



Meeting Information

Location

City /County Meeting Room
905 West Avenue
Lenoir, NW 28645

Time

5:30 p.m.

Board Members

Lucy McCarl, Chairperson

Jeff Church, Vice-Chair

James Bradshaw

Sharon Bryant

Kent Greer

Marta Lazo

Mac Martin

Kaye Reynolds

Tim Scobie

Lenoir Planning Board

Agenda • May 24, 2021

Welcome!

We are glad you have joined us for tonight's meeting. The Lenoir Planning Board is an advisory board to City Council comprised of citizen members who voluntarily devote their time and talents to a variety of zoning and land development issues in the community. All Planning Board recommendations are subject to final action by City Council. We anticipate the recommendations of today's meeting will be presented at the City Council meeting on June 15, 2021 for approval of recommended actions.

General Rules of Order

The Board is pleased to hear all non-repetitive comments. However, since a general time limit of five (5) minutes is allotted to the proponents/opponents of an issue, large groups are asked to name a spokesperson. If you wish to appear before the Board, please fill out an Appearance Request/Lobbyist Registration Form and give it to the Recording Secretary. When the Chairperson recognizes you, state your name and address and speak directly into the microphone. ROBERT'S RULES OF ORDER govern the conduct of the meeting.

OPENING SESSION

- Determination of a Quorum
- Call to Order
- Consideration of April 26, 2021 Minutes

NEW BUSINESS

1. CZ #6-21 229 Pennton Ave NW

Applicant: Cyrus Mashhoodi

Owner: Johnathan Borders

Location: 229 Pennton Ave NW

The applicant is requesting a Conditional Zoning District for the property to accommodate 3 zero-lot line houses. The base zoning district for this request is B-6.

Recommended Action: Approval of the request, based on the consistency statement in the staff report, and call for a public hearing at City Council on June 15, 2021.

2. ZOA # 1-21 Streets and Subdivision Ordinance

Applicant: City of Lenoir

Owner: N/A

The City is proposing amending the Streets and Subdivision Ordinance of the Lenoir Zoning Code.

Recommended Action: Approval of the request, and call for a public hearing at City Council on June 15, 2021.

3. Swearing in Planning Board Members

OTHER BUSINESS

1. Update on zoning permits issued.

ADJOURNMENT

MINUTES
PLANNING BOARD MEETING
April 26, 2021
5:30 P.M.

VIA TELECONFERENCE:

James Bradshaw, Sharon Bryant, Jeff Church, Kent Greer, Marta Lazo, Lucy McCarl, Kaye Reynolds, Tim Scobie

ABSENT: Mac Martin

STAFF PRESENT VIA TELECONFERENCE:

Jenny Wheelock, Hannah Williams, Lauren Hartley

Chairperson McCarl called the meeting to order.

MINUTES:

Board Member Church moved approval of the meeting minutes of March 22, 2021. Board Member Bryant seconded the motion, which was voted upon and passed by unanimous vote.

NEW BUSINESS:

Planning Director, Jenny Wheelock presented a PowerPoint presentation on Subdivision of Land.

Ms. Wheelock gave an overview of terms, metes and bounds, surveys/plats, and subdivisions and answered the Board's questions.

OTHER BUSINESS

1. Update on zoning permits.
2. In-person meeting discussion.
 - Planning Board will meet in person starting in May.

ADJOURNMENT:

Having no other matters to bring before the Board, Chairperson McCarl adjourned the Planning Board meeting at 7:00 p.m.

Lucy McCarl
Chairperson

Jenny Wheelock
Planning Director

Staff Report

CONDITIONAL ZONING REQUEST

CASE NUMBER CZ #6/21



LOCATION MAP/AERIAL PHOTOGRAPH



Subject Property

229 Pennton Av

SUMMARY

Owner

Jonathan & Christina Borders

Applicant

Cyrus Mashhoodi

Location

229 Pennton Ave NW, behind
Lenoir Crossroads/Yokefellow
Shopping Center (.35 acres)

NC PIN

2759178987

Project Planner

Hannah Williams, CZO

Updated May 17, 2021

Applicant's Request:

The applicant is requesting a Conditional Zoning District for a vacant property to accommodate 3 zero-lot-line houses. The base zoning district for this request is proposed as its current zone, B-6.

Staff Recommendation:

Approval of the requested conditional zoning district (CZ-6) ordinance, which is attached for reference.

Planning Board Recommendation:**Public Comment:**

Planning Board Meeting: May 24, 2021. Notices were mailed to adjacent property owners on May 14, 2021.

City Council (Public Hearing): Anticipated to be scheduled for June 15, 2021.

BACKGROUND AND ANALYSIS

Intent of Conditional Zoning

The City of Lenoir's Zoning Ordinance establishes an official zoning map/atlas for the City of Lenoir. The zoning map may be amended from time to time by the City Council when public necessity, convenience, general welfare, or good zoning practice justifies the amendment. Conditional Zoning is intended for use in unique development scenarios when a development proposal does not fit into a conventional zoning district, but may be desirable and compatible with an area depending on the specific details of the project and its surroundings. The conditional zoning process gives the City sufficient flexibility to determine whether a specific project on a given site will be compatible with the environment and the Comprehensive Plan.

In considering a request for a Conditional Zoning District, the Planning Board and City Council may approve conditions or use limitations that are mutually agreeable to the applicant, property owner, and the City, thereby establishing a realm of acceptability for the particular use that will be neither arbitrary nor capricious, and will address the interests of the landowners, neighbors, and the public. Conditional Zoning is a legislative process requiring the Planning Board to review and make a recommendation to the City Council on the request. The Conditional Zoning District is adopted as a map amendment and by ordinance.

Subject and Surrounding Properties

The subject property is a .35 acre lot, located in the B-6 (Transitional Business) zoning district, at the edge of the East Harper Neighborhood. The lot is behind the Lenoir Crossing Shopping Center and Caldwell County's Yokefellow building. Currently, the lot is vacant, but was previously developed with a single-family home. The house was demolished in 2016 following a structure fire. The property has about .11 acres of Special Flood Hazard Area (floodplain and floodway) along the front.

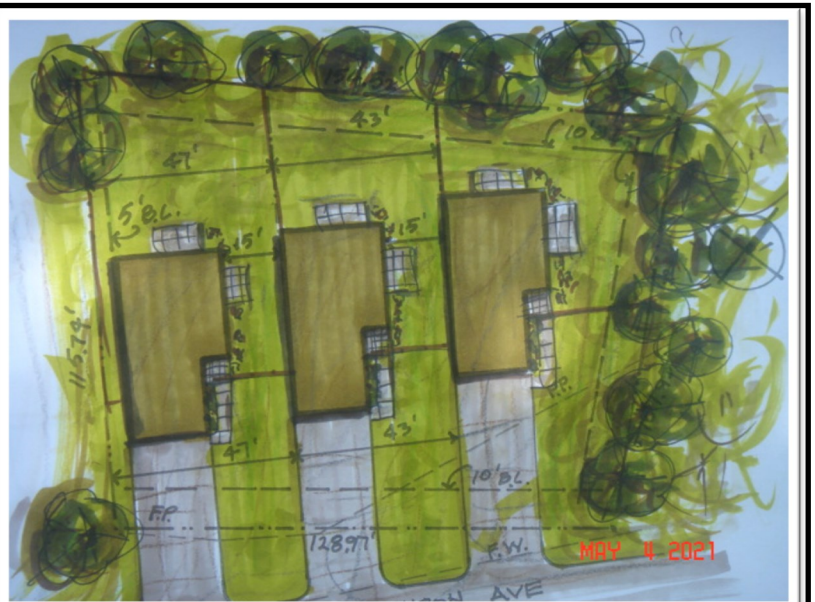
This property is in a transitional area between more intense commercial uses at Smith Crossroads and a medium density residential neighborhood. The shopping center is zoned B-2 (General Business). Most of the East Harper neighborhood is developed with small to medium sized single-family homes with some apartments. The East Harper Neighborhood is largely zoned B-6, with some R-9 (Mixed Density Residential). The lot to the south of the subject property is developed with a single family home, and the lot to the north is vacant with a large amount of Special Flood Hazard Area. Floodplain Development Permits will be required at the time of construction for any development on the subject property.

Proposed Development

The applicant is proposing to build three zero-lot-line single family homes on this property, with double garages, private green space, and patio areas in the rear. Zero Lot Line Dwelling Unit is defined in the Lenoir Zoning Ordinance as "Single family, detached or semi-detached developments on individual lots, where zero foot side setbacks are used on a maximum of one side of a lot." A zero-lot line development is a lot like building just the end units of townhomes. The unit's walls on each lot line are proposed with no windows, to ensure privacy of the neighbor.

Transportation

Access to these homes would be from three individual driveways off of Pennton Avenue. The driveways will be wide enough for two cars, leading into two car garages. Pennton Avenue is an active collector street between the major arterial of US-321 and the minor arterial of Harper Avenue. There is a Lenoir Greenway



Proposed site plan, drawn by Reuel Smith

BACKGROUND AND ANALYSIS

access point behind the Yokefellow building, an easy walking distance from the subject property. This zero-lot line development proposes to subdivide the lot into three parcels, which triggers this sidewalk requirement. According to the Lenoir Subdivision Ordinance, “all new residential subdivisions that create three or more lots shall include sidewalks.” Sidewalks will be required to be constructed along the frontage.



Proposed front façade, drawn by Reuel Smith

Analysis

Staff analyzed this lot and the proposed development and found zero-lot line to be an appropriate use for the subject property. A compact house on a narrow lot is an unusual housing option for Lenoir, but is desirable for its lower maintenance and costs compared to a full size house. Compact housing in the proposed style fits with the small and medium sized houses and apartments in the East Harper neighborhood, and provides infill development in an existing lot. It is unlikely that a standard single family home would be rebuilt here due to its proximity to the shopping center and traffic of US -321. This lot has been vacant for several years, with no other development proposals. This “missing middle”

housing proposal is consistent with the needs of Lenoir. While we would normally encourage side or rear loading garages, floodplain constraints prevent building close to the street, making other options difficult.

