate limits of Farmville shall not be less in width, depth, or area than required by the Zoning Ordinance for the district in which the proposed subdivision is located. All residential lots shall be 80 feet wide at the building line.

Subject to the approval of the Pitt County Health Department, lots located outside the corporate limits of Farmville and served by a public water and sewer system shall have a minimum of 10,000 square feet; lots served by either a public water or public sewer system shall have a minimum of 15,000 square feet; and lots served by neither a public water nor a public sewer system shall have a minimum of 20,000 square feet.

Corner lots shall have width sufficient to permit building setback from side streets equivalent to the building setback of the front streets.

4.5 Water and Sewer

The developer of any subdivision located within the corporate limits which has either public water or public sewer systems, or both, available at the boundary of the subdivision, shall, with prior approval of utility plans and specifications by the Town Board, Planning Board and Town Engineer, connect with such available systems in accordance with applicable ordinances and policies of the Town before the plat shall be eligible for final approval. A final plat, complying with the provisions of this ordinance, shall be submitted before improvements can begin. Owners of subdivision located beyond the corporate limits are encouraged to consider provision of public water and sewer services to each lot in order to take advantage of the lot size permitted where such services are available. The Town of Farmville will consider furnishing public water and sewer services on a shared cost basis to any plat that complies with all the requirements of this ordinance. Mere consideration by the town does not imply obligation on the part of the town to furnish such services.

4.6 Blocks

Blocks shall be laid out with special attention given to the type of land use proposed within the block. Blocks shall not exceed one thousand four hundred (1,400) feet in length nor shall they be less than four hundred feet (400) in length and have sufficient width to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Pedestrian cross walks, not less than ten (10) feet in width, may be required near the center and entirely across any block nine hundred (900) feet or more in length where deemed essential by the Planning Board to provide adequate access to schools, shopping centers, churches, or transportation facilities.

4.7 Buffer Strips

In residential districts a buffer strip of at least ten (10) feet in depth, in addition to the normal lot depth required, shall be provided adjacent to all railroads, limited access

highways, and commercial developments. This strip shall be part of the platted lots, 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 owner; the building of residential structures hereon is prohibited."

4.8 Easements

Utility easements should be agreed upon by the subdivider and the utility company; however, utility easements shall be a minimum of twenty (20) feet. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a drainage easement or storm water right-of-way, conforming substantially to the lines of such water course at least twenty (20) feet wide and ten (10) feet on either side.

Lakes, ponds, creeks, and similar areas may be accepted for maintenance only if sufficient land is dedicated as a public recreation area or park or if such area constitutes a necessary part of the drainage control system. Such areas must be approved by the Planning Board and Town Board before approval of the Final Plat.

4.9 Monuments

Permanent monuments shall be installed and control corners designated in conformance with the letter and intent of General Statutes 39.32.1 through General Statutes 39-32.4 and other points established according to the provisions of the Manual of Practice for Land Surveyors of the N.C. State Board for the Registration for Professional Engineers and Land Surveyors.

Article V ADMINISTRATION

5.1 Administrator

The Board of Town Commissioners shall designate such agent or offices of the Town as administrator of this ordinance as shall be determined appropriate.

5.2 Exceptions

5.2.1 Exceptions for condominium, townhouse, and clustered development

The Town of Farmville recognizes the need to encourage innovations in residential development and more efficient use of land and public services. The purpose of this article is to provide greater flexibility in residential design through the allowance of variations in lot size and design requirements while preserving the open spaces and natural features of the subdivided area.

1. A preliminary plat of the proposed condominium, townhouse, or clustered development and a final plat of the development shall be submitted pursuant to the provision of this chapter and in conformity with the following:
 - a. Common areas - All condominium, townhouse, and clustered development shall contain commonly owned land other than parking lots greater than or equal in area to twenty percent (20%) of the entire development and shall be held in non-profit corporate ownership by the owners of lots within the development. In consideration of the purpose served by condominium, townhouse, and clustered development, the title to such common areas or property shall be preserved for the perpetual benefit of the private properties in the development and shall be restricted against private ownership for any other purpose.
 - b. Density - Individual lot size may be varied, but the overall density of a condominium, townhouse, or clustered development shall not exceed that permitted by the applicable zoning requirements. All remaining land not shown as lots shall be designated as common areas.
 - c. Public access, easements, and private party walls - Building lots may abut or be provided with frontage on common areas if provisions are made to allow adequate community services. 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. All common walls between individual residences shall be party walls, and provisions for the maintenance thereof and restoration in the event of damage or destruction shall be established.
 - d. Utilities and improvements - All condominium, townhouse, and clustered development shall include town water and sewer utilities or approved alternate systems, sidewalks, paved streets and parking areas with curb and gutter, underground electric, CATV, and telephone service, landscaping and any other improvements considered necessary by the Planning Board.
 - e. The development standards for group housing shall apply.
 - f. Site Plan - Site plans shall be required in addition to

