

CHAPTER 13 – SUBDIVISIONS

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SECTION 13.1 SHORT TITLE

This Chapter shall be known and cited as “The Subdivision Standard Control Ordinance of Gastonia, North Carolina”.

SECTION 13.2 AUTHORITY

The procedures and standards for the development and subdivision of real estate and for the surveying, platting, and recording thereof, adopted and prescribed by this Ordinance pursuant to the powers contained in Article 5A, Chapter 39 and Article 19, Part 2, Chapter 160A of the North Carolina General Statutes.

SECTION 13.2.1 PURPOSE

The purpose of this Chapter is to provide for efficient, adequate, and sufficient streets with adequate width and with proper alignment and grades designed to promote the public safety, health, and general welfare; to provide for suitable residential, business, commercial, institutional, governmental, and industrial areas with adequate streets and utilities and with appropriate building sites; to ensure sound, orderly urban development; to save the unnecessary expenditure-of public funds by reserving space for public parks and playgrounds and by initial proper construction of streets; and to provide better identification and permanent location of real estate boundaries, and to ensure that all development conducted by the City of Gastonia or its contractors shall fully comply with the standards set forth herein.

SECTION 13.2.2 JURISDICTION

The regulations contained herein shall govern each and every subdivision of land, as herein defined, within the corporate limits of the City of Gastonia, and that area lying within the extraterritorial jurisdiction of the City of Gastonia as is indicated on the most recently adopted version of the Gastonia Zoning Map, the provisions and boundaries of said map being incorporated herein by reference.

SECTION 13.3 DEFINITIONS

For the purpose of this Chapter, certain terms and words are defined as follows:

- A. *City Council of the City of Gastonia* - The Gastonia City Council (referred to as the City Council).
- B. *Easements* - A grant by the property owner to the public, a corporation, or persons, of the right to use a specified portion of a tract or tracts of land for a specified purpose.
- C. *Major Subdivision/Unified Development* - A subdivision where:
 - 1. New streets/roads are proposed or new right-of-way dedications are required; or,
 - 2. New or existing street/road improvements are needed to serve the subdivision; or,
 - 3. Utility extensions are needed to serve the subdivision.

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- D. *Minor Subdivision/Unified Development* - A subdivision where:
1. No new streets/roads are proposed and no new right-of-way dedications are required; and,
 2. No existing street/road improvements are required; and,
 3. No utility extensions are needed; and
 4. No additional lots are created that front a major or minor thoroughfare.
- E. *Planning Commission* - The Gastonia Planning Commission (referred to as the Planning Commission).
- F. *Plat* - A map or plan of a parcel of land which is to be or has been subdivided showing such subdivision. A plat for a subdivision occurring after the effective date of this Ordinance shall be recorded with the Register of Deeds and shall contain all information herein required.
- G. *Side/Rear Setbacks* - A line parallel and concentric with the street right-of-way line, crossing the lot, beyond which no portion of a house or building shall project toward the street.
- H. *Street* - A dedicated public right-of-way for vehicular traffic not less than fifty feet (50') in width. The word "street" includes, but is not limited to, "road, roadway, freeway, highway, expressway, drive, avenue, court, way, place, circle, lane, boulevard, and thoroughfare."
1. *Alley* - Any public way or private way serving more than two (2) buildings and being less than fifty feet (50') in width.
 2. *Cul-de-sac or Dead End Street* - Any street having but one outlet for vehicular traffic.
 3. *Collector Street* - A roadway, while providing access to abutting land parcels, enables moderate volumes of traffic to move efficiently between local streets and the major street network.
 4. *Freeway* - A major thoroughfare providing for high-speed mobility and having no at-grade crossings.
 5. *Half Street* – A partial dedicated public right-of-way.
 6. *Major Thoroughfare Street* - A street which is connected to a network of continuous routes that serves statewide or interstate traffic as shown on the most recently adopted version of the Thoroughfare Plan of the Metropolitan Planning Organization of the Gaston Urban Area.
 7. *Marginal Access Street* - A street which is parallel to and adjacent to a freeway or a major thoroughfare and which purpose provides access to abutting properties and protection from through traffic.
 8. *Minor Thoroughfare Street* - A street leading to, or connecting major thoroughfare streets and carrying predominantly through traffic as shown on the most recently adopted version of the Thoroughfare Plan of the Metropolitan Planning Organization of the Gaston Urban Area.

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9. *Residential Street* - A street predominantly used to provide access to abutting residential properties.
10. *Thoroughfare* - A road so designated on the most recently adopted version of the Thoroughfare Plan of the Metropolitan Planning Organization of the Gaston Urban Area.
- I. *Subdivider* - Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.
- J. *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; but the following shall not be included within this definition nor be subject to these regulations:
 1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards contained herein;
 2. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication nor street improvements are involved;
 3. The public acquisition of strips of land for the widening or opening of streets;
 4. The division of a tract in single ownership whose entire area is no greater than two (2) acres and into not more than three (3) lots where neither street right-of-way dedication nor street improvements are involved, and where the resultant lots are equal to or exceed the standards contained herein.
- K. *Subdivision Administrator* - The City Engineer or any other person designated by the City Engineer to perform the function and exercise the responsibilities assigned by this Chapter to the Subdivision Administrator.
- L. *Technical Review Committee (TRC)* - A staff committee which has the authority to review and approve final plats for minor subdivisions/unified development and which may make recommendations to the Planning Commission on preliminary plats for major subdivision/unified development.
- M. *Tense* - All words used in the present tense shall include the future tense, all words in the singular number shall include the plural number, and all words in the plural number shall include the singular number unless the natural construction of the wording indicates otherwise.
- N. *Thoroughfare Plan* - The most recently adopted version of the Thoroughfare Plan of the Metropolitan Planning Organization of the Gaston Urban Area.
- O. *Unified Development* - One or more tracts of land developed as a single entity to be occupied by separate families, firms, businesses, or other enterprises. Development may be one (1) or more principal structures on one (1) or more lots. Interior lots may be served by private streets within the development.

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SECTION 13.4 LIST OF SUBDIVISIONS REQUIRED

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

SECTION 13.5 ACCURACY OF SURVEYS AND MAPS

Standards of accuracy as prescribed in G.S. 47-30 Mapping Requirements, as amended; Standards of Practice for Land Surveying in North Carolina, latest amendment, published by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, General Statutes of North Carolina Chapter 39C, as amended, and the requirements of the Gaston County Register of Deeds shall apply to all surveys and maps.