Zero-Lot Line Standards

Zero-lot-line units are a permitted use in the higher density residential zoning districts. This proposed Conditional Zoning District can legalize this particular use while keeping the density and intensity of its base district, B-6. The Special Flood Hazard Area along the front of this lot also impacts the buildable area. The smaller setbacks defined in the proposed Conditional Zoning Ordinance account for the impacts of the floodplain and floodway on this property.

We currently only have development standards for zero-lot line developments within the N. Main Street Overlay. The CZ-6 Ordinance will define standards for this development site. A minor subdivision plat will be required to create these lots, with a note stating the special setbacks of the CZ-6 district. The required setback for the front and rear yards will remain that of the B-6 district, 10 feet. The interior property lines on Lots 2 and 3 will have one side setback of zero feet, and one side setback of at least 10 feet. There will be a 5 foot wide maintenance easement between the zero foot side setback line and the adjoining parcel. Lot 1 will have a 5' setback from the adjacent parcel to the south to serve as a maintenance area and provide space between the lots. These setbacks will apply to initial development, and any future additions/accessory structures. See concept plans for details.

Proposed Conditional Zoning District: CZ 6 Specific Standards

Special conditions proposed for CZ-6 ordinance:

1. **Base Zoning.** Base zoning district is B-6 (Transitional Business). Any development standards not specifically addressed in the Conditional Zoning Ordinance will default to B-6.
2. **Permitted Uses.** Zero-Lot line as detached single family is added as a permitted use.
3. **Special Standards for Zero-Lot line Development:**
 - A. Each dwelling unit must be on a separate platted lot.

BACKGROUND AND ANALYSIS

- B. A maximum of 3 lots may be created from the parent parcel.
- C. A maximum of 1 side yard per lot may have a 0 ft. setback
- D. Zero ft. setbacks are only allowed on interior lot lines.
- E. Front, rear, and all side yards not utilizing 0 ft. setbacks must conform to the B-6 district standards, except that the exterior side setback for Lot 1 may be a minimum of 5 feet.
- F. A 5 ft. wide maintenance/access easement is required on each lot adjoining a 0 ft. setback.
- G. A minor subdivision plat showing all easements and setbacks, referencing this ordinance must be approved and recorded prior to any permitting.

Consistency with the Comprehensive Plan/Reasonableness of Amendment

When adopting or rejecting any zoning amendment, City Council must adopt a brief statement describing whether or not the action is consistent with the City's Comprehensive Plan, in accordance with G.S. 160D-605(a), and must also address the reasonableness of any proposed map amendments. Staff offers the following draft statement on the consistency and reasonableness of the request.

The proposed Conditional Zoning Ordinance is consistent with the adopted Comprehensive Plan because it enables this area to accommodate higher density housing, while protecting an established neighborhood from commercial encroachment. The Zero-Lot line development increases residential density, meeting the "high density residential" designation for this area on the Comprehensive Plan's future land use map. The proposed Conditional Zoning Ordinance is reasonable and in the public interest because it promotes infill development at an appropriate density, making more efficient use of the City's existing infrastructure investments.

STAFF RECOMMENDATIONS

Staff recommends approval of the proposed rezoning to Conditional Zoning District (CZ-6) for three detached Zero-lot line single family homes, with the conditions outlined in this report.

PLANNING BOARD RECOMMENDATIONS

NEXT STEPS

The CZ-6 Ordinance changes the zoning standards for the property to allow the development concept proposed. However, the ordinance does not represent a permit for development. There are several more administrative steps the developer must take before construction is permitted. The following steps must occur prior to construction:

1. The Conditional Zoning ordinance will need to be approved by the City Council and recorded at the Register of Deeds.
2. A minor subdivision plat will need to be submitted and reviewed by staff for compliance.
3. The plat will then be recorded with Register of Deeds to create the lots.
4. Each home will need permits for zoning, driveway, and floodplain (as necessary).

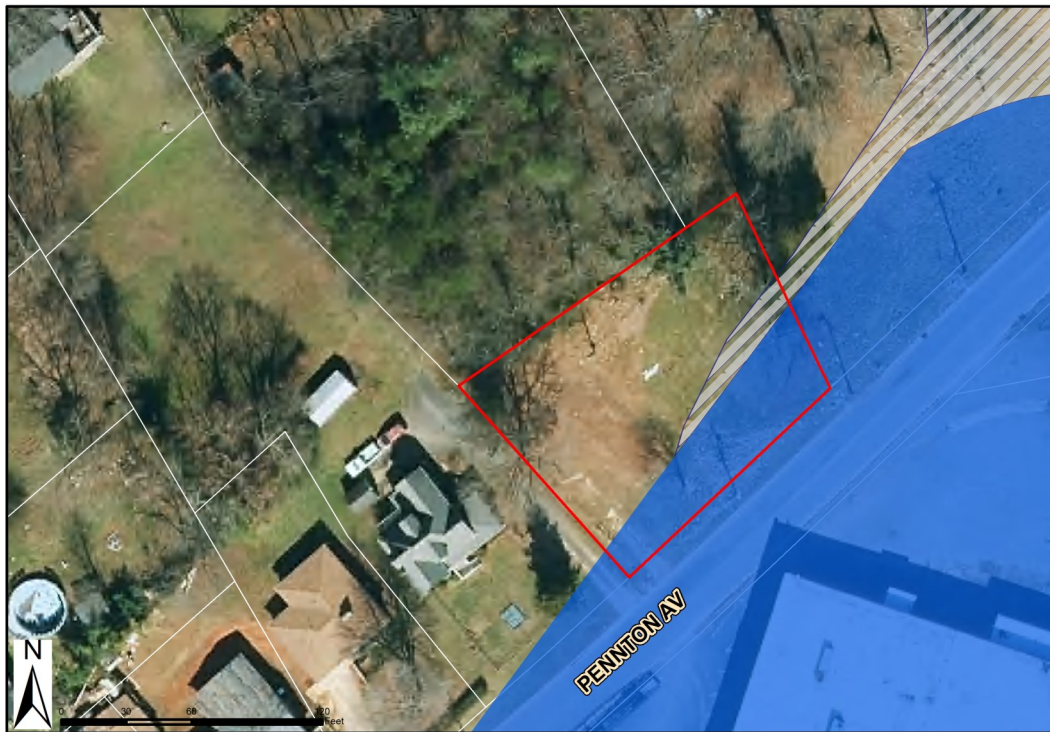
EXISTING ZONING



PROPOSED ZONING



FLOODPLAIN MAP



-  Subject Property
-  Floodplain
-  Flood way (non encroachment zone)

ADDITIONAL RENDERINGS

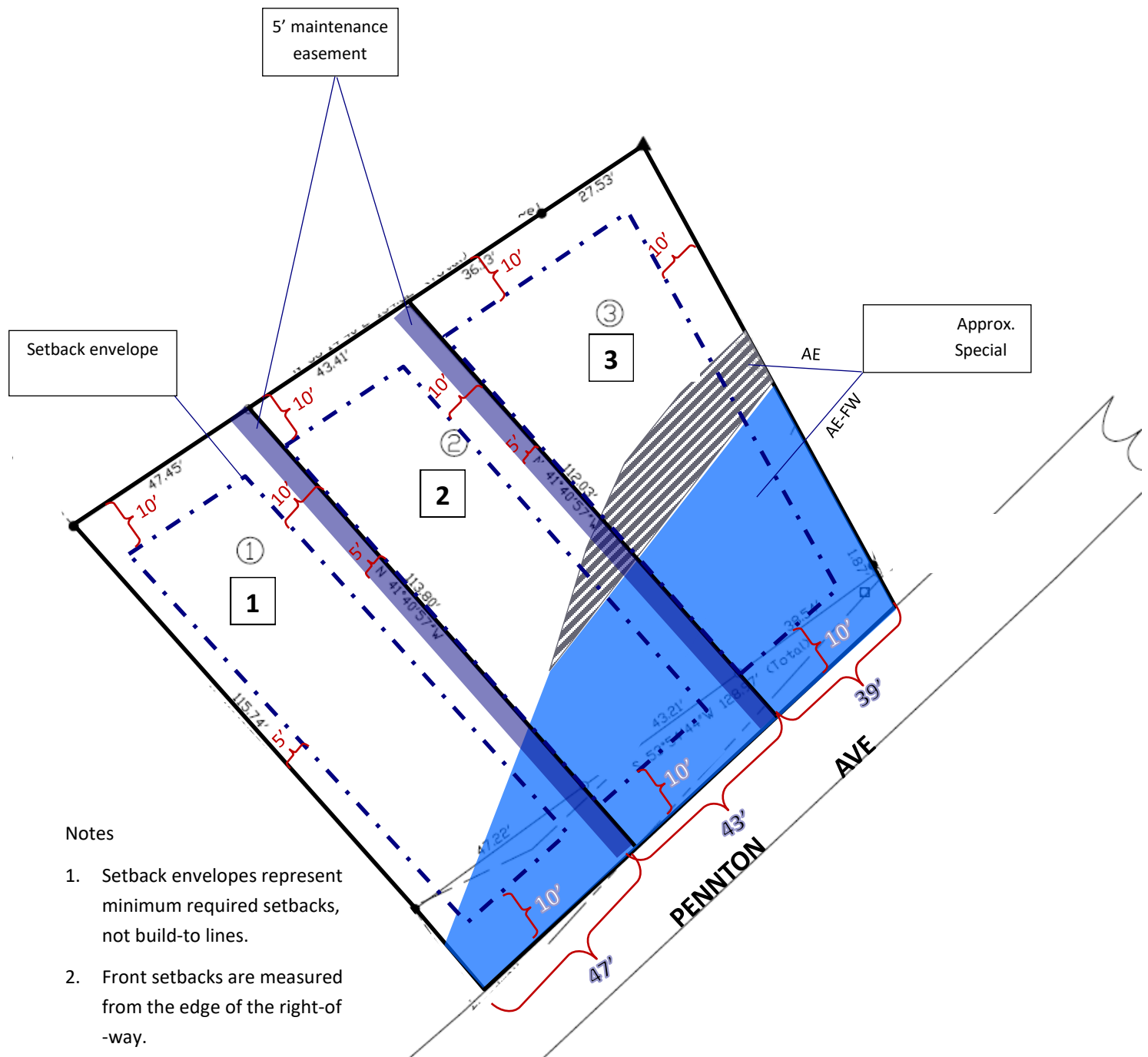


First floor shows kitchen, living room, half bathroom, two-car garage, and outdoor living spaces.

Second floor shows a master suite, two bedrooms, and a shared bathroom.

Drawn by Reuel Smith

A plat showing all setbacks and easements must be recorded, consistent with this concept plan. This map is NOT of land survey quality and is NOT suitable for such use. All measurements are approximate.



AN ORDINANCE OF THE CITY COUNCIL OF LENOIR, NORTH CAROLINA, DESIGNATING CERTAIN LAND GENERALLY LOCATED NORTH OF HARPER AVE, EAST OF PENNTON AVE, AND WEST OF US-321, AND COMPRISED OF .35 ACRES, MORE OR LESS, AS CONDITIONAL ZONING DISTRICT #6 (CZ-6) ON THE CITY'S OFFICIAL ZONING MAPS; DIRECTING AMENDMENT OF THE OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE.

Whereas, at its regularly scheduled meeting of May 24, 2021, the Lenoir Planning Board considered zoning application case number CZ-6, requesting the Conditional Zoning district designation, for approximately .35 acres of land, described by the legal description attached to this ordinance as **Exhibit "A"** (hereinafter the "Property"); and

Whereas, the property owner desires to develop the property with [describe specific development standards/use requested], necessitating the need for Conditional Zoning; and

Whereas, based upon the evidence presented to the Lenoir Planning Board, including the information and analysis contained in the staff report for application case number CZ-6, and subject to certain conditions, the Lenoir Planning Board recommended that the Lenoir City Council approve said conditional zoning application and adopt an ordinance in accordance therewith; and

Whereas, the Lenoir Planning Board has found that approval of the application is consistent with the City's adopted Comprehensive Plan; and

Whereas, the Lenoir City Council hereby finds that this ordinance is consistent with the intent and purpose of the Conditional Zoning designation as established by Appendix A, Article V, Section 502, Lenoir City Code; and

Whereas, the Lenoir City Council hereby finds and declares that this ordinance and these amendments are consistent with the adopted Comprehensive Plan because it enables this area to accommodate higher density housing, while protecting an established neighborhood from commercial encroachment. The proposed Conditional Zoning Ordinance is reasonable and in the public interest because it promotes infill development at an appropriate density, making more efficient use of the City's existing infrastructure investments.

NOW, THEREFORE, LET IT BE ENACTED BY THE CITY COUNCIL OF THE CITY OF LENOIR, NORTH CAROLINA, AS FOLLOWS:

SECTION 1. ZONING. After due notice and public hearing, and pursuant to part Appendix A, Article XIV of the Lenoir City Code, and other relevant portions of the Lenoir City Code, the zoning designation

for the Property is hereby changed from the B-6 district to Conditional Zoning district on the City's Official Zoning Map (to be denoted as "CZ-6"), as depicted in Exhibit "B" to this ordinance.

SECTION 2. OTHER DEVELOPMENT LAWS. Except as expressly provided otherwise by this ordinance, the CZ-6 zoning district remains subject to all applicable federal, state, and local laws, and nothing in this ordinance shall be construed to exempt the Property from the lawful authority or jurisdiction of any federal, state, or local agency.

SECTION 3. DEFAULT ZONING DISTRICT. Except as expressly provided otherwise by this ordinance, the Property shall be governed by the land development regulations of the Transitional Business (B-6) zoning district.

SECTION 4. SPECIAL CONDITIONS. The Conditional Zoning district for the Property is subject to the following special conditions:

1. **Concept Plan.** Subject to any modifications expressly contained in the text of this ordinance, development and maintenance of the Property must be consistent with the B-6 zoning district standards, or the Zero-Lot line concept plan attached to this ordinance as Exhibit "B" (hereinafter the "Concept Plan"). In the event of a conflict between the text of this ordinance and the Concept Plan, the text of this ordinance shall control. References in this ordinance to lots, parcels, buildings, phases, and other development features refer to such features as identified on the Concept Plan.
2. **Variances.** Zoning variances to the standards of the default zoning district not modified by this ordinance may be approved pursuant to the procedures set forth in Appendix A, Article XIII, Section 1312.1 of the Lenoir City Code.
3. **Modification.** The special conditions specific to the CZ-6 zoning district may only be modified by application for a zoning map amendment following the procedures outlined in Appendix A, Article VIII, Section 820 of the Lenoir City Code.
4. **Permitted/Special Uses.** The property may be developed with the permitted uses of the B-6 zoning district, and with any special use in the B-6 zoning district following approval of a Special Use Permit. Zero-Lot line as detached single family is added as a permitted use.
5. **Special Standards for Zero-Lot Line Developments.**
 - a. Each dwelling unit must be on a separate platted lot.
 - b. A maximum of three lots may be created from the parent parcel. These lots are exempt from minimum lot size.
 - c. A maximum of one side yard per lot may have a 0 ft. setback.
 - d. Zero ft. setbacks are only allowed on interior lot lines.
 - e. Front, rear, and all side yards not utilizing 0 ft. setbacks must conform to the B-6 district standards, except that the exterior side setback for Lot 1 may be a minimum of 5 feet.
 - f. A 5 ft. wide maintenance/access easement is required on each lot adjoining a 0 ft. setback.
 - g. A minor subdivision plat showing all easements and setbacks, referencing this ordinance must be approved and recorded prior to any permitting.

SECTION 5. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 6. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Lenoir, North Carolina, by the City Clerk of the City of Lenoir, North Carolina, this 4 day of June and this 11 day of June, 2021.

DONE, THE PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of the a majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this 15 day of June, 2021.

BY THE MAYOR/MAYOR PRO TEMPORE OF THE CITY OF LENOIR, NORTH CAROLINA:

Mayor/Mayor Pro Tempore

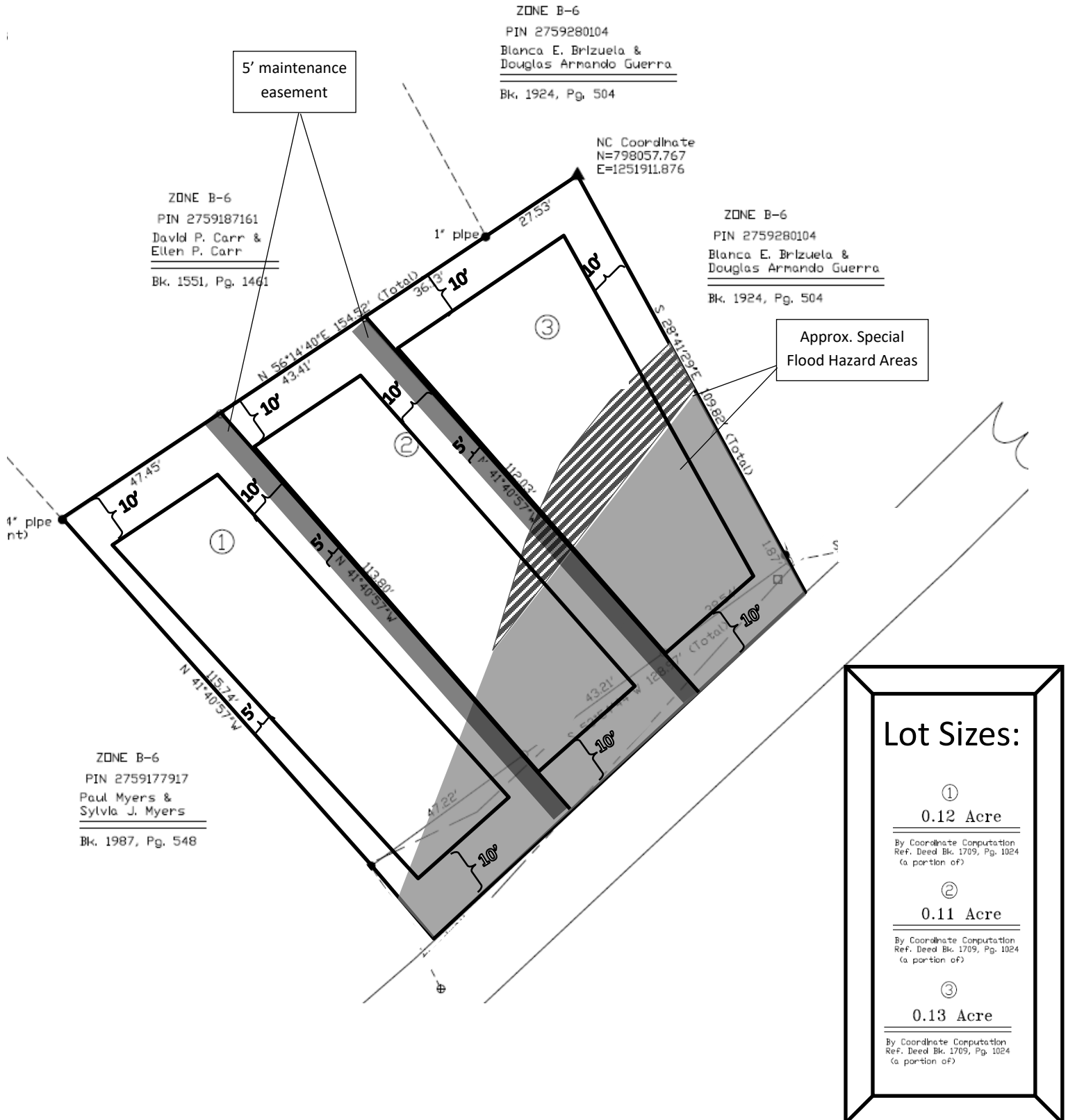
ATTEST, BY THE CLERK OF THE CITY COUNCIL OF THE CITY OF LENOIR, NORTH CAROLINA:

City Clerk

****[Remainder of page intentionally left blank.]****

EXHIBIT B

CONCEPT PLAN FOR CZ-6



ARTICLE II. - PRELIMINARY PLATS FOR MAJOR SUBDIVISIONS

Sec. 19-61. Phases for Review and Approval of Major Subdivisions.

Approval of major subdivisions occurs in three phases:

- (1) *Phase 1 - Preliminary Plat.* A preliminary plat is reviewed and approved by the Technical Review Committee, Planning Board, and City Council, as described in this Article.
- (2) *Phase 2- Construction of Infrastructure.* All public improvements must be constructed by the developer in accordance with city standards and the approved Preliminary Plat prior to approval of a Final Plat and the acceptance of infrastructure by the city, as described in Article III of this Chapter.
- (3) *Phase 3 – Final Plat.* A final plat is reviewed and approved by the City Council, and infrastructure is accepted for public maintenance, as described in Article IV of this Chapter.

Sec. 19-62. – Pre-application discussion.

It is recommended prior to the filing of an application for the approval of a preliminary plat that the subdivider consult with the planning department for assistance. This consultation is neither formal nor mandatory, but is intended to inform the subdivider of the purpose and objectives of these regulations, and to assist the subdivider in planning his development.

Sec. 19-63. - Preliminary plat requirement (Phase I).

The preliminary plat shall be submitted to the Planning Department by the Friday falling at least 20 days prior to its regularly scheduled meeting and shall include the following requirements:

- (1) Scale: Minimum of one inch = 100 feet unless otherwise approved.
- (2) Boundary of the tract showing all bearings and distances.
- (3) Northpoint.
- (4) Location of existing streets, buildings, water courses, utility easements, railroads, bridges, transmission lines, culverts, and other features that may be considered in the development such as floodplains, wooded area, etc.
- (5) Names of adjoining subdivision and/or property owners.

- (6) Contours of property five feet vertical intervals or less.
- (7) Proposed street rights-of-way, street names, lot line easements, and if applicable open space, parks or other public space.
- (8) Sketch vicinity map showing relationship between the subdivision and surrounding area.
- (9) Proposed lot lines, lot and block numbers and approximate dimensions.
- (10) Building set back lines.
- (11) General information:
 - a. Names of subdivision;
 - b. Name of owner(s);
 - c. Acreage of tract;
 - d. Total lots;
 - e. Northpoint;
 - f. Minimum lot size;
 - g. Graphic scale; and
 - h. Area of open space or other dedicated areas other than street or easements.
- (12) Base flood elevations and Special Flood Hazard Areas, as shown on the most recently adopted Flood Insurance Rate Maps.
- (13) Information related proposed method and system of water supply and sanitary sewage collection and disposal.

Sec. 19-64. – Procedure for Preliminary plat approval.

The review and approval of Preliminary Plats is considered a quasi-judicial function, and must conform to the procedures for quasi-judicial hearings prescribed in the Lenoir Zoning Ordinance (Appendix A, Article XIII, Division 3 of this Code), and more specifically as follows:

- (a) *Technical Review Committee.* Upon receiving a complete application for a Preliminary Plat, the Planning Department will forward the application materials to members of the Technical Review Committee (TRC) for review and comments. The TRC members shall review the proposed plat for compliance with relevant ordinances, and provide comments to the Planning Department and the applicant. Comments may be in the form of general information, or may state specific conditions or revisions that are required. The TRC may

meet as a group to discuss proposed subdivisions, or may coordinate comments electronically. All comments and conditions will be included in the materials sent to the Planning Board and City Council by the Planning Department.

(B) Planning Board. The Planning Board provides a preliminary forum for review of major subdivisions. The Planning Board may hear citizen comments related to the permits, request that the applicant provide additional information, conduct informal preliminary discussion of the application, and make recommendations for revisions or conditions. Such recommendations must be in writing and should be based on goals and policies outlined in the Comprehensive Plan and other adopted plans. The Board must recommend to the city council that the preliminary plat be approved or disapproved within 45 days after the meeting at which it is first reviewed, and schedule an evidentiary hearing before Council; or after 45 days have passed without a recommendation from the Planning Board, the planning department will set a date for an evidentiary hearing. The Planning Department will cause notice of the hearing to be served and posted as required for quasi-judicial hearings under Article VIII, Division 3. The planning board, upon a recommendation of disapproval of the preliminary plat, shall state the reasons for such action in writing and reference shall be made to specific sections of the ordinance with which the preliminary plat does not comply.

(C) City Council. The City Council may vote to approve, approve with conditions, or deny the preliminary plat application. Reasonable and appropriate conditions and safeguards may be imposed upon preliminary plats. Conditions and safeguards imposed under this subsection shall not include requirements for which the city does not have authority under statute to regulate nor requirements for which the courts have held to be unenforceable if imposed directly by the local government, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land.

Sec. 19-65. Special Standards for Major Subdivisions

The City Council must approve the preliminary plat, and release the same for Phase 2 construction of infrastructure, upon finding that the application, or the application with conditions, meets of all of the following standards:

- (a) *Lot Design and Layout* – The proposed lots meet all standards in Article I of this chapter and all standards for the proposed use and district prescribed by the Zoning Ordinance, and the length, width, and shape of the blocks are designed with due regard and special consideration to the type of land use proposed.
- (b) *Suitability of Land* – Land which is found to be unsuitable for subdivision due to flooding, bad drainage, steep slopes, rock formations and other features likely to be harmful to the safety, health and general welfare of the future occupants or to the community shall not be subdivided unless adequate methods are formulated by the developer for meeting the problems created by the subdivision of such land.
- (c) *Orderly Development* – The subdivision is designed to allow for the opening of future streets and logical further subdivision of subsequent phases and adjacent parcels.
- (d) *Coordination and Continuation of Streets* – The proposed street layout is coordinated with the City’s existing street system and maximizes the number of connections to the surrounding street network. Streets that abut the proposed subdivision are extended, and new street dedications must extend all the way to abutting parcels to provide for future extensions.
- (e) *Topography* – The subdivision design considers the limitations and opportunities of the existing topography and minimizes the need for excessive grading or site walls.
- (f) *Access Management* – Where a tract of land to be subdivided adjoins a major thoroughfare, the subdivision design manages access by establishing reverse frontage lots, marginal access streets, or other designs that limit private driveway connections on the major thoroughfare.
- (g) *Pedestrian Connectivity* – Lots are arranged to facilitate greenway and sidewalk connections in accordance with the adopted Pedestrian Plan and Bicycle Plan and pedestrian connections to adjacent public facilities, common/open space, greenways, and adjacent developments are provided.
- (h) *Adequate Public Facilities* – Adequate public facilities exist to serve the proposed subdivision, or will be developed upon approval of the preliminary plat.

**AN ORDINANCE OF THE CITY COUNCIL OF LENOIR,
NORTH CAROLINA, AMENDING CHAPTERS 18 AND 19
OF THE LENOIR CODE OF ORDINANCES RELATED TO
STREETS, SIDEWALKS, AND SUBDIVISIONS,
PROVIDING FOR SEVERABILITY, CODIFICATION, AND
AN EFFECTIVE DATE.**

Whereas, the NC General Statutes that give local governments authority to regulate land use and development, previously located in N.C.G.S. Chapter 160A, Article 19, have been updated and re-codified as N.C.G.S. Chapter 160D, prompting the need for the City of Lenoir to update our local ordinances both to comply with legislative changes as well as to reference the new section citations; and

Whereas, the Lenoir Planning Board finds and declares that this ordinance and these amendments are consistent with the City's adopted Comprehensive Plan, which calls for straight-forward regulation and is inherently linked to much of our local authority to regulate zoning, which will be preserved and enhanced with these proposed amendments; and

Whereas, the Lenoir City Council hereby finds and declares that this ordinance and these amendments are reasonable and in the best interest of the public health, safety, and welfare, since they will ensure the City remains compliant with State law and eliminate potential conflicts or confusion resulting from outdated or unlawful provisions in our local ordinances that are enacted pursuant to authorities granted under the newly codified G.S. Chapter 160D; and

NOW, THEREFORE, LET IT BE ENACTED BY THE CITY COUNCIL OF THE CITY OF LENOIR, NORTH CAROLINA, AS FOLLOWS:

SECTION 1. Chapter 18 of the Code of Ordinances, City of Lenoir, North Carolina, "Streets and Sidewalks" is hereby amended to read as follows:

Chapter 18 - STREETS AND SIDEWALKS

ARTICLE I. - IN GENERAL

Sec. 18-1. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~*Review committee* shall be the committee comprised of the city manager, police chief, fire chief, planning director, public works director and city engineer.~~

Street shall mean a dedicated and accepted public right-of-way for vehicular traffic, which has been improved to meet the minimum street standards and has been accepted for maintenance by the city council or the state. Streets are classified according to volume and design:

(1) *Major thoroughfare* means any part of a street which is used for carrying heavy volumes of traffic expeditiously within and through the city and has been designated as a major thoroughfare on the thoroughfare plan.

(2) *Minor thoroughfare* means a street of considerable continuity which collects traffic from other streets, such as local streets to major thoroughfares.

(3) *Local street* means a street whose principal function is to provide direct access to adjacent properties and higher street systems.

(4) *Marginal access street* means a local street that runs parallel to a major or minor thoroughfare, in order to limit private driveways having direct access to the major thoroughfare.

(5) *Cul-de-sac* means a short local street having one end open to traffic and the other permanently terminated by a vehicular turn around.

Storm drainage maintenance shall mean cleaning, clearing or replacing existing storm drainage facilities due to structural failures.

Technical Review Committee (TRC) is the committee comprised of the police chief, fire chief, planning director, public works director and public utilities director.

ARTICLE II. - STREETS

Sec. 18-21. - General Standardseonditions.

- (a) Access to adjacent properties. Where, in the opinion of the review committee it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turn around shall be provided.
- (b) Plans required. Plans demonstrating compliance with this chapter must be reviewed and approved by the Public Works director prior to beginning construction on any improvements to existing streets or construction of new streets.
- (c) Additional width on existing streets. Properties that adjoin existing streets with no recorded right-of-way or with insufficient right-of-way width shall must dedicate additional rights-of-way necessary to meet the minimum width requirement prior to any road widening or improvement. When any part of the properties are on both sides of an existing street the entire minimum right-of-way shall be provided. When the properties are located on only one side of existing street, then one-half of the minimum right-of-way, measured from the center line of the existing street, shall be provided.
- ~~(b)~~(d) Unopened Streets (a/k/a “paper streets”). Where a plat map shows a public street, but such street has never been opened or improved, either the City or a private developer may make improvements consistent with the requirements of this Chapter the same as if it was a newly dedicated right-of-way. If the platted width of the unopened street is insufficient to meet City standards, additional right-of-way must be secured as described in (b) above.
- ~~(e)~~(e) Coordination and continuation of streets. Any proposed street layout shall be in coordination with the existing street system of the surrounding area and where possible shall be extended to meet an existing street.
- ~~(d)~~(f) Deceleration and/or acceleration lanes. Deceleration and/or acceleration lanes may be required upon review by the city and/or state department of transportation to provide for ingress and egress to adjacent proportion from major or minor thoroughfares. Such lanes shall be designed not to impede the design capacity of existing or proposed thoroughfare.
- ~~(e)~~(g) Utility relocation. Utilities requiring adjustment or relocation to conform to the city requirement (reference water and sewer specifications) shall be made at no expense to the city. Existing and/or relocated utilities may remain within the rights-of-way provided utilities do not run underneath curb and gutter or any other storm drainage facility. Any utility outside the street rights-of-way shall have an easement recorded with the county register of deeds that has been mutually agreed upon between the city engineer and/or the public works director and the developer.

Sec. 18-28. - Concrete curb and gutter constructed by petition.

- (a) Concrete curb and gutter shall be placed on any street upon a valid petition being received by the city council. The aforementioned petition shall be signed by at least 51 percent of property owners and at least 51 percent of the property to be curbed and guttered. The total cost of the curb and gutter shall be borne by the property owners.
- (b) All other expenses, i.e., paving, storm sewer, etc., shall be borne by the city. The total cost of replacing items such as walls, driveways, trees, fences, etc., shall be borne by the property owner.

State Law reference— Similar provisions, G.S. 160A-217.

ARTICLE IV. - STORM DRAINAGE

Sec. 18-79. - Drainage structures.

On all newly constructed or reconstructed streets the contractor/developer shall be responsible for the construction of all stormwater drainage, which may include but shall not be limited to curb and gutter, catch basins and inlets, storm sewers, ~~road ditches, open channels, water retention structures and settling basins~~ vegetative swales, or structural control measures. All newly constructed or reconstructed streets shall include stormwater conveyance approved by the Public Works director and the Stormwater Administrator. ~~curb and gutter which meets the city's specifications. All cost of curb and gutter shall be the responsibility of the contractor/developer. When designing such structure, the engineer must consider that:~~

Stormwater drainage must conform to the following standards:

- (1) All drainage facilities shall be of adequate size and grade to hydraulically accommodate the anticipated flow and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazard to life and property.
- (2) Earthen ditches shall have side slopes of at ~~least~~ least three feet of horizontal distance for each foot of vertical distance and be seeded or sodded as grass waterways.
- (3) All storm drainage shall be adequate so that the road may be maintained without excessive cost, and not cause flooding on private property from storm runoff of the design frequency. Permanent drainage easements may be required. The minimum design frequency shall be as follows but may be increased at the recommendation of the ~~city engineer~~ public works director:

a. Storm sewer collector - 10 years

b. Street cross drainage - 25 years

*All calculations concerning pipe sizing shall be submitted with design.

In areas where ditch grades or quantities of flow deem it impracticable to establish and maintain vegetation, an erosive resistant lining such as paving or rock rip rap may be required.

Subsurface drainage shall be adequately designed in order to maintain a stable subgrade.

When road crossings are within areas designated as flood hazard areas under the Federal Flood Insurance Program, ~~the design must be approved by the department of planning and the city engineer~~ a Floodplain Development Permit is required and the provisions of Chapter 9 must be met.

(4) Cross pipes under streets shall be constructed of approved reinforced concrete, asphalt coated corrugated metal or aluminum.

(5) Culverts shall be of adequate size and grade to hydraulically accommodate the design frequency storm and to function properly with the overall storm sewer system. Pipes shall not be less than 15 inches in diameter. Culverts shall be of sufficient length to permit full width roadway and the required slopes. Cross drains shall be built on a straight line and grade shall be laid on a firm base, but not on rock. Pipes shall be laid with the spigot pointing in the direction of the flow and with the ends filled and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the road bed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one foot below the road bed.

Secs. 18-83—18-107. - Reserved.

ARTICLE V. - DRIVEWAYS

Sec. 18-108. - Permit required.

A permit issued by the Planning Department in consultation with the Public Works Department ~~director of public works or his designee~~ shall be obtained for any new driveway or the widening or relocation of any existing driveway.

Sec. 18-112. - Driveway materials.

- (a) Where either concrete curb and gutter or concrete sidewalk is adjacent to a proposed drive, ~~concrete shall be the only material used for construction of the driveway connection~~ must be concrete.
- (b) ~~Asphalt or stone connections will be~~ are permitted on a dirt or asphalt street when no concrete is adjacent.
- (c) Stone connections are prohibited, except when connecting to stone or dirt streets. Where stone drives are otherwise allowed, the driveway apron, all portions of the drive within the

public right-of-way, and the first 15' of the drive on private property must be asphalt or concrete, in accordance with this Section.

(d) The material standards of this subsection apply to all portions of the driveway located within 15 feet of the public right-of-way.

(b)(e) The intent of this section is to ensure driveways do not negatively impact public safety or impede function or maintenance of public streets, by ensuring proper pedestrian crossings and stormwater drainage and preventing loose stone or dirt from washing into public roadways. The public works director may approve alternative driveway materials, such as pavers (including pervious pavers), open-weave concrete blocks, brick, or other durable hard surfaces where concrete or asphalt connections would normally be required.

Sec. 18-113. - Driveway connection limits.

The control limits of this chapter for any driveway shall be the street right-of-way line, or the back side of a concrete walk or the back side of concrete curb and gutter, or the pavement-shoulder line, except that regulations on driveway materials apply as described in Sec. 18-112(d).

Sec. 18-117. - Joint driveways.

Joint driveways ~~will be permitted~~ are encouraged, and must if the driveway conforms to all other sections of this article.

Sec. 18-120. – Driveways Within Unopened Streets

Where a plat map shows a public street, but such street has never been opened or improved, private driveways conforming to the standards of this section may be approved within the platted right-of-way. In determining acceptable width and materials, the control limits of this Chapter will be applied to the line where city-maintained pavement meets the proposed private drive. Maintenance responsibility for private driveways falls to the property owner, and the City reserves the right to remove the driveway without compensation to the owner in order to improve the street to the standards contained in this Chapter and open the street for public use.

Secs. 18-120~~121~~—18-136. - Reserved.

ARTICLE VI. - SIDEWALKS

Sec. 18-137. - New sidewalks.

No new sidewalks shall be constructed along any street until the plans and specifications have been approved by the director of public works.

Sec. 18-138. - Concrete curb and gutter required.

No new sidewalks shall be constructed along any street until concrete curb and gutter and adequate storm drainage facilities have been installed, or adequate grass/vegetative safety separation is provided.

Sec. 18-139. - Petitions required.

The city council will act on petitions for sidewalk construction on any curb and gutter street. The petition must be signed by a majority of the property owners on both sides of the street who own a majority of the property footage.

Sec. 18-140. - Rights-of-way granted.

~~Rights of way shall be granted to the city by 100 percent of the property owners on the side or sides on which the sidewalk will be constructed. Where insufficient width exists from the back-of-curb or edge of pavement to the property line for the required sidewalk section, additional right-of-way or easements must be granted to the City prior to start of construction or acceptance of any sidewalk for public maintenance. When a sidewalk will encroach in a state right-of-way, a three-party agreement must be executed with the NCDOT, the City, and the property owner prior to the start of construction.~~

Sec. 18-141. - Side selection.

The property owners select the side or sides on which the sidewalk or sidewalks will be constructed, provided the proper rights-of-way have been acquired.

Sec. 18-142. - Cost ~~(new — cost by developer)~~.

- (a) *Existing streets.* The city will pay one-third of the total project cost. The property owners shall pay two-thirds of the total project cost or one-third per each side.
- ~~(a)~~(b) *New Development.* Where ever sidewalks are installed as a part of a new development, the entire cost shall be the responsibility of the developer.

Sec. 18-143. - Actual cost.

The actual cost shall be the total cost of all work necessary to complete the project, such as, but not limited to grading, driveway adjustments, wall replacements, fence realignment, tree and shrubbery removal and replacement, lawn rebuilding and reseeding, fire hydrant relocation, water meter relocation, materials, labor, and equipment.

Sec. 18-144. - Materials and specification.

All new sidewalk material shall be class B concrete. The minimum width shall be five feet with a marking joint each five feet and an expansion joint with one-half inch expansion joint materials placed each 40 feet. Additional expansion joint may be used in every place where the walk joins curb and gutter, walls, buildings, fire hydrants, poles, etc.

Sec. 18-145. - Sidewalk damage and replacement.

All sidewalk damage which occurs during the construction of a building or additional work being done to an existing building or where property is being developed shall be corrected by replacing the damaged walk with new concrete at the property owner's expense.

Secs. 18-146—18-173. - Reserved.

ARTICLE VII. - PENALTIES

Sec. 18-174. - Penalties.

A violation of any provisions of this Chapter may subject the offender to civil and criminal penalties as stated in section 1-15 of this Code. Any person who shall violate any provision within this Code, unless the ordinance specifically provides otherwise, shall be subject to a civil penalty of \$50.00, to be recovered in a civil action in the nature of a debt if not paid voluntarily within 72 hours after having been cited for said violation. Each day the violation continues to exist after original citation (72 hours) shall be considered a separate offense and shall be subject to a civil penalty of \$10.00 per day to be added to the original civil penalty of \$50.00 for said violation. This provision is adopted pursuant to and in accordance with G.S. 160A-175(c) and shall not constitute a misdemeanor or infraction pursuant to G.S. 14-4.

Secs. 18-175—18-201. - Reserved.

ARTICLE VIII. - STREET NAMING, NUMBERING AND DISPLAY

Sec. 18-205. - ~~Land subdivisions~~Street Naming Standards.

- (a) Each subdivision submitted for approval shall not have duplicated the name of an existing street and "sound alike" street names shall be avoided when possible. In assigning names to new streets or renaming existing streets, duplication of existing names and "sound alike" names must be avoided.
- (b) Proposed streets which are obviously in alignment with existing streets, or within 150 ft. of alignment, shall bear the name of the existing street.
- (c) All street designations such as street, avenue, court and quadrant designations shall be assigned by the city planning department, as follows:-
 - a. Street (St.). Any street that connects other streets.
 - b. Court (Ct.). A dead end street with a cul-de-sac.
 - c. Place (Pl.). A dead end street with no turn around area.
 - d. Avenue (Ave.). A street that is a minimum of three blocks or longer.
 - e. Drive (Dr.). A street that is generally lengthy, connecting to other streets.

- f. Boulevard (Blvd.). A highway of four lanes or more.
- g. Circle (Cir.). A street that connects back upon the same street without a break.
- h. Road (Rd.). Generally, a state-maintained street that leads from the city to the county.
- i. NW Quadrant – portions of streets located north of the centerline of Harper Avenue and West of the Centerline of Blowing Rock Blvd
- j. NE Quadrant – portions of streets located north of the centerline of Wilkesboro Blvd and East of the Centerline of Blowing Rock Blvd.
- k. SW Quadrant – portions of streets located south of the centerline of Harper Avenue and West of the centerline of Hickory Blvd.
- l. SE Quadrant – portions of streets located south of the centerline of Wilkesboro Blvd and east of the centerline of Hickory Blvd.

(b)

Sec. 18-206. - Street naming procedure.

- (1) All requests for street name changes on public streets shall be submitted to the Planning Department for verification of duplicate/sound-alike names and assignment of street designations and quadrants, consistent with Sec. 18-205. Once verified, the Planning Department will forward the request for the street name change to the city council for approval.
- (2) Names for streets created through a Major Subdivision Plat may be reviewed and approved during the review and approval of the Final Plat. Separate action by the Council to approve the street names is not required, provided the names are clearly shown on the face of the final plat and verified by the Planning Department.
- (3) Names for private streets shall be assigned by the Planning Department, and do not require action by Council. Private streets may be named for 911 addressing, and must conform to the standards for street naming in 18-205.
- ~~(1) Proposed street names for existing or proposed streets shall not bear the names of existing streets. Proposed streets that are in alignment or within 150 feet of alignment shall bear the name of the existing street. Existing streets not connected may bear the same name provided that preliminary subdivision plats or proposed thoroughfares indicated future connections. Designations for streets, avenues, etc., shall be given by the city as follows:~~
 - ~~(1) Street (St.). Any street that connects other streets.~~
 - ~~(2) Court (Ct.). A dead end street with a cul-de-sac.~~
 - ~~(3) Place (Pl.). A dead end street with no turn-around area.~~
 - ~~(4) Avenue (Ave.). A street that is a minimum of three blocks or longer.~~
 - ~~(5) Drive (Dr.). A street that is generally lengthy, connecting to other streets.~~
 - ~~(6) Boulevard (Blvd.). A highway of four lanes or more.~~
 - ~~(7) Circle (Cir.). A street that connects back upon the same street without a break.~~

~~(8)(4) Road (Rd.). Generally, a state-maintained street that leads from the city to the county.~~

~~(2) All submittals for street names shall be verified as to duplications and sound-alike names.~~

~~Street designations shall be assigned by the planning department.~~

SECTION 2. Chapter 19 of the Code of Ordinances, City of Lenoir, North Carolina, “Subdivisions” is hereby amended to read as follows:

ARTICLE I. - IN GENERAL

Sec. 19-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

The definitions in Appendix A: Zoning are incorporated herein by reference and shall have the same meaning in this Chapter.

~~Subdivision means all division of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or a change in existing streets; however, the following is not included within this definition and is not subject to any regulations enacted pursuant to this chapter:~~

~~(1) The combination or recombination of portions of previously platted subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the City of Lenoir as shown in its subdivision regulations;~~

~~(2) The division of land into parcels greater than ten acres where no street right of way dedication is involved, and all parcels have legal ingress and egress;~~

~~(3) The public acquisition by purchase of strips of land for the widening or opening of streets; and~~

~~(4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right of way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality as shown in this chapter.~~

Building setback line means a line parallel to the front property line in front of which no structure shall be erected.

~~*Concrete curb and gutter* means the standard two feet six inches, section number 846.01 in the state department of transportation "Roadway Standards", unless otherwise approved by the department of public works.~~

Construction means work being performed in grading, building or rebuilding in widening, placing of concrete curb and gutter, surfacing or resurfacing of a street.

Cul-de-sac means a short local street having only one end open with a special provision for turning around.

~~*Deceleration and acceleration lanes* means an additional lane for ingress and egress to adjacent properties, along major and minor thoroughfares so as not to impede the normal flow of traffic.~~

Dedication means a gift, by the owner, or a right to the 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 completed with an acceptance.

~~*Ditch line* means that part of the roadway approximately six feet wide on one or both sides of the road, graded and sloped to carry off stormwaters.~~

Easement means a grant by the property owner of a strip of land for a specific purpose and use by the public, corporation or persons.

Extra-territorial Jurisdiction (ETJ) means the defined area adjacent to the corporate limits of Lenoir in which Lenoir exercises its planning and development authority.

~~*Group developments* means a group of two or more buildings or cluster of development, where contemplated streets and lots are not subdivided in the original fashion.~~

Lot means a portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership or for development ~~of~~ or both.

Lot, corner, means a lot which abuts the right-of-way of two streets at their intersection.

Lot, double frontage, means a continuous (through) lot which is accessible from both streets upon which it fronts.

Lot, record of, means a lot which is part of a subdivision, a plat of which has been recorded in the office of the county register of deeds of prior to the adoption of this chapter, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of the ordinance from which this chapter is derived.

Lot, single-tier, means a lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.

Lot, width of, means the width of the lot at the building setback line.

May is permissive.

Official maps or plans means any maps or plan officially adopted by the city council as a guide to the development of the city.

~~*Open space* means an area (land and/or water) generally lacking in manmade structures and reserved for enjoyment in its unaltered state.~~

Person means any individual, firm, company, association, society, corporation, or group.

~~*Planned unit development* means a design providing for the incorporation of a single type or a variety of residential and related uses which are planned and developed as a unit. Such~~

~~development may consist of individual lots or common building sites. Common land must be an element of the plan related to effecting the longterm value of the entire development.~~

~~*Planning area* means the land located with the corporate limits of the city and within the territorial jurisdiction of the city, not to exceed one mile from the corporate limits.~~

Plat means a map or plan of a parcel of land which is to be, or has been subdivided.

Private entrances means any entrance off a public street to one or more pieces of property which does not have a right-of-way dedicated and accepted by the city council for public use.

~~*Private ditches* means any ditch which originates on private property or exists outside of an accepted right of way or storm drainage easement.~~

Reservation means a reservation of land does not involve any transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period of time.

~~*Review committee* means a committee comprised of the city manager, police chief, fire chief, planning director, chief building inspector and city engineer.~~

Right-of-way means a strip of land dedicated to a governmental entity for public use.

~~*Safe stopping sight distance* means the length of roadway that a driver can see. It is assumed that the drivers' eyes will be approximately 3.5 feet above the ground. The sight distance should be long enough to allow a driver traveling at the maximum allowed speed to stop before coming upon an observed object. This required distance is known as the stopping sight distance. It is assumed that the object being observed has a height of 0.5 feet or greater.~~

Shall is mandatory.

~~*Shoulder* means that part of the roadway between the edge of the pavement and the ditch line.~~

Sight distance means the distance a driver can see while sitting in his vehicle.

Site plan means an accurately scaled development plan that illustrates the existing conditions on a land parcel as well as depicting details of a proposed development.

Streets means a dedicated and accepted public right-of-way for vehicular traffic. The following classifications shall apply to streets within the city.

(1) *Major thoroughfare* means any part of a street which is used for carrying heavy volumes of traffic expeditiously within and through the city and has been designated as a major thoroughfare on the thoroughfare plan.

(2) *Minor thoroughfare* means a street of considerable continuity which collects traffic from other streets, such as local streets to major thoroughfares.

(3) *Local street* means a street whose principal function is to provide direct access to adjacent properties and higher street systems.

(4) *Marginal access street* means a local street that runs parallel to a major or minor thoroughfare, in order to limit private driveways having direct access to the major thoroughfare, where a tract of land to be subdivided adjoins a major thoroughfare, the subdivider may be required to provide a marginal access street parallel to the major thoroughfare or reverse frontage on a local street for the lots to be developed adjacent to the thoroughfare. Where reverse frontage is established, private driveways shall be prevented from having direct access to the major thoroughfare.

(5) *Cul-de-sac* means a short local street having one end open to traffic and the other permanently terminated by a vehicular turn around.

Subdivider means any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

Subdivision means any division of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and includes all division of land involving

the dedication of a new street or a change in existing streets; however, this definition does not include any division of land exempted from subdivision review by NCGS 160D-802(a).

Subdivision, Expedited means a minor subdivision of a tract or parcel of land in single ownership into no more than three lots, when such tract or parcel is greater than 5 acres and meets the criteria in NCGS 160D-802(c).

Subdivision, Family means a residential subdivision in the extra-territorial jurisdiction in which lots are intended to be conveyed to members of the owners' lineal family. Lineal family members only include the owners and the direct lineal descendants (children and grandchildren) and direct lineal ascendants (parents and grandparents), as well as the spouses/widows of such persons.

Subdivision, Major means any subdivision that includes dedication of new streets, changes to existing streets, or otherwise commits the expenditure of city funds, or creates more than 10 lots, and is not exempt from review. All subdivisions are presumed to be major subdivisions unless specifically exempt, expedited, or meeting the definition for minor subdivision in this ordinance.

Subdivision, Minor means a subdivision that is not exempt under NCGS 160D-802(a), or expedited under NCGS 160D-802(b), and meets the following criteria:

- (1) Involving not more than ten lots fronting on an existing public street;
- (2) Not involving any new street or easement for access to lots within the subdivision or to interior property;
- (3) Not requiring extension of public sewage or water lines or creation of new drainage easements through lots to serve property at the rear;
- (4) Not adversely affecting the development of the remainder of the parcel or of adjoining property;
- (5) Creating no new or residual parcels not conforming to the requirements of these or other regulations; and
- (6) Not committing the expenditure of city funds.

Technical Review Committee means a committee comprised of the police chief, fire chief, planning director, public works director, and public utilities director, or their designees.

Sec. 19-2. - Purpose.

This chapter is designed and enacted to provide for the orderly development, and good planning practice for the city and its environs through the control and regulations of subdivisions of land. The regulations contained herein are intended to supplement and facilitate the provisions with the zoning ordinance and official map and coordinate proposed development with existing development and with officially adopted plans for the future development of the city to ensure the provisions of adequate facilities for transportation, water, sewerage and other public facilities in subdivisions. To ensure the proper legal description, monumentation and recording of subdivided land and to create conditions essential to public health, safety and general welfare.

Sec. 19-3. - County register of deeds.

~~The city council shall have a copy of this chapter filed with the county register of deeds. The register of deeds shall not thereafter file or record a plat of a subdivision located within the municipal boundaries of the city or its municipal perimeter.~~ Extra-territorial Jurisdiction (ETJ), as defined, without the approval of the ~~planning board and the city council~~city as required in this chapter. The landowner of a subdivision plat submitted for recording or his authorized agent shall sign a statement on the plat as to whether or not any land thereon is within the jurisdiction of this chapter as defined herein. The filing or recording of a plat of a subdivision without the approval of the ~~planning board and city council~~city as required by this chapter shall be null and void. The clerk of superior court of the county shall not order or direct the recording of a plat where such recording would be in conflict with this chapter.

Sec. 19-4. - Effect of plat approval on dedications.

Pursuant to G.S. ~~460A-374~~160D-806, the approval of a plat shall not be deemed to constitute or effect the acceptance by the city or dedication of any street or other ground, public utility line or other facility shown on the plat. However, the city council may, by resolution, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other

public purposes, when the lands or facilities are located within its subdivision regulation jurisdiction. Acceptance of dedication of lands or facilities located within the subdivision regulation jurisdiction, but outside the corporate limits of the city shall not place on the city any duty to operate, repair, or maintain any street, utility line, or other land or facility, the city shall in no event be held to answer in any civil action or proceeding for failure to repair, or maintain any street located outside its corporate limits.

Sec. 19-5. - Abrogation and greater restrictions.

It is not intended by this chapter to 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 chapter imposes greater restrictions, the provisions of this chapter shall govern.

Sec. 19-6. - Suitability of land.

Land which is found to be unsuitable for subdivision due to flooding, bad drainage, steep slopes, rock formations and other features likely to be harmful to the safety, health and general welfare of the future occupants or to the community shall not be subdivided unless adequate methods approved by the planning department or city council are formulated by the developer for meeting the problems created by the subdivision of such land.

Sec. 19-7. - Surveys and monuments.

Unless otherwise specified by this chapter, the Manual of Practice for Land Surveying as adopted by the state board of registration for professional engineers and land surveyors, under provisions of G.S. 89C-16, shall apply when conducting surveys and placing monuments.

Sec. 19-8. - ~~Public facilities.~~ Exempt Subdivisions

(a) The following types of divisions of land are not subject to the regulations in this Chapter:

(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 of the city.

(2) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.

(3) The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.

(4) The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the city.

(5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

(B) *Certificate of Exemption.* The following certification is required to be shown on the face of the plat and signed by the subdivision administrator prior to recording when a proposal is claiming an exemption under (A)(1) or (A)(4) above:

Certificate of Exemption

I hereby certify that this division of land is exempt from the City of Lenoir Subdivision Ordinance in accordance with N.C.G.S. 160D-802(a). The resulting lots are equal to or exceed the standards of the City of Lenoir and the plat is hereby approved for recording in the office of the Caldwell County Register of Deeds within ninety (90) days of the date of this approval.

Subdivision Administrator	Date
---------------------------	------

~~In the event that a proposed park, recreation area, school, or other public or community service facility is located in whole or part within a proposed subdivision, the city council or the Caldwell County Board of Education may require the subdivider to reserve for acquisition such land for public use. If the city or board of education wishes to obtain such land, they shall have 18 months beginning on the date of final plat approval of the subdivision within which to acquire such land by purchase or by initiating condemnation proceedings. If the board of education or the city has~~

~~not purchased or begun proceedings to condemn the site within 18 months, the subdivider may treat the land as freed of the reservation.~~

Sec. 19-9. - Arrangement.

Every lot must front for at least 25 feet on a public street or highway. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. ~~Double frontage lot shall be permitted only under peculiar circumstances. In some cases where the subdivision consists of parcels larger than ordinary building lots, such parcels shall be so arranged as to allow the opening of future streets and logical further subdivision.~~

Sec. 19-10. - Dimensions.

All ~~residential, business, or industrial~~ lots shall comply with the minimum standards as required by the zoning district and the proposed use, as applicable. ~~ordinance.~~

Sec. 19-11. - Drainage.

Lots shall be laid out so as to provide positive drainage away from all buildings and individual lots shall be coordinated with the general storm drainage pattern for the areas. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

Sec. 19-12 – 19-15. - Perimeter lots. Reserved.

~~(a) Residential lots which are served by a public or community water supply, but not by public or community sewerage shall be no less than 75 feet wide at the building line and no less than 15,000 square feet in area.~~

~~(b) Residential lots which are not served by a public or community water supply or sewerage, shall be not less than 90 feet wide at the building line and no less than 20,000 square feet in area.~~

Sec. 19-13. – Lots and Blocks.

- (a) *General.* All lots shall comply with the minimum standards as required by the zoning district and the proposed use. Length, width, and the shape of block shall be determined with due regard and special consideration given to the type of land use proposed within

the block; limitations and opportunities of topography; and ~~zoning requirements as to lot sizes and dimensions~~adjacent street characteristics.

- (b) *Length*. Blocks shall not be less than 400 feet nor more than 1,200 feet in length, as measured from centerline to centerline; except as considered necessary to secure efficient use of land or desired features of street pattern.
- (c) *Width*. Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where fronting on major streets or prevented by topographic conditions, in which case a single tier of lots may be approved.
- (d) *Cul-de-sacs*. Cul-de-sacs may be no longer than 500 feet unless approved and may require additional turn rounds of suitable dimensions at intermediate locations. In general, streets with one end permanently closed shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area clearly indicate that a through street is not essential, Y - T - L may be accepted as cul-de-sac.

Sec. 19-14. - Easements.

To provide for public service poles, wires, conduits, storm or sanitary sewers, gas, water, or heat mains, or other utilities, easements not less than 25 feet wide, 12½ feet on either side, may be required along the lines of or across lots where necessary for storm drainage channels, surface overflow or for the extension of main sewers or similar utilities.

Sec. 19-15. - Streets.

- (a) *Access to adjacent properties*. ~~Where, in the opinion of the planning board it is necessary to provide for street access to an adjoining property, p~~Proposed streets shall be extended by dedication to the boundary of such property and a temporary turnaround shall be provided.
- (b) *Additional width on existing streets*. Subdivisions that adjoin existing streets shall dedicate additional right-of-way necessary to meet the minimum width requirement. When any part of the subdivision is on both sides of existing street the entire minimum right-of-way shall be provided. When the subdivision is located on only one side of an existing street one-half of the minimum right-of-way, measured from the centerline of the existing street, shall be provided.

- (c) *Coordination and continuation of streets.* The proposed street layout within subdivision shall be in coordination with the existing street system of the surrounding area and where possible, existing ~~principle~~principal streets shall be extended.
- (d) *Dedication of half streets prohibited.* The development of half streets at the perimeter of a new subdivision is prohibited. Adequate provisions 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.
- (e) *Major thoroughfare plan.* Whenever a subdivision includes any part of a street in a major thoroughfare plan adopted by the city council such street shall be platted and dedicated in the location and width indicated on such plan.
- (f) *Marginal access streets.* Where a tract of land to be subdivided adjoins a major thoroughfare, the subdivider may be required to provide a marginal access street parallel to the major thoroughfare or reverse frontage on a local street for the lots to be developed adjacent to the thoroughfare. Where reverse frontage is established, private driveways shall be prevented from having direct access to major thoroughfare.
- (g) *Private streets and reserve strips.* Private streets or reserve strips shall be prohibited within any platted subdivision.
- (h) *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. Street names shall be subject to approval of the planning department.
- (i) *Subdivision street disclosure statemen.* All streets shown on the final plat must be designed as "public" and this designation "as public" is to be conclusively presumed an offer of dedication to the public.

Sec. 19-16. - Sidewalks.

- ~~(a)~~ All new residential subdivisions that create three or more lots shall include sidewalks, to be constructed at the time of other infrastructure improvements, or prior to Certificate of Occupancy on each lot (see section 19-41). ~~Stub-out sidewalk connections, easements, and other appropriate pedestrian connectivity shall be provided to adjacent commercial~~

development, public facilities, common/open space, greenways, and adjacent developments as recommended by the Planning Board.

~~(a) (b) As applicable, the developer shall arrange lots and provide easements as necessary to facilitate greenway extensions and connections. The city may enter into an agreement on cost sharing of greenway improvements at the time of subdivision approval. The area encompassed by greenway easements may be used to satisfy open space requirements, when applicable.~~

(b) When site characteristics and/or traffic patterns are such that the construction of sidewalks is infeasible, unpractical, or otherwise would not result in useful pedestrian walkways, the city may allow the applicant to pay the designated cost of constructing such infrastructure into the city sidewalk fund in lieu of requiring construction of the infrastructure. In determining whether to accept a fee in lieu of construction of infrastructure, the city shall refer to any adopted plan or policy of the city for guidance. Such plans or policies include but are not limited to: City of Lenoir Comprehensive Plan, City of Lenoir Pedestrian Plan, City of Lenoir Capital Improvement Plan, other master plans and small area plans, and other plans and policies. The developer shall provide an easement for a sidewalk even if the fee in lieu option is utilized.

Secs. 19-17—19-3360. - Reserved.

ARTICLE II. — IMPROVEMENTS AND GUARANTEES OF IMPROVEMENTS

[Editor's note: The provisions formerly found in this Article have been incorporated into Article III in the proposed edits, and have been updated to reflect new statutory language for performance guarantees. Article II in its current state is repealed in its entirety.]

ARTICLE ~~III~~. - PRELIMINARY PLATS FOR MAJOR SUBDIVISIONS

Sec. 19-61. Phases for Review and Approval of Major Subdivisions.

Approval of major subdivisions occurs in three phases:

- (1) *Phase I - Preliminary Plat.* A preliminary plat is reviewed and approved by the Technical Review Committee, Planning Board, and City Council, as described in this Article.

(2) Phase 2- Construction of Infrastructure. All public improvements must be constructed by the developer in accordance with city standards and the approved Preliminary Plat prior to approval of a Final Plat and the acceptance of infrastructure by the city, as described in Article III of this Chapter.

(3) Phase 3 – Final Plat. A final plat is reviewed and approved by the City Council, and infrastructure is accepted for public maintenance, as described in Article IV of this Chapter.

Sec. 19-62. — Pre-application discussion.

It is recommended prior to the filing of an application for the approval of a preliminary plat that the subdivider consult with the planning department for assistance. This consultation is neither formal nor mandatory, but is intended to inform the subdivider of the purpose and objectives of these regulations, and to assist the subdivider in planning his development.

Sec. 19-63. - Preliminary plat requirement (Phase I).

The preliminary plat shall be submitted to the ~~city planning board~~Planning Department by the Friday falling at least 20 days prior to its regularly scheduled meeting and shall include the following requirements:

- (1) Scale: Minimum of one inch = 100 feet unless otherwise approved.
- (2) Boundary of the tract showing all bearings and distances.
- (3) Northpoint.
- (4) Location of existing streets, buildings, water courses, utility easements, railroads, bridges, transmission lines, culverts, and other features that may be considered in the development such as floodplains, wooded area, etc.
- (5) Names of adjoining subdivision and/or property owners.
- (6) Contours of property five feet vertical intervals or less.
- (7) Proposed street rights-of-way, street names, lot line easements, and if applicable open space, parks or other public space.
- (8) Sketch vicinity map showing relationship between the subdivision and surrounding area.
- (9) Proposed lot lines, lot and block numbers and approximate dimensions.

(10) Building set back lines.

(11) General information:

- a. Names of subdivision;
- b. Name of owner(s);
- c. Acreage of tract;
- d. Total lots;
- e. Northpoint;
- f. Minimum lot size;
- g. Graphic scale; and
- h. Area of open space or other dedicated areas other than street or easements.

(12) Base flood elevations and ~~floodway~~Special Flood Hazard Areas, as shown on the most recently adopted Flood Insurance Rate Maps.

(13) Information related proposed method and system of water supply and sanitary sewage collection and disposal.

Sec. 19-64. -- Procedure for Preliminary plat approval.

The review and approval of Preliminary Plats is considered a quasi-judicial function, and must conform to the procedures for quasi-judicial hearings prescribed in the Lenoir Zoning Ordinance (Appendix A, Article XIII, Division 3 of this Code), and more specifically as follows:

(a) *Technical Review Committee.* Upon receiving a complete application for a Preliminary Plat, the Planning Department will forward the application materials to members of the Technical Review Committee (TRC) for review and comments. The TRC members shall review the proposed plat for compliance with relevant ordinances, and provide comments to the Planning Department and the applicant. Comments may be in the form of general information, or may state specific conditions or revisions that are required. The TRC may meet as a group to discuss proposed subdivisions, or may coordinate comments electronically. All comments and conditions will be included in the materials sent to the Planning Board and City Council by the Planning Department.

(B) *Planning Board.* The Planning Board provides a preliminary forum for review of major subdivisions. The Planning Board may hear citizen comments related to the

permits, request that the applicant provide additional information, conduct informal preliminary discussion of the application, and make recommendations for revisions or conditions. Such recommendations must be in writing and should be based on goals and policies outlined in the Comprehensive Plan and other adopted plans. The planning board shall~~The Board must~~ recommend to the city council that the preliminary plat be approved or disapproved within 45 days after the meeting at which it is first reviewed~~-, and schedule an evidentiary hearing before Council; or after 45 days have passed without a recommendation from the Planning Board, the planning department will set a date for an evidentiary hearing. The Planning Department will cause notice of the hearing to be served and posted as required for quasi-judicial hearings under Article VIII, Division 3.~~ The planning board, upon a recommendation of disapproval of the preliminary plat, shall state the reasons for such action in writing and reference shall be made to specific sections of the ordinance with which the preliminary plat does not comply. ~~Approval of the preliminary plat may be waived by the planning department for minor subdivisions provided no new streets are implemented and no improvements are required to be constructed by the subdivider in accordance with the definition of a subdivision. After reviewing the preliminary plat, the planning board shall transmit the plat and its recommendations to the city council for final action.~~

(C) City Council. The City Council may vote to approve, approve with conditions, or deny the preliminary plat application. Reasonable and appropriate conditions and safeguards may be imposed upon preliminary plats. Conditions and safeguards imposed under this subsection shall not include requirements for which the city does not have authority under statute to regulate nor requirements for which the courts have held to be unenforceable if imposed directly by the local government, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land.

Sec. 19-65. Special Standards for Major Subdivisions

The City Council must approve the preliminary plat, and release the same for Phase 2 construction of infrastructure, upon finding that the application, or the application with conditions, meets of all of the following standards:

- (a) *Lot Design and Layout* – The proposed lots meet all standards in Article I of this chapter and all standards for the proposed use and district prescribed by the Zoning Ordinance, and the length, width, and shape of the blocks are designed with due regard and special consideration to the type of land use proposed.
- (b) *Suitability of Land* – Land which is found to be unsuitable for subdivision due to flooding, bad drainage, steep slopes, rock formations and other features likely to be harmful to the safety, health and general welfare of the future occupants or to the community shall not be subdivided unless adequate methods are formulated by the developer for meeting the problems created by the subdivision of such land.
- (c) *Orderly Development* – The subdivision is designed to allow for the opening of future streets and logical further subdivision of subsequent phases and adjacent parcels.
- (d) *Coordination and Continuation of Streets* – The proposed street layout is coordinated with the City’s existing street system and maximizes the number of connections to the surrounding street network. Streets that abut the proposed subdivision are extended, and new street dedications must extend all the way to abutting parcels to provide for future extensions.
- (e) *Topography* – The subdivision design considers the limitations and opportunities of the existing topography and minimizes the need for excessive grading or site walls.
- (f) *Access Management* – Where a tract of land to be subdivided adjoins a major thoroughfare, the subdivision design manages access by establishing reverse frontage lots, marginal access streets, or other designs that limit private driveway connections on the major thoroughfare.
- (g) *Pedestrian Connectivity* – Lots are arranged to facilitate greenway and sidewalk connections in accordance with the adopted Pedestrian Plan and Bicycle Plan and pedestrian connections to adjacent public facilities, common/open space, greenways, and adjacent developments are provided.
- (h) *Adequate Public Facilities* – Adequate public facilities exist to serve the proposed subdivision, or will be developed upon approval of the preliminary plat.

~~Sec. 19-65. — Sedimentation control plan.~~

~~An erosion and sedimentation control plan must be submitted by the subdivider to the state department of natural and economic resources, land quality section for approval if the tract or contiguous tracts proposed for development are one acre (43,560 square feet) or more in total surface area. The plan must define how accelerated erosion and sediment will be controlled during construction activity and how the disturbed area will be stabilized and maintained after construction is completed. A letter confirming approval of the plan must be received by the planning department from the state prior to submission of the final plat to the planning board and city council.~~

~~Sec. 19-66. — Water and sewage systems.~~

~~The preliminary subdivision plat must be accompