

***TOWN OF STEDMAN  
SUBDIVISION ORDINANCE***

EFFECTIVE DATE: JANUARY 5, 1995

Stedman Subdivision Ordinance  
**SUBDIVISION REGULATIONS' FOR THE TOWN OF STEDMAN**

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**ARTICLE I. PREAMBLE**

**SECTION 1.1. PURPOSE**

The purpose of this Ordinance is to establish regulations and procedures for the platting, recording and development of real property within the Town of Stedman. The Stedman Board of Commissioners hereby finds that these regulations and procedures are necessary in order to promote the orderly development of the town; provide for the coordination and dedication of streets and thoroughfares; provide for the dedication of land for other public purposes; insure the proper installation of streets, public utilities and other community facilities, promote the eventual elimination of unsafe and unsanitary conditions arising from improper land subdivision and development; insure proper description, identification, monumentation and recording of subdivision properties; and ultimately promote the public health, safety and general welfare.

**SECTION 1.2. AUTHORITY AND ENACTMENT**

The Board of Commissioners of the Town of Stedman, pursuant to the authority conferred by General Statute Chapter 160A, Article 189, Part 2, does hereby ordain and enact into law these articles and sections.

**SECTION 1.3. SHORT TITLE**

This ordinance shall be known and may be cited as the "Stedman Subdivision Ordinance."

**SECTION 1.4. JURISDICTION**

This Ordinance shall control the subdivision of land, as defined herein, lying within the corporate limits of the Town of Stedman.

**SECTION 1.5. PLATTING AUTHORITY**

The Board of Commissioners of the Town of Stedman, as permitted by the authority conferred by Chapter 160A-373 of the General Statutes of North Carolina, does hereby designate the Cumberland County Joint Planning Board as administrator of this Ordinance. The Stedman Board of Commissioners reserve the authority to grant preliminary and final plat approval in accordance with the provisions of this Ordinance.

## **SECTION 1.6. COMPLIANCE WITH ORDINANCE REQUIRED**

All plats for the subdivision of land shall conform to the requirements of this ordinance, and shall be submitted in accordance with the procedures and specifications established herein. Plans for Group Developments, Variable Lot Residential Developments, Zero Lot Line Developments, and Condominium Developments shall be submitted in the same manner as other plats.

## **SECTION 1.7. PLATS TO BE APPROVED**

After the effective date of this ordinance, no subdivision plat of land, (as defined in Section 1.8 "subdivision") within the jurisdiction of this Ordinance, shall be filed or recorded until it shall have been submitted to and approved by the Planning Department and approved by the Stedman Board of Commissioners as hereinafter provided, and no land shall be sold or transferred by reference to a subdivision plat, except those recorded prior to the effective date of this ordinance, that has been approved and recorded in accordance with the provisions of this Ordinance.

## **SECTION 1.8. DEFINITIONS**

Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated. Words used in the present tense include the future. The singular number includes the plural and the plural the singular. The word "shall" is mandatory, not directory. For the purpose of this Ordinance, the following definitions shall apply:

**Board of Commissioners or Commissioners:** The Town of Stedman Board of Commissioners.

**Building rear yard:** A line parallel to the rear property line, extending across the full width of the lot, thus creating a rear yard in which no principal structure shall be built.

**Building setback line:** A line parallel to the front property line, extending across the full width of the lot, thus creating a front yard in which no structure shall be built.

**Building side yard:** A line parallel to the side property lines, extending across the full depth of the lot, thus creating a side yard in which no principal structure shall be built.

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**Condominium (unit ownership) development:** A project of two (2) or more units in one or more multi-unit buildings designed and constructed for unit ownership as permitted by the North Carolina Unit Ownership Act [G.S. § 47A - 1 et seq.], when approved under the requirements for condominium developments set forth in Section 3.23 of the Subdivision Ordinance.

**County:** Cumberland County.

**Crosswalk:** A right-of-way dedicated to public use which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

**Group Development:** A group of two (2) or more principal structures or three (3) or more mobile homes built on a single lot, tract or parcel of land of at least forty thousand (40,000) square feet and designed for occupancy by separate families, business firms or other enterprises as regulated in Section 3.21.

**Health Department:** The Cumberland County Health Department.

**Highway Commission:** The North Carolina Department of Transportation.

**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 "plot", "tract", parcel, and etc.

**Lot, corner:** A lot abutting upon two (2) or more streets or roads (including platted or provided at unopened streets or roads) at their intersection. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an angle of less than one hundred thirty-five (135) degrees.

**Lot, interior:** A lot other than a corner lot.

**Lot lines:** The property lines bounding a lot.

**Lot measurements:**

- (1) Depth of lots shall be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

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- (2) Width of lots shall be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the building line.

**Lot, through:** An interior lot having a frontage on two (2) streets.

**Mobile home:** A moveable or portable dwelling over thirty-two (32) feet in length and over eight (8) feet wide, constructed to be towed on its own chassis and designed without permanent foundation for year-round occupancy, which includes one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity or of two (2) or more units separately towable but designed to be jointed into one integral unit, as well as a portable dwelling composed of a single unit. Any such structure to be classed as a mobile home must be constructed in accordance with the State of North Carolina Regulations for Mobile Homes. Further, any structure meeting all the requirements specified in the North Carolina State Building Code for One and Two Family Dwellings, shall not be considered a mobile home for the purpose of this ordinance.

**Planning Board:** The Cumberland County Joint Planning Board.

**Planning Director:** The Director of Planning of the Cumberland County Joint Planning Board.

**Principal structure:** A structure in which is conducted the principal use of the lot on which it is situated.

**Public water and/or sewer systems:** Shall include municipal, sanitary district, community and privately owned water and/or sewer systems as regulated and controlled by the North Carolina State Utilities Commission and the Health Department.

**Street:** A public right-of-way for vehicular traffic. The word "street" includes, but is not limited to, "road, freeway, expressway and thoroughfares."

- (1) **Official Thoroughfare Plan:** Any Thoroughfare Plan that has been adopted by the County Board of Commissioners or the governing body of any municipality in the County.
- (2) **Freeways and expressways:** The primary function of freeways and expressways is to move large volumes of inter-urban, inter-county



and interstate traffic. They are not intended to serve the abutting property and, therefore, should provide limited access with grade separations at all intersections. They should be at least four-lane divided facilities permitting as high an average operation speed as legal and should connect the major economic, recreation and

population centers of the county with those of the state and nation.

