

Town of La Grange

Subdivision Regulations



Adopted: November 5, 2007

ARTICLE 33. SUBDIVISION REGULATIONS

ARTICLE 33-A. ADDENDUM A – BASIC DEFINITIONS AND INTERPRETATIONS

PART I. ADMINISTRATION

Section 33-1: No Service or Permits until Requirements of Ordinance are Met

No street shall be accepted and maintained by the Town nor shall any street lighting, water, or sewer be extended to or connected with any subdivision of land nor shall any permit be issued by an administrative agent or department of the Town of La Grange for the construction of any building or other improvement requiring a permit, upon any land concerning which a plat or subdivision plat is required to be approved, unless and until the requirements set forth in this Ordinance have been complied with and same approved by the Town Council.

Section 33-2: Penalties

After the effective date of this Ordinance, any person who, being the owner or agent of the owner of any land located within the subdivision regulation jurisdiction of the Town of La Grange as defined herein, hereafter transfers or sells land by reference to 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 of Lenoir County, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer shall not exempt the transaction from such penalties. The Town, through its attorney or other official designated by the Town Council, may enjoin illegal subdivision, transfer, or sale of land by action for injunction. Further, violators of this Ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided in NCGS 14-4.

Section 33-3: Duty of the Register of Deeds of Lenoir County

The Town of La Grange shall file a copy of this Ordinance with the Register of Deeds of Lenoir County. The Register of Deeds shall not thereafter file or record a plat of a subdivision located within the territorial jurisdiction of the Town of La Grange without the approval of the legislative body or Administrator as required in this Ordinance. The landowner shown on a subdivision plat submitted for recording or his authorized agent shall sign a statement on the plat stating whether or not any land shown thereon is within the territorial jurisdiction of the Town of La Grange as defined herein. The filing or recording of a plat of a subdivision without the approval of the municipal legislative body or Administrator as required by this Ordinance, shall be null and void. The Clerk of Superior Court of Lenoir County shall not order or direct the recording of a plat where such recording would be in conflict with this Section.

Section 33-4: Severability

Should any section or provision of these regulations be for any reason held void or invalid, it shall not affect the validity of any other section or provision hereof which is not itself void or invalid.

Section 33-5: Abrogation

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

Section 33-6: Variances

Where, because of topographical or other conditions peculiar to the site, strict adherence to the provisions of the regulations of this Ordinance would cause an unnecessary hardship, the Board of Adjustment may authorize a variance, if such variance can be made without destroying the intent of this Ordinance. Any variance thus authorized is required to be entered in writing in the Minutes of the Board of Adjustment and the reasoning on which the departure was justified set forth.

PART II. MAJOR AND MINOR SUBDIVISIONS

Section 33-7: Plat Shall be Required on Any Subdivision of Land

Pursuant to NCGS 160A-372, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this Ordinance whenever any subdivision of land takes place.

Section 33-8: Approval Prerequisite to Plat Recordation

Pursuant to NCGS 160A-373, no final plat of a subdivision within the jurisdiction of the Town shall be recorded by the Register of Deeds of Lenoir County until it has been approved as provided herein. To secure any approval of a final plat, the subdivider shall follow the procedures established in this Article.

Section 33-9: Procedures for Review of Major and Minor Subdivisions

All subdivisions shall be considered major subdivisions except those defined as minor subdivisions. Major subdivisions shall be reviewed in accordance with the procedure in Sections 33-11, 33-12, and 33-13. Minor subdivisions shall be reviewed in accordance with the provisions in Section 33-10. However, if the subdivider owns, leases, holds an option on, or holds any legal or equitable interest in any property adjacent to or located directly across a street, easement, road, or right-of-way from the property to be subdivided, the subdivision shall not qualify under the minor subdivision procedure. Furthermore, the minor subdivision procedure may not be used a second time within three (3) years on any property less than fifteen hundred (1,500) feet from the original property boundaries by anyone who owned, had an option on, or any legal interest in the original subdivision at the time the subdivision received preliminary or final plat approval.

Section 33-10: Procedure for Review of Minor Subdivisions

- (A) The subdivider shall submit a sketch plan showing all structures and easements on the property to be subdivided along with the final plat so marked to the Administrator for approval. 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. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in NCGS 47-30 and the Standards of Practice for Land Surveying in North Carolina.
- (B) Five (5) copies of the final plat shall be submitted; two (2) of these shall be on reproducible material; three (3) shall be black or blue line paper prints. Material and drawing medium for the original shall be in accordance with the Standards of Practice for Land Surveying in North Carolina.
- (C) The final plat shall be of a size suitable for recording with the Lenoir County Register of Deeds and shall be at a scale of not less than one (1) inch equals two hundred (200) feet. Maps may be placed on more than one sheet with appropriate match lines.
- (D) Submission of the final plat shall be accompanied by a filing fee as set forth in the Town's Fee Schedule. The final plat shall meet the specifications of this Section. The following signed certificate shall appear on all five (5) copies of the final plat.

The following certificates, as applicable, shall appear on the final plat:

Certificate of Ownership, Dedication, and Jurisdiction, signed:

MINOR SUBDIVISIONS

I (We) hereby certify that I am (we are) the owner(s) of the property described hereon, which property is within the subdivision regulation jurisdiction of La Grange, and that I (we) freely adopt this plan of subdivision.

Date

Signature of Owner

Certificate of Accuracy and Mapping, signed:

Certificate of Accuracy and Mapping

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision, description recorded in Book _____, Page _____; that the error of closure as calculated by latitudes and departures is 1: _____; that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, Page _____; that this map was prepared in accordance with G.S. 47-30 as amended.

Witness my hand and seal this _____ day of A.D., 20__

Seal

Surveyor, registration number

Certificate of Disclosure – La Grange Flood Plain Management signed by the owner of the property if any portion of the property is located in the 100-yr Floodplain:

Certificate of Disclosure – La Grange Flood Plain Management

I hereby certify that prior to entering into any agreement or any conveyance with a prospective buyer, I shall prepare and sign, and the buyer of the subject real estate shall receive and sign, a statement which fully and accurately discloses that the subject real estate, or a portion of the subject real estate, is located within a flood hazard area and that the buyer must satisfy the requirements of the La Grange Flood Plain Management Regulations prior to the issuance of construction permit.

Date

Signature of Owner

Certificate of Approval (for Minor Subdivision), unsigned:

MINOR SUBDIVISION

I hereby certify that the minor subdivision shown on this plat does not involve the creation of new public streets or any change in existing public streets, that the subdivision shown is in all respects in Compliance with the Subdivision Regulations of the Town of La Grange, and that therefore this plat has been approved by the Subdivision Administrator, subject to its being recorded in the Lenoir County Registry within ninety days of the date below.

Administrator

Date

Certificate of Review Officer, unsigned:

Certificate of Review Officer

North Carolina _____ Lenoir County
I, _____, Review Officer of Lenoir County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer

Certificate of Registration by the Register of Deeds, unsigned:

Certificate of Registration by Resister of Deeds

North Carolina _____ Lenoir County
Filed for Registration on the _____ day of _____ (a.m./p.m.)
and duly recorded in Plat Cabinet _____, Page _____.

Register of Deeds

Flood Statement, completed by a Professional Land Surveyor or Engineer. If the subdivision is located in a Special Flood Hazard Area as defined in this Ordinance, the exact delineation of the floodplain boundary shall be present on the final plat:

Flood Statement
This property is located in zone _____, and is/is not within a Special Flood Hazard Areas, As determined by NIFP Rate Map Dated _____, _____: Community Panel Number _____.

After the affixing of all required signatures (except the Certificate of Review Officer and the Certificate of Registration by the Register of Deeds) the final plat shall be returned to the subdivider. The subdivider shall file the approved final plat with the Register of Deeds of Lenoir County for recording within ninety (90)

days of the date of its approval by the Town Planning Department or such approval shall be void unless an extension of time is granted by the Town Planning Department Staff. The subdivider shall provide a copy of the recorded plat to the Planning Department within two **(2) working days of recordation.**

- (E) The Administrator shall review the final plat and shall proceed with approval, conditional approval with modifications to bring the plat into compliance, or disapproval of the final plat with reasons within twenty-eight (28) days of initial receipt of the plat.
- (F) During review of the final plat, the Administrator may appoint an engineer or surveyor to confirm the accuracy of the final plat. If errors are found which make the plat non-recordable, the costs shall be charged to the subdivider, and the plat shall not be recommended for approval until such errors have been corrected.
- (G) If the Administrator approves the final plat, he shall secure all required Town signatures and transmit the final plat to the subdivider for recording with the Lenoir County Register of Deeds office.
- (H) If the Administrator recommends conditional approval of the final plat with modifications to bring the plat into compliance, he shall retain one (1) print of the plat for the Town's records and return his written recommendation and two (2) reproducible copies of the plat to the subdivider.
- (I) If the Administrator disapproves the final plat, he shall instruct the subdivider concerning resubmission of a revised plat, and the subdivider may make such changes as will bring the plat into compliance with the provisions of this Ordinance and resubmit same for reconsideration by the Administrator.
- (J) Failure of the Administrator to approve or make a written recommendation within twenty-eight (28) days after receipt of the subdivision plat shall constitute grounds for the subdivider to apply to the Town Council for approval.
- (K) If the Administrator approves the final plat, such approval shall be shown on each copy of the plat by the following signed certificate:
 - (1) ***Certificate of Approval for Recording.*** I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of La Grange, North Carolina, and that this plat has been approved by the Administrator for recording in the Office of the Register of Deeds of Lenoir County.

