

**ARTICLE 16**  
**SUBDIVISIONS**

Section 16.1 List of Subdivisions Required

A list of all subdivisions approved under this chapter shall be kept on file in the office of the Administrator.

Section 16.2 Accuracy of Surveys and Maps

Standards of accuracy as prescribed in G.S. 47-30, mapping requirements, as amended; standards of practice for land surveying in North Carolina, amended effective February 1, 1996, or latest amendment, published by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, General Statutes of North Carolina chapter 89C, as amended, and the requirements of the Stanly County Register of Deeds shall apply to all surveys and maps.

Section 16.3 Approval of Plats Required

- (A) No person, firm or corporation shall transfer or sell any real property located within the planning jurisdiction of this Ordinance by reference to a plat showing a subdivision of such realty until such plat has been approved in accordance with this Ordinance and recorded in the Office of the Register of Deeds for Stanly County. No subdivision plat shall be considered or approved unless the procedure prescribed by this Ordinance shall be complied with, and no subdivision plat shall be considered or approved unless the subdivision and the plat thereof shall comply with the minimum standards and requirements as herein prescribed.
- (B) No person, firm, or corporation shall lay; erect, or construct, or authorize the laying, erecting, or constructing of any water or sewer line in any street of a subdivision opened or laid out in violation of this Ordinance, nor shall any water or sewer service be furnished by the Town or any other entity to any owner or occupant of any land abutting upon any street which is opened, laid out, or constructed in violation of this Ordinance, nor shall any connection with the water or sewer system of the Town or with any other water or sewer system be allowed or made within any real estate subdivision or other area laid out, subdivided, or platted subsequent to the effective date of this chapter, unless and until the provisions of this Ordinance shall have been fully complied with. Neither a zoning permit nor a building permit shall be issued for any proposed structure upon any land abutting upon any street which is opened, laid out, or constructed in violation of this Ordinance or on other property otherwise subdivided in violation of this Ordinance.
- (C) No street or proposed street within the corporate limits of the Town, or within the planning jurisdiction of the Town, which is sought to be dedicated by the owner or owners thereof shall be accepted by the Town Board of Commissioners until and unless such street shall be platted, laid out, graded, and improved in accordance with the provisions of this Ordinance and unless and until the subdivision plat showing such street or streets shall have been duly approved by the Town Board, as provided by this Ordinance.
- (D) A person seeking subdivision approval by the Town shall first submit a subdivision

application form provided by the Town. By completing this application, the subdivider agrees to pay the Town all requisite fees associated with the subdivision review process (in accordance with the Town's most recently approved fee schedule). The subdivider also agrees to reimburse the Town for all costs associated with the Town's engineering consulting services utilized in review of the preliminary and final plats and the construction plan. The Town reserves the right to withhold review and/or approval of a plat or plan unless all invoiced fees for such costs have been paid.

Section 16.4 Approval of a Minor Subdivision

- (A) *Submittal of Final Plat for a Minor Subdivision.* The owner or subdivider seeking approval shall submit with his application at least two (2) Mylar prints of the final plat along with three (3) paper prints of the proposed subdivision. Said application and prints shall be deemed complete only if they contain all of the information as listed in Section 16.7 of this Ordinance. The final plat shall be at a scale of not less than one (1) inch equals 100 feet.

The final plat shall be prepared by a registered land surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors and shall be in compliance with all applicable laws and standards for the surveying and platting of land.

The following signed certificates shall appear on all copies of the final plat together with any other certificates that are statutorily mandated for placement on the plat.

**1. CERTIFICATE OF OWNERSHIP**

I hereby certify that I am the owner of the property shown and described hereon, which is located in the planning jurisdiction of the Town of New London, North Carolina and that I hereby adopt this plat of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, walks, parks, and other sites and easements to public or private use as noted.

\_\_\_\_\_

SUBDIVIDER

\_\_\_\_\_

DATE

*The certificate of the notary shall read as follows:*

**NORTH CAROLINA  
STANLY COUNTY**

I, \_\_\_\_\_ a notary public for said county and state, do hereby certify that \_\_\_\_\_ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

(Official Seal)

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**2. CERTIFICATE OF SURVEY AND ACCURACY**

There shall appear on each plat a certificate by the person under whose supervision such survey or such plat was made, stating the origin of the information shown on the plat, including recorded deed and plat references shown thereon. The ratio of precision before any adjustments must be shown. Any lines on the plat 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 registered land surveyor preparing the plat. All plats to be recorded shall be probated as required by law for the registration of deeds. Where a plat consists of more than one sheet, only one sheet must contain the certification and all other sheets must be signed and sealed.

The certificate required above shall include the source of information for the survey and data indicating the ratio of precision of the survey before adjustments and shall be in substantially the following form:

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 \_\_\_\_\_, 20 \_\_\_\_.

(Seal or Stamp)

\_\_\_\_\_  
Surveyor

\_\_\_\_\_  
Registration Number

*The certificate of the notary shall read as follows:*

**NORTH CAROLINA  
STANLY COUNTY**

I, \_\_\_\_\_, a notary public for said county and state, do hereby certify that \_\_\_\_\_ personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_.

(Official Seal)

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

Nothing in this requirement shall prevent the recording of a map that was prepared in accordance with a previous version of G.S. 47-30 as amended, properly signed, and notarized under the statutes applicable at the time of the signing of the map. However, it shall be the responsibility of the person presenting the map to prove that the map was so prepared.

- (B) *Review and Approval of Final Plat for a Minor Subdivision.* The Administrator, within 15 working days of receipt of said plats shall review same. The Administrator shall approve the proposed subdivision unless the subdivision is not a minor subdivision as defined in Section 3 of this Ordinance or unless the proposed final plat contains errors or omissions that require further action on the part of the subdivider.

During review of the proposed final plat, the Administrator may appoint an engineer or surveyor to confirm the accuracy of the proposed final plat.