- (3) **Major thoroughfares:** Primarily for the movement of heavy volumes of traffic, major thoroughfares should form connections with all the industrial, commercial and population centers within the county and with the major roads in neighboring counties. Depending upon anticipated traffic volumes and adjacent development, they may be two-lanes, four-or-more lanes undivided, or four-or-more-lanes divided facilities with either limited or controlled access and with major intersections separated. Though their primary function is to serve traffic, they may also serve abutting property with controlled access.
- (4) **Minor thoroughfares (collectors):** The main function of the minor thoroughfares is to collect traffic from the local roads and carry it to the major thoroughfares. They should be designed to serve a limited area with no access control or grade separation.
- (5) **Local street:** A local service street designed primarily for access to abutting properties.
- (6) **Cul-de-sac:** A local street permanently terminated by a turn-around.
- (7) **Marginal access street:** A local street which parallels and is immediately adjacent to a major thoroughfare, freeway or expressway, and which provides access to abutting property and protection from through traffic.

**Street, private:** A private right-of-way for vehicular traffic.

**Subdivision:** A "subdivision" shall include all divisions of a tract or parcel of land into two (2) 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

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article:

- (1) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
- (2) The public acquisition by purchase of strips of land for the widening or opening of streets;
- (3) The combination or recombination of portions of previously platted and/or deeded\* (recorded) lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town as shown in the Subdivision Ordinance;
- (4) The division of a tract in a single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the Town as shown in this Subdivision Ordinance.

However, plats in categories (3) and (4) above shall have the Planning Board's stamp "No Approval Required" before filing in the office of the Register of Deeds inasmuch as a determination must be made as to whether or not the resultant lots are equal to or exceed the standards of the Town as shown in this Subdivision Ordinance.

**Variable Lot Residential Development:** A variable lot residential development shall consist of single-family residential structures on individual lots where the developer may reduce the size of such lots in accordance with Section 3.22 of the Subdivision Ordinance while maintaining applicable overall density standards for the zoning district in which located.

**Zero Lot Line Developments:** A development including, but not limited to, patio homes, town houses, and businesses consisting of one or more structure(s) comprising at least two (2) single-family residences or businesses, whether attached or detached, intended for separate ownership, and developed in accordance with Section 3.24 of this Ordinance.

\* As of 7/27/88 via Bob Bartlet and George Vaughn – Administrative procedure

## **ARTICLE II. PROCEDURE FOR SECURING APPROVAL OF SUBDIVISIONS**

### **SECTION 2.1. PRE-APPLICATION**

Whenever a subdivision is proposed to be made and before any improvements shall be made, including grading, the subdivider shall cause a preliminary plat to be prepared. The preliminary plat shall comply fully with this Ordinance and with the health, zoning, and other applicable ordinances in effect at the time the plat is submitted for preliminary approval. Before filing a preliminary plat for review by the Planning Board, the subdivider is encouraged to submit a pre-application sketch plan to the Planning Department for criticisms and suggestions.

### **SECTION 2.2. PRELIMINARY PLAT - SUBMISSION AND APPROVAL REQUIRED**

- a. Twelve (12) copies of the preliminary plat in such form as required by Article V shall be submitted to the Planning Department in accordance with the schedule established by the Planning Board.
- b. The Department shall review the preliminary plat to determine its compliance with official plans and shall negotiate with the subdivider for required changes in order that the subdivision shall comply with the provisions of this Ordinance. The department may negotiate for such other changes as may be found desirable.
- c. After such review and negotiations by the Planning Department, the Department may approve the plat and state the conditions of such approval, if any, or shall disapprove the plat and state its reason therefor.
- d. In addition to approving variances, the Stedman Town Board of Commissioners shall decide all conditions of approval where the Planning Department and subdivider cannot agree.

### **SECTION 2.3. PRELIMINARY PLAT - MEANING OF PRELIMINARY PLAT**

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Where agreement is reached between the Stedman Town Board of Commissioners and the subdivider, and where preliminary plat approval is granted, the subdivider may then proceed to construct improvements in accordance with the requirements of Article IV of this Ordinance and to prepare and submit the final plat.

**SECTION 2.4. FINAL PLAT - GENERALLY**

The final plat shall conform to the preliminary plat as approved. The subdivider may submit as a final plat that portion of the approved preliminary plat which he proposes to develop immediately, provided that, unless the final plat is submitted to the Planning Department for final approval within two (2) years from the date on which preliminary plat approval was granted, such action on the preliminary plat by the Planning Department shall become void.

**SECTION 2.5. FINAL PLAT - SUBMISSION AND APPROVAL OF FINAL PLAT REQUIRED**

The final plat shall be submitted to the Planning Department in such a form as required by Article V. The Planning Department shall review the final plat for compliance with the provisions of the Ordinance and other such specifications as agreed upon at the time the preliminary plat was approved. No final plat shall be approved until the improvements specified by the approval of the preliminary plat and required by Article IV have been installed or assured to be installed in accordance with Section 2.6.

**SECTION 2.6. GUARANTEES OF IMPROVEMENTS**

Final plats of a subdivision may be approved by the Planning Department after the subdivider has complied with one (1) of the following procedures:

- a. All required improvements have been installed by the subdivider in accordance with the requirements of this Ordinance; or
- b. A surety bond or certified check has been posted by the subdivider, payable to the Town upon default, in an amount determined by the Planning Department to assure installation of the required improvements. The subdivider and the Planning Department shall set a reasonable time by which it is estimated the improvements can be installed and completed.

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Unless an extension of that time is granted by the Planning Department and a new estimated date of completion established, the Town shall take necessary steps to proceed with the accomplishment and completion of the improvements, making use of the certified check or calling upon the surety of the bond; or

- c. An irrevocable letter of credit, in a form approved by the Town Attorney, issued by a bank or other lending institution or a deposit of funds in escrow, may be accepted in lieu of a bond or check under the same terms and conditions; or
- d. The Planning Department may approve the first and succeeding sections of an approved preliminary plat, submitted as final plats, without installation of improvements or financial guarantee to improvements, with the provisions that final plat approval of any succeeding section of the subdivision will be withheld until the required improvements have been installed in the preceding section. Final plats approved under this procedure shall be limited to a maximum of twenty-five (25) lots in size, or fifty percent (50%) of the gross area of the approved preliminary plat remaining in preliminary form prior to submission, whichever is the lesser. A final plat of the last section of a subdivision submitted under this procedure or a final plat constituting an entire subdivision may be of any size and shall be granted final approval only under a procedure stated in a, b, or c above.

#### **SECTION 2.7. FINAL PLAT - RECORDING**

Within thirty (30) days following approval of this final plat by the Planning Department, the subdivider shall cause the recording of the final plat in the Office of the Register of Deeds of Cumberland County. Failure of the subdivider to cause the recording of the final plat in the office of the Register of Deeds within thirty (30) days after the final approval of the Planning Department shall cause such final approval to be null and void.

### **ARTICLE III. GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN**

#### **SECTION 3.1. CONFORMITY**

All proposed subdivisions shall be so planned as to facilitate the most advantageous development of the entire community and shall bear a reasonable relationship to existing or amended plans of the Planning Board.