Administrator

Date

La Grange, North Carolina

- (L) If the final plat is disapproved by the Administrator, the reasons for such disapproval shall be stated in writing, specifying the provisions of this Ordinance with which the final plat does not comply. One (1) copy of such reasons and one (1) copy of the plat shall be retained by the Administrator for record; one (1) copy of the reasons and three (3) copies of the plat shall be transmitted to the subdivider. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance and resubmit same for reconsideration by the Administrator.
- (M) If the final plat is approved by the Administrator, the original tracing and two (2) prints of the plat shall be retained by the subdivider. One (1) reproducible tracing and one (1) print shall be filed with the Town Clerk.
- (N) The subdivider shall file the approved final plat with the Register of Deeds of Lenoir County within six (6) months of Administrator approval; otherwise, such approval shall be null and void.

Section 33-11: Major Subdivision Preliminary Plat Submission and Review

- (A) *Submission Procedure.* Eleven (11) copies of the preliminary plat (as well as any additional copies which the Administrator determines are needed to be sent to other agencies) shall be submitted to the Administrator of this Ordinance at least twenty (20) days prior to the Planning Board meeting at which the subdivider desires the Planning Board to review the preliminary plat. Preliminary plats shall meet the specifications in Section 20-15.

For every subdivision within the territorial jurisdiction established by Section 1-3 of this Ordinance which does not qualify for the minor subdivision procedure, the subdivider shall submit a preliminary plat which shall be reviewed by the Administrator and then the Planning Board and approved by the Town Council before any construction or installation of improvements may begin.

- (B) *Review by Other Agencies.* The Administrator may submit copies of the plat to the following agencies and individuals for review and comment:
 - (1) Superintendent of Schools when residential subdivision is involved.
 - (2) County Health Director when septic systems are involved.
 - (3) DOT District Engineer.
 - (4) Engineer.
 - (5) Town of La Grange Department Heads.
 - (6) Others as necessary.

(C) Review Procedures.

- (1) The Administrator shall receive the preliminary plat twenty (20) days prior to the next scheduled meeting of the Planning Board. The Administrator shall review the preliminary plat for administrative requirements within ten (10) days and provide comments to the applicant, if necessary.
- (2) The Administrator shall recommend to the Planning Board approval, conditional approval with recommended changes to bring the plat into compliance, or disapproval with reasons.
- (3) If the Planning Board recommends approval of the preliminary plat, copies of the plat shall be submitted to the Town Council.
- (4) If the Planning Board recommends conditional approval of the preliminary plat, copies of the plat and the recommendation shall be transmitted to the Town Council.
- (5) If the Planning Board recommends disapproval of the preliminary plat, copies of the plat and the Planning Board's recommendation shall be transmitted to the Town Manager, and a copy of the plat and Planning Board's recommendation submitted to the subdivider.
- (6) If the Planning Board does not make a written recommendation within forty-five (45) days after its first consideration of the plat, the subdivider may apply to the Town Council for approval or disapproval.
- (7) If the Town Council approves the preliminary plat, such approval shall be noted on two (2) copies of the plat. One (1) copy of the plat shall be retained by the Town, and one (1) copy shall be returned to the subdivider. If the Town Council approves the preliminary plat with conditions, approval shall be noted on two (2) copies of the plat along with a reference to the conditions. One (1) copy of the plat along with the conditions shall be retained by the Town, and one (1) copy of the preliminary plat along with the conditions shall be returned to the subdivider. If the Town Council disapproves the preliminary plat, the reasons for such disapproval shall be specified in writing. One (1) copy of the plat and the reasons shall be retained by the Town, and one (1) copy shall be returned to the subdivider. The subdivider may make the necessary revisions and submit a revised preliminary plat to the Administrator.

Section 33-12: Construction Plans and Permits

- (A) After approval of the preliminary plan, the subdivider shall work directly with the Administrator in the preparation and final design of construction plans for the installation of the improvements as required by this Ordinance. The subdivider shall concurrently secure a sedimentation and erosion control permit from the state of North Carolina.
- (B) Upon satisfactory completion of the construction plans, the Administrator shall issue a construction permit for the installation of the required improvements in accordance with the approved preliminary plan and the design standards as specified by this Ordinance.

Section 33-13: Major Subdivision Final Plat Submission and Review

- (A) *Preparation of Final Plat and Installation of Improvements.* Upon approval of the preliminary plat by the Town Council, the subdivider may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this Ordinance. Prior to approval of a final plat, the subdivider shall have installed the improvements specified in this Ordinance, or guaranteed their installation as provided herein. No final plat will be accepted for review by the Planning Board or the Town Council unless accompanied by written notice by the Administrator acknowledging compliance with the improvement and guaranteeing standards of this Ordinance. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at this time; such portion shall conform to all requirements of this Ordinance.
- (B) Improvements Guarantees.
 - (1) *Agreement and Security Required.* In lieu of requiring the completion, installation, and dedication of all improvements prior to final plat approval, the Town may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements. Once said agreement is signed by both parties, and the security required herein is provided, the final plat may be approved by the Town Council, if all other requirements of this Ordinance are met. To secure this agreement, the subdivider shall provide, subject to the approval of the Town Council, either one or a combination of the following guarantees equal to 1.25 times the entire cost as provided herein:
 - (a) *Surety Performance Bond(s).* The subdivider shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina. The bond(s) shall be payable to the

Town of La Grange, and shall be in the amount equal to 1.25 times the entire cost, as estimated by an engineer and approved by the Town Council, of installing all required improvements. The duration of the bond(s) shall be until such time as the improvements are accepted by the Town Council.

- (b) *Cash or Equivalent Security.* The subdivider shall deposit cash, an irrevocable letter of credit, either with the Town of La Grange or in escrow with a financial institution designated as an official depository of the Town. The use of any instrument other than cash shall be subject to the approval of the Town Council. The amount of deposit shall be equal to 1.25 times the cost, as estimated by the subdivider and approved by the Town Council, of installing all required improvements.

If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with the Town Council an agreement between the financial institution and himself guaranteeing the following:

1. That such escrow account shall be held in trust until released by the Town Council, and may not be used or pledged by the subdivider in any other matter during the term of the escrow; and
 2. That in the case of a failure on the part of the subdivider to complete said improvements, the financial institution shall, upon notification by the Town Council, and submission by the Town Council to the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately either pay to the Town the funds estimated to complete the improvement, 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.
- (2) *Default.* Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution holding the escrow account, shall, if requested by the Town Council, pay all or any portion of the bond or escrow fund to the Town of La Grange, up to the amount needed to complete the improvements based on an engineer's estimate. Upon payment, the Town Council, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The Town shall return to the subdivider any funds not spent in completing the improvements.

- (3) *Release of Guarantee Security.* The Town Council may, in its sole discretion, release a portion of any security posted as the improvements are completed. If the Town Council approves said improvements, then it shall immediately release any security posted.
- (C) Submission Procedure.
- (1) The subdivider shall submit the final plat, so marked, to the Administrator not less than twenty (20) days prior to the Planning Board meeting at which it will be reviewed; further, the final plat for the first stage of the subdivision shall be submitted not more than twenty-four (24) months after the date on which the preliminary plat was approved; otherwise such approval shall be null and void, unless a written extension of this limit is granted by the Town Council upon written request of the subdivider on or before the twenty-four (24) month anniversary of the approval. For subdivisions developed in stages, each successive final plat for a stage of the subdivision shall be submitted for approval within twenty-four (24) months of the date of approval of the previous final plat for a stage of the subdivision.
 - (2) 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. The final plat shall conform to the provision for plats, subdivisions, and mapping requirements set forth in NCGS 47-30 and the Standards of Practice for Land Surveying in North Carolina.
 - (3) Five (5) copies of the final plat shall be submitted, two (2) of these shall be on reproducible material, three (3) shall be in accordance with the Standards of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Lenoir County Register of Deeds.
 - (4) The final plat shall be of a size suitable for recording with the Lenoir County Register of Deeds and shall be at a scale of not less than one (1) inch equals two hundred (200) feet. Maps may be placed on more than one sheet with appropriate match lines.
 - (5) Submission of the final plat shall be accompanied with a filing fee as set forth in the Town's fee schedule. The final plat shall meet the specifications in Section 33-15 of this Ordinance.
 - (6) The following signed certificates shall appear on all five (5) copies of the final plat.

- Certificate of Ownership, Dedication, and Jurisdiction, signed:

MAJOR SUBDIVISIONS

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (We) hereby adopt this plan of subdivision with my own free consent and dedicate all streets, alleys, walks, parks, conservation space and other areas to public or private use as noted. I (we) will maintain all such areas until the offer of dedication is accepted by the appropriate public authority. All property shown on this plat as dedicated for a public use shall be deemed to be dedicated for any other public use authorized by law when such other use is approved by the Town Council of La Grange in the public interest. Further, I certify that the land as shown hereon is located within the subdivision jurisdiction of La Grange.