If the Administrator disapproves the final plat, it shall submit in writing to the subdivider one (1) copy of the plat, and the reasons for such disapproval, specifying the provisions of this Ordinance with which the final plat does not comply, and instruct the subdivider concerning resubmission of a revised plat. The subdivider may make such changes as will bring the plat into compliance with the provisions of this Ordinance and resubmit same for consideration by the Town Board.

If the final plat is approved, the Administrator shall indicate approval of the final plat on the mylar copies by the following certificate:

**COMPLIANCE OF APPROVAL FOR RECORDING** (for final plat, minor subdivisions)

I hereby certify that the subdivision shown hereon, to the best of my knowledge, is in compliance with all applicable provisions of the New London Land Development Ordinance and that this final recording plat for the \_\_\_\_\_ Subdivision has been approved on \_\_\_\_\_ by the Town of New London for recording in the Office of the Stanly County Register of Deeds.

ADMINISTRATOR

Recording of approved plat. If the final plat is approved, the subdivider shall file the approved plat with the Stanly County Register of Deeds. Such recording shall occur within 60 days of the date of final plat approval, otherwise the approval of the final plat shall be deemed null and void. The subdivider shall provide the Administrator with two (2) paper copies of the recorded plat. No zoning permits shall be issued by the Town unless said paper copy of the final recording plat is submitted to the Administrator.

**Section 16.5 Approval Procedures for a Preliminary Plat of a Major Subdivision**

The initial step in securing approval of a major subdivision shall be the completion of the subdivision application and submission of a preliminary plat to the Planning Board for their recommendation. The decision to approve a preliminary plat shall rest with the Town Board. The owner or subdivider seeking approval shall submit the application and all required paper copies of the plat to the Administrator at least working 15 days prior to the next regularly scheduled Planning Board meeting. No application for preliminary plat approval shall be forwarded to the Planning Board unless the plat is in compliance with all other relevant Town ordinances and regulations.

The application shall be accompanied by at least ten (10) paper copies of the preliminary plat, prepared by a registered professional engineer or registered land surveyor, that contain all of the information listed in Section 16.7.

**Section 16.6 Approval of Preliminary Plat for Major Subdivisions**

*Action by Planning Board.* The Planning Board shall review the preliminary plat and shall within 30 days after the meeting at which the preliminary plat is first reviewed, take action to make its recommendation on the plat. In doing such, the Planning Board may recommend approval of the plat in whole, in part, or subject to conditions, or it may recommend disapproval of the plat.

Once a recommendation is made by the Planning Board (or if the 30-day review period has expired with no recommendation from the Planning Board), the subdivider shall submit ten (10) complete print copies of the plat to the Administrator for placement on the agenda of a Town Board meeting occurring no sooner than 15 working days thereafter. The Town Board shall have the authority to (1) approve the preliminary plat, or (2) approve the preliminary plat with conditions, or (3) disapprove the preliminary plat, or (4) defer for further review and consideration.

If the preliminary plat is approved, the following notation shall also be placed on two (2) copies of the approved preliminary plat:

**CERTIFICATION OF APPROVAL OF THE PRELIMINARY PLAT**

On \_\_\_\_\_, the New London Town Board of Commissioners voted approval of this Preliminary Plat of the \_\_\_\_\_ Subdivision. Any required construction plan in association with this subdivision shall be submitted to the Administrator within one (1) year of the date of preliminary plat approval. Otherwise, said preliminary plat shall become null and void.

\_\_\_\_\_  
Administrator, New London Land Use Ordinance

*Notice to Subdivide.* The Administrator shall notify the subdivider within five (5) business days after both the Planning Board’s and Town Board of Commissioners’ actions. Notice of the Town Board of Commissioners’ approval to the applicant shall also be accompanied by a copy of the approved plat bearing the Administrator’s signature. After receiving approval of the preliminary plat, the subdivider may proceed to obtain approval of the construction plan as stipulated in Section 16.8.

Section 16.7 Contents and Requirements for a Preliminary Plat for a Major Subdivision.

- (A) *Vicinity Sketch.* A vicinity sketch or key map at a scale of not more than 1,000 feet to the inch (1" = 1000') shall be shown on or accompany the preliminary plat. This map shall show the location of the subdivision with relation to the surrounding streets, either open or dedicated, and adjoining properties.
- (B) *Scale, Size, Information.* The preliminary plat of the subdivision shall be drawn to a scale of not more than 100 feet to the inch (1" = 100') and may be on one or more sheets, not larger than 30 inches by 42 inches, showing the following information:
1. Name and address of the owner and/or subdivider.
  2. Name and address of the person to whom communication regarding the plat shall be sent.
  3. Name of subdivision; name of registered engineer or land surveyor under whose supervision the survey and map were prepared; scale and date; north point, with north being, when practical, at the top of the map. Boundary lines of the proposed subdivision showing intersecting boundaries and owners' names on adjacent tracts, the lot lines, street right-of-way lines and widths, parcels of land to be dedicated for public use, required building setback lines with distance from street property line, zoning, existing and proposed easements, all streets either open or dedicated within 150 feet of the subdivision boundary; drawn to scale and with tentative dimensions. Contours at intervals of five feet or less, referred to sea level datum, for subdivisions over five acres and for others when required by the Town Engineer, due to roughness of the topography.
  4. Other important features such as watercourses, permanent buildings, parks, railroads and corporate limits of the Town; planning jurisdictional boundaries; zoning classification on the tract in question and on all adjoining parcels.
  5. Application for proposed street names. All such names on the application shall have been previously recommended for approval by the Stanly County Planning Department and the United States Postal Service. Final acceptance must be obtained from the Town as part of the preliminary plat approval.
  6. Location of all existing utilities, both public and private, located onsite and within 300 feet of the land to be subdivided. Such utilities shall include, but not be limited to: water, sewer, electric, stormwater, telephone, and cable.
- (C) *Street Information.* The preliminary plan/profile of proposed streets including width of right-of-way and general street layout and alignment and width and location of sidewalks.
- (D) *Pre-Sale Contracts.* The provisions of this article shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved under the subdivision ordinance or recorded with the register of deeds, provided the contract does all of the following:
1. Incorporates as an attachment a copy of the preliminary plat referenced in the contract and obligates the owner to deliver to the buyer a copy of the recorded plat prior to closing and conveyance.
  2. Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract,

that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary and final plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final recorded plat differs in any material respect from the preliminary plat.