#### **SECTION 3.2. RELATION OF PROPOSED STREETS TO ADJOINING STREET SYSTEMS**

The proposed street system shall extend existing or proposed streets at the same or greater width, but in no case less than the required minimum width, provided that no extension wider than eighty (80) feet shall be required. Where in the opinion of the Planning Board, it is desirable, to meet the purpose of this Ordinance, to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property.

#### **SECTION 3.3. THROUGH TRAFFIC**

Minor residential streets shall be laid out so as to discourage through traffic.

#### **SECTION 3.4. THOROUGHFARE PLANS**

Where any portion of a subdivision lies with the proposed right-of-way of any major street or road shown on an officially adopted Thoroughfare Plan of any municipality or the County, the street shall be dedicated in the location and width shown on the official plan; provided that no dedication wider than eighty (80) feet shall be required and provided that no dedication shall be required when (where) right of direct access from abutting property is denied.

#### **SECTION 3.5. ACCESS TO UNSUBDIVIDED PROPERTY**

The proposed street system shall be designed to provide for the dedication of access to and not to impose undue hardship upon unsubdivided property adjoining the subdivision. Reserve strips adjoining street right-of-way for the purpose of preventing access to adjacent property shall not be permitted.

**SECTION 3.6. LOTS INTENDED FOR COMMERCIAL AND INDUSTRIAL USES ONLY**

Commercial and industrial lots may be arranged in convenient units of width and to a depth that is appropriate to the development contemplated, provided that the minimum requirements for lots, blocks and zoning are met.

**SECTION 3.7. STREET NAMES**

Proposed street names shall not duplicate nor closely approximate phonetically the name of any street anywhere within Cumberland County. Where proposed streets are extensions of existing streets, the existing street names shall be used except where a new name can reasonably be used to avoid further street name duplication.

**SECTION 3.8. ALLEYS**

A reservation or easement for an alley to the rear of business lots may be required provided that a comprehensive plan for the entire block in which the property is located establishes the need for such reservation or easement. Alleys shall not be provided in residential blocks except where the subdivider produces evidence satisfactory to the Planning Board of the need of alleys.

**SECTION 3.9. HALF STREETS**

Whenever an existing half street is adjacent to a tract of land to be subdivided, the other half of the street shall be dedicated or shown as an easement for conditional future dedication within the new subdivision. New half streets are prohibited except when essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and where it will be practicable to require the dedication of the other half when the adjoining property is subdivided.

**SECTION 3.10. MARGINAL ACCESS STREETS**

When a tract of land to be subdivided adjoins a limited access highway, the subdivider may be required to provide a marginal access street parallel to the highway or reserve frontage on an interior street for the lots to be developed adjacent to the highway.

### **SECTION 3.11. EASEMENTS**

To provide for existing or future service poles, underground electric and communication lines, public utilities, conduits, drainage facilities, water and sewer lines, an easement not less than ten (10) feet wide, five (5) feet on each side of the common rear lot line or in other locations where necessary, shall be provided. No building or other permanent obstruction, not including fences, shall be erected on any such easement.

Where property to be subdivided is traversed by a watercourse, drainage way, canal, or stream, there shall be provided a drainage easement for channel improvement which conforms substantially with the center line of such watercourse, drainage way, canal, or stream. Such drainage easement shall be a minimum of twenty (20) feet wide (not necessarily centered) but in no case shall it be required to exceed twenty (20) feet from the top of the bank (natural stream channel) on either side of the watercourse, drainage way, canal, or stream. In the event that the subdivision includes a man-made lake, such drainage easement shall conform to the original stream or watercourse where known or a note added to the plat to read as follows: "In the event that the lake(s) shown on this plat is drained or otherwise lowered to the natural stream level, a public drainage easement for the purpose of channel improvement is hereby dedicated at a minimum width of twenty (20) feet but not to exceed twenty (20) feet from the top of the bank on either side of the natural stream course."

### **SECTION 3.12. SCHOOL SITES**

When a tract of land that has been approved by the School Board as a proposed school site lies wholly or partially within an area proposed to be subdivided, and provided that the School Board has notified the Planning Department and the property owner of its approval of the school site prior to Planning Department action on the preliminary plat, the subdivider shall reserve the proposed school site for acquisition by the School Board for a period of not more than thirty (30) days.

### **SECTION 3.13. ACCESS TO PARKS, SCHOOLS, ETC.**



Streets shall be designed or walkways dedicated to assure convenient access to adjacent parks, playgrounds, schools, and other public places. Dedicated walkways shall not be less than ten (10) feet in width.

#### **SECTION 3.14. PUBLIC WATER AND SEWER SYSTEMS**

Where public water and/or sewer systems are to be installed as part of the subdivision improvements, such systems shall be designed and installed in accordance with standards and specifications of the Health Department and/or governmental agency responsible for the approval of such systems.

#### **SECTION 3.15. ON-SITE WATER AND SEWER SYSTEMS**

Prerequisite to final plat approval, all lots on the plat to be recorded must be certified in writing by the Health Department to be large enough to meet Health Department minimum standards for on-site water and/or sewer systems when either or both of such systems are proposed to be used.

#### **SECTION 3.16. LOTS SUBJECT TO FLOODING**

Lots located, in whole or in part, in areas of special flood hazard, as such term is defined in Chapter 6.5 (Flood Damage Prevention Ordinance) of the Cumberland County Code, shall not be established or developed in any type of subdivision, group development, mobile home park or any other type of development for the purpose of creating building sites, except as herein provided.

- a. The preliminary and finals plats of subdivisions, group developments, or mobile home parks, or sections thereof, in which there are areas of special flood hazard, shall have a line or lines drawn thereon delineating the boundaries of such areas within the subdivision, group development, or mobile home park. Each such boundary line shall be the same as the boundary line(s) of the 100-year special flood hazard area as shown on the official flood maps of Cumberland County. The Flood Boundary and Floodway Map (FBFM) and/or Flood Insurance Rate Map (FIRM), as defined in Chapter 6.5 of the Cumberland County Code, where the boundaries of the areas of special flood hazard have been identified as Zone A and shall be designated as the "100-year floodplain". Such plats shall also be annotated with the effective date, community number and map number(s) of the pertinent FBFM and/or FIRM and a statement that such map(s) and the

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100-year floodplain line is subject to change by FEMA. When the pertinent FBFM and/or FIRM contains an “approximate” line delineating an area of special flood hazard, such approximate line may, at the option of the developer, be depicted on the plat as the “approximate 100-year floodplain”. Any interpretation by the County Engineer may be appealed to Stedman Board of Adjustment, as established by Section 12.4 of the Stedman Zoning Ordinance, shall hear and decide appeals wherein it is alleged that there is an error in any requirement, decision, determination or order made by the County Engineer in the enforcement or administration of this chapter.