Date

Signature of Owner

- Certificate of Accuracy and Mapping, signed:

Certificate of Accuracy and Mapping

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision, description recorded in Book _____, Page _____; that the error of closure as calculated by latitudes and departures is 1: _____; that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, Page _____; that this map was prepared in accordance with G.S. 47-30 as amended.

Witness my hand and seal this _____ day of A.D., 20__

Seal

Surveyor, registration number

- Certificate of Proposed Subdivision Road Construction Standards signed by the District Engineer, NCDOT, Division of Highways when roads are to be dedicated for public use:

Certificate of Proposed Subdivision Road Construction Standards

Department of Transportation Division of Highways Proposed Subdivision Road Construction Standards Certification approved

District Engineer

Date

- Certificate of Disclosure – La Grange Flood Plain Management signed by the owner(s) of the property if any portion of the property is located within the 100-year:

Certificate of Disclosure – La Grange Flood Plain Management

I hereby certify that prior to entering into any agreement or any conveyance with a prospective buyer, I shall prepare and sign, and the buyer of the subject real estate shall receive and sign, a statement which fully and accurately discloses that the subject real estate, or a portion of the subject real estate, is located within a flood hazard area and that the buyer must satisfy the requirements of the La Grange Flood Plain Management Regulations prior to the issuance of construction permits.

Date

Signature of Owner

- Certificate of Disclosure for Private Developments signed by the owner(s) of the property if the subdivision includes any privately owned right-of-ways or easements:

Certificate of Disclosure for Private Developments

I acknowledge that neither the State nor the Town shall be responsible for maintenance of any streets, drainage, open space or other areas which are designated for private use. I acknowledge that prior to contracting with a prospective buyer, I shall give the buyer a written statement which discloses the existence and location of such private areas and specifies the maintenance responsibilities for same. When applicable, the statement shall disclose that the street(s) will not be constructed to minimum standards sufficient to allow their inclusion on the State highway system for maintenance.

Date

Signature of Owner

- Certificate of Disclosure - Home Owner's Association, completed:

Certificate of Disclosure for Homeowner's Association Covenants, Conditions and Restrictions.

North Carolina

Lenoir County

Home Owner's Association Covenants, Conditions and Restrictions filed for registration on the _____ day of _____ at _____ (a.m./p.m.) and duly recorded in Deed Book _____, at Page _____.

Register of Deeds

Environmental Health Septic Tank Suitability Certificate, signed:

The following statement shall be placed on all subdivision plats that include building lots that do not have public sewer service available to them:

Environmental Health Septic Tank Suitability Certificate

Applications for Improvement Permits for septic tank wastewater systems for lots _____ in this subdivision were received by Lenoir County Environmental Health (LCHD) on _____ and prepared by _____. LCHD conducted soil evaluations and issued Improvement Permits pursuant to N.C. General Statutes 130A-336 and 15A NCAC 18A.1900 et seq. An Improvement Permit may be revoked in some circumstances. Issuance of an improvement permit for a lot does not guarantee issuance of a construction authorization and/or operations permit for the lot. Results of the evaluation are _____.

Environmental Health Officer

Date

Certificate of Review Officer, unsigned:

Certificate of Review Officer

North Carolina _____ Lenoir County
I, _____, Review Officer of Lenoir County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer

Certificate of Registration by the Register of Deeds, unsigned:

Certificate of Registration by Register of Deeds

North Carolina _____ Lenoir County
Filed for Registration on the _____ day of _____ (a.m./p.m.)
and duly recorded in Plat Cabinet _____, Page _____.

Register of Deeds

Certificate for Major Subdivisions, unsigned:

MAJOR SUBDIVISION

I hereby certify that the Major Subdivision shown on this plat is in all respects in compliance with the Subdivision Regulations of Lenoir County, and that therefore this plat has been approved by the La Grange Planning Board, subject to its being recorded in the Lenoir County Registry within ninety days of the date below.

Administrator

DATE

Flood Statement, completed by a Professional Land Surveyor or Engineer. If the subdivision is located Special Flood Hazard Area as defined in this Ordinance, the exact delineation of the floodplain boundary shall be present on the final plat:

Flood Statement

This property is located in zone_____, and is/is not within a Special Flood Hazard Areas, As determined by NIFP Rate Map Dated _____, _____: Community Panel Number _____.

After the affixing of all required signatures (except the Certificate of Review Officer and the Certificate of Registration by the Register of Deeds) the final plat shall be returned to the subdivider. The subdivider shall file the approved final plat with the Register of Deeds of Lenoir County for recording within ninety (90) days of the date of its approval by the Town Planning Department or such approval shall be void unless an extension of time is granted by the Town Planning Department Staff. The subdivider shall provide a copy of the recorded plat to the Planning Department within two **(2) working days of recordation.**

(a) Notwithstanding any other provision contained in this section, it is the duty of the surveyor, by a certificate on the face of the plat, to certify to one of the following:

1. That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
2. That the survey is located in such portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;
3. That the survey is of an existing parcel or parcels of land;
4. That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, and other exception to

the definition of a subdivision;

5. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of his or her professional ability as to provisions contained in Section 33-13(C)(6)(a) through (C)(6)(e) above.

However, if the plat contains the certificate of a surveyor as stated in 1, 4, or 5, above, then the plat shall have, in addition to said surveyor's certificate, a certification of approval, or no approval required, as may be required by local ordinance from the appropriate government authority before the plat is presented for recordation. If the plat contains the certificate of a surveyor as stated in 2, and 3, above, nothing shall prevent the recordation of the plat if all other provisions have been met.

- (7) The Planning Board shall review the final plat at or before the next regularly scheduled meeting which follows at least twenty (20) days after the Administrator receives the final plat and shall recommend approval, conditional approval with modifications to bring the plat into compliance, or disapproval of the final plat with reasons within forty-five (45) days of its first consideration.
- (8) During its review of the final plat, the Planning Board may appoint a registered land surveyor to confirm the accuracy of the final plat, if agreed to by the Town Manager. If errors are found which make the plat non-recordable, the costs shall be charged to the subdivider, and the plat shall not be recommended for approval until such errors have been corrected.
- (9) If the Planning Board recommends approval of the final plat, it shall transmit all copies of the plat and its written recommendations to the Town Council through the Administrator.
- (10) If the Planning Board recommends conditional approval of the final plat with modifications to bring the plat into compliance, it shall retain one (1) print of the plat for its minutes, return its written recommendation and two (2) reproducible copies of the plat to the subdivider, and transmit one (1) print of the plat and its written recommendation to the Town Council through the Administrator.
- (11) If the Town Council disapproves the final plat, the reasons for such disapproval shall be specified in writing. One (1) copy of the plat and the reasons shall be retained by the Town, and one (1) copy shall be returned to the subdivider. The subdivider may make the necessary revisions and submit a revised final plat to the Administrator.

- (12) Failure of the Planning Board to make a written recommendation within forty-five (45) days shall constitute grounds for the subdivider to apply to the Town Council for approval.
- (13) The Town Council shall review and approve or disapprove the final plat within forty-five (45) days after the plat and recommendations of the Planning Board have been received by the Administrator.
- (14) If the Town Council approves the final plat, such approval shall be shown on each copy of the plat by the following signed certificate:

(a) *Certificate of Approval for Recording.* I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of La Grange, North Carolina, and that this plat has been approved by the Town Council for recording in the Office of the Register of Deeds of Lenoir County.

Administrator

Date

La Grange, North Carolina

- (15) If the final plat is disapproved by the Town Council, the reasons for such disapproval shall be stated in writing, specifying the provisions of this Ordinance with which the final plat does not comply. One (1) copy of such reasons and one (1) copy of the plat shall be retained by the Town Council as part of its proceedings; one (1) copy of the reasons and three (3) copies of the plat shall be transmitted to the subdivider. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance and resubmit same for reconsideration by the Planning Board and Town Council.
- (16) If the final plat is approved by the Town Council, the original tracing and one (1) print of the plat shall be returned to the subdivider and two (2) prints shall be retained by the Zoning Administrator.
- (17) The subdivider shall file the approved final plat with the Register of Deeds of Lenoir County within thirty (30) days of the Town Councils' approval; otherwise, such approval shall be null and void.
- (18) No final plat shall be approved until the subdivider has installed in the area represented on the final plat all improvements required by this Ordinance, including but not limited to, the plans for utility layout, sanitary sewers, storm sewers, water distribution lines, natural gas, telephone and electric service, illustrating connections to existing systems or plans for individual water supply systems and/or sewerage disposal systems. Plans must

show line sizes, the location for fire hydrants, blowoffs, manholes, pumps, force mains, and gate valves, or shall have guaranteed their installation as provided in Section 20-14(B). No property shall be sold or deed registered by the Lenoir County Register of Deeds before the subdivider provides a proof of filing to the Town Board that as-built plans have been filed with the Town Clerk, and a Final Plat has been approved and recorded in the Registry of Deeds pursuant to this Ordinance.