preliminary and final plats for all condominium, townhouse, and clustered development, and shall be prepared by a registered architect or a licensed professional engineer drawn to a scale no smaller than 1"=50' and shall include the following additional particulars:

The site plan shall number and show the dimensions of all building sites;

The location of buildings, streets, alleys, walks, and parking areas;

Descriptions of all garages, balconies, patios, etc. which form a part of each unit,

Setback dimensions of buildings,

Location of existing and proposed walls and fences, all street and utility easements to be dedicated to the public,

Drainage system,

All areas on the site plan other than public streets, easements, or private building sites shown as common areas,

Recreation areas and facilities,

Provisions for community services (trash pickup, etc.).

The type of existing plant material and the size and type of plants to be planted,

The number and location of handicapped parking places.

2. Covenants and Restrictions. The developer shall file with the final plat a declaration of covenants and restrictions governing the common areas, homeowners' association, and residential sites. The declaration shall be a complete legal document prepared in substantial accordance with the North Carolina Unit Ownership Act containing (but not be limited to) provisions for the following:
 - a. The homeowners' association shall be organized and in legal existence prior to the date of any residences in the development.
 - b. Membership in the homeowners' association shall be mandatory for each original purchaser and each successive purchaser of a residential site.
3. Requirements for Unit Ownership. Before a declaration and plat establishing a condominium or unit ownership development may be recorded in the office of Pitt County Register of Deeds, the declaration and plat shall be approved by the Planning Board and Board of Commissioners. Such declaration and plat shall conform to applicable subdivision and zoning requirements as set

forth in the Code of Ordinances of the Town. No unit shall be conveyed until the declaration and plat have been approved by the Planning Board and Board of Commissioners and recorded in the office of the Pitt County Register of Deeds. (Section 5.2 amended May 7, 1985)

5.3 Variances

The Planning Board and Board of Town Commissioners may approve subdivision plats which vary from the design standards and improvements required by this ordinance where topographic or other conditions are such that compliance with the requirements of this ordinance would cause an unusual and unnecessary hardship on the subdivider above and beyond what other subdividers would be required to meet, provided that such variations will not have the effect of nullifying the intent and purpose of these regulations. No variance shall be granted which conflicts with local, state or federal statute, ordinance or regulation. The subdivider shall submit a written request and justification for any such variance and the Planning Board or Board of Commissioners may attach to the granting of such a variance any conditions necessary to insure that the purpose and intent of this ordinance is not compromised.

5.4 Amendment

Unless initiated by the Planning Board, the Board of Commissioners shall submit all proposed amendments to the subdivision regulations to the Planning Board for review and recommendation. The Planning Board shall have forty five (45) days within which submit its report. If the Planning Board fails to submit a report within the above period, it shall be deemed to have approved the proposed amendment.

A public hearing shall be held by the Board of Commissioners before the adoption of any proposed amendment to the subdivision regulations. A notice of such public hearing shall be given once a week for two (2) successive calendar weeks in a newspaper of general circulation in the Town of Farmville, said notice to be published the first time not less than fifteen (15) days nor more than 25 days prior to the date established for such public hearing.

5.5 Separability

Should any section or provision of this ordinance be declared by the courts to be invalid for any reason, such declaration shall not affect the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

5.6 Conflict

When the requirements of this ordinance conflict with the requirements of other lawfully adopted rules, regulations, or ordinances of Farmville, or deed restrictions imposed by the developer, the more stringent or higher requirements shall govern.

5.7 Fees

A fee of \$.50 per lot shall be paid when the preliminary plat is submitted for consideration. There shall be a \$5.00 minimum charge for all subdivisions.