- b. The preliminary and final plats of a subdivision, group development, or mobile home park, or section thereof, in which it is proposed to alter the 100-year floodplain line by construction of a levee system, as such term is defined in Chapter 6.5 (Flood Damage Prevention Ordinance) of the Cumberland County Code, shall have the following additional lines drawn thereon:
  - (1) A line or lines depicting the contour of the base or bases of the proposed levee system. Each such line will be designed as a “levee base contour line.”
  - (2) A line or lines, within the subdivision, twenty (20) feet outside the levee base contour line or lines, each such line to be designated as a “levee base contour line.”
  - (3) A line delineating a revised boundary of the 100-year floodplain, which shall be placed on the final plat or amended final plat when a revised 100-year floodplain line pertinent to the subdivision, group development, or mobile home park is redrawn on the official flood map(s), following approval by or Federal Emergency Management
  - (4) A line delineating the outermost boundary of an area twenty (20) feet from either side of the bank of every watercourse in the subdivision, group development, or mobile home park, the flow of which will be restricted or stopped by closure of a levee. Such line shall be designated as the “watercourse maintenance line.” In the event that Agency (FEMA) of the levee system as constructed. Such line shall be designated as the “revised 100-year floodplain.” such watercourse is incorporated into a pipe, the watercourse maintenance line need only designated a twenty-foot easement within which the pipe is located.
- c. No improvement of any lot, street or common area shall be commenced in a

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subdivision, group development, or mobile home park, or section thereof, subject to this section, unless the developer, builder, landowner, or other appropriate permittee has complied with the provisions of Chapter 6.5 (Flood Damage Prevention Ordinance) of the Cumberland County Code. The preliminary and final plats of a subdivision, group development, or mobile home park, or section thereof, subject to the provisions of this section, shall be annotated with the following notices:

- (1) “*Notice:* Any improvement within the 100-year floodplain, or any revision thereof, is subject to the provisions of Chapter 6.5 (Flood Damage Prevention Ordinance) of the Cumberland County Code and may be limited or precluded thereby.” This notice shall be on all plats having a 100-year floodplain.
  - (2) “*Notice:* Any improvement between the levee maintenance line and the levee base contour line and between the watercourse maintenance line and the watercourse bank is subject to the provisions of Chapter 6.5 (Flood Damage Prevention Ordinance) of the Cumberland County Code and may be limited or precluded thereby.” This additional notice is required only on plats showing construction of a levee system.
  - (3) “*Notice:* The area hereon lying between the 100-year floodplain line and the revised 100-year floodplain line is protected from the 100-year flood by levee, dike or other structure subject to failure or overtopping during larger floods.” This additional notice is required only on plats showing construction of a levee system.
- d. Notwithstanding any other provisions of Stedman Subdivision Ordinance, no lot or improvement, or part thereof, in a subdivision, group development, or mobile home park in which it is proposed to alter the 100-year floodplain by construction of a levee, shall be sold or created, if such lot or improvement, or part thereof, is located downstream from the proposed levee, until the “revised 100-year floodplain line,” as provided in paragraph b., (3), above, is annotated on the final or amended final plat of such subdivision, group development, or mobile home park.
  - e. No preliminary or final plat subject to this section shall be approved unless such plat is submitted to the County Engineer for review and said official reports to the Planning Director that the plat fulfills the requirements of the

Cumberland County Flood Damage Prevention Ordinance, Chapter 6.5 of the Cumberland County Code. Preliminary and final plats for subdivisions, group developments, or mobile home parks for subdivisions, group developments, or mobile home parks containing area which will be protected by levee upon revision of the official flood maps of Cumberland County by FEMA may be approved prior to such revision if the County Engineer affirms that he has issued a permit allowing construction of the levee to commence. Such preliminary and final plats, however, shall be treated as subdivisions, group developments, or mobile home parks containing areas of special flood hazard not protected by a levee until such time as the levee system is constructed and certified and the official flood maps of Cumberland County are revised by FEMA pursuant thereto. Upon such subsequent revision, the developer shall submit a revised final plat in accordance with foregoing provisions of this section, which shall be submitted to the County Engineer for review. Such revised final plat shall not be approved unless the County Engineer recommends approval as complying with all provisions of Chapter 6.5 (Flood Damage Prevention Ordinance) of the Cumberland County Code.

### **SECTION 3.17. STREET DESIGN**

Street gradient, reverse curves, and horizontal alignment shall be in accordance with the standards and specifications of the North Carolina Department of Transportation.

- a. Right-of-Way. Proposed street right-of-way shall be of sufficient width to meet the requirements of this Ordinance and the specifications of the Department of Transportation, but in no case shall the right-of-way be less than sixty (60) feet for unpaved streets and fifty (50) feet for paved streets. Where a subdivider elects to establish a street divided with a median strip, the right-of-way width shall not be less than eighty (80) feet and no median strip shall be less than twenty (20) feet wide.
- b. Cul-de-sac. A cul-de-sac shall not be longer than eight hundred (800) feet and shall be provided at the closed end with a circular turnaround having an outside roadway diameter of at least eighty (80) feet and a right-of-way line diameter of at least one hundred (100) feet.

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- c. Corner radii. Property lines at street intersection shall be rounded with a radius of twenty-five (25) feet.
- d. Intersecting streets. Streets shall be laid out so as to intersect as nearly as possible at right angles.
- e. Street offsets. Where there is an offset in the alignment of a street across an intersection, the offset of the center lines shall not be less than one hundred twenty-five (125) feet.

### **SECTION 3.18. BLOCK LENGTHS**

Block lengths shall not be longer than one thousand eight hundred (1,800) feet; provided, that where a longer block will result in less traffic through residential subdivisions from adjoining businesses or areas, the planning department may approve block lengths in excess of one thousand eight hundred (1,800) feet. Where blocks longer than one thousand eight hundred (1,800) feet are permitted, crosswalks of a width not less than ten (10) feet may be required.

### **SECTION 3.19. BLOCK WIDTHS**

Block width shall be sufficient to allow two (2) tiers of lots except where prevented by topographical conditions of the size of the property. A single tier of lots may be used to separate residential developments from non-residential developments or residential developments from watercourses, traffic arteries, or railroads.

### **SECTION 3.20. LOT STANDARDS**

Lot standards shall conform to the standards of the zoning ordinance and the following provisions, except as provided for in zero lot line and variable lot residential developments, lot standards shall be observed:

- a. Lots not served by public water and/or sewer systems shall be large enough and of such physical character to meet Health Department minimum standards for on-site water and/or sewer systems.

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- b. Except as otherwise provided for zero lot line developments and variable lot residential developments, no residential lot shall be created with an area of less than six thousand (6,000) square feet and a lot width of less than eighty (80) feet.
- c. Except as otherwise provided for in group developments, every lot shall abut a public street or approved private street for at least twenty (20) feet, such frontage (abutting) to be continuous from the property line to building setback line where the lot width must conform to the provisions of subsection "b" above.