Section 33-14: Information to be Contained in or Depicted on Major Preliminary and All Final Plats

The preliminary and final plats shall depict or contain the information indicated in the following table. An “x” indicates that the information is required.

Information	Preliminary Plat	Minor Final Plat	Major Final Plat
Title Block Containing: –Property Designation	x	x	x
–Name of Owner	x	x	x
–Location (including township, county, and state)	x	x	x
–Date or dates survey was conducted and plat prepared	x	x	x
–A scale of drawing in feet per inch listed in words or figures	x	x	x
–A bar graph			
–Name, address, registration number, and seal of the Registered Land Surveyor	x X	x x	x x
The name of the subdivider	X	x	x
A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area. Scale: 1” = 400’	X	x	x
Corporate limits, township boundaries, county lines if on the subdivision tract	X	x	x
The names, addresses, and telephone numbers of all owners, mortgagees, registered land surveyors, land planners, architects, landscape architects, and professional engineers responsible for the subdivision	x	x	x
The registration numbers and seals of the professional engineers	x	x	x
Date of plat preparation	x	x	x
North arrow and orientation	x	x	x
The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and distances shown	x	x	x
The names of owners of adjoining property	x	x	x
The names of any adjoining subdivisions of record or proposed and under review	x	x	x

Information	Preliminary Plat	Minor Final Plat	Major Final Plat
Building line minimum	x	x	x
The zoning classifications of the tract to be subdivided and adjoining properties	x	x	x
Scale: 1" = 200'	x	x	x
Existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining	x		
Proposed lot lines, lot and block numbers, and approximate dimensions	x	x	x
The lots numbered consecutively throughout the subdivision	x	x	x
Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site	x		
100-year floodplain delineation	x	x	x
The exact location of the flood hazard, floodway, and floodway fringe areas from the Lenoir County Official Flood Insurance Map	x	x	x
The following data concerning streets:			
–Proposed public streets	x		x
–Proposed private streets	x		x
–Existing and platted streets on adjoining properties and in the proposed subdivision	x		x
–Rights-of-way, location, and dimensions in accordance with Section 20-20 of this Ordinance	x		x
–Pavement widths	x		x
–Approximate grades	x		x
–Design engineering data for all corners and curves	x		x
–Typical street cross-sections	x		x
–Street names	x		x
–Type of street dedication; all streets must be designated "public." The subdivider must submit all public street plans to the Administrator for approval prior to preliminary plat approval. Where public streets are involved which will not be dedicated to the Town of La Grange, the subdivider must submit the following documents to the NC Department of Transportation District Highway Office for review: a complete site layout, including any future expansion anticipated; horizontal alignment indicating general curve data on site layout plan; vertical alignment indicated by percent grade, PI station and vertical curve length on site plan layout; the District Engineer may require the plotting of the ground profile and grade line for roads where special conditions or problems exist; typical section indicating the pavement design and width and the slopes, widths, and details for either the curb and gutter or the shoulder and ditch	x		x

Information	Preliminary Plat	Minor Final Plat	Major Final Plat
proposed; drainage facilities and drainage areas			
–Where streets are dedicated to the public, but not accepted into the Town of La Grange system or the state system before lots are sold, a statement explaining the status of the street in accordance with Sections 20-13 and 20-20(D) of this Ordinance			x
–If any street is proposed to intersect with a state-maintained road, the subdivider shall apply for driveway approval as required by the North Carolina Department of Transportation, Division of Highways’ Manual on Driveway Regulations. Evidence that the subdivider has obtained such approval	x		
The location and dimension of all of the following, if proposed:			
–Utility and other easements	x	x	x
–Riding trails	x		x
–Natural buffers	x		x
–Pedestrian or bicycle paths	x		x
–Parks and recreation areas with specific type indicated	x		x
–Areas to be dedicated to or reserved for public use	x		x
–Areas to be used for purposes other than residential with the zoning classification of each stated	x		x
–The future ownership (dedication or reservation for public use to governmental body, for owners to duly constituted homeowners’ association, or for tenants remaining in subdivider’s ownership) of recreation and open space lands	x		
The plans for utility layouts including: –Sanitary sewers –Storm sewers –Other drainage facilities, if any –Water distribution lines –Natural gas lines –Telephone lines –Electric lines illustrating connections to existing systems, showing line sizes, the location of fire hydrants, blowoffs, manholes, force mains, and gate valves	x x x x x x x		
Plans for individual water supply and sewage disposal systems, if any	x		
–Profiles based upon Mean Sea Level datum for sanitary sewers and storm sewers	x		
Site calculations including:			
–Acreage in total tract to be subdivided	x	x	
–Acreage in parks and recreation and open space areas and other nonresidential areas	x		
–Total number of parcels created	x		

Information	Preliminary Plat	Minor Final Plat	Major Final Plat
-Acreage of the smallest lot in the subdivision	x		
-Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles, and tangent distance for the center line of curved property lines that are not the boundary line of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute			x
-The accurate locations and descriptions of all monuments, markers, and control points		x	x
-A copy of any proposed deed restrictions or similar covenants. Such restrictions are mandatory when private recreation areas or open space areas are established	x	x	x
-Where land disturbing activity is an acre or more in size, a copy of the erosion control plan submitted to the appropriate office of the North Carolina Department of Environment and Natural Resources, which complies with NCGS 113A, Article 4 (Sedimentation Pollution Control Act of 1973). Evidence of approval must be provided prior to construction stage submittal of a final plat for approval	x		
-Topographic maps with contour intervals of no greater than five (5) feet at a scale of no less than one (1) inch equals four hundred (400) feet	x		
-404 wetland areas as determined by the Wilmington District office of the U.S. Army Corps of Engineers	x	x	x
-All certifications required in Section 20-11 or 20-14		x	x
-Any other information considered by either the subdivider, the Planning Board, or Town Council, to be pertinent to the review of the plat	x	x	x
-All mapping shall comply with NCGS 47-30	x		x

Section 33-15: Nullification of Plat or Portion of a Subdivision

- (A) Any plat or any part of any subdivision may be nullified by the owner at any time before the sale of any lot in the subdivision by a written instrument to which a copy of such plat shall be attached, declaring the same to be vacated.
- (B) Such an instrument shall be approved by the same agencies as approved the final plat. The governing body may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.

- (C) Such an instrument shall be executed, acknowledged or approved, and recorded and filed in the same manner as a final plat; and being duly recorded or filed, shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.
- (D) When lots have been sold, the plat may be nullified in the manner provided in Sections (A) through (C) above, by all owners of the lots in such plat joining in the execution of such writing.

Section 33-16: Resubdivision Procedures

For any replatting or resubdivision of land, the same procedures, rules, and regulations shall apply as prescribed herein for an original subdivision.

Section 33-17: Construction Procedures

- (A) No construction or installation of improvements shall commence in a proposed subdivision until in a proposed subdivision until the preliminary plat has been approved, and all plans and specifications have been approved by the appropriate authorities.
- (B) No building, zoning, or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this Ordinance until the final plat has been approved and recorded. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the Administrator of this Ordinance to provide for adequate inspection. The approving authorities having jurisdiction, or their representatives, shall inspect and approve all completed work prior to release of the sureties.
- (C) *As-Built Drawings Required.* Whenever a developer installs or causes to be installed any utility line in any public right-of-way, the developer shall, as soon as practicable after installation is complete, and before acceptance of any water or sewer line, furnish the town with a copy of a drawing that shows the exact location of such utility lines. Such drawings must be verified as accurate by the utility service provider. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing such development.

PART III.

DESIGN STANDARDS

Section 33-18: Conformity to Existing Maps or Plans

In all new subdivisions, the street layout shall conform to the arrangement, width, and location indicated on any official plans for the Town of La Grange or for the planning area. In instances where such plans have not been completed, the streets shall be designed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, and to the proposed use of land to be served by such streets.

All subdivisions of property, planned building groups, and conditional use permits shall be designed and approved to accommodate right-of-way(s) for proposed Town of La Grange, North Carolina Department of Transportation, and federal road improvements or construction of new roads as shown in the North Carolina Department of Transportation Improvement Plan.