3. Provided that if the approved and recorded final plat does not differ in any material respect from the plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than five (5) days after the delivery of a copy of the final recorded plat.
4. Provides that if the approved and recorded final plat differs in any material respect from the preliminary plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than 15 days after the delivery of the final recorded plat, during which 15-day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.

The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease land by reference to an approved preliminary plat for which a final plat has not been properly approved under the subdivision ordinance or recorded with the register of deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential, commercial, or industrial buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under the subdivision ordinance and recorded with the register of deeds.

#### Section 16.8 Approval Procedures of a Construction Plan for a Major Subdivision

- (A) *Review by Town Engineer.* Within one (1) year after approval of the preliminary plat, the subdivider shall submit to the Administrator five (5) paper copies of a construction plan meeting the requirements of Section 16.9. If the construction plan is not submitted within one (1) year, the preliminary plat becomes null and void.

The construction plan must be submitted to the Administrator who shall transmit it to the Town Engineer for review and approval. The Town Engineer shall have up to 45 days to make initial comments on the submitted construction plan. The subdivider shall be given the opportunity to amend the construction plan based on the Town Engineer's comments. The Town Engineer shall have ten (10) additional business days for review following each such resubmission by the subdivider. The Town Engineer shall have the authority to make final approval of the construction plan on or after the Planning Board's approval of the preliminary plat. The approved construction plan shall be in conformity with the approved preliminary plat. If the construction plan is approved, the subdivider shall have up to one (1) year from the date of plan approval to make all improvements called for in the construction plan or to have a performance guarantee, per Section 16.12, approved by the Town Board. Otherwise, the construction plan and its associated preliminary plat shall become null and void. Notwithstanding, the Planning Board may grant one (1) or more extensions to the one-year time period if there are found to be relevant extenuating circumstances beyond the control of the applicant.

The following notice of approval shall appear on each mylar copy and one (1) paper copy of the construction plan:

**CERTIFICATION OF APPROVAL OF THE CONSTRUCTION PLAN**

On \_\_\_\_\_, the New London Town Engineer approved the construction plan of the \_\_\_\_\_ subdivision. This construction plan and its preliminary plat shall become null and void if, after one year of approval of the construction plan, construction of the improvements to the land have not been completed or a performance guarantee, in accordance with Section 16.12, had not previously been approved by the Town Board, or an extension to said one-year period had been previously granted by the New London Planning Board.

\_\_\_\_\_  
New London Town Engineer

A paper copy of the approved construction plan shall be given to the subdivider by the Administrator within five (5) business days after construction plan approval.

Approval of the construction plan and all applicable authorizations and approvals from NCDENR shall give the subdivider the opportunity to install and/or begin construction of improvements consistent with the approved preliminary plat and approved construction plan.

- (B) *Improvements Authorized After Approval of Construction Plan.* After receiving approval of the preliminary plat and construction plan, the subdivider may proceed to construct improvements in accordance with this chapter and as shown on the approved construction plan. Upon completion of such improvements, the subdivider shall submit to the Administrator two (2) sets of mylar drawings of the construction plan on sheets not larger than 24 inches by 36 inches. The scale shall be not less than forty feet to the inch (1" = 40'). The subdivider shall also submit said information to the Administrator in a digital format on a media suitable for use by the Town. Said information shall depict as-built details of actual construction, when constructed by others than the Town for the Town's records.

Section 16.9 Contents, Requirements of the Construction Plan for Major Subdivisions

- (A) *Form of drawing.* The construction plans shall be on sheets not larger than 24 inches by 36 inches. The scale shall be not less than 40 feet to the inch (1" = 40'). In addition, the construction plan shall be presented to the Administrator in a digital manner on media suitable for use by the Town Engineer.
- (B) *Information.* The construction plan may be on one or more sheets and shall show the following:
  - 1. Information as specified in Section 16.7
  - 2. Location, size, and elevations of all proposed sanitary sewers, water mains, fire hydrants, storm drains, catch basins and appurtenances.
  - 3. Locations, size, and elevation of all existing sanitary sewers, storm sewers, water mains, fire hydrants, culverts, drainage structures, or other underground



- structures within the tract and/or immediately adjacent thereto.
4. The layout of all streets, including the lengths of arc, radius, points of curvature, length and bearing of all tangents.
  5. Location and dimension of all paving, curbs, public sidewalks, sanitary sewer laterals and water service laterals.
  6. The location, material and size of all monuments.
  7. Street plan and profile showing elevations, grades and vertical curves.
  8. The preparation of the construction plans shall be under the supervision of the appropriate registered professional licensed to practice in North Carolina.
  9. The plan shall contain a certificate that meets the requirements for registration as set out in G.S. 47-30.
  10. For any subdivision that is subject to State or Federal NPDES stormwater permitting, copies of the Notice of Intent (NOI) and Stormwater Pollution Prevention Plan (SWPPP) to be used for the site.

Any construction activity within the jurisdiction of the Town may be subject to inspection by the Administrator or his designee for the following:

1. NOI (where applicable)
2. SWPP (where applicable)
3. Erosion / Sedimentation control measures / BMP's
4. Inappropriate stormwater runoff or illicit discharge
5. Deposit of soils or materials by equipment entering or leaving the site

- (C) *Specifications.* A copy of the written construction specification for the proposed water lines, wastewater lines, storm water lines, and roads shall also be submitted.

#### Section 16.10 Approval Procedures of the Final Recording Plat for a Major Subdivision.

Upon completion of the improvements shown on the approved preliminary plat and construction plan, or upon posting an improvement guarantee bond in accordance with Section 16.12 the subdivider shall submit a complete final recording plat for the area covered by such improvements. Two (2) complete mylar copies, 12 complete prints, and a diskette depicting the subdivision in a digital format on a media suitable for use by the Town. No application shall be forwarded to the Planning Board unless all such information is first submitted to the Administrator at least 15 working days prior to the next regularly scheduled Planning Board meeting.