### **SECTION 3.21. GROUP DEVELOPMENTS**

The site plan for group developments shall show the locations and sites for buildings, streets, alleys, parking, recreation areas, signs, loading berths, yards and other open spaces, and shall be in accordance with the following specifications:

- a. The plot area per dwelling unit, excluding the area of publicly dedicated rights-of-way within the development, shall be as permitted by the zoning ordinance where a zoning ordinance is in effect. In areas where a zoning ordinance is not in effect, the plot area per dwelling shall be as follows:
  - (1) Minimum required plot area for the first dwelling unit: six thousand (6,000) square feet;
  - (2) Minimum additional plot area for each dwelling unit in excess of one: three thousand (3,000) square feet; and
  - (3) Developments without public water and/or sewer systems shall provide sufficient land area of such physical character to meet Health Department minimum standards for on-site water and/or sewer systems, but in no case shall such area be less than required in (1) or (2) above.
- b. Each building on the periphery of a group development shall observe the minimum yard requirements of the zoning ordinance for the district in

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which it occurs, provided that in areas in which a zoning ordinance is not in effect, the following peripheral yards shall be observed:

- (1) Minimum required front yard: Twenty-five (25) feet from the street right-of-way line or forty-five (45) feet from the street center line, whichever is the greater distance for residential developments and fifty (50) feet from the street right-of-way line for commercial developments;
- (2) Minimum required side yard: One story, ten (10) feet, least sum of both side yards, twenty-five (25) feet; for structures of more than one story, four (4) feet shall be added to each side yard for each story in excess of one story. Side yards on corner lots must be at least fifteen (15) feet from the side street property line. For commercial developments, the minimum required side yard shall be fifty (50) feet adjacent to a street and thirty (30) feet adjacent to an interior lot line;
- (3) Minimum required rear yard: Thirty (30) feet;
- (4) Maximum building area: Thirty-five (35%) percent of the total area for residential developments.

The judgement of the Town Board as to what constitutes the front, rear and side yards of each building in the group development shall be final.

- c. Buildings within group developments under single ownership shall be separated by a minimum distance of twenty (20) feet plus ten (10) feet for each story above two (2) stories.
- d. In no case shall any part of a principal residential building be located closer than twenty (20) feet to any part of another principal building.
- e. The property to be developed must have a boundary line or lines contiguous with and giving direct vehicular access to and from one or more public streets or private streets with public access rights. All portions of every building shall be located within five hundred (500) feet of some portion of one (1) or more said access points, except when it can be demonstrated that adequate provisions can be made for fire protection, garbage collection, law

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enforcement, and other county services, and the local street system is completed as necessary.

- f. Where official plans show future streets or thoroughfares or where reasonable access to adjoining property is required, the development will be designed so as to provide right-of-way for such future streets or thoroughfares and to give access to such properties by means of a public street dedication.
- g. Parking shall be provided in accordance with applicable zoning regulations provided that where no zoning ordinance is in effect, the following parking standards shall be observed:
  - (1) Residential Developments: One and one-half ( $1 \frac{1}{2}$ ) spaces per dwelling unit;
  - (2) Commercial Developments:
    - a. Retail stores and shops of all kinds, including restaurants, cafeterias, barber and shoe shops, and similar service outlets: one space for each two hundred (200) square feet of floor area not used exclusively for storage;
    - b. Other uses: One space for each three hundred (300) square feet of floor area not used exclusively for storage.
- h. At least three-fourths ( $\frac{3}{4}$ ) of the required parking spaces shall be located on the development in off-street parking lots, no part of which shall be located closer than fifteen (15) feet to any street right-of-way lines. Each space shall be not less than nine (9) feet by twenty (20) feet in area. One-fourth ( $\frac{1}{4}$ ) of the required parking space may be in parking bays on minor public streets which are entirely within the development, provided that none shall be in the turn-around portion of cul-de-sacs. Bays shall not be longer than eighty (80) feet along such street lines and each bay shall be separated from any other bay by a distance of not less than one-half ( $\frac{1}{2}$ ) the combined width of both bays. No more than one-third ( $\frac{1}{3}$ ) of the total frontage of any such street shall be devoted to parking bays.



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- i. Each off-street parking space for each residential building shall be located within two hundred (200) feet of said building.
- j. Swimming pools which are constructed within a group development shall be located not less than one hundred (100) feet from any boundary of the project and not less than fifty (50) feet from any public street and conform to the following:
  - (1) Have a fence at least three (3) feet high completely enclosing the portion of the yard containing the pool with a gate that can be securely fastened;
  - (2) Cause all floodlights to be shielded in such a manner that no offensive glare will be visible from adjoining streets or property; and
  - (3) Have, for each pool with a capacity of two thousand (2,000) gallons or more, filtering and purification equipment or automatic water exchange capable of changing all of the water every twenty-four (24) hours.
- k. In residential group developments, designated recreation areas and facilities shall be provided and shall consist of at least five hundred (500) square feet of area for each dwelling unit in the development located and designed with a reasonable relationship to building locations and the particular recreation requirements of the occupants.

#### **SECTION 3.22. DESIGN STANDARDS FOR VARIABLE LOT RESIDENTIAL DEVELOPMENTS**

The purpose of this Section is to provide desirable open space, tree cover, recreation, scenic vistas, and site design variety in residential subdivisions by allowing certain variations in lot sizes so long as the overall density of dwelling units and maximum number of lots is no greater than that permitted by the zoning ordinance by preparing a preliminary and final subdivision plat in full accord with the applicable requirements of this ordinance in conformity with the following:

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- a. Public water and sewer prerequisite. Any subdivision submitted as a variable lot residential development shall be served by public water and sewer systems as required subdivision improvements.
- b. Maximum number of lots. The maximum number of lots that may be created in a variable lot residential development shall be computed as follows:
  - (1) From the gross area of land to be committed to the development, subtract all land covered by water and all land subject to flooding as provided in Section 3.16;
  - (2) From the remainder, subtract twenty (20%) percent as allowance for normal street right-of-way. This standard shall apply regardless of the amount of land that would have been placed in street right-of-way;
  - (3) Divide the remainder by the minimum lot area requirement for single family dwellings of the zoning district in which the development is located. The result is the maximum number of lots that may be created in the development.
- c. Minimum lot standards. As permitted by this Ordinance and the Zoning Ordinance, a variable lot residential development is exempt from the minimum lot sizes specified therein for the district in which the development is located. In no case, however, shall the lot size of any development be less than seventy-five percent (75%) of the minimum required for single family lots by this Ordinance or by the Zoning Ordinance for the district in which the development is located, whichever minimum is applicable, and all other dimensional requirements of the applicable Ordinance shall be complied with.
- d. Open space standards. At the discretion of the developer, a variable lot residential development may utilize a range of lot sizes not in conflict with the minimums specified above. Where any reduction is made in lot size in accordance with these provisions, an amount of land at least equivalent to the difference in the required lot sizes and the minimum lot sizes, but in no case less than three (3) acres, shall be reserved and first offered for dedication to the county for use as parks, recreation areas, school sites or