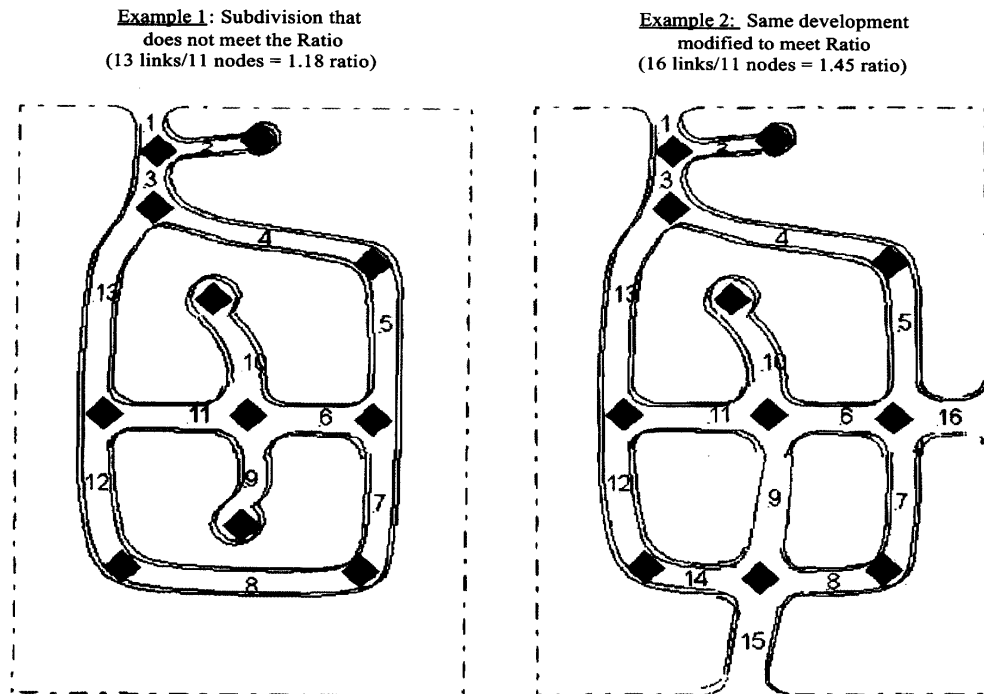
Section 33-19: Streets

- (A) *Coordination and Continuation of Streets.* The proposed street layout within a subdivision shall be coordinated with the existing street system of the surrounding area, and where possible, existing principal streets shall be extended.
- (B) Street Connectivity Requirements.
 - (1) The Town Council hereby finds and determines that an interconnected street system is necessary in order to protect the public health, safety, and welfare in order to ensure that streets will function in an interdependent manner, to provide adequate access for emergency and service vehicles, to enhance nonvehicular travel such as pedestrians and bicycles, and to provide continuous and comprehensible traffic routes.
 - (2) All proposed streets shall be continuous and connect to existing or platted streets without offset with the exception of cul-de-sacs as permitted and except as provided below. Whenever practicable, provisions shall be made for the continuation of planned streets and utilities into adjoining areas.
 - (3) The street network for any subdivision shall achieve a connectivity ratio of not less than 1.40 (see example in Figure 1). The phrase “connectivity ratio” means the number of street links divided by the number of nodes or link ends, including cul-de-sac heads. A “link” means and refers to that portion of a street defined by a node at each end or at one end. Approved stubs to adjacent property shall be considered links. However, alleys shall not be considered links.

A “node” refers to the terminus of a street or the intersection of two (2) or more streets, except that intersections that use a traffic circle shall not be counted as a node. For the purposes of this section, an intersection shall be defined as:

- (a) Any curve or bend of a street that fails to meet the minimum curve radius as established in the current NCDOT Design Standards, or
 - (b) Any location where street names change (as reviewed and approved by the Administrator).
- (4) For the purposes of this section, the street links and nodes within the collector or thoroughfare streets providing access to a proposed subdivision shall not be considered in computing the connectivity ratio.
- (5) Residential streets shall be designed so as to minimize the length of local streets, to provide safe access to residences with minimal need for steep driveways and to maintain connectivity between and through residential neighborhoods for autos and pedestrians.
- (6) Where necessary to provide access or to permit the reasonable future subdivision of adjacent land, rights-of-way, and improvements shall be extended to the boundary of the development. A turnaround is required on any dead end 500 feet or greater in length. The platting of partial width rights-of-way shall be prohibited except where the remainder of the necessary right-of-way has already been platted, dedicated, or established by other means (see Section 33-19(E)).
- (7) *Exemption.* New subdivisions that intend to provide one new cul-de-sac street shall be exempt from the connectivity ratio standard as set forth in this Section, provided the Administrator determines that there is:
- (a) No options for providing stub streets due to topographic conditions, adjacent developed sites, or other limiting factors; and
 - (b) Interconnectivity (use of a looped road) within the development cannot be achieved or is unreasonable based on the constraints of the property to be developed.

Figure 1



- (C) *Frontage Roads.* Where a tract of land to be subdivided adjoins a principal arterial street, the subdivider may be required to provide a marginal access street parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial street. Where reverse frontage is established, private driveways shall be prevented from having direct access to the arterial street.
- (D) *Subdivision Street Disclosure Statement.* All streets shown on the final plat shall be designated in accordance with NCGS 136-102.6, and designation as public shall be conclusively presumed an offer of dedication to the public. Where streets are dedicated to the public but not accepted into a municipal or the state system, before lots are sold, a statement explaining the status of the street shall be included with the final plat.
- (E) *Half-Streets.* The dedication of half streets at the perimeter of a new subdivision shall be prohibited. If circumstances render this impractical, adequate provision for the concurrent dedication of the remaining half of the street shall be furnished by the subdivider. Where there exists a half-street in an adjoining subdivision, the remaining half shall be provided by the proposed development.
- (F) *Street Names.* Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names,

duplication of existing names shall be avoided, and in no case shall the proposed name be phonetically similar to existing names irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be subject to the approval of the Town Council, and must be coordinated with the Lenoir County 911 addressing office.

- (G) *Collector and Minor Streets.* Collector and minor streets shall be so laid out that their use by through traffic will be discouraged. Streets shall be designed or walkways dedicated to assure convenient access to parks, playgrounds, schools, and other places of public assembly.
- (H) *Design Standards.* The design of all streets and roads within the jurisdiction of this Ordinance shall be in accordance with the accepted policies of the North Carolina Department of Transportation, Division of Highways, as taken or modified from the American Association of State Highway Officials (AASHO) manuals. The NC Department of Transportation, Division of Highways' Subdivision Roads, Minimum Construction Standards, January 2000, or the current NC Department of Transportation Standard Specifications for Roads and Structures, shall apply for any items not included in this Ordinance, or where stricter than this Ordinance.
- (I) *Nonresidential Streets.* The subdivider of a nonresidential subdivision shall provide streets in accordance with I.F.-4 of the North Carolina Roads, Minimum Construction Standards, January 2000; or current applicable North Carolina Department of Transportation Standard Specifications for Roads and Structures; and the standards of this Ordinance, whichever are stricter in regard to each particular item.
- (J) *Right-of-Way Widths.* Right-of-way widths shall not be less than the following:

Arterials	80 feet (acceptable) 100 feet (desirable)
Collector streets	66 feet (acceptable) 80 feet (desirable)
Local or minor streets	66 feet
Marginal access streets	66 feet
Cul-de-sac	50 feet
Cul-de-sac turnarounds	100 feet diameter
All streets located beyond the corporate limits of the Town and within one mile thereof	66 feet

(K) *Pavement Widths.* Pavement widths or graded widths shall be as follows:

	<u>Streets with Curb and Gutter (measured face- to-face of curb)</u>
Arterial or major streets	48 feet
Collector streets	40 feet
Local or minor streets	32 feet
Marginal access streets	32 feet
Cul-de-sac	32 feet

(L) *Roads and Street Surfaces.* All public and private subdivision streets and roads shall be constructed and paved to meet the current requirements of the North Carolina Department of Transportation, Division of Highways' standards for state maintenance.

(M) *Street Intersections.* Street intersections shall be laid out as follows:

- (1) Streets shall intersect as nearly as possible at right angles and no street shall intersect at less than sixty (60) degrees.
- (2) Intersections with a major street or highway shall not be less than six hundred (600) feet apart, measured from centerline to centerline.
- (3) Property lines at street intersections shall be rounded with a minimum radius of twenty (20) feet. At an angle of intersection of less than ninety (90) degrees, a greater radius may be required by the Planning Board.
- (4) No planting, fence, or other obstruction to visibility of vehicles shall be erected, planted, maintained, or allowed to exist in any district within the range of three (3) feet to ten (10) feet above the centerline grades of the intersecting streets in the triangular area bounded by the street right-of-way lines of such corner lots and a line joining points along these street lines twenty-five (25) feet from the point of intersection.

- (N) *Alleys.* An alley shall be provided to the rear of all lots used for other than residential purposes. Alleys are prohibited in residential blocks unless approved by the Planning Board. All alleys shall be constructed in accordance with Town specifications and standards and shall meet the following requirements:

Right-of-way width	20 feet
Minimum centerline radius when deflection angle of not more than ten (10) degrees occurs	35 feet
Property line radius at alley intersection	15 feet

- (O) *Horizontal Curves.* Where a centerline deflection angle of more than ten (10) degrees occurs, a circular curve shall be introduced having a centerline radius of not less than the following:

Major streets	300 feet
Collector streets	200 feet
Local or minor streets	100 feet

Proper superelevation shall be provided for curves on major streets and highways to comply with NCDOT Design Standards.