SECTION 13.6 VIOLATIONS AND PENALTIES

- A. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from violation of this Chapter. The City, through its attorney or other official designated by the City Council, may enjoin an illegal subdivision, or transfer or sale of land by action for injunction. Building permits required by N.C.G.S. 160A-417 may be denied for any lot that has been illegally subdivided. Violations of this Chapter shall not subject the violator to a criminal penalty.
- B. In addition to the other remedies cited in this Ordinance, for the enforcement of the provisions of the Ordinance, the regulations and standards contained in this Ordinance may be enforced through the issuance of citations by the City. These citations shall be in the form of a civil penalty. The City may recover this penalty in a civil action in the nature of a debt if the offender does not pay the penalty within seventy-two (72) hours after being cited for a violation. The following civil penalties are established for violations under this section:

Warning Citation	Correct violation within ten (10) days
First Citation	\$50 fine plus correct violation within ten (10) days
Second Citation	\$100 fine plus correct violation within ten (10) days
Third and Subsequent Citations	\$250 fine plus correct violation within ten (10) days

SECTION 13.7 MODIFICATIONS

- A. Except as provided in Subsection (B), modifications to the terms of this Ordinance for any preliminary plat may be made by the City Council, after first having been reviewed and a recommendation forwarded by the Planning Commission. Any requested modification which involves a zoning regulation (i.e., lot size, lot frontage, etc.) shall be considered a Zoning matter and shall be reviewed by the Board of Adjustment. A modification to the terms of the Subdivision Ordinance may be granted by the City Council if, after having held a public hearing, the following findings are each found to be in the affirmative:
1. There are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the Subdivider of the use of his land.

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2. The modification is necessary for the preservation of a substantial property right of the petitioner.
 3. The circumstances giving rise to the need for the modification are peculiar to the subdivision and are not generally characteristic of other subdivisions.
 4. The granting of the modification will not be detrimental to the public's health, safety, and welfare nor injurious to other properties in close proximity to the subdivision site.
- B. The Planning Commission may recommend a waiver of the requirements of Section 13.22(D) upon the affirmative finding that:
1. Circumstances particular to the subject property (i.e., topography, number of lots, shape of the tract) make it impractical or infeasible to comply with such requirements;
 2. Such waiver would be in harmony with the general intent and spirit of this Ordinance.

Note: Approval of such a modification by the City Council shall also be in compliance with the stipulations contained in Section 13.7A.

SECTION 13.8 APPEALS

A decision rendered by the TRC may be appealed within thirty (30) days thereafter. Such appeal shall first be to the Planning Commission for review and recommendation and then to the City Council for final decision.

SECTION 13.9 EFFECTIVE DATE

These regulations shall become effective on November 20, 2009.

SECTION 13.10 DATE OF ADOPTION

This Ordinance was duly adopted by the Gastonia City Council on October 20, 2009.

SECTION 13.11 APPROVAL OF PLATS REQUIRED; IMPROVEMENTS IN VIOLATING SUBDIVISIONS

- A. No person, firm or corporation shall transfer or sell any real property located within the boundaries established by the City for the enforcement of its municipal regulatory powers conferred by Article 19, Chapter 160A of the North Carolina General Statutes, by reference to a plat showing a subdivision of such realty until such plat has been approved in accordance with this Chapter and recorded in the office of the register of deeds for Gaston County. No subdivision plat shall be considered or approved unless the procedure prescribed by this Chapter shall be complied with, and no subdivision plat shall be considered or approved unless the subdivision and the plat thereof shall comply with the minimum standards and requirements prescribed by this Chapter.
- B. No person, firm, or corporation shall lay, erect, or construct, or authorize the laying, erecting, or constructing of any water, sewer, or power line in any street of a subdivision opened or laid out in violation of this Chapter, nor shall any water, sewer, or power service be furnished by the City to any owner or occupant of any land abutting upon any street which is opened, laid out, or constructed in violation of this Chapter, nor shall any connection with the water or sewer system of the City, nor or with any other water or sewer

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system which connects with the City system, be allowed or made within any real estate subdivision or other area laid out, subdivided, or platted subsequent to the effective date of this Chapter, unless and until the provisions of this Chapter shall have been fully complied with. Neither a zoning permit nor a building permit shall be issued for any proposed structure upon any land abutting upon any street which is opened, laid out, or constructed in violation of this Chapter nor on other property otherwise subdivided in violation of this Chapter.

- C. No street or proposed street within the corporate limits of the City which is sought to be dedicated by the owner or owners thereof shall be accepted by the City until and unless such street shall be platted, laid out, graded, and improved in accordance with the provisions of this Chapter and unless and until the subdivision plat showing such street or streets shall have been duly approved by the Council as provided by this Chapter.

SECTION 13.12 APPLICATION FOR REVIEW AND APPROVAL OF MINOR SUBDIVISION/UNIFIED DEVELOPMENT

- A. Application for Final Plat for Minor Subdivision/Unified Development

The owner or subdivider seeking approval shall submit an application in writing to the Subdivision Administrator along with at least two (2) mylar prints of the final plat and when available on CD or other approved electronic media in .DWG format in the latest version of AutoCAD. The remaining copies shall be black or blue line paper prints. Said copies shall be deemed complete only if they contain all of the information as listed in Section 13.19 of this Chapter and accompanied by a fee, in accordance with a fee schedule adopted by the City Council. The final plat shall be at a scale of not less than one (1) inch equals one-hundred (100) feet.

The final plat shall be prepared by a registered land surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. 47-30 Mapping Requirements, as amended; Standards of Practice for Land Surveying in North Carolina, amended effective August 1, 2002, or latest amendment, published by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, General Statutes of North Carolina Chapter 89C, as amended, and the requirements of the Gaston County Register of Deeds shall apply to all surveys and maps.

- B. Review and Approval of Final Plat (Minor Subdivision/Unified Development)

The Subdivision Administrator shall submit the plat for review to the {TRC}. The TRC shall have thirty (30) days from the date of submittal of the complete application to (i) approve the plat or, (ii) disapprove the plat. Notice of the TRC's decision shall be sent to the subdivider by first class mail within five (5) working days thereof. If an agreement between the TRC and the Subdivider has not been reached regarding the proposed plat within said thirty (30) day period, the plat shall automatically be transferred to the Planning Commission for their review and recommendation.

If the final plat is not approved, the Subdivider shall have up to thirty (30) days to resubmit a revised version of the final plat to the Subdivision Administrator without having to pay an additional filing fee. [Alternatively, the Subdivider may appeal the TRC's decision to the Planning Commission within thirty (30) days of the date the decision was rendered.] If a revised plat is not submitted within said period, any future submittal will require the payment of an additional fee. The TRC shall review the revised plat in the same manner as the original plat.

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C. Recording of Approved Plat

If the final plat is approved, the Subdivider shall file with the Subdivision Administrator a check made payable to the Gaston County Register of Deeds in an amount sufficient to cover the costs of recording the plat. The Subdivision Administrator shall promptly deliver the check and plat to the Register of Deeds for recordation.