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other public purposes, or, if any part is not to be accepted by the Town, shown and designated as private parks or open spaces. No parcel of any such area thus provided shall be less than one contiguous acre in size, and all such area shall be physically a part of the area being subdivided. Such areas as provided in accordance with these provisions, which are not to be dedicated to the county, shall be held in nonprofit corporate ownership by the owners of lots within the development. In consideration of the purposes served by a variable lot residential development, the title to such areas as provided shall be preserved to the perpetual benefit of the public generally or the private parties in the development shall be restricted against private ownership for any other purpose. Improvements clearly incidental to the purpose of these provisions may be made within the open space, provided that the maximum coverage of each type of improvement shall not exceed the following:

- (1) Above ground improvements: Three (3%) percent of the total open space;
  - (2) Level or below ground improvements: Twenty (20%) percent of the total open space.
- e. Access to open space. All lots created within the development shall have direct access to all parks or open spaces, as provided, by means of public streets or dedicated walkways or by fact of physical contiguity or other public lands or lands in common ownership by all residents.
- f. Open space provisions. Where the open space is to be deeded to a homeowners association or other such nonprofit ownership, the developer shall file a declaration of covenants and restrictions that will govern the open space and the association or non profit organization. This declaration shall be submitted prior to final plan approval and shall include but not be limited to the following:
- (1) The homeowners association or the nonprofit organization shall be established before any lots are sold;
  - (2) Membership shall be mandatory for each lot buyer and any successive buyer;

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- (3) The association shall provide for liability insurance, any taxes and the maintenance of all grounds and facilities;
- (4) Any sums levied by the association that remain unpaid shall become a lien upon the lot owner's property; and
- (5) If all or any portion of the property held by the association is to be disposed of or if the association is dissolved, all such property shall be deeded in fee simple absolute title to the Town of Stedman at no cost to the Town.

**SECTION 3.23. REQUIREMENTS FOR CONDOMINIUM DEVELOPMENTS**

Before a declaration establishing a condominium development may be recorded in the office of the Cumberland County Register of Deeds as prescribed in the North Carolina Unit Ownership Act (G.S. § 47A-1 et seq.) the declaration and plan shall be approved by the Stedman Board of Commissioners. Such declaration and plan shall conform to applicable subdivision or residential group development requirements as set forth in this Ordinance and to the applicable zoning requirements. In addition, the following requirements shall be complied with:

- a. The declaration shall be a complete legal document prepared strictly in accordance with the North Carolina Unit Ownership Act (G.S. § 47A-1 et seq.) and shall be submitted in final form in five (5) copies to the Town Attorney at least ten (10) days prior to a regularly scheduled Planning Board meeting along with a plan drawing described below.
- b. The final plan of the proposed development shall contain the following particulars:
  - (1) Unit designation of each unit and a statement of its location, approximate area, number of rooms, and/or immediate common area to which it has access and any other data necessary for its proper identification;
  - (2) Description of the general common areas and facilities as defined in the North Carolina Unit Ownership Act (G.S. § 47A-1 et seq.) and the proportionate interest of each unit owner therein;

- (3) Description of boundary lines between portions of the structures designed for different ownership;
  - (4) Description of all garages, balconies, patios, etc., which form a part of any unit;
  - (5) Description of any special common areas and/or facilities stating what units shall share the same and in what proportion; and
  - (6) Statement of the purpose for which the building and each of the units are intended and restricted as to use.
- c. The recordation of the declaration and plan shall be completed by the developer within thirty (30) days after approval by the Planning Department in accordance with the provisions of Section 2.7. Where a condominium is submitted as a residential group development, a group development plan as provided in Section 3.21 shall accompany the declaration and plan.

#### **SECTION 3.24. ZERO LOT LINE DEVELOPMENTS**

Zero lot line developments shall comply with all of the requirements of group developments when not specified herein (Section 3.21), and for the purposes of determining compliance with this appendix and the Stedman Zoning Ordinance, such development plan shall be considered a group development except that a zero lot line development plan shall be proposed for a tract of land less than twenty thousand (20,000) square feet. Residential zero lot line developments shall be exempt from the provisions of Section 3.20 "Lot Standards" and Article X, Section 10.1 of Stedman Zoning Ordinance entitled "Lot," provided that any such development complies with all provisions of this section. Further, such development shall be exempt from Section 3.21 (k) when the total lot area for all units exceeds the minimum zoning ordinance standard for the district or, where no zoning is in effect, an average of six thousand (6,000) square feet per unit.

- a. Site plans. Site plans for zero lot line developments shall show the locations of buildings, streets and drives, alleys, walks, parking and recreation areas, yards, residential sites, the boundary of the development, maintenance easements, and all common area.

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- b. Building sites. A building site shall be that property intended for conveyance to a fee simple owner after the construction thereon of a single-family residence or business, and shall be sufficient in size to contain the structure to be constructed thereon and any other proposed components of the property that area to be conveyed. Each site shall abut and have direct access to a public street or private street that is maintained by a homeowners association.

Building sites, and buildings and accessory buildings thereon, are exempt from all zoning district dimensional requirements of the Town Zoning Ordinance, Section 7.3, for lot width, front yard, side yard, rear yards, and building area except as provided in subsection "c" below.

- c. Building yards. Structures on building sites must meet the following yard requirements:
  - (1) Buildings having direct access to a public street must meet the front yard and/or corner lot provisions of the applicable zoning district.
  - (2) Unless common consent is provided at the time of plan submission, buildings on the periphery of the development plan must meet all setback requirements of the applicable zoning district. The judgement of the Planning Board as to what constitutes front, rear, and side yard of each building on the periphery shall be final.
- d. Density. The number of residential building sites created shall not exceed the density standard for such developments as stated in the district dimensional requirements for the applicable zoning district, excluding public right of way which is dedicated or reserved.
- e. Homeowners association. A homeowners association complying with subsection "g" below, shall be mandatory when any triplex units or more are proposed and/or when land is to be held in common.
- f. Common Areas. All areas on the site plan, other than building sites and public right-of-ways, shall be shown and designated as common areas, the fee simple title to which shall be conveyed by the developer to the homeowners association as specified below. All common areas shall be designated as a single parcel regardless of the proximity of each common

area to one or all of the other common areas, and such areas shall not be subdivided or conveyed by the homeowners association. This shall be so stated in the covenants and restrictions and shall be noted on the final plat.