- (P) *Vertical Curves.* All vertical curves shall have such length as necessary to provide safe sight distance to comply with NCDOT Design Standards.
- (Q) *Cul-De-Sac.* Permanent dead-end streets shall not exceed five hundred (500) feet in length unless adequate firefighting capability is in place in which case maximum length of street will be 1,000 feet and shall be provided with a turnaround having the dimensions stated above.
- (R) *Blocks.* The maximum and minimum length and width of blocks shall be as follows:

- (1) *Length.* Block lengths shall not exceed one thousand (1,000) feet nor be less than four hundred (400) feet. Where deemed necessary by the Planning Board, a pedestrian crosswalk of at least four (4) feet minimum in width shall be provided.
- (2) *Width.* Blocks shall have a sufficient width to allow two (2) tiers of lots of minimum depth. Blocks may consist of single tier lots where such are required to separate residential development from through vehicular traffic or nonresidential uses.
- (3) *Variations.* Subject to the approval of the Board of Adjustments, block lengths may be varied when, in the opinion of the Board, such variance is necessary and desirable for sound growth and

development.

- (S) *Geometric Characteristics*. Shall comply with current NCDOT Design Standards.
- (T) *Minimum Sight Distances*. Shall comply with current NCDOT Design Standards.
- (U) *Design Speeds*. Shall comply with current NCDOT Design Standards.
- (V) *PUD Streets (Planned Unit Development)*. A dense network of narrow streets with reduced curb radii may be fundamental to sound design. This network serves to both slow and disperse vehicular traffic and provide a pedestrian friendly atmosphere. Such alternate guidelines are encouraged in PUDs when the overall design ensures that non-vehicular travel is to be afforded every practical accommodation that does not adversely affect safety considerations. The overall function, comfort, and safety of a multi-purpose or “shared” street are more important than its vehicular efficiency alone.

PUDs should have a high proportion of interconnected streets, sidewalks, and paths. Streets and rights-of-ways are shared between vehicles (moving and parked), bicycles, and pedestrians. A dense network of PUD streets will function in an interdependent manner, providing continuous routes that enhance non-vehicular travel. Most PUD streets should be designed to minimize through traffic by the design of the street and the location of land uses. Streets should be designed to only be as wide as needed to accommodate the usual vehicular mix for that street while providing adequate access for moving vans, garbage trucks, fire engines, and school buses.

Section 33-20: Lots

Lot sizes, shapes, and locations shall be made with due regard to topographic conditions, contemplated use, and the surrounding area. Land subject to flooding and land deemed by the Planning Board to be uninhabitable for other reasons shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life, or property, or aggravate the flood hazard; but such land may be set aside for such uses as will not be endangered by periodic or occasional inundation, or will not produce unsatisfactory living conditions. All lots shall conform, to the minimum standards or dimensions noted herein and those contained in an applicable zoning ordinance, building codes, or other official regulations.

- (A) *Setbacks and Other Dimensional Requirements*. All lots shall conform to the Zoning Regulations for the Town of La Grange with respect to the

minimum setback and dimensional requirements according to zoning district. These regulations should be consulted by the subdivider, and will be used by the Planning Board and Town Council in reviewing proposed subdivisions.

- (B) *Double Frontage Lots.* Double frontage lots shall be avoided, except where required to separate residential development from through traffic and other forms of nonresidential development.
- (C) *Requirements for Lots Not Having Public Water and Sewer Facilities.* Where public water and sewer facilities are not available and individual water supplies or individual sewage disposal systems are planned, the subdivider, at his own expense, shall have the site investigated under the supervision of the Lenoir County Environmental Health Department or other person approved by the Lenoir County Environmental Health Department to determine whether or not such individual facilities are feasible and shall present proof to the Planning Board that appropriate soil tests have been conducted and each lot in the subdivision not served by public water or sewage disposal systems has been approved by the Lenoir County Environmental Health Department for individual water supplies and/or sewage disposal systems. The site investigation for sewage disposal shall include sufficient number of percolation tests, and test holes of sufficient depth to determine the absorption capacity of the soil and the locations of the ground water table, and of rock formations and other impervious strata. The number of percolation tests required and the depth of test holes shall be determined by the County Sanitarian.

Section 33-21: Easements

Easements shall be provided as follows:

- (A) *Utility Easements.* Easements, with metes and bounds descriptions, for underground utilities shall be provided, where necessary, adjacent to street rights-of-way and shall be at least ten (10) feet wide for water, sanitary sewer and electric lines, and as required by the companies involved for other utilities. Easements shall be provided where necessary along lot lines. The Town Council will determine whether one (1) easement is sufficient or whether several easements are necessary to accommodate the various utilities and the subdivider shall provide the required easements at no cost to the Town. These requirements may be modified only by written approval from the Town Council where a Planned Unit Development is involved.
- (B) *Drainage Easements.* Where a subdivision is traversed by a watercourse, drainage way, channel, swale, stream, or contains a water storage area or

facility, there shall be provided, at no cost to the Town, a storm water easement or drainage right-of-way of adequate width to conform substantially to the lines of said feature, and to provide for the possibility of flooding, protection of banks on adjacent properties, future maintenance and/or construction, and other necessary purposes. The width of said easement and/or right-of-way will be determined by the Town insofar as sufficiency for its/their intended purposes. To the extent practicable, easements shall be “along lot lines.”

- (C) *Access, Maintenance, and/or Construction Easements.* The Town of La Grange, in the interest of its public health, safety, and welfare may, as a condition of approving a subdivision, require an access, maintenance, and/or temporary construction easement on and over the property, which is the subject matter of the subdivision. The obtaining of these easements, as may be required, shall be at no cost to the Town of La Grange.
- (D) All easements as depicted on a preliminary and/or final plat shall be so delineated on the preliminary and/or final plat as to the type of easement and shall contain a metes and bounds description.
- (E) *Easements, Appurtenances/Utility Boxes and/or Related Structures.* Where utility boxes or easement appurtenances and/or related structures are deemed necessary, they shall not be located directly in front of the dwelling, and shall be screened by plantings, blocking their view from both dwelling and street. Said planting and/or screening is the obligation of the developer and/or purchaser of the property, and shall be installed prior to the Certificate of Occupancy being issued.

PART IV. REQUIRED IMPROVEMENTS

Section 33-22: Survey Monuments

Permanent monuments of stone or concrete shall be placed at one (1) or more corners of the subdivision to be designated as control corners. Permanent monuments shall also be placed at the point of intersection on the centerlines of intersecting streets and at the point of intersection of the tangents or curves when such point lies completely within the right-of-way of the proposed street. Otherwise, monuments shall be placed on the centerline at the points of curvature and also at the points of tangency of all curved areas which are to be dedicated for street purposes. Such monuments shall be set nine (9) inches below the finished grade of pavement. A metal casting of approved type shall be mounted over said monument with its base flange mounted on a brick foundation with mortar joints of at least two (2) course thickness, the top of which must be a minimum of one and three-quarters (1-3/4) inches higher than the highest

point of the monument. Permanent monuments shall be either of stone or concrete. They shall be at least thirty (30) inches in length, six (6) inches in diameter, and shall have a metal pin or punch-marked metal plate imbedded therein marking the point represented on the final plat. The location of all monuments shall be shown on the final plat.

Markers. All lot corners, all points where street lines intersect the exterior boundaries of the subdivision, all angle points and points of curve in each street shall be marked with iron pipe not less than three-fourths (3/4) inches in diameter and thirty (30) inches long.

Section 33-23: *Improvements within the Town Zoning Jurisdiction*

To ensure consistent quality and long-term maintenance, all streets or roads created after the date of this ordinance shall be paved and dedicated as public streets or roads. The streets or roads shall conform to the minimum construction standards for subdivision roads as described by the North Carolina Department of Transportation and/or with Town of La Grange requirements, whichever of the two is more stringent.

Approval of the final plat shall be subject to the subdivider having installed the improvements hereinafter designated or having guaranteed, to the satisfaction of the Town as specified in Section 20-31(D) below, the installation of the said improvements.

- (A) *Street Improvements.* The following requirements shall apply to all streets within the corporate limits of the Town of La Grange.
 - (1) *Grading.* All streets shall be graded to their full right-of-way width. Finished grade, cross-section, and profile shall be approved by an Engineer.
 - (2) *Paving.* Road base and paving shall be installed in accordance with NCDOT specifications and standards.
 - (3) *Curbs and Gutter.* Combination curbs and gutter shall be installed in accordance with the Town specifications and standards. This requirement may be waived by the Town Council in residential subdivisions having lots in excess of twenty five thousand (25,000) square feet in cases where an Engineer ascertains that stormwater drainage is adequately handled by other means.
 - (4) Streets shall be related appropriately to the topography. In particular, streets shall be designed to facilitate the drainage and storm water runoff objectives set forth in Section 33-23(B), and street grades shall conform as closely as practicable to the original topography.
 - (5) The maximum grade at any point on a street constructed without curb and gutter shall be 4 percent. On streets constructed with

curb and gutter, the grade shall not exceed 4 percent unless no other practicable alternative is available. However, in no case may streets be constructed with grades that, in the professional opinion of the director of utilities, create a substantial danger to the public safety.