SECTION 13.13 APPLICATION FOR PRELIMINARY PLAT FOR MAJOR SUBDIVISION/UNIFIED DEVELOPMENT

The initial step in securing approval of a major subdivision/unified development shall be the submission of a preliminary plat to the Planning Commission for its recommendation. The owner or Subdivider seeking approval shall submit an application in writing to the Subdivision Administrator, at least forty-five (45) days before the next regularly scheduled Planning Commission meeting.

The application shall be deemed complete if accompanied by (1) a fee, in accordance with a fee schedule adopted by the City Council and, (2) at least six (6) paper copies of the preliminary plat meeting the requirements of Section 13.15, prepared by a registered professional engineer or registered land surveyor, and containing the following information:

1. Name and address of the owner and/or Subdivider.
2. Name and address of the person to whom Notice of Hearing or other communication shall be sent.
3. The proposed name of the subdivision.

SECTION 13.14 APPROVAL OF PRELIMINARY PLAT FOR MAJOR SUBDIVISION/UNIFIED DEVELOPMENT

A. Review by the Technical Review Committee (TRC)

Upon submittal of a complete application, the TRC shall have up to thirty (30) days to review the plat and make comment concerning the appropriateness of the subdivision and conformity with this and other applicable City Ordinances and regulations. Notice of said comments shall be sent to the subdivider by first class mail by the Subdivision Administrator within five (5) working days thereof.

No application for preliminary plat approval shall be forwarded to the Planning Commission and City Council unless the plat is recommended for approval by the TRC and is in compliance with all other relevant City Ordinances and regulations.

The subdivider shall have the opportunity to resubmit the plat to the subdivision administrator once the TRC's comments have been sent to the subdivider. The TRC shall have up to ten (10) working days to review and make comment on a revised version of the plat submitted by the subdivider. If the TRC determines that the revised plat is in accordance with all applicable standards, the plat shall be placed on the Planning Commission's agenda in accordance with the Planning Commission's agenda submittal procedures.

Notwithstanding the above, if after sixty (60) days of submission of the original plat, an agreement between the TRC and the Subdivider has not been reached regarding the proposed plat, the Subdivider may request that the plat be placed on the Planning Commission's agenda, in accordance with the Planning Commission's agenda submittal procedures.

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B. Action by Planning Commission

The Planning Commission shall review the preliminary plat and shall within thirty (30) days after the meeting at which the preliminary plat is reviewed take final action on the plat; it may approve the plat in whole, in part, or subject to modification, or it may disapprove the plat. Such action shall be retained in the records of the Subdivision Administrator, with the following notation: "Approval of Preliminary Plat Only; This Approval Shall Not Constitute Authority to Begin Construction of Streets or Recordation of This Plat."

If the plat is not approved in whole the Planning Commission shall have the authority to review the preliminary plans and make a recommendation to the City Council. Such recommendation shall be made within thirty (30) days of the date the Planning Commission reviewed the application. If no recommendation is made during this period the application shall be forwarded to the City Council without a recommendation.

Once a recommendation is received by the City Council from the Planning Commission (or if the waiting period has expired with no recommendation from the Planning Commission), the City Council shall have the authority to (1) approve the preliminary plat, or (2) approve the preliminary plat with conditions, or (3) disapprove the preliminary plat.

If the preliminary plat is approved, the following notation shall also be placed on the preliminary plat: "Approval of Preliminary Plat - This Shall Not Constitute Authority For Plat Recordation or Commencing of Construction."

C. Notice to Subdivider

The Subdivision Administrator shall notify the Subdivider by first class mail within five (5) working days after the Planning Commission and/or City Council's action. After submission of the preliminary plat, the Subdivider may proceed to obtain approval of the construction plan as stipulated in Section 13-16.

SECTION 13.15 REQUIREMENTS FOR PRELIMINARY PLAT FOR MAJOR SUBDIVISION/UNIFIED DEVELOPMENT

A. Vicinity Sketch

A vicinity sketch or key map at a scale of not more than one thousand feet to the inch (1" = 1000') shall be shown on or accompany the preliminary plat. This map shall show the position of the subdivision with relation to the surrounding streets, either open or dedicated, and adjoining properties.

B. Scale, Size, Information

The preliminary plan of the subdivision shall be drawn to a scale of not more than one hundred feet to the inch (1" = 100') and may be on one or more sheets, not larger than twenty-four inches by thirty-six inches (24" x 36"), showing the following information:

1. Name of subdivision; name of registered engineer or land surveyor under whose supervision the survey and map were prepared; scale and date; north point, with north being, when practical, at the top of the map.
2. Boundary lines of the proposed subdivision showing intersecting boundaries and owners' names on adjacent tracts, the lot lines, street right-of-way lines and widths, parcels of land to be dedicated for public use, building setback lines with distance from street property line, zoning, existing and proposed easements, all streets

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either open or dedicated within one hundred and fifty feet (150') of the subdivision boundary, drawn to scale and with tentative dimensions.

3. Contours at intervals of two feet (2') or less (*may be derived from five foot (5') contours*), referred to sea level datum, for subdivisions over five (5) acres and for others when required by the Subdivision Administrator, due to roughness of the topography.
4. Other important features such as watercourses, permanent buildings, parks, railroads and corporate limits of the City.
5. Application for proposed street names. All such names on the application shall have been previously recommended for approval by the Gaston County Planning Department and the United States Postal Service. Final acceptance must be obtained from the City Engineer.
6. Location of all existing utilities located within three-hundred (300) feet of the land to be subdivided.
7. Street Information - Preliminary plan of proposed streets including width of right-of-way and general street layout and alignment and, width and location of sidewalks.

SECTION 13.16 APPROVAL OF CONSTRUCTION PLAN FOR MAJOR SUBDIVISION/UNIFIED DEVELOPMENT

A. Review by Subdivision Administrator

Within a year after approval of the preliminary plat, the Subdivider shall submit to the Subdivision Administrator six (6) copies of a construction plan meeting the requirements of Section 13.17.

The construction plan must be submitted to the Subdivision Administrator for review and approval. A preliminary plat can be submitted before or concurrent with submittal of the construction plan. The Subdivision Administrator shall have up to forty-five (45) days to make initial comments on the submitted construction plan. The Subdivider shall be given the opportunity to amend the construction plan based on the Subdivision Administrator's comments. The Subdivision Administrator shall have (15) additional working days for review following each such resubmission by the Subdivider. The Subdivision Administrator shall have the authority to make final approval of the construction plans on or after the Planning Commissions approval of the preliminary plat. The approved construction plan shall be in conformity with the approved preliminary plat. The Subdivider will be required to enter into Agreement for Installation of Utilities in accordance with Chapter 14, Article II, Division 2 of the Gastonia City Code as applicable.