5.8 Compliance with Official Plans

Whenever a tract to be subdivided embraces any part of a Road or Thoroughfare designated in the Official Maps and Plans for Farmville, such part of that proposed public way shall be platted and dedicated by the subdivider in the location and dimensions specified.

Subdivision and sale of land creates additional responsibilities for Farmville as well as Pitt County; primarily in the provision of town and county services to new residents. To insure that orderly growth and development of the town and the county in accordance with general principles set forth in the town's and county's policies and ordinances, it is recommended that the subdivider dedicate or reserve open space for parks, schools, fire stations, and playgrounds to serve the people that will in part, be living in a newly developing area. If the subdivider chooses to dedicate land to the town or to the county, the respective Board of Commissioners, upon acceptance, must agree to accept the responsibility of maintaining the site; the final plant must show the dedication.

APPENDIX

- 39-31 Application, certificate, bond and order filed as permanent record. -The clerk of the superior court shall preserve the application, certificate and bond and his orders thereon as a permanent record for the benefit of any party whose rights are affected thereby and shall, when the provisions of this article have been fully complied with, and when a filing fee of one dollar has been paid, issue a permit to the applicant to sell said lot or lots.
- 39-32 Penalty for violation. -Any person, firm or corporation selling or offering for sale any building lot or lots in violation of the provisions of this article shall be guilty of a misdemeanor and upon conviction thereof shall be fined or imprisoned in the discretion of the court.

CHAPTER 39.

CONVEYANCES

Article 5A.

Control Corners in Real Estate Developments

- 39.32.1 Requirement of permanent markers as "control corners". -Whenever any person, firm or corporation shall hereafter divide any parcel of real estate into lots and lay off streets through such real estate development and sell or offer for sale any lot or lots in such real estate development, it shall be the duty of such person, firm or corporation to cause one or more corners of such development to be designated as "control corner" and shall cause two or more street center lines or offset lines within or on the street right-of-way lines to be permanently monumental at intersecting center lines or offset lines, points of curvature or such other control points, which monuments shall also be designated as control corners and to affix or place at such control corner or corners permanent markers which shall be of such material and affixed to the earth in such a manner as to insure as great a degree of permanence as is reasonably practical.
- 39.32.2 Control corners fixed at time of recording plat or prior to sale. -Such control corner or corners, as described in 39.32.1, and such permanent marker or markers, as described in 39.32.1, must be designated and affixed at the time of recording the plat of said land or prior to the first sale of any lot or lots constituting a part of the real estate development which said person, firm or corporation has caused to be laid off in lots with designated streets.
- 39.32.3 Recordation of plat showing control corners. -Upon designating a control corner and affixing a permanent marker, said person, firm or corporation shall cause to be filed in the office of the register of deeds of the county in which the real estate development is located a map or plat showing the location of the control corner or corners and permanent marker or markers which adequate and sufficient description to enable a surveyor to locate such control corner or marker. The register of deeds shall not accept for registration or record any map or plat of a real estate subdivision or development made after the effective date of this article, unless the location of such control corner or corners is shown thereon.
- 39.32.4 Description of land by reference to control corner; use of control corner to fix distance and boundaries prima facie evidence of correct method. -Any lot or lots sold or otherwise transferred at the time of or subsequent to the establishment of a control corner may be described in any conveyance so as to include a reference to the location of said lot or lots which are being conveyed with respect to the control corner. Thereafter the use of the control corner in ascertaining distances so as to establish boundary lines of lots within or originally within such real estate development may be admissible as evidence in any court and shall be prima facie evidence of the correct method of determining the boundaries of any lot or lots within any such real estate development.

CHAPTER 47.