- g. Covenants and restrictions. The developer shall file, along with the application for preliminary approval, a declaration of covenants and restrictions governing the common areas, the homeowners association and the building sites which shall be approved by the Town Attorney prior to recording of such documents, and prior to final plan approval. The restrictions shall contain, but not be limited to, provisions for the following as necessary:
- (1) The homeowners association shall be organized and in legal existence prior to the sale of any building site in the development.
  - (2) Membership in the homeowners association shall be mandatory for each original purchaser and each successive purchaser of a building site.
  - (3) The homeowners association shall be responsible for the provision of liability insurance, any taxes, maintenance of recreation and other facilities located on the common areas, and payment of assessments for public and private capital improvements made to or for the benefit of the common areas located within the development. It shall be further provided that upon default by the homeowners association in the payment to the governmental authority entitled thereto of any ad valorem taxes levied against the common areas or assessments for public improvements to the common areas, which default shall continue for a period of six (6) months, each owner of a building site in the development shall become personally obligated to pay to the tax assessing governmental authority a portion of such taxes or assessments in an amount determined by dividing the total taxes and/or assessments due by the total number of building sites in the development. If such sum is not paid by the owner within thirty (30) days following receipt of notice of the amount due, then such sum shall become a continuing lien on the building site of the then owner, his heirs, devisees, personal representatives and assigns, and the taxing or assessing governmental authority may either bring an

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action at law against the owner personally obligated to pay the same or may elect to foreclose the lien against the property of the owner.

- (4) The homeowners association shall be empowered to levy assessments against the owners of building sites within the development for payment of expenditures made by the homeowners association for the items set forth in the preceding paragraph, and any such assessments not paid by the owner against whom such are assessed shall constitute a lien on the building site of the owner.
  - (5) 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 and for parking areas shall be granted to each owner of a building site.
  - (6) All common walls between buildings shall be party walls, and provisions for the maintenance thereof, and restoration in the event of destruction or damage shall be established either within the homeowners association or by covenants.
- h. Proof of subordinate mortgage. The developer shall submit, along with the final plat, documents showing proof that any mortgage on the property or facility is subject to all easements or rights which may be transferred to the individual building site owner or to the owners' association.
- i. Final plat. A final plat shall be prepared in accordance with Section 5.2 of this Ordinance and in addition shall show the following items:
- (1) All building sites numbered, and bearings and distances given for their boundaries with any buildings as erected thereon.
  - (2) All common areas labeled with the facilities thereon indicated.
  - (3) Any notes as required under this Section, including maintenance easements when required.
  - (4) An indication as to the location (book and page number) of the covenants and restrictions governing the plat.



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- j. Compliance with state law. In addition to the above requirements, all zero lot line developments shall comply with the following sections of Chapter 47 of the W. C. G. S. as if such development has been submitted to the provisions of that chapter:

- (1) 47A-7
- (2) 47A-8
- (3) 47A-9
- (4) 47A-10
- (5) 47A-11
- (6) 47A-14
- (7) 47A-18
- (8) 47A-19
- (9) 47A-20
- (10) 47A-23

## **ARTICLE IV. IMPROVEMENTS REQUIRED**

Before any subdivision plat shall be eligible for final approval, the following minimum improvements must have been installed, or assured to be installed, in accordance with the provisions of Section 2.6. Guarantees of Improvements proposed by the subdivider and exceeding those required by this Article shall be installed in accordance with the standards and requirements for acceptance of the North Carolina Department of Transportation, the standards of the Health Department, the standards of the Planning Department, or the standards of the Town of Stedman, whichever is applicable.

### **SECTION 4.1. STREETS**

- a. Grading. Right-of-ways and roadways shall be graded in accordance with the standards and specifications of the North Carolina Department of Transportation (NCDOT) or the Town of Stedman, whichever is applicable.
- b. Roadway base. All roadways shall be improved with a base course to the required width of the North Carolina Department of Transportation. All construction and materials shall meet the standards and specifications of the North Carolina Department of Transportation or the Town of Stedman, whichever is applicable.
- c. Roadway surface. All roadways shall be improved with a surface material to meet the standards and specifications of the North Carolina Department of Transportation or the Town of Stedman, whichever is applicable.
- d. Pavement width. All surfaced roadways shall be improved with a minimum surface course to meet the standards and specifications of the North Carolina Department of Transportation, or the Town of Stedman, whichever is applicable.
- e. Gutters or curbs and gutters. All streets constructed under this Chapter shall curbs and gutters installed in accordance with the standards and specifications of the North Carolina Department of Transportation or the Town of Stedman, whichever is applicable.

f. Required drainage.

- (1) An adequate drainage system shall be installed by the subdivider in accordance with good engineering practices and the standards of the North Carolina Department of Transportation or the Town of Stedman, whichever is applicable. Such drainage shall remove all surface water without undue damage to street right-of-way and adjacent properties. Conditions contributing to the breeding of insects shall be avoided.
- (2) All culvert and pipe drains shall be installed to the standards and specifications of the North Carolina Department of Transportation or the Town of Stedman.

**SECTION 4.2 RESERVED**

**SECTION 4.3. OTHER REQUIREMENTS**

- a. Monuments. Monuments of a permanent material shall be installed in accordance with the North Carolina General Statutes, Chapter 39, Article 5A (§ 39-32.1 et seq.) and at such points as may be consistent with good engineering practices.
- b. Removal of rubbish. All cut or fallen trees, stumps, or rubbish shall be completely burned or in other ways removed from the subdivision.
- c. Drainage. During the construction, preparation, arrangement, and installation of subdivision improvements and facilities in subdivisions located at or along a watercourse, the developer shall maintain the watercourse in an unobstructed state and shall remove from the channel and banks of the watercourse all debris, logs, timber, junk, and other accumulations of nature that would, in time of flood, clog or dam the passage of waters in their downstream course; provided that installation of appropriately sized storm water drains, culverts, bridges, levee systems or closure structures in a levee system shall not be constructed as obstructions in the stream.

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- d. Public water and sewer systems.
  - (1) Generally. Where the installation of public water and/or sewer systems is prerequisite to approval of lot sizes and standards, such systems shall be installed and certified prior to final plat approval or assured to be installed in accordance with the provisions of Section 2.6.
- e. Street signs. All streets within a subdivision shall be marked with a street name sign of a design and location approved by the Town of Stedman Board of Commissioners.
- f. Fire Hydrants. Fire hydrants are required when a development is to be served by a community, municipal or county water system. Fire hydrants in developments subject to this ordinance are also required in any area of the Town where Town or public water system is used for the water supply.
  - (1) Fire hydrants shall be located no more than one thousand (1,000) feet apart and at a maximum of five hundred (500) feet from any residential or commercial lot;
  - (2) Each fire hydrant shall have a minimum six-inch main supply line;
  - (3) Fire hydrants shall be maintained by the entity supplying water thereto; and
  - (4) Standard hydrant design (National Standard Thread, one 4 1/2-inch steamer, two 2 1/2-inch discharge connections, etc.) and maintenance be utilized throughout the Town.