Approval of the construction plan and executed utility agreement shall give the Subdivider the opportunity to install and/or begin construction of public improvements consistent with the approved preliminary plat and approved construction plan.

B. Improvements Authorized After Approval Of Construction Plan

After receiving approval of preliminary plat, construction plans, and after a preconstruction meeting, the Subdivider may proceed to construct improvements in accordance with this Chapter and as shown on the approved construction plan. Upon completion of such improvements, the Subdivider shall submit mylar drawings of the construction plan on sheets not larger than twenty-four inches by thirty-six inches (24" x 36"). The scale shall be not less than forty feet to the inch (1" = 40'), and when available on CD or other approved electronic media in .DWG format in the latest version of AutoCAD showing as-built details of actual construction, when constructed by others than the City, as required by the Subdivision Administrator, for the City's records.

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The construction plan (and preliminary plat) shall become null and void if, after one year of approval of the construction plan, construction of the public improvements to the land have not begun and are ongoing.

SECTION 13.17 REQUIREMENTS OF THE CONSTRUCTION PLAN FOR MAJOR SUBDIVISION/UNIFIED DEVELOPMENT

A. Form of Drawing

The construction plans shall be on sheets twenty-four inches by thirty-six inches (24" x 36"). The scale shall be not less than forty feet to the inch (1" = 40'), and, when available, on CD or other approved electronic media in .DWG format in the latest version of AutoCAD.

B. Information

The construction plan may be on one or more sheets and shall show the following:

1. Information as specified in Section 13.15.
2. Location, size, and elevations of all proposed sanitary sewers, water mains, fire hydrants, storm drains, catch basins and appurtenances.
3. Locations, size, and elevation of all existing sanitary sewers, storm sewers, water mains, fire hydrants, culverts, drainage structures, or other underground structures within the tract and/or immediately adjacent thereto.
4. The layout of all streets and alleys, including the lengths of arc, radii, points of curvature, length and bearing of all tangents.
5. Location and dimension of all paving, curbs, public sidewalks, sanitary sewer laterals and water service laterals.
6. The location, material and size of all monuments.
7. Street Plan and Profile showing elevations, grades and vertical curves.
8. The preparation of the construction plans shall be under the supervision of the appropriate registered professional licensed to practice in North Carolina.
9. The plan shall contain a certificate which meets the requirements for registration as set out in G.S. 47-30.
10. The plan shall be designed in accordance with the current version of the "Subdivision Grading Minimum Design Standards".

SECTION 13.18 APPROVAL OF FINAL RECORDING PLAT FOR MAJOR SUBDIVISION/UNIFIED DEVELOPMENT

Upon completion of the improvements shown on the approved preliminary plat and construction plan, or upon posting an improvement guarantee bond in accordance with Section 13.20, the Subdivider shall submit a complete final recording plat for the area covered by such improvements. Two (2) mylar copies, and when available on CD or other approved electronic media in .DWG format in the latest version of AutoCAD, meeting the requirements of Section 13.19, shall be submitted to the Subdivision Administrator for review and approval. The plat shall not be

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considered complete unless accompanied by a fee, in accordance with a fee schedule approved by the City Council.

A. Review by TRC

The TRC shall review the final recording plat along with the approved preliminary plat and construction plan for compliance with the provisions of this Chapter.

1. If the final recording plat is to be in compliance, the Subdivision Administrator shall transmit the final recording plat, together with his recommendations, to the City Council for action.
2. If the final recording plat is found not to be in substantial compliance or if major changes have been made from the approved preliminary plat or construction plans, the Subdivision Administrator shall transmit the final recording plat, together with recommendations to the Planning Commission. Such transmittal shall require the Planning Commission to review the plat as if it were a preliminary plat. After such review and approval has occurred, the Planning Commission shall transmit the final recording plat, together with its recommendations, to the City Council for final action. Failure of the Planning Commission to make such transmittal within thirty (30) days after the Planning Commission meeting at which such final recording plat was first reviewed shall be deemed a favorable recommendation, and the final recording plat shall then go before the City Council for final approval.
3. The Subdivision Administrator shall notify the Subdivider by first class mail of actions taken by the TRC, Planning Commission, and City Council regarding the final recording plat within five (5) working days thereafter.

B. Recording of Final Approved Plat

Upon its receipt of the final recording plat, the City Council shall review it for compliance with the provisions of this Chapter and shall consider the recommendations of the Planning Commission and the Subdivision Administrator. The City Council may thereupon approve the final recording plat in whole or in part, or subject to modifications, or may disapprove said plat. The original mylars of the final recording plat, and when available on CD or other approved electronic media in .DWG format in the latest version of AutoCAD, shall be made available for authentication when the City Council takes formal action approving the plat, and the plat shall indicate by certification in Section 13.19 that approval has been given by the City Council on the face of the final recording plat. The copy shall be properly filed in the office of the Subdivision Administrator. Upon final recording plat approval, the Subdivider shall deposit, with the Subdivision Administrator, a check made payable to the Gaston County Register of Deeds in an amount covering the cost of recording the final plat and the cost of the certified copy for the City. The Subdivision Administrator or their designee shall promptly deliver the map to be recorded together with the Subdivider's check, to the Register of Deeds.

SECTION 13.19 REQUIREMENTS FOR FINAL RECORDING PLAT

The plat to be recorded in the office of the Register of Deeds for Gaston County, North Carolina, shall comply with the requirements set forth in G.S. 47-30 Mapping Requirements, as amended; Standards of Practice for Land Surveying in North Carolina, amended effective August 1, 2002, or latest Amendment, published by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, General Statutes of North Carolina Chapter 89C, as amended, and the requirements of the Gaston County Register of Deeds shall apply to all surveys and maps. The recording plat shall be identical to the preliminary plat insofar as subdivision lay-out, metes and bounds, control corners, street and alley rights-of-way easements, and any and all information necessary to be shown thereon for recording. Technical information required on the construction

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plan and which is not necessary for recording, as determined by the Subdivision Administrator, may be omitted from the recording plat.

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SECTION 13.20 GUARANTEES

13.20.1 TYPE OF GUARANTEES

Guarantee Type	Purpose	Amount	Section
Performance	Provide in lieu of the completion, installation and dedication of public improvements shown on the approved construction plan.	One hundred and fifty percent (150%) the cost of installing all required public improvements.	13.20.2

13.20.2 PERFORMANCE GUARANTEE

In lieu of requiring the completion, installation and dedication of all improvements shown on the approved construction plans prior to approval of the final recording plat, the City may enter into an agreement with the subdivider whereby the subdivider shall agree to provide an improvement guarantee or security to complete all required improvements. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved, as outlined in Section 13.18, if all other requirements of this Ordinance are met. To secure this agreement, the subdivider shall provide to the City either one or a combination of the following guarantees. The subdivider shall choose the type of guarantee. The amount of such guarantee shall be equal to one hundred and fifty percent (150%) the cost of installing all required improvements, as proposed by the subdivider and verified by the City. All approved security guarantees shall be made payable to the City.