PROBATE AND REGISTRATION

47.30 Plats and subdivisions; mapping requirements.

- (a) Size Requirements. -All land maps presented to the register of deeds for recording in the registry of a county in North Carolina after January 1, 1960, shall have an outside marginal size of not more than twenty-one inches by thirty inches nor less than eight and one-half inches by eleven inches, including one and one-half inches for binding on the left margin and one-half inch border on each of the other sides. Where size of land areas or suitable scale to assure legibility require, maps may be placed on two or more sheets with appropriate match lines. All counties currently operating under statutes or other laws setting forth regulatory size will be allowed to continue to sue such sizes as are currently in use until June 30, 1963, on or before which time they shall modify their size to conform to those shown above.
- (b) Maps to be Reproducible. -Each map presented for recording shall be a reproducible map in cloth, linen, film or other permanent material and submitted in this form. Recorded maps shall be maintained in map files, unless the filing officer makes a permanent master copy thereof by a process from which a direct copy can be made, in which event the original map may be returned to the person offering it for recordation after it has been properly recorded and indexed. A direct or photographic copy of each recorded map shall be placed in the map book maintained for that purpose and properly indexed for use. All filing officers are authorized to make permanent master copies of maps that have been recorded and filed before July 1, 1971, and may return the originals to the person offering them for recordation.
- (c) Information Contained in Title of Map. -The title of each map shall contain the following information: Property designation, name of owner, location to include township, county and state, the date or dates the survey was made; scale in feet per inch in words or figures and bar graph; name, address registration number and seal of engineer or surveyor.
- (d) Certificate; Form. -There shall appear on each map a certificate by the person making the survey, or on each map where no survey was made, or a certificate by the person under whose supervision such survey or such map was made, stating the origin of the information shown on the map, including deeds and any recorded data shown thereon. If a complete survey was made, the error of closure as calculated by latitudes and departures must be shown. Any lines on the map that were not actually surveyed must be clearly indicated and a statement included revealing the source of information. The execution of such certificate shall be acknowledged before any officer authorized to take acknowledgments by the person preparing the map. All maps to be recorded shall be probated

as required by law for the registration of deeds. The certificate required above shall include the source of information for the survey and data indicating the accuracy of closure of the map, and shall be in substantially the following form: "I certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book, page, Book, page, etc.) (other); that the error of closure as calculated by latitudes and departures is 1:, that the boundaries not surveyed are shown as broken lines plotted from information found in Book, page,; that this map was prepared in accordance with G.S. 47-30 as amended. Witness my hand and seal this day of, A.D., 19.....Surveyor or Engineer"

Article 6

6.1 Purpose

The purpose of this article is to implement procedures for financing of public facilities in new designated housing areas. These procedures are intended to enhance the infill policy for the Town of Farmville which will result in stimulating residential growth in a cost effective manner utilizing as much as possible existing Town utility facilities.

The new designated housing areas are to be those areas identified by the Town of Farmville Planning Board and other areas as applied for by developers consistent with the Town of Farmville Land Use Plan or identified by a resolution of the Town Board of Commissioners.

This article is intended to establish the procedures for the implementation of a policy providing for special benefits of construction and improvement on certain public facilities and the establishment of special assessments on land related to the benefits received with this construction for improvements.

6.2 Areas of Benefit Authorized

In order that the burdens of cost of construction of public facilities may be borne by all of the lands benefited thereby, areas of benefit may be designated to which charges against such lands may be imposed in accordance with procedures set forth in this article.

6.3 Definitions

The definitions set forth in this article apply to the following terms as used in:

- (a) Advance means the amounts expended by the Town of Farmville towards the cost of public facilities project within or for the benefit of an area of benefit and for which the Town of Farmville shall be reimbursed.

- (b) area(s) of benefit means land which is designated as receiving special benefits from the construction, acquisition and/or improvements of public facility projects as established by resolution of designation adopted by the Town of Farmville Board of Commissioners as defined in this article.
- (c) capital improvement program means a plan for which the implementation and financing of public facilities projects including but not limited to a schedule for the commencement of construction, the estimated cost of construction and the payment of facilities benefit assessments.
- (d) construction means design acquisition of property, administration of construction and incidental cost related thereto.
- (e) cost means amounts spent or authorized to be spent in connection with the planning, financing, acquisition and development of a public facilities project including, without limitation, the cost of land, construction, engineering, administration, and legal and financing consulting fees.
- (f) facilities benefit assessment(s) means the amounts collected under the terms of this article to provide funds for public facilities projects which will benefit designated areas of benefit.
- (g) public facilities project means any and all public improvements that need for which is directly or indirectly generated by development including but not limited to the following:
 - (1) water mains, pipes, tunnels, hydrants, taps, and other necessary appurtenances for providing water service,
 - (2) lines, conduits and other necessary works and appliances for providing electrical power service,
 - (3) poles, posts, wires, pipes, conduits, lamps, and other necessary works and appliances for lighting purposes,
 - (4) sanitary sewers or instruments of sanitation together with the necessary outlets, manholes, connecting sewers, taps, ditches, drains, tunnels, channels, or other appurtenances.
- (h) infill policy - The policy of the Town of Farmville to enhance development within the city limits and those areas where public utility facilities currently exist.