**ARTICLE V. PLATS AND SUBDIVISION DATA**

**SECTION 5.1. THE PRELIMINARY PLAT AND SUPPORTING DATA**

The preliminary plat shall be drawn to a scale of not less than two hundred (200) feet to the inch nor more than fifty (50) feet to the inch. It shall be superimposed on a topographic map with contour lines shown at one or two foot intervals. In addition, the preliminary plat shall show the following:

- a. Title data. Subdivision name, the names and addresses of the owner or owners, name of the designer of the plat, the scale, date, and approximate north point;
- b. Vicinity sketch. A key map or vicinity sketch at a scale of not less than one inch to one thousand (1,000) feet showing the relation of the property to adjoining properties;
- c. Existing data. Location of existing and platted property and street lines, existing buildings, water mains, sewers, drainpipes, culverts, bridges, watercourses, railroads and spurs, political boundary lines, zoning district lines, parks, playgrounds, public easements both on the land to be subdivided and on the land immediately adjoining, names of existing streets on and adjoining the land to be subdivided, and the names of adjoining subdivisions and property owners;
- d. Data relating to proposed subdivision. The names, locations and dimensions of proposed streets, alleys, crosswalks, lots, easements, building setback lines, building restriction flood lines, parks, playgrounds and other open restrictions or restricting covenants;
- e. Data relating to surrounding area. Where the preliminary plat submitted includes only a part of the subdivider's tract, an additional sketch showing the prospective future street system, proposed public open spaces, and other features for the development of the entire tract shall accompany the preliminary plat;
- f. Utility plans. Preliminary plans of proposed utility layouts for public water and/or sewer, if these utilities are to be furnished to the subdivision, shall

be provided, the preliminary plan shall contain a statement as to the proposed method of water supply and/or sewage disposal;

- g. Street cross sections. Typical cross sections of proposed streets shall be drawn, showing width and proposed construction of roadways at a scale of not less than thirty (30) feet to the inch; and
- h. Other improvements. Where other improvements are to be provided in the subdivision, appropriate plans shall accompany the preliminary plat.

## **SECTION 5.2. THE FINAL PLAT**

The final plat shall be submitted as a reproducible map in cloth, linen, film or other permanent material; shall be drawn to a scale of not larger than fifty (50) feet to the inch, and not less than two hundred (200) feet to the inch; and shall have an outside margin size of either eighteen (18) by twenty-four (24) inches or twenty-four (24) by thirty-six (36) inches. Where size of land areas require, maps may be shown on two (2) or more sheets with appropriate match lines, and each section shall contain a key map showing the location of the sections. In addition, the final plat shall show the following:

- a. General. The final plat shall conform to the approved preliminary plat and to the requirements of North Carolina General Statutes, Section 47-30.
- b. Engineer's or surveyor's certificate. There shall appear on each final plat a certificate by the person making the survey, or on each map where no survey was made, 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 acknowledgements, by the person preparing the map. All maps to be recorded shall be probated as required by law for the register of deeds.

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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 under my supervision) from (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 North Carolina General Statutes, Section 47-30, as amended."

"Witness my hand and seal this \_\_\_\_ day of \_\_\_\_\_, AD 19\_\_.

(Acknowledgement)

Surveyor or Engineer

- c. Certificate of ownership and dedication. On the final plat, the following shall be printed over the signature of the owner(s):

"The undersigned here acknowledges that the land shown on this plan is within the subdivision regulation jurisdiction of the Town of Stedman and that this plat and allotment is (my or our) free act and deed and that (I or we) do hereby dedicate to public use as (streets, parks, playgrounds, school site, open spaces and easements) forever all areas so shown or indicated on said plat."

Owner(s)' Signature(s)

- d. Certificate of Registration. Space shall be provided on the final plat for the Certificate of Registration on the Register of Deeds as required by law.
- e. Certificate of approval of final plat. The following certificate shall appear on the final plat with a blank line provided for the signature of the Chairman of the Planning Board or Planning Director:

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"Approved by the Cumberland County Joint Planning Board on the \_\_\_\_ day  
of \_\_\_\_\_, 19\_\_\_\_."

Signed \_\_\_\_\_ (Seal)  
Chairman



**ARTICLE VI. LEGAL PROVISIONS**

**SECTION. 6.1. VARIANCES**

The Stedman Board of Commissioners may vary the requirements of this Ordinance where because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Ordinance would cause an unusual and unnecessary hardship on the subdivider. In granting variances, the Town Board may require such conditions as will secure, in so far as practicable, the objectives of the requirements varied. Any variance, thus granted, is required to be entered in writing in the minutes of the Town Board and the reasoning upon which departure was justified set forth.

**SECTION 6.2. RESPONSIBILITY OF THE REGISTER OF DEEDS**

From and after the adoption of this ordinance by the Stedman Board of Commissioners and the filing of a copy with the Register of Deeds, no subdivision plat of land within the Town's subdivision regulation jurisdiction shall be filed or recorded until it shall have been submitted to and approved by the Town of Stedman and until such approval shall have been entered on the face of the plat in writing, by the Director of the Planning Department. The Register of Deeds shall not file a plat of subdivision land located within the territorial jurisdiction of the Town of Stedman as defined in Section 1.4 of this Ordinance, which has not been approved in accordance with these provisions, nor shall the Clerk of Superior Court order or direct the recording of a plat where such recording would be in conflict with this section.

**SECTION 6.3 RESERVED**

**SECTION 6.4. THE APPROVAL OF PLAT NOT TO CONSTITUTE  
ACCEPTANCE OF DEDICATION**

The approval of a plat pursuant to this ordinance shall not be deemed to constitute or effect the acceptance by the Town or the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat.

**SECTION 6.5. PENALTY**

From and after the effective date of this ordinance, any person who is the owner or agent of the owner of land located within the platting jurisdiction of this Ordinance as defined in Section 1.4., thereafter subdivides his land in violation of the Ordinance or transfers or sells such land by reference to, exhibition of, or any other use of a plat showing a subdivision of land before such plat has been properly approved under this Ordinance and recorded in the Office of the Register of Deeds, shall be guilty of a Class 1 misdemeanor. The description of metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from this penalty. The Town, through its Town Attorney or other official designated by the Stedman Board of Commissioners, 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.

**SECTION 6.6. VALIDITY**

If any article, section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Stedman Board of Commissioners hereby declares that it would have passed this Ordinance and each article, section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more article, section, subsection, sentence, clause, or phrase be declared invalid.

**SECTION 6.7. EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage by the Stedman Board of Commissioners of Town of Stedman this the fifth (5th) day of January, 1995.

**ARTICLE VII. FEES**

**SECTION 7.1. FEES**

For each preliminary plat, final plat, each group development plan, and each site plan as required under Article IV of the Stedman Zoning Ordinance filed, the owner or agent of said property shall pay a nonrefundable filing fee to the Cumberland County Joint Planning Board in accordance with a fee schedule recommended by the Planning Board and approved by the Town Board of Commissioners.