(B) *Drainage*

- (1) Street rights-of-way are designed and developed to serve several functions: (i) to carry motor vehicle traffic and, in some cases, allow on-street parking; (ii) to provide a safe and convenient passageway for pedestrian traffic; and (iii) to serve as an important link in the town’s drainage system. In order to fulfill these objectives, all public streets shall be constructed to meet either the standards set forth in Subsection (2) or Subsection (3).
- (2) The following classifications of streets may be constructed with six-foot wide shoulders and drainage swales on either side in lieu of curb and gutter, so long as the street grade does not exceed a grade of 6 percent and continuous subgrade piped stormwater drainage is provided consistent with Town of La Grange specifications; if curb and gutter is waived by the Town Council upon recommendation of the Planning Board in accordance with Section 21-24 (A)(3). Such streets shall be constructed to meet the criteria indicated in the table that follows. No sidewalks shall be required.

Street Type	Minimum Right-of-Way Width (in feet)	Minimum Pavement Width (in feet)
Minor	45	18
Local	45	18
Subcollector	50	20

- (3) Except as otherwise provided in Subsection (2), all streets shall be constructed with curb and gutter and shall conform to the other requirements of this subsection. Only standard 90 degree curb may be used, except that roll-type curb shall be permitted along minor and local streets within residential subdivisions. Street pavement width shall be measured from curb face to curb face

where 90 degree curb is used, and from the center of the curb where roll-type curb is used.

- (4) All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:
 - a. The retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or storm water runoff control plan; or
 - b. The retention is not substantially different in location or degree than that experienced by the development site in its predevelopment stage, unless such retention presents a danger to health or safety.
- (5) No surface water may be channeled or directed into a sanitary sewer.
- (6) Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets.
- (7) Construction specifications for drainage swales, curb and gutters, and storm drains are contained in Town of La Grange construction standards or NCDOT standards if approved by the Planning Dept.

(C) *Storm Water Management*

All developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such developments. More specifically:

- (1) No development may be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties; and

- (2) No development may be constructed or maintained so that surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties.

(D) *Sidewalks.*

- (1) Unless a waiver for this requirement is granted by the Town Council for HC, DC, and NC districts, sidewalks are required along streets; on corner lots, sidewalks shall be installed along both streets. Sidewalks and sidewalk/driveway intersections shall be constructed consistent with the specifications of the Town of La Grange as they may be amended from time to time.
- (2) As provided in NCGS 136-44.14, whenever curb and gutter construction is used on public streets, wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with published standards of the NCDOT.
- (3) Sidewalks shall be constructed to a minimum width of four (4) feet, and shall consist of a minimum thickness of four (4) inches of concrete. All sidewalks shall be placed in the right-of-way, unless the development is platted as a planned unit or group development. Sidewalks shall consist of a minimum of six (6) inches of concrete at driveway crossings.

- (E) *Utilities.* Storm sewers, sanitary sewers, electric, cable, natural gas, telephone, and water systems shall be designed by a registered engineer and shall be approved by an Engineer. Storm sewers, sanitary sewers, and water mains shall be installed in accordance with Town specifications and standards. Should private water and sewerage systems be provided (allowable only in areas where Town services are not available), such shall meet the requirements of the health regulations of the State of North Carolina and of Lenoir County. Where facilities are not available, Casings shall be installed beneath roads/streets, sidewalks, curbing, etc. to facilitate future installations per Town requirements. Land shall be designated and deeded to the Town of La Grange for future Pump/Lift stations if necessary. Easements must also be provided.

- (F) *Guarantee of Improvements.* Where the required improvements have not been completed prior to the submission of the plat for final approval, the approval of said plat shall be subject to the subdivider guaranteeing the

installation of said improvements in one of the following methods:

- (1) Filing a performance or surety bond in an amount to be determined by the Town.
- (2) Depositing or placing in escrow a certified check or cash in an amount to be determined by the Town. Portions of the security deposit may be released as work progresses.
- (3) Entering into an agreement with the Town guaranteeing the completion of the required work, said agreement to be binding on subsequent purchasers of the property and to be recorded at the option of the Town. The agreement shall provide that satisfactory security be furnished guaranteeing the completion of the necessary improvements before each section is developed.
- (4) In the event of approval of only a portion of a subdivision at a time, all required improvements shall be made or guaranteed by cash deposit with the Town on all portions of streets in the subdivision necessary to be traversed in order to reach the lots approved.

Section 33-24: Street Lighting

Per Town of La Grange requirements.

Section 33-25: Street Name Signs

The subdivider shall install at the intersection of all streets proposed to be dedicated, a street name sign of a design specified by Lenoir County 911/Addressing Dept.

Section 33-26: Erosion and Sedimentation Control

The subdivider shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be so mulched, seeded, sodded, or otherwise protected that erosion, siltation, sedimentation, and washing are prevented in accordance with county plans and specifications and within such time periods approved under the requirements of the Lenoir County Sediment and Erosion Control Ordinance.

Where applicable, erosion and sedimentation control provisions shall be taken in conformity with rules and regulations adopted by the North Carolina Sedimentation Control Commission.

Section 33-27: Floodplain Ordinance

Compliance with the La Grange Floodplain Ordinance is required.

Section 33-28: *Construction Standards*

Construction and design standards and specifications for streets, sidewalks, and curbs and gutters shall comply with Town of La Grange design standards.

Section 33-29: *Guidelines for Handicapped Persons*

In order to remove restrictive barriers which severely impede the daily movements of physically handicapped and elderly persons, the subdivider shall comply with all requirements in NCGS 136-44.14.

Section 33-30: *Improvements Beyond the Town Limits*

It shall be mandatory that a subdivision located beyond the Town limits shall comply with the requirements of this Article as a condition precedent for final approval. All existing utilities in outside areas shall become the property of the Town without cost to the Town when these areas are taken into the Town limits.

ARTICLE 33-A.

ADDENDUM A - BASIC DEFINITIONS AND INTERPRETATIONS

Section 33-1: Word Interpretation

For the purposes of this Ordinance, certain words shall be interpreted as follows. Except as defined herein, all other words used in this Ordinance shall have their customary dictionary definition.

- (A) As used in this Ordinance, words importing the masculine gender include the feminine and neuter.
- (B) Words used in the singular in this Ordinance include the plural and words used in the plural include the singular.
- (C) Words used in the present tense include future tense.
- (D) The word “person” includes a firm, association, organization, corporation, company, trust, and partnership as well as an individual.
- (E) The word “may” is permissive.
- (F) The word “shall” and “will” are always mandatory and not merely directive.
- (G) The word “used for” shall include the meaning “arranged for,” “designed for,” “intended for,” and “occupied for.”
- (H) The words “used” or “occupied” shall mean “intended, designed, and arranged to be used or occupied.”
- (I) The word “lot” shall include the words “plot,” “parcel,” “site,” “tract,” and “premises.”
- (J) The word “building” shall include all structures regardless of similarity to buildings, excluding fences and retaining walls.
- (K) The word “Town” shall mean the “Town of La Grange,” a municipal corporation of the State of North Carolina.
- (L) The words “map,” “zoning map,” and “La Grange Zoning Map” shall mean the “Official Zoning Map for the Town of La Grange, North Carolina.”

- (M) The words “Board of Adjustment” shall mean the “Town of La Grange Board of Adjustment.”
- (N) The words “Ordinance” and “Regulations” shall mean the “Official Zoning and Subdivision Ordinance for the Town of La Grange, North Carolina.”

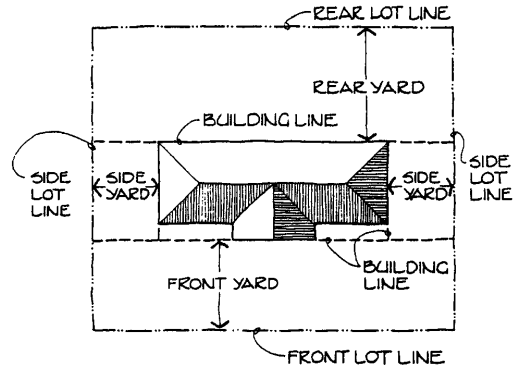
Section 33-2: Definitions of Basic Terms

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this Ordinance.

- (1) *Abutting.* Having property or district lines in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a street or alley.
- (2) *Access.* A way of approaching or entering a property. Access also includes ingress, the right to enter, and egress, the right to leave.
- (3) *Administrator.* The Zoning Administrator for the Town of La Grange.
- (4) *Appeal.* A request for a review of the Administrator’s interpretation of any provision of this Ordinance or a request for a variance.
- (5) *Board of Adjustment.* A local body, created by Ordinance, whose responsibility is to hear appeals from decisions of the Administrator or Building Inspector and to consider requests for variances from the terms of the Zoning Ordinance.
- (6) *Certificate of Occupancy/Compliance.* Official certification that a premise conforms to provisions of the Zoning Ordinance (and building code) and may be used or occupied. Such a certificate is granted for new construction or for alterations or additions to existing structures or a change in use. Unless such a certificate is issued, a structure cannot be occupied.
- (7) *Certify.* Whenever this Ordinance requires that some agency certify the existence of some fact or circumstance to the Town, the Town may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the Town may accept certification by telephone from some agency when the circumstances warrant it, or the Town may require that the certification be in the form of a letter or other document.

- (8) *Dedication.* A gift by the owner, or a right to use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with an acceptance.
- (9) *Developer.* A person who is responsible for any undertaking that requires a zoning certificate of compliance, special use permit, conditional use permit, or sign permit.
- (10) *Development.* Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.
- (11) *Easement.* A grant by the property owner of a strip of land for a specified purpose and use by the public, a corporation, or persons.
- (12) *Extraterritorial Jurisdiction.* All that area that is within one mile or less of the contiguous corporate limits of the Town of La Grange.
- (13) *Frontage.* All property abutting a street line measured along the street line.
- (14) *Improvements.* The addition of any building, accessory building, parking area, loading area, fence, wall, hedge, lawn or mass planting (except to prevent soil erosion) to a lot or parcel of property.
- (15) *Right-of-Way.* An interest in land to the Town which provides for the perpetual right and privilege of the Town, its agents, franchise holders, successors, and assigns to construct, install, improve, reconstruct, remove, replace, inspect, repair, maintain, and use a public street, including related and customary uses of street rights-of-way such as sidewalks, bike paths, landscaping, mass transit facilities, traffic control, traffic control devices and signage, sanitary sewer, stormwater drainage, water supply, cable television, electric power, gas, and telephone transmission and related purposes in, upon, over, below, and across the rights-of-way.

(16) *Lot.* A parcel of land occupied or intended for occupancy by a main building or group of main buildings and accessory buildings approved as a Planned Building Group, together with such yards, open spaces, lot width and lot areas as required by this Ordinance, and having not less than the minimum required frontage upon a street, either shown on a plat of record, or considered as a unit of property and described by metes and bounds. For the purposes of this Ordinance, the word "lot" shall be taken to mean (1) any number of contiguous lots or portions thereof, upon which one or more main structures for a single use are erected or are to be erected, or (2) a portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership or for development or both.



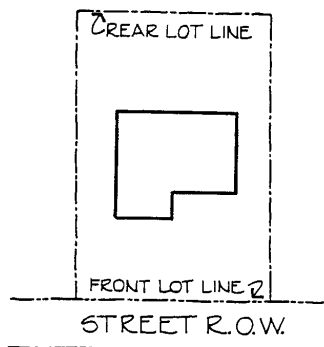
(17) *Lot, Area of.* The parcel of land enclosed within the boundaries formed by the property lines, plus one-half of any alley abutting the lot between the boundaries of the lot, if extended.

(18) *Lot, Corner.* A lot abutting the intersection of two (2) or more streets or 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 at the apex meet at any angle of less than one hundred thirty-five (135) degrees. In such a case, the apex of the curve forming the corner lot shall be considered as the intersection of street lines for the purpose of this Ordinance, such as in corner visibility requirements.

(19) *Lot, Depth.* The depth of a lot is the average distance between the front and back lot lines measured at right angles to its frontage.

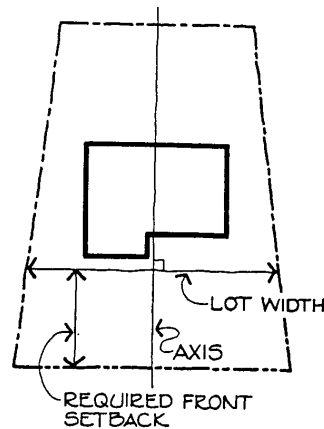
(20) *Lot, Interior.* A lot other than a corner lot with only one frontage on a street.

(21) *Lot Line.* Any boundary of a parcel of land.



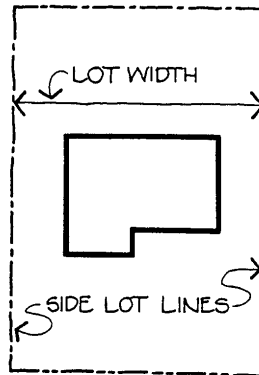
(22) *Lot Line, Front.*

- (a) If a lot has one property line which is coterminous with a street right-of-way line, such line shall constitute the front lot line;
- (b) If a lot has two property lines which are also street right-of-way lines abutting different streets and those two (2) property (street right-of-way) lines form an angle between 80 degrees and 100 degrees, then the shorter of those two (2) lines shall constitute the front property line; if both lines are equal, the front property line shall be determined by the property owner if a front property line has not been designated on the final plat (minimum building lines are construed to designate the front lot line);
- (c) If a lot is not encompassed by provision (a) or (b) and no front property line is designated on the final plat, the front property line shall be designated by the Zoning Administrator.



- (23) *Lot Line, Rear.* The rear lot line shall be the property line(s) which is (are) opposite the front property line. If no property line is deemed by the Administrator or his authorized agents to be opposite the front property line and no minimum building line exists on the final plat to establish a rear lot line, then there shall be no rear lot line; however, the rear yard setback shall be maintained from the point (apex) on the property's perimeter which is the furthest removed from the mid point of the front line. The rear yard minimum building line shall be a line perpendicular to a straight line connecting said apex and the mid point of the front lot line.

- (24) *Lot Line, Side.* A boundary line which is not defined as front or rear lot line.



- (25) *Lot, Nonconforming.* A lot or parcel of land that has less than the required minimum area or width as established by the zone in which it is located and provided that such lot or parcel was of record as a legally created lot on the effective date of this Ordinance.
- (26) *Lot of Record.* A lot which is a part of a subdivision, a plat of which has been recorded in the office of the County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the County Register of Deeds by the owner or predecessor in title thereto.
- (27) *Lot Width.* The straight line distance between the points where the building line intersects the two side lot lines.
- (28) *New Construction.* Any structure for which the “start of construction” commenced after (date of adoption of current zoning ordinance). The term also includes any subsequent improvements to such structure.
- (29) *Official Maps or Plans.* Any maps or plans officially adopted by the Town Council as a guide for the development of the Town and surrounding area.

- (30) *Parking Space, Off Street.* For the purpose of this Ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.
- (31) *Person.* An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.
- (32) *Plat.* A map or plan of a parcel which is to be, or has been, subdivided showing the location, boundaries, and ownership of individual properties.
- (33) *Register of Deeds.* The Register of Deeds for Lenoir County, North Carolina.
- (34) *Right-of-Way.* The property located within and adjoining the streets, roads, and highways within the Town which rights-of-way are owned by the Town or state or otherwise maintained by the Town or the state.
- (35) *Site Plan.* A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, building sites, reserved open space, buildings, major landscape features – both natural and manmade, and, depending on requirements, the location of proposed utility lines.
- (36) *Street.* A dedicated and accepted public right-of-way for vehicular and pedestrian traffic which affords the principal means of access to abutting property.
- (a) *Alley.* A minor right-of-way privately or publicly owned, primarily for the service access to the back or side of properties whose principal frontage is on a street and is not intended for general traffic.
- (b) *Arterial or Major Street.* A traffic artery designed primarily to carry heavy volumes of local vehicular traffic from the intersecting minor streets.
- (c) *Collector Street.* A street designed to carry medium volumes of vehicular traffic, provide access to the major street system, and collect the vehicular traffic from the intersecting minor streets.
- (d) *Cul-de-Sac.* A street intersecting another street at one end and permanently terminated by a vehicular turnaround at the other.
- (e) *Local or Minor Street.* A street, the principal purpose of which is to provide vehicular access to the properties abutting it.

- (f) *Marginal Access Street.* A local or minor (service) street which parallels and is immediately adjacent to a major street or highway, and which provides access to abutting properties and protection from through traffic and control of intersections with major traffic streets.

- (37) *Street ROW Line.* The line between the street right-of-way and abutting property.

- (38) *Street, Private.* Any road or street which is not publicly owned and maintained, and is used for access by the occupants of the development, their guests, and the general public.

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

- (40) *Subdivision.* 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 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:
 - (a) the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards contained herein;
 - (b) the division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
 - (c) the public acquisition by purchase of strips of land for the widening or opening of streets;
 - (d) the division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards contained in Article 5 of this Ordinance.

- (41) *Subdivision, Major.* All subdivisions shall be considered major subdivision except those defined as minor subdivisions.

- (42) *Subdivision, Minor.* A minor subdivision is a tract to be subdivided which is five (5) acres or less in size, and five or fewer lots result after subdivision:
 - (a) all of which front on an existing approved street;

- (b) not involving any new public streets, right-of-way dedication, or requiring any new street for access to interior property;
 - (c) not requiring drainage improvements or easements, other than rear and side lot line easements, to serve the applicant's property or interior properties;
 - (d) not involving any utility extensions; and
 - (e) not requiring any easements, other than rear and side lot line easements.
- (43) *Town.* The Town of La Grange, North Carolina.
- (44) *Town Council or Town Board.* The Town Council of the Town of La Grange, North Carolina.
- (45) *Town Manager.* The chief administrator of the Town (NCGS 160A-148).
- (46) *Tract.* A tract is a piece of land whose boundaries have been described or delineated by a legal instrument or map recorded in the office of the Lenoir County Register of Deeds.
- (47) *Variance.* A variance is a relaxation of the terms of the Zoning and Subdivision Ordinance where such variance will not be contrary to the public interest, which will not create a nuisance, and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of a structure or size of yards and open space; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. Variances will not be granted for non-conforming lots.
- (48) *Violation.* Failure of a structure, use, or other development to be fully compliant with all applicable regulations contained in this Ordinance.