A. Guarantee Submittal Requirements

As determined by the City based on two (2) contractor's estimates or one (1) engineer's estimate and one (1) contractor's estimate. The estimate shall be valid through the life of the guarantee.

B. Surety performance bond

The subdivider shall obtain one or more performance bonds from a surety bonding company authorized to do business in North Carolina. The duration of the bond(s) shall be for a minimum of two (2) years. Any expenses associated with cost verifications incurred by the City shall be borne entirely by the subdivider.

C. Cash or equivalent security

The subdivider shall deposit cash, an irrevocable letter of credit, or other cash instrument readily convertible into cash at face value, either with the City or in escrow with a financial institution designated as an official depository with the City a minimum of two (2) years. If cash or other instrument is deposited in escrow as herein provided, the subdivider shall then file with the City an agreement between said financial institution and himself guaranteeing that said escrow account shall be in trust until released by the City and may not be used or pledged by the subdivider in any other matter during the terms of the escrow.

D. Default

That in case of a failure on the part of the subdivider to complete said improvements thirty (30) days prior to the expiration of the guarantee, the financial institution shall be notified of such action by the City. The City may take necessary action to foreclose the security interest / guarantee / bond and to install said improvements. The financial institution shall then immediately pay to the City the requisite funds needed to complete the improvements, up to the full balance of the guarantee, or deliver to the City any other instruments fully endorsed or otherwise made payable in full to the City.

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Any expenses associated with cost verifications incurred by the City shall be borne entirely by the subdivider.

E. Release

The Administrator may authorize the release of a portion of any guarantee posted as the improvements are completed and approved by the City. Said guarantees may be returnable in four (4) phases to the subdivider or other appropriate parties upon completion of twenty-five percent (25%), fifty percent (50%), seventy-five percent (75%), and one hundred percent (100%) of the necessary improvements. Completion of said phases shall be determined solely by the City. Such funds shall then be released within thirty (30) days after the corresponding improvements have been so approved. Provided however, the balance remaining as guarantee shall continue to equal one hundred and fifty percent (150%) the estimated cost of the remaining improvements, as verified by the City. Whenever a surety bond or letter of credit has been submitted, the Administrator shall notify the subdivider at least ninety (90) days prior to the time said guarantee is set to expire. If the subdivider does not extend or replace said guarantee within sixty (60) days of said notification, the Administrator shall, through the City Attorney's Office, and after notifying the City Clerk's Office, begin proceedings for calling upon the guarantee. Any extension or replacement shall be in the same amount as the guarantee being extended or replaced. Upon completion of all the improvements required herein, written notice shall be given by the developer to the Administrator. The City shall inspect said improvements within thirty days and either recommend the release of the security given to the City or indicate to the developer any area of non-compliance.

SECTION 13.21 CONFORMITY TO THOROUGHFARE PLAN

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

- A. Plat the part of such proposed public way in the location and to the width indicated on the Thoroughfare Plan if such street is a part of the network of streets within or providing access to the proposed subdivision; or
- B. Reserve the part of such public way for street purposes and establish appropriate building setback lines therefore if such street is not a part of the network of streets within or providing access to the proposed subdivision.

SECTION 13.22 GENERAL STREET LAYOUT

- A. Sections 13.24, 13.25, 13.26, 13.27, 13.23, 13.29, 13.30, shall conform to the Standards and Specifications on file in the office of the Subdivision Administrator.
- B. The street layout of the subdivision shall be in conformity with a plan for the most advantageous development of the entire neighboring area. All proposed streets shall provide satisfactory alignment for continuation of existing, planned, or platted streets with which they are to connect.
- C. When a proposed subdivision contains or is adjacent to a railroad right-of-way, it shall be planned so as to avoid having residential lots front on a street which runs parallel and adjacent to the railroad right-of-way.
- D. When a tract of land to be subdivided includes a major or minor thoroughfare as designated on the most recently adopted version of the Thoroughfare Plan of the Gaston Urban Area, the Subdivider shall provide a separate street permitting access to the lots abutting the major or minor thoroughfare. When reverse frontage is established, see Section 13.7B, private driveways shall not have direct access to the major or minor thoroughfare.

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- E. When a tract of land to be subdivided includes or provides access to a major or minor thoroughfare as designated on the most recently adopted version of the thoroughfare plan of the Gaston Urban Area, or when a tract of land to be subdivided includes or provides access to a street that does not meet the standards contained herein as a result of the development, the subdivider shall be responsible for said improvements.
- F. Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of gradient as specified in Section 13.25 of this Chapter.
- G. Street layout shall be so designed as to provide for future access to and not impose undue hardship upon undeveloped property adjoining the subdivision.
- H. Half Street shall be prohibited, except where essential to the reasonable development of the subdivision in relation to surrounding property in conformity with other requirements of these and other regulations concerning land development or use, and where the Planning Board finds it practicable to require dedication of the other half when adjoining property is subdivided. Where a half street already exists adjacent to a tract to be subdivided, the other half shall be platted within such tract at the time of its subdivision.
- I. Traffic calming measures shall be employed in all new subdivisions. Streets shall be laid out in a manner to maximize internal and external connectivity, avoid excessive vehicular speeds, minimize cut-through traffic between thoroughfares, promote pedestrian safety, minimize dead-end streets, and avoid excessive block and straightway lengths. For additional requirements see Sec. 13.29 (E).

SECTION 13.23 MULTIPLE ACCESSES

Multiple accesses into a subdivision are required to be provided for additional ingress and egress. Any subdivision exceeding one hundred (100) lots shall be provided with at least two (2) entrances on to a public street or interconnect to an adjoining/adjacent existing publicly maintained street, road or highway. Requirement for multiple entrances shall be based on the cumulative number of lots for a contiguous development, whether or not it is developed in phases. Subdivision entrances shall be no closer than two hundred (200) feet, as measured from the street centerlines.

SECTION 13.24 STREET RIGHT-OF-WAY DIMENSIONS

- A. Minimum street right-of-way widths shall be as follows:
 - 1. Freeways shall comply with the requirements of the City of Gastonia and North Carolina Department of Transportation as outlined in the most recently adopted Technical Report of the Gaston Urban Area Thoroughfare Plan.
 - 2. Major Thoroughfare streets shall comply with the requirements of the City of Gastonia and North Carolina Department of Transportation as outlined in the most recently adopted *Technical Report of the Gaston Urban Area Thoroughfare Plan*.
 - 3. Minor Thoroughfare streets shall comply with the requirements of the City of Gastonia and North Carolina Department of Transportation as outlined in the most recently adopted *Technical Report of the Gaston Urban Area Thoroughfare Plan*.
 - 4. Collector streets shall be not less than sixty feet (60').
 - 5. Residential streets shall not be less than fifty feet (50').
 - 6. Marginal access streets shall not be less than fifty feet (50').

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7. A street right-of-way which is located within the City of Gastonia's extraterritorial jurisdiction shall comply with the requirements of the City of Gastonia and North Carolina Department of Transportation. The larger right-of-way width of the two shall apply.
- B. Cul-de-sac or dead-end street layout shall be as follows:
1. Permanent dead-end streets shall be no more than eight hundred feet (800') in length.
 2. Dead-end streets shall terminate in a circular right-of-way with a minimum diameter of one hundred feet (100'), unless an equally safe and convenient form of turning space is approved by the Subdivision Administrator.

SECTION 13.25 STREET GRADES AND ALIGNMENT

- A. Grades
1. The minimum grades for Freeways, major and minor thoroughfares shall comply with the requirements of the City of Gastonia and North Carolina Department of Transportation.
 2. All other streets shall have grades no greater than ten percent (10%), unless prohibited by geographic or topographic conditions or otherwise approved by the Subdivision Administrator.
 3. No street shall have grades of less than one percent (1%) in the flow line, where concrete gutters are provided unless otherwise approved by the Subdivision Administrator.

B. Vertical Curves

All changes in street grade shall be connected by vertical curves of a minimum length as determined by City of Gastonia Standards and Specifications.

C. Horizontal Curvature

The minimum radius of horizontal curvature on the center line of a street shall be as follows:

1. Major Thoroughfare Streets--six hundred and fifty feet (650').
2. Minor Thoroughfare Streets--four hundred feet (400').
3. Other streets--two hundred and fifty feet (250').

D. Tangents

Between reverse curves on thoroughfares there shall be a tangent of not less than one hundred feet (100'), except where curves are spiral curves; all other streets shall have a tangent of not less than fifty feet (50') between reverse curves, unless otherwise approved by the Subdivision Administrator.

E. Intersections

1. All streets shall intersect at an angle as near ninety (90) degrees as possible and practicable.

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2. In the interest of greater safety and better traffic flow at street intersections or block corners, the property lines at the intersection shall be rounded by an arc of a radius of not less than twenty-five feet (25') on thoroughfares and by an arc of a radius of at least twenty feet (20') on all other streets.
3. Where streets intersect at an angle of less than *ninety (90)* degrees, the foregoing radii shall be increased to lengths prescribed by the Subdivision Administrator.

SECTION 13.26 STREET GRADING

Streets within the subdivision, and any other streets required to be opened to gain ingress and egress from existing streets into the subdivision, shall be graded by the Subdivider to their full right-of-way width so as to provide adequate shoulders and pedestrian walkways. Such grading and construction shall be done in accordance with the typical cross-section and profile approved by the Subdivision Administrator. The minimum distance permitted for any new street opened or constructed under this Chapter shall extend the entire length of property to be developed by the subdivider.

SECTION 13.27 ACCEPTANCE OF MAINTENANCE FOR STREETS INSIDE CITY

Approval of the preliminary plat by the TRC, Planning Commission or City Council shall not constitute an acceptance of the streets for City maintenance. Streets will be accepted for City maintenance upon approval from the Subdivision Administrator and City Council.

SECTION 13.28 MINIMUM REQUIREMENTS FOR STREETS OUTSIDE CITY

The owner and/or Subdivider of a subdivision located within the City of Gastonia's extraterritorial jurisdiction shall also comply with the minimum requirements for street improvements as required within the City, as well as any additional requirements of the North Carolina Department of Transportation, in order that the streets within the subdivisions may be accepted for maintenance by the North Carolina Department of Transportation.

SECTION 13.29 REQUIREMENTS FOR STREET PAVING

The paving of any newly dedicated or opened street, when provided by the Subdivider, shall be installed in accordance with the specifications of the Subdivision Administrator for the particular street involved, as follows:

- A. The minimum paving for the *major freeways and major thoroughfares* shall comply with the requirements of the City of Gastonia and North Carolina Department of Transportation and as determined by the Subdivision Administrator after duly considering the needs of the City and the North Carolina Department of Transportation.
- B. Minimum paving for *minor thoroughfare* streets shall be two inches (2") bituminous concrete surface course, two inches (2") bituminous binder course, on an eight inch (8") compacted stone base.
- C. The minimum paving for streets other than those referred to in items (A) and (B) above, shall be one inch (1") bituminous concrete surface course, two inches (2") bituminous binder course, on a six inch (6") compacted stone base, or an approved superpave mix.
- D. Concrete combination curb and gutter shall be installed along both sides of the street, and all such installations shall be in complete accordance with standards and specifications on file in the office of the Subdivision Administrator.

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- E. Traffic calming measures shall be employed in all new residential subdivisions including but not limited to those that meet the criteria established in the City of Gastonia adopted policy for speed hump installation and speed limit reduction. The traffic counts and flow patterns through a proposed subdivision will be as projected by the Subdivision Administrator, or an alternative Traffic Study approved by the Subdivision Administrator. See Section 13-22 (I) for layout requirements.

SECTION 13.30 PAVING WIDTHS

The width of pavement shall be as follows:

- A. The minimum width for freeways, major and minor thoroughfares shall be as determined by the Subdivision Administrator after duly considering the needs of the City and the North Carolina Department of Transportation and as outlined in the most recently adopted Technical Report of the Gaston Urban Area Thoroughfare Plan.
- B. Minor Thoroughfares which are determined by the Subdivision Administrator to be four (4) twelve foot (12') traffic lanes shall not be less than fifty-three feet (53') back of curb to back of curb.
- C. Minor Thoroughfares which are determined by the Subdivision Administrator to be three (3) twelve (12) foot traffic lanes shall not be less than forty-one feet (41') back of curb to back of curb.
- D. Collector Streets which are determined by the Subdivision Administrator to be two (2) fourteen and a half foot (14.5') traffic lanes shall not be less than thirty-three feet (33') back of curb to back of curb.
- E. Other Collector Streets which are determined by the Subdivision Administrator to be three (3) twelve foot (12') traffic lanes shall not be less than forty-one feet (41') back of curb to back of curb.
- F. Residential Streets shall not be less than twenty-eight feet (28') back of curb to back of curb. [Two (2) twelve foot (12') traffic lanes].
- G. Cul-De-Sac or Dead-End Street pavement shall terminate with a paved turning area approved by the Subdivision Administrator.
- H. The minimum width for Marginal Access Streets shall be as determined by the Subdivision Administrator after duly considering the needs of the City and the North Carolina Department of Transportation.

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SECTION 13.31 SIDEWALKS/GREEN STRIPS

- A. Sidewalks shall be provided per Section 9.18.1.
- B. Green strips shall be provided per Section 9.18.2.
- C. Construction Standards

Sidewalks shall be placed and constructed in accordance with all applicable City standards and specifications.

SECTION 13.32 WATER SUPPLY AND SANITARY SEWER COLLECTION

- A. Subdivision in City

When a subdivision is within the corporate limits, the Subdivider shall make a written application to the Subdivision Administrator for water supply lines and sanitary sewer collection lines in accordance with existing Ordinances and policies so as to provide water supply service and sanitary sewer service to every lot within the subdivision, and shall provide for all utility easements necessary in the extensions of these services.

- B. Subdivision Outside City but City Utilities Accessible

When the subdivision is outside the corporate limits and the City's utilities are reasonably accessible, the Subdivider shall make a written application to the Subdivision Administrator for water supply lines and sanitary sewer lines in accordance with existing Ordinances and policies so as to provide water supply service and sanitary sewer service to every lot within the subdivision, and shall provide for all utility easements necessary in the extensions of these services.

- C. Subdivision Outside City, City Utilities Not Available

When a subdivision is outside the corporate limits and the water and sanitary sewer facilities of the City are not available, the subdivision shall comply with all rules and regulations prescribed for private and/or community water supply and waste disposal by the North Carolina State Board of Health and the Gaston County Health Department. This approval shall be obtained from the proper authorities prior to submission of the Preliminary Plat to the Planning Commission for consideration.

SECTION 13.33 STORM SEWERS AND SURFACE WATER DRAINAGE

- A. Surface Water in Sanitary Sewers Prohibited

No surface water drainage shall empty into any sanitary sewer line.

- B. Requirements When Public System Available

If a public storm drainage system is reasonably accessible to the subdivision either by being within or by adjoining its boundaries, the Subdivider shall connect with such storm drainage system and shall do all grading and ditching, and shall provide and install all piping, appurtenances, and drainage structures deemed necessary by the Subdivision Administrator to properly carry the water to the storm drainage system.

- C. Requirements When Public System Not Available

If a storm drainage system is not reasonably accessible to the subdivision, the Subdivider shall do all grading and ditching, provide and install all piping, appurtenances and structures that are

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necessary to properly carry the surface water to locations within the boundaries of the subdivision which are acceptable to the Subdivision Administrator.

D. Construction Requirements

The size, location, design of structures, mode of installation and type of materials for all construction of storm sewers shall be as approved by the Subdivision Administrator. All storm drainage system pipe bearing vehicular loading shall be reinforced concrete pipe (ASTM C-76, latest amendment). All storm drainage construction shall be in accordance with the City's standard specifications and shall be inspected during construction by the Subdivision Administrator or his representative.

E. General Drainage and Utility Easement

The Subdivider shall provide a general drainage and utility easement for each and every underground pipe or open ditch drain when located in other than a public right-of-way, and such easement shall be of a width satisfactory to the Subdivision Administrator.

F. Enforcement of State, Municipal Regulations

The Subdivision Administrator shall have the authority to enforce both the drainage laws of the State of North Carolina and the Code of Ordinances of the City of Gastonia within the area covered by this Chapter, as related to storm sewers and/or surface drainage.

G. New Drainage-ways

1. Where new drainage-ways are required, they shall be coordinated with existing and proposed general drainage systems and designed with due regard for safety, appearance and geological effects.
2. Drainage-ways shall be located and constructed to maintain a natural appearance, shall be limited to safe water depths in easily accessible areas, and shall be designed to avoid excessive rates of flow, erosion or overflow into developed areas subject to damage.
3. In circumstances where there is to be drainage-way between two lot lines or crossing a lot(s) the drainage-way will be piped to the rear lot line or to a point as approved by the Subdivision Administrator.

H. Subdivision Grading

Subdivisions shall be graded in accordance with the most recent version of the "Subdivision Grading Minimum Design Standards".

SECTION 13.34 LAYOUT OF BLOCKS

- A. The width of the blocks shall be sufficient to allow two (2) tiers of lots of appropriate depth where possible.
- B. Block length shall be not less than four hundred feet (400') and shall not exceed one thousand two hundred feet (1200') except in cases where, in the judgment of the Planning Commission, a longer block is necessary because of unusual topography or in order to complete a comprehensive neighborhood plan.

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SECTION 13.35 LOT LAYOUT

- A. Every lot shall have a minimum forty-foot (40') of frontage extending to the front building line on a publicly maintained street, but double frontage lots shall be avoided wherever possible.
- B. Where public water and sewer facilities are available every lot shall contain not less than the area prescribed in this Ordinance.
- C. Where public water and sewer facilities are not available each residential lot layout shall be as determined by the local agency having jurisdiction. In no event shall the lot area be less than that prescribed for the area by this Ordinance.
- D. Side lot lines shall be as near as is practicable at right angles to the straight street or radial to curved streets.
- E. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and developments contemplated.

SECTION 13.36 BUILDING SETBACK

- A. Front, side and rear minimum building setback lines shall be established in all subdivisions, and the distance between the street right-of-way line and such building line shall be drawn and written on each individual lot and shown on the final recording plat.
- B. The setback distance or distance between the street right-of-way line and the building line shall be not less than that prescribed in this Ordinance.

SECTION 13.37 COMPLIANCE WITH OTHER CHAPTERS OF THIS ORDINANCE

All Subdivision/Unified Development and all lots shown on a subdivision plat shall be in conformance with the applicable requirements of this Ordinance and shall have the written approval of the Zoning Administrator or his designee.

SECTION 13.38 SCHOOLS AND RECREATIONAL FACILITIES

- A. Schools

Planning Commission may accept the reservation of suitable areas for schools consistent with NC General Statute 160A-372.
- B. Parks and Recreation Areas
 - 1. Every person or corporation that subdivides land for residential purposes under the requirements contained in this Ordinance shall also be required to dedicate a portion of such land; to provide cash-in-lieu-of-land payment; or to provide a combination of land, cash and facility development acceptable to the city for the purposes of developing park, recreation and open space sites to serve the residents of the proposed subdivision. Minor subdivisions, subdivisions within the central business district (CBD), and subdivisions of existing lots on which multiple dwelling units are located to provide separate lots for each such dwelling unit are exempt from the requirements of this subsection. Subdivisions in which multi-family dwelling units are incorporated within an existing building that is at least 50 years old are also exempt.

2. The procedure for determining whether the developer is to dedicate land, pay a fee or both shall be as follows:
 - a. At the time of the filing of the preliminary plat for approval, the owner of the property shall, as a part of such filing, indicate in writing whether the owner desires to dedicate property for open space, parks or recreational purposes, or whether he desires to pay a fee in lieu thereof. If he desires to dedicate land for this purpose, he shall designate the area on the preliminary plat as submitted.
 - b. If the developer desires to dedicate land or a combination of land and cash in lieu of dedication, the preliminary plat shall be presented to the City Council after presentation to the Planning Commission, notwithstanding the provisions of Section 13.14, and the City Council, in its sole discretion, shall determine whether to require the dedication of land as proposed by the developer or to require payment of a cash-in-lieu of dedication, or a combination of both. The City Council will typically seek a recommendation from the Recreation Advisory Committee (RAC) prior to making this determination. Provided, however, if the property to be dedicated for recreation purposes is required as part of a parallel conditional zoning, the preliminary plat need not be presented to City Council. If the developer desires to pay cash-in-lieu of dedication, the preliminary plat shall be approved as provided in Section 13.14.
 - c. Combination of dedication of land and actual development or construction of recreational facilities for dedication to the City may be proposed for consideration. The City must receive at least equal value of land and facilities as the land required for dedication specified in this section. Cost estimates for recreation improvements shall be sealed by an engineer, landscape architect, or architect depending on the nature of the project, and provide information updated within six months of the final plat approval.
 - d. Dedication of land and/or payment of cash-in-lieu of dedication shall be made at the time of final plat approval. No final plat may be recorded until the provisions of the section have been complied with. Dedication of land shall be made by separate deed to the City of Gastonia.
3. If the owner desires to dedicate property, at least 1/35th of an acre of usable open space shall be dedicated for each dwelling unit. Usable open space not located on the approved greenway master plan shall meet the following criteria unless otherwise determined by the City Council:
 - a. *Unity.* The dedicated land shall form a single parcel of land except where the City Council determines that two (2) parcels or more would be in the public interest, and determines that a connecting path or strip of land is in the public interest, in which case the connector shall be not less than 30 feet wide.
 - b. *Shape.* The dedicated parcel of land shall be identified by the City as a priority and shall be usable for active or passive recreational activities.
 - c. *Location.* The dedicated land shall be located so as to reasonably serve the recreation and open space needs of the subdivision for which the dedication was required.

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- d. *Access.* Access shall be provided by at least 40 feet of frontage on a public street.
 - e. *Topography.* No more than 25% of the gross land dedicated may be on a slope greater than 5%.
 - f. *Floodplain.* No more than 25% of the open space dedication may be located within the 100-year flood plain.
4. Land located on the approved greenway master plan may be used to fulfill the requirement of dedication for recreational purposes if it meets the following criteria:
- a. *Floodplain.* There is no limitation on the amount of property which may be located in the 100 year floodplain or the floodway; provided however that the owner shall receive credit for only 50% of the total acreage located within the 100 year flood plain or floodway.
 - b. *Access.* The land must have either 40 feet of frontage on a publicly maintained road or the owner must provide a 30 foot easement for access and maintenance until such time as the area is connected to the existing public greenway trail.
 - c. *Size and Shape.* The size and shape of the land to be dedicated for greenway purposes shall be in the sole discretion of the City.
5. If the owner desires or is required to make a payment of cash-in-lieu of property dedication, the amount of the payment shall be the predevelopment assessed value of the land (as assessed for ad valorem tax purposes) required to be dedicated in subsection (3) above. If the land to be dedicated is assessed at a reduced value or is exempt due to the nature of the land or the landowner, the payment shall be based on the assessed value as determined by the Gaston County Tax Collector without consideration of any reduction or exemption. The City shall use the funds to purchase or develop land for active or passive recreation or open space purposes or to improve existing parks or greenways within the recreation district in which the subdivision is located.
6. The regulations of this section shall apply within parks and recreation districts. Parks and recreation districts are established as delineated on the parks and recreation district map, which is adopted as part of this Ordinance and may be amended in the same manner as any other portion herein. If cash-in-lieu of payments are made, such funds shall be deposited in the appropriate parks and recreation district account and expended only as allowed by this Ordinance.

SECTION 13.39 EASEMENTS FOR PUBLIC UTILITIES

Easements shall be provided for storm and sanitary sewers, electric power lines, water lines and other utilities in such widths, and at such locations as may be required by the Subdivision Administrator, in order to properly serve the lot and adjoining realty, but in no event shall the Subdivision Administrator require less than easements of ten feet (10') in width along all rear lines and exterior side lot lines, and five feet (5') in width along each side of all interior side lot lines.

SECTION 13.40 SUBDIVISION NAMES/STREET NAMES/BUILDING NUMBERS

- A. The proposed name of the subdivision and proposed street names shall not duplicate or too closely approximate, phonetically, the name of any other subdivision or street in the

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area covered by this Chapter. Where proposed streets are continuations of existing streets, the existing street names shall be used.

- B. House or building numbers shall conform to the system established for the City and shall be assigned by the Engineering Department.

SECTION 13.41 MONUMENTS REQUIRED

- A. Control Corner

In accordance with Article 5A, Chapter 39 of the North Carolina General Statutes, whenever a Subdivider shall divide any parcel of real estate into lots and lay off streets, he shall cause at least one or more corners of the development to be designated as a control corner and place at such control corner a permanent marker. The permanent marker shall be as prescribed in the G.S. 47-30 Mapping Requirements, as amended; Standards of Practice for Land Surveying in North Carolina, amended effective August 1, 2002, or latest amendment, published by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, General Statutes of North Carolina Chapter 89C, as amended, and the requirements of the Gaston County Register of Deeds shall apply to all surveys and maps.

- B. Lot Corners

All lot corners shall be accurately established and shall be marked with a permanent or semi-permanent marker provided by the Subdivider and approved by the Subdivision Administrator, such as concrete monuments, or iron or steel pins or pipes of an appropriate length and driven in so as to project approximately two inches (2") above the ground. Front corner irons of lots should be placed after the streets are graded, so that sidewalk areas may be graded to the proper elevation without destroying the lot corners.

SECTION 13.42 STANDARDS FOR SUBDIVISION PROPOSALS TO MINIMIZE POSSIBLE FLOOD DAMAGE

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

- A. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- B. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- C. Base flood elevation data shall be provided for all subdivision and other proposed development submitted.
- D. All subdivisions must be in conformance with Section 7.6.1A17a.11 (no fill within the flood hazard area) of this Ordinance.

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