6.4 Initiation of Proceedings

Upon receipt of a preliminary plat of the proposed development and application to provide financial assistance for the purpose of providing public facilities, the Planning Board shall review the plat pursuant to the articles of this chapter. Upon approval of the preliminary plat the Planning Board and staff shall prepare a report in writing which shall contain:

- (1) an approved preliminary plat of the proposed development, and a staged development plan describing direction of development in the designated area of benefit with an anticipated time schedule for the development.
- (2) a description of the public facilities project,

The Town staff shall then prepare a report as an addendum to the Planning Board report which shall include:

- (1) an estimated total cost of the project based on the development plan,
- (2) a plan for distributing cost of the project among benefiting parcels according to the facilities benefits received by each parcel,
- (3) the amount of contribution or advance which the city will make toward total cost.

6.4a Voluntary Annexation

An area of benefit outside the city limits of Farmville must be voluntarily annexed into the city limits prior to becoming designated.

6.5 Designation of Area of Benefit

Upon receipt of the report described in the previous paragraph from the Town Planning Board and Town staff, the Board of Commissioners shall designate the area of benefit if Public Facility Financing Funds are available by adoption of a resolution which shall include the following:

- (1) definitive description of the specific public facilities project, the cost of which is proposed to be charged to the properties within the area of benefit,
- (2) a capital improvement program with respect to the public facilities project,
- (3) the proposed boundaries of the area of benefit,
- (4) information concerning the method by which the cost are proposed to be apportioned among the parcels within the area of benefit and an estimate of the amount of the facilities benefit assessment which shall be charged to each such parcel,

- (5) the basis and methodology by which the facilities benefit assessment will be computed, assessed and levied against the identified parcels,
- (6) the amount of advance, if any, which the town will make towards the total cost. Full payment of the facility assessment is due 5 years from the date a lien is established on the property.

6.6 Payment of Benefit Assessments

Liens shall be placed by the Town of Farmville against the property or properties within the designated area of benefit for the amount of contribution or advance on behalf of the Town of Farmville for the public facilities project. If the area of benefit subdivided into smaller parcels, the lien for contributions will be prorated to these subdivided parcels. Prorated amounts as identified by the facilities benefit assessment amounts will remain in effect until they have been paid. The facilities benefit assessment shall be paid by the landowner upon transfer of the property.

The total cost and/or contributions made by the Town of Farmville shall be paid by the final date shown in the resolution.

Money received by the Town of Farmville as payment of the facilities benefit assessment for a specific area of benefit shall be deposited in a special fund established for that area of benefit and upon payment of the facilities benefit assessment as provided in this Article, the lien shall be discharged. In the event of a partial payment within an area of benefit, the Town of Farmville shall release that portion of property from the liens which have been issued.

6.7 Delinquency in Payment, Sale, or Foreclosure

Where there is a delinquency in payment of the facilities benefit assessments as required by the article, the Town of Farmville shall initiate foreclosing procedures in accordance with applicable state and local laws.

6.8 Consideration in Lieu of Assessment

Upon application by the landowner or his authorized agent, the Town Board of Commissioners may accept consideration in lieu of facilities benefit assessment required by this Article provided that the Board of Commissioners upon recommendation of the Town Manager finds that a substitute consideration proposed has (1) a value equal to or greater than such facilities benefit assessment, and (2) is in a form acceptable to the Board of Commissioners.

6.9 Termination of Area of Benefit

Upon the receipt of an application by a landowner or his designated agent or its on

motion, the Town Board of Commissioners may initiate proceedings for the termination of an area of benefit by adopting a resolution stating its intention. The resolution of intention shall state the time and place at which the Board of Commissioners will hold a hearing to determine such termination. If at the conclusion of the hearing the Town Board of Commissioners finds and determines that the public facilities project for which the area was originally formed will not be required in the reasonable foreseeable future or that installation of said public facilities project may be financed more effectively by another method, the Board of Commissioners may adopt a resolution declaring an area of benefit terminated.