- (A) *Review by Planning Board.* The Planning Board shall review the final recording plat for compliance with the provisions of this Ordinance.
1. If the final recording plat is found by the Planning Board to be in compliance, the Administrator shall transmit the final recording plat, together with Planning Board's recommendations, to the Town Board for final action. Any such final plat shall be consistent with the approved preliminary plat and construction plan.
  2. The Administrator shall notify the subdivider of the decisions made by the Planning Board and the Board of Commissioners regarding the final recording plat within five (5) business days of the date of each such decision.
- (B) *Recording of Final Approved Plat.* Upon its receipt of the final recording plat from the

Planning Board, the Town Board shall review it for compliance with the provisions of this Ordinance and shall consider the recommendations of the Planning Board. The Town Board of Commissioners may thereupon approve or disapprove said plat. If the final recording plat is approved, the subdivider shall file the approved final plat with the Stanly County Register of Deeds. Such recording shall occur within 60 days of the date of final plat approval, otherwise the approval of the final recording plat shall be deemed null and void. The subdivider shall provide the Administrator with two (2) paper copies of the recorded plat and a copy of the approved final recorded plat in a digital format on a media suitable for use by the Town. No zoning permits shall be issued by the Town unless and until such final recorded plat is first submitted to the Administrator by the applicant.

Section 16.11 Contents, Requirements for Final Recording Plat

The final recording plat to be recorded in the office of the Register of Deeds for Stanly County; North Carolina, shall comply with the requirements set forth in G.S. 47-30 mapping requirements, as amended; standards of practice for land surveying in North Carolina, amended effective February 1, 1996, or latest amendment, published by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, General Statutes of North Carolina chapter 89C, as amended, and the requirements of the Stanly County register of deeds shall apply to all surveys and maps. The final recording plat shall be identical to the approved preliminary plat insofar as subdivision layout, metes and bounds, control corners, street rights-of-way easements, and any and all information necessary to be shown thereon for recording. Technical information required on the construction plan and which is not necessary for recording, as determined by the Administrator, may be omitted from the final recording plat. The final recording plat shall contain the following certificates

**1. CERTIFICATE OF APPROVAL FOR RECORDING**

I hereby certify that the preliminary plat of the \_\_\_\_\_ Subdivision was duly approved by the New London Town Board of Commissioners on \_\_\_\_\_ and that this final recording plat is in conformity therewith.

\_\_\_\_\_  
ADMINISTRATOR \_\_\_\_\_  
Date

**2. CERTIFICATE OF OWNERSHIP AND DEDICATION**

I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the Town of New London, North Carolina and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, walks, parks, and other sites and easements to public or private use as noted. I hereby dedicate all sanitary sewers, all storm sewer systems, and all water lines to the Town of New London.

\_\_\_\_\_  
SUBDIVIDER \_\_\_\_\_  
Date

*The certificate of the notary shall read as follows:*

**NORTH CAROLINA  
STANLY COUNTY**

I, \_\_\_\_\_ a notary public for said county and state, do hereby certify that \_\_\_\_\_ personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(Official Seal)

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

**3. CERTIFICATE OF SURVEY AND ACCURACY.**

There shall appear on each plat a certificate by the person under whose supervision such survey or such plat was made, stating the origin of the information shown on the plat, including recorded deed and plat references shown thereon. The ratio of precision before any adjustments must be shown. Any lines on the plat 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 registered land surveyor preparing the plat. All plats to be recorded shall be probated as required by law for the registration of deeds. Where a plat consists of more than one (1) sheet, only one (1) sheet must contain the certification and all other sheets must be signed and sealed.

The certificate required above shall include the source of information for the survey and data indicating the ratio of precision of the survey before adjustments and shall be in substantially the following form:

**STATE OF NORTH CAROLINA  
STANLY COUNTY**

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 \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Surveyor

(Seal or Stamp)

\_\_\_\_\_  
Registration Number

*The certificate of the notary shall read as follows:*

**NORTH CAROLINA  
STANLY 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 seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(Official Seal)

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

Nothing in this requirement shall prevent the recording of a map that was prepared in accordance with a previous version of G.S. 47-30 as amended, properly signed, and notarized under the statutes applicable at the time of the signing of the map. However, it shall be the responsibility of the person presenting the map to prove that the map was so prepared.

**4. CERTIFICATE OF CONFORMITY WITH PLANS AND SPECIFICATIONS**

**TOWN OF NEW LONDON**

\_\_\_\_\_  
NAME OF SUBDIVISION

\_\_\_\_\_  
NAME OF STREETS IN SUBDIVISION

\_\_\_\_\_  
SUBDIVIDER

I hereby, to the best of my knowledge, ability and belief; certify that all street, storm drainage, water and sewer work to be performed on this subdivision has been checked by me or my authorized representative and will conform with lines, grades, cross-sections, dimensions, and material requirements which are shown on and indicated in the plans which have been reviewed and approved by the New London Town Engineer or the North Carolina Department of Transportation.

I also acknowledge that falsification of the above certifications may subject me to civil suit and or criminal prosecution under G.S. 14-100 and G.S. 136-102.6.

Signed:

\_\_\_\_\_  
REGISTERED PROFESSIONAL ENGINEER/Registration Number

\_\_\_\_\_  
Date

*The certificate of the notary shall read as follows:*

**NORTH CAROLINA  
STANLY COUNTY**

I, \_\_\_\_\_ a notary public for said county and state, do hereby certify that  
\_\_\_\_\_ personally appeared before me this day and acknowledged the due execution of  
the foregoing instrument. Witness my hand and official seal, this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(Official Seal)

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**Section 16.12 Infrastructure Improvements**

- (A) *Agreement and Security Required.* In lieu of requiring the completion, installation and dedication of all improvements shown on the approved construction plan prior to approval of the final recording plat, the Town may enter into an agreement with the subdivider whereby the subdivider shall agree to provide an improvement guarantee or security to complete all required improvements. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved, as outlined in Section 16.10, if all other requirements of this Ordinance are met. To secure this agreement, the subdivider shall provide to the Town either one or a combination of the following guarantees. The amount of such guarantee shall be equal to 1.25 times the cost of installing all required improvements, as determined by the Town Engineer. All such guarantees shall be subject to the Town Board's approval (having first been reviewed by Town legal staff) and shall be made payable to the Town.
1. *Surety Performance Bond.* The subdivider shall obtain one or more performance bonds from a surety bonding company authorized to do business in North Carolina. The duration of the bond(s) shall be until such time as the improvements are completed and accepted by the Town.
  2. *Cash or Equivalent Security.* The subdivider shall deposit cash, an irrevocable letter of credit, or other cash instrument readily convertible into cash at face value, either with the Town or in escrow with a financial institution designated as an official depository with the Town until completion of the improvements or one year, whichever is less. If cash or other instrument is deposited in escrow as herein provided, the subdivider shall then file with the Town an agreement between said financial institution and himself guaranteeing the following:
    - A. That said escrow account shall be in trust until released by the Town and may not be used or pledged by the subdivider in any other matter during the terms of the escrow; and,
    - B. That in case of a failure on the part of the subdivider to complete said

improvements, the financial institution shall be notified of such action by the Town. The Town shall then submit to the financial institution an estimate of the costs associated with completing the required improvements (as determined by the Town Engineer). The financial institution shall then immediately pay to the Town the requisite funds needed to complete the improvements, up to the full balance of the escrow account, or deliver to the Town any other instruments fully endorsed or otherwise made payable in full to the Town.

3. *Default.* Upon default (i.e., failure on the part of the subdivider to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement), then the surety, or the financial institution holding the escrow account, if requested by the Town, shall pay all or any portion of the bond or escrow fund to the Town up to the amount needed to complete the improvements based on the town engineer's estimate. Upon payment, the Town; at its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The Town shall return to the bonding firm any funds not spent in completing the improvements. Should the amount of funds needed to complete the installation of all required improvements exceed the amount in the bond or escrow account, the subdivider shall nonetheless be responsible for providing the funds to cover such costs. The subdivider shall at all times bear the financial burden for the installation of all required improvements.
4. *Release.* The Town Board of Commissioners may authorize the release of a portion of any security posted as the improvements are completed and approved by the Town. Such funds shall then be released within 80 days after the corresponding improvements have been so approved.

The period within which required improvements must be completed shall not in any event exceed two (2) years from the date of preliminary or final plat approval, or the Town shall begin the process of calling upon the guarantee as specified herein.

- (B) All subdivision construction, whether or not guaranteed by a surety bond or irrevocable letter of credit or other approved form of security, shall be inspected at all phases by the Town Engineer or his designated representative. Notice of all such inspection requests by the developer shall be given to the Town Engineer's office at least 24 hours prior to the date such inspection is requested to be made. Upon completion of all the improvements required by this ordinance, written notice shall be given by the developer to the Administrator. The town engineer or his designated representative shall inspect said improvements within 30 days and either recommend the release of the security given to the Town Board or indicate to the developer any area of non-compliance.
- (C) For subdivisions being developed in phases, and upon which lots structures are being constructed, or are to be constructed, a bond, letter of credit, stocks or certificate of deposit filed with the Administrator in the amount determined by the Town Board, shall be required thereon, or the bond required by subsection 2 of this section will be retained, in order to insure that such subsequent streets shall be in acceptable condition at the time such subsequent phases of development are completed.

1. In the event that there is no definite beginning date for the commencement of future phases and it would be, in the opinion of the Town Board, unreasonable to require the continuation of securities, the Town Board may release the posted securities. This may be done only after the Town Engineer or his designated representative has determined that all work guaranteed by the securities filed has been completed within the subject phase in compliance with the standards set forth in this ordinance.
2. In addition to preliminary and final plat approval, all subsequent development of future phases or development of adjoining tracts whether or not such phases are shown on the preliminary plat required by Section 16.7 of this ordinance, shall not be allowed until the developer shall first have filed a bond or irrevocable letter of credit or other form of security as described in Section "A" above with the Administrator in an amount determined by the Town Engineer and approved by the Town Board. Said bond shall be a maintenance bond to guarantee the maintenance of all streets to be used for access to future phases or adjoining tracts during development of said tracts or phases. For determining the amount of the bond required by this section, the Town Engineer and Town Board shall consider the following:
  - A. the length of street in the existing subdivision or previously completed sections of the subject subdivision from the new subdivision site out to the nearest arterial street which is most likely to be used to provide access to the site;
  - B. the condition of any existing streets which are likely to be utilized for access to the property being developed;
  - C. any existing defects noted by the Town Engineer as provided for in Subsection 3 below;
  - D. number of lots in the proposed development.
3. The maintenance bond required under Subsection 2 above shall not be released until the phase under development has met the criteria for acceptance of streets as outlined in Section 16.16 of this ordinance and it has been determined by the Town Engineer that streets which were used for access to future phases or adjoining tracts are in an acceptable condition and that any damage suffered by said streets has been repaired. For the purpose of this section, any damage suffered by a street used for access to property being developed shall be presumed to have been caused by construction traffic except any defects noted by Town Engineer or his designated representative as herein provided for. The Town Engineer or his designated representative shall, on request from the developer, inspect existing streets likely to be used by construction traffic and document the condition of said streets prior to commencement of development of said subdivision. Any existing defect in streets will be noted and the developer will not be responsible for repair of such existing defects.

### Section 16.13 Conformity to Thoroughfare Plan

Whenever a tract of land included within any proposed subdivision includes any part of a street or proposed street so designated on the Thoroughfare Plan, the subdivider shall:

- (A) Plat the part of such proposed public right-of-way in the location and to the width indicated on the Thoroughfare Plan or the most recent edition of the North Carolina Department of Transportation, Division of Highways, “Minimum Construction Standards for Subdivision Roads” if such street is a part of the network of streets within or providing access to the proposed subdivision; or
- (B) Reserve the part of such public way for street purposes and establish appropriate building setback lines therefor if such street is not a part of the network of streets within or providing access to the proposed subdivision.

Section 16.14 General Street Layout and Ownership

- (A) All proposed streets shall provide satisfactory alignment for continuation of existing, planned, or platted streets with which they are to connect.
- (B) When a tract of land to be subdivided includes a major or minor thoroughfare as designated on the Thoroughfare Plan or as otherwise approved by NCDOT, the subdivider shall provide a separate street permitting access to the lots abutting the major or minor thoroughfare. As an alternative, reverse frontage may be established along the major or minor thoroughfare provided that private driveways shall not have direct access to the major or minor thoroughfare.
  1. Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets.
  2. Street layout shall be so designed as to provide for future access to and not impose undue hardship upon undeveloped property adjoining the subdivision.
  3. All streets contained within a subdivision shall be dedicated to the public.

Section 16.15 Street Design and Standards.

Minimum street right-of-way and pavement widths, as well as other engineering standards such as, but not limited to, grading and alignment shall be in accordance with the minimum design criteria for subdivision roads as established from time to time by the Division of Highways, North Carolina Department of Transportation publication entitled *Subdivision Roads – Minimum Construction Standards*.

*Curbs and Gutters.* For all major subdivisions, curbs and gutters are required along both sides of all residential streets. In all cases curb and gutter shall be constructed in accordance with NCDOT standards.

Section 16.16 Acceptance of Maintenance of Streets Inside Town.

- (A) The approval of a preliminary or final plat by the Town of New London shall not constitute the acceptance by the Town of New London of any publicly dedicated street, public utility line, or other facility shown upon such plat.
- (B) The Town of New London shall not maintain, lay out, open, improve, grade, pave or light any street or authorize the laying of water mains, sewers, connections, or other facilities or utilities in any street unless such street has been accepted as a public street by a



resolution adopted by the Board of Commissioners of the Town of New London in a regular or duly called special meeting.

- (C) The Board of Town Commissioners of the Town of New London shall not adopt any resolution accepting a new public street unless:
1. The Town Board has received a written request from the subdivider or from a majority of the property owners along a street that such street be accepted as a public street for maintenance by the Town of New London.
  2. The Town Board receives a report from the Administrator that:
    - A. either final approval of said street or streets was granted by the Town Engineer at least one (1) year prior to the time of such request for maintenance or that such street or streets existed as a public street prior to the effective date of this ordinance and as such have functioned as a street or streets for at least one (1) year; provided, however, that this one year testing period may be waived by the Town Board in cases where the development density standard set forth in Paragraph b. below has been met and the Town Board finds that the street or streets requested for maintenance would suffer damage from further delay of application of the final surface course required only under street construction standard; and
    - B. at least 50% of the lots fronting on the street or streets requested for maintenance have a habitable dwelling unit located thereon; and
    - C. any defects which have appeared in new streets during the one (1) year waiting period or in the case of existing streets, any defects identified by the Town Engineer at the time such request for maintenance is made have been repaired.
  3. The Town Board determines that such street corresponds in its location and aligns with a street shown on a preliminary subdivision plat formally approved by the Town Board or that said street was established as a public street prior to the adoption of this Ordinance and therefore not subject to this Ordinance.

#### Section 16.17 Pedestrian Walkways.

For all major subdivisions, sidewalks are required along one side of all residential streets. Sidewalks must be four (4') feet wide with four-inch (4") depth concrete with a tamped base.

#### Section 16.18 Water Supply and Sanitary Sewer Collection.

If county or municipal water and/or sanitary sewer lines are located within one-half (1/2) mile of a subdivision of 10-39 lots, or within one (1) mile of a subdivision of 40 lots or more, where the distances are measured along the roadway to the nearest edge of the property, then the developer must connect to these lines if legally possible to provide water service, fire protection and sewer service for the subdivision.

Connection to such water or sewer line is not legally possible if, in order to make connection with such line by a connecting line that does not exceed the distance prescribed above, it is necessary to run the connecting line over property not owned by the owner of the property to be served by the connection, and, after diligent effort, the easement necessary to run the connecting line cannot reasonably be obtained. If it is not possible to connect to water and sewer, septic tanks and wells are permissible.

Section 16.19 Storm Sewers and Surface Water Drainage.

- (A) *Surface Water in Sanitary Sewers Prohibited.* No surface water drainage shall empty into any sanitary sewer line.
- (B) *Requirements when public system available.* If a public storm drainage system is reasonably accessible to the subdivision either by being within or by adjoining its boundaries, the subdivider shall connect with such storm drainage system and shall do all grading and ditching, and shall provide and install all piping, appurtenances, and drainage structures deemed necessary by the Town Engineer to properly carry the water to the storm drainage system.
- (C) *Requirements when public system not available.* If a storm drainage system is not reasonably accessible to the subdivision, the subdivider shall do all grading and ditching, provide and install all piping, appurtenances and structures that are necessary to properly carry the surface water to locations within the boundaries of the subdivision which are acceptable to the Town Engineer.
- (D) *Construction Requirements.* The size, location, design of structures, mode of installation and type of materials for all construction of storm sewers shall be as approved by the Town Engineer. All storm drainage system pipes bearing vehicular loading shall be reinforced concrete pipe (ASTM C-76, latest amendment) or equivalent. All storm drainage construction shall be in accordance with the North Carolina Department of Transportation standards and shall be inspected during construction by the Town Engineer or his representative.
- (E) *General Drainage and Utility Easement.* The subdivider shall provide a general drainage and utility easement for each and every underground pipe or open ditch drain when located in locations other than a public right-of-way, and such easement shall be of a width satisfactory to the Town Engineer.
- (F) *New Drainage Ways.*
  - 1. Where new drainage ways are required, they shall be coordinated with existing and proposed general drainage systems and designed with due regard for safety, appearance and geological effects.
  - 2. Drainage ways shall be located and constructed to maintain a natural appearance, shall be limited to safe water depths in easily accessible areas, and shall be designed to avoid excessive rates of flow, erosion or overflow into developed areas subject to damage.
  - 3. In circumstances where there is to be a drainage way between two lot lines or crossing a lot(s), the drainage way will be piped to the rear lot line or to a point as approved by the Town Engineer.

Section 16.20 Layout of Blocks

- (A) The width of the blocks shall be sufficient to allow two (2) tiers of lots of appropriate depth where possible.
- (B) Block length shall be not less than 400 feet and shall not exceed 1,200 feet except in cases where, in the judgment of the Town Board, a longer block is necessary because of unusual topography or in order to complete a comprehensive neighborhood plan.

Section 16.21 Cul-de-sacs

Permanent dead-end streets shall not exceed 600 feet in length unless a variance is granted by the Town Board per Section 16.30. Said variance may be granted as part of the plat approval process. The length of the cul-de-sac shall be computed 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. Where one cul-de-sac intersects with another cul-de-sac, the end of each cul-de-sac shall be no more than 600 feet from a through street, measured as stated above, unless a variance is granted by the Town Board.

Cul-de-sacs must be terminated with a circular right-of-way not less than 90 feet in diameter with not less than 37 feet of pavement from center of face of curb.

Section 16.22 Lot Layout.

- (A) Every lot created after the effective date of this Ordinance shall conform with the underlying zoning regulations with respect to minimum required street frontage.
- (B) Where public water and sewer facilities are not available, each residential lot layout shall be of a size as determined by the local agency having jurisdiction over such facilities. In no event shall the lot area be less than that prescribed for the area by this Ordinance.
- (C) Side lot lines shall be as near as is practicable at right angles to the straight street or radial to curved streets.
- (D) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service parking facilities required by the type of use and developments contemplated.

*Section 16.23 Required Building Setback.*

Front, side and rear minimum building setback lines shall be established in all subdivisions, and all required setbacks, as established in this Ordinance, shall be indicated for each lot on the final recording plat. The Town of New London shall only be responsible for enforcing the setback requirements established in this Ordinance.

Section 16.24 Compliance with Zoning Regulations.

All lots shown on a preliminary and final subdivision recording plat shall be in conformance with applicable zoning regulations as contained in this Ordinance.

Section 16.25 Dedication of Land for and/or Fees-in-Lieu of Park, Recreation, and Open Space Purposes

(A) General Provisions

1. **Applicability.** Every subdivider who proposes a major subdivision of land for residential purposes shall dedicate a portion of land or pay a fee-in-lieu thereof, in accordance with this Section, for public park, greenway, recreation, and open space sites to serve the recreational needs of the residents of the subdivision or development.
2. **Amount of Land to be Dedicated.** At least one thirty-fifth (1/35) of an acre shall be dedicated for each dwelling unit planned or proposed in the subdivision plat or development. The minimum amount of land which shall be dedicated for a public park, recreation, or open space site shall be no less than two (2) acres in size. When the area to be provided is less than two (2) acres, the subdivider shall be required to make payment-in-lieu of the dedication to be used for the acquisition or development of recreation, park, or open space sites which would serve the needs of the residents of the subdivision.
3. **Nature of Land to be Dedicated.** Except as otherwise required by the Town Board at the time of preliminary plat approval, all dedications of land shall meet the following criteria:

Unity. The dedicated land shall form a single parcel of land, except where the Town Board determines that two (2) or more parcels would be in the best interest of the public, given the type and distribution of open spaces needed to adequately serve the proposed development. In such cases, the Town Board may require that such parcels be connected by a dedicated strip of land at least 30 feet in width.

Usability. Two-thirds (2/3) of the dedicated land shall be useable for active recreation. Furthermore, lakes and other bodies of water may not be included in computing any of the dedicated land area.

Shape. The shape of the portion of dedicated land which is deemed suitable for active recreation shall be sufficiently square or round to be usable for any or all recreational facilities and activities, such as athletic fields and tennis courts, when a sufficient amount of land is dedicated to accommodate such facilities. Land dedicated only for greenways need not follow the requirements of this subsection.

Location. The dedicated land shall be located so as to reasonably serve the recreation and open space needs of residents of the subdivision.

Access. Public access to the dedicated land shall be provided either by adjoining public street frontage or by a dedicated public easement, at least 30 feet wide, which connects the dedicated land to a public street or right-of-way. Gradients adjacent to existing and proposed streets shall allow for reasonable access to the

dedicated land. Where the dedicated land is located adjacent to a street, the developer or subdivider shall remain responsible for the installation of utilities, sidewalks, and other improvements required along that street segment. Public access or dedicated walkways to greenway dedications only shall be at least twenty (20) feet wide.

Topography. The average slope of the portion of dedicated land deemed usable for active recreation shall not exceed the average slope of the entire subdivision to be developed. In no case shall a slope on the usable portion of dedicated land exceed fifteen (15) percent.

Landscaping. Dedicated parks, recreation, and open space areas shall have a sufficient natural or manmade buffer or screen to minimize any negative impacts on adjacent residents.

(B) Payments of Fees-in-Lieu of Land Dedication

1. General. The payment of fees-in-lieu of the dedication of land under Subsection 16.25(A) above, may occur at the request of the subdivider or developer. However, the decision to require the dedication of land for recreational purposes, or a payment of a fee-in-lieu, shall be made by the Town Board after having received a recommendation from the Planning Board and having evaluated the proposed dedication and the relationship such dedication would have with the Town's overall recreational needs.
2. Time of payment. The fees-in-lieu of dedication shall be paid prior to final plat approval by the Town Board.
3. Amount of payment. The amount of the payment shall be the product of:
  - A. The number of acres to be dedicated, as required by subsection 16.25(A) above;
  - B. The assessed value for property tax purposes of the land being subdivided, adjusted to reflect its current fair market value at the time such payment is due to be paid.
4. Procedures for determining the amount is as follows:
  - A. An appraisal of the land in the development shall be performed by a professional land appraiser selected by the developer from an approved list maintained by the Town Board. The appraisal shall not be done prior to submission of the preliminary plat. The cost of the appraisal shall be borne by the developer.
  - B. Professional land appraiser refers to a land appraiser who, in the opinion of the Town Board, has the expertise and/ or certification to perform an adequate appraisal.

(C) Procedures

1. At the time of filing a preliminary plat, the subdivider shall designate thereon the area or areas to be dedicated. If the subdivider desires to make a payment-in-lieu of the dedication of land, a letter to that effect shall be submitted with the preliminary plat. The Town Board reserves the right to refuse to accept dedication of parcels for public park, recreation, or open space.
  2. Where a dedication of land is required, such dedication shall be shown on the final plat when submitted, and such plat shall be accompanied by an executed general warranty deed conveying the dedicated land to the Town. Where a payment-in-lieu of dedication is approved by the Town Board, such payment will be made before the final plat is signed and recorded.
- (D) Provisions of Equivalent Facilities Under Neighborhood or Community Home Owners Association of Management.

The Town encourages neighborhood or homeowner associations or management to construct, operate, and maintain private parks and recreation. The construction, operation, or maintenance of such private facilities shall not, however, diminish or eliminate the responsibility and obligations of the subdivider.

(E) Greenways

Greenways may be credited against the requirements of Section 16.25 provided that such greenways are part of the Town's greenway plan and dedicated to public use.

Section 16.26 Public Utilities and Services

- (A) All public utilities and services lines will be below ground to the point of service. This includes, but is not limited to, lines for electric service, cable service, telephone service, water service and wastewater services.
- (B) Easements shall be provided for storm and sanitary sewers, water lines and other utilities in such widths, and at such locations as may be required by the Town Engineer in order to properly serve the lot and adjoining property; but in no event shall the town engineer require less than easements of ten feet in width along all rear lines and exterior side lot lines, and five feet in width along each side of all interior side lot lines. Notwithstanding, in no case may the width of an easement upon a lot be less than the minimum required side or rear yard setback for that lot per the requirements of the underlying zoning district.
- (C) No principal or accessory structure may be placed within a utility easement.
- (D) Streets lights will be installed by the subdivider in all subdivisions of six (6) or more lots located within the Town of New London's corporate limits or in subdivisions within New London's extraterritorial jurisdiction whose utility service agreement or other agreement with the Town calls for the voluntary annexation of the subdivided property. Distances between streetlights shall not exceed 200 feet. Street light intensity and placement shall be determined by the Town in conjunction with the utility provider.

Section 16.27 Subdivision Names, Street Names, and Building Numbers

- (A) The proposed name of the subdivision and proposed street names shall not duplicate or too closely approximate, phonetically, the name of any other subdivision or street in the area covered by this chapter. Where proposed streets are continuations of existing streets, the existing street names shall be used.
- (B) House or building numbers shall conform to the system established for the Town and shall be assigned by the Stanly County Planning Department.

Section 16.28 Monuments Required

- (A) *Control Corner.* In accordance with article 5A, Chapter 39 of the North Carolina General Statutes, whenever a subdivider shall divide any parcel of real estate into lots and lay off streets, he shall cause at least one or more corners of the development to be designated as a control corner and place at such control corner a permanent marker. The permanent marker shall be as prescribed in the G.S. 47-30 mapping requirements, as amended; standards of practice for land surveying in North Carolina, amended effective February 1, 1996, or latest amendment, published by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, General Statutes of North Carolina chapter 89C, as amended, and the requirements of the Stanly County Register of Deeds shall apply to all surveys and maps.
- (B) *Lot corners.* All lot corners shall be accurately established and shall be marked with a permanent marker provided by the subdivider and approved by the Town Engineer, such as concrete monuments, or iron or steel pins or pipes of an appropriate length and driven in so as to project approximately two (2) inches above the ground. Front corner irons of lots should be placed after the streets are graded, so that sidewalk areas may be graded to the proper elevation without destroying the lot corners.

Section 16.29 Standards for Subdivision Proposals to Minimize Possible Flood Damage

All subdivision proposals shall be consistent with the need to minimize flood damage and shall meet the following standards:

- (A) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (B) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (C) Base flood elevation data shall be provided for all subdivisions submitted.

Section 16.30 Variations to the Terms of this Chapter

- (A) The Town Board shall have the authority to vary the terms of this Chapter as it applies to the subdivision requirements on a case-by case basis after having first held a public hearing and having found in the affirmative each of the following findings:
  1. There are special circumstances or conditions affecting said property such that

the strict application of the provisions of this chapter would deprive the subdivider of the reasonable use of his land.

2. The modification is necessary for the preservation of a substantial property right of the petitioner.
3. The circumstances giving rise to the need for the modification are peculiar to the subdivision and are not generally characteristic of other subdivisions.
4. The granting of the modification will not be detrimental to the public's health, safety, and welfare nor injurious to other properties in close proximity to the subdivision site.

(B) Said public hearing shall be held in a quasi-judicial manner. Notice of said public hearing shall be provided in the following manner:

1. Notice shall be sent by the Town by first class mail to the applicant and to owners of all contiguous pieces of property at least ten (10) days prior to the public hearing. The notice shall indicate the nature of the public hearing and the date, time, and place where it is to occur.
2. Notice shall also be posted by the Town in a conspicuous location in the New London Town Hall at least ten (10) days prior to the public hearing. Said notice shall indicate the nature of the public hearing and the date, time, and place where it is to occur.
3. A conspicuous sign shall also be posted by the Town in a conspicuous location on the subject property at least ten (10) days prior to the public hearing. Said notice shall indicate the nature of the public hearing and the date, time, and place where it is to occur.

(C) Such hearing may be conducted simultaneously with the final plat approval process.

### Section 16.31 Enforcement

Any person who, being the owner or agent of the owner of any land located within the jurisdiction of the Town, thereafter subdivides his land in violation of the ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under such ordinance and recorded in the office of the appropriate register of deeds, shall be found in violation and subject to civil penalties pursuant to section 12.5.3. 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 may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision ordinance. Building permits required pursuant to G.S. 160D-8-7 may be denied for lots that have been illegally subdivided. In addition to other remedies, the Town of New London may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct. [G.S. 160D-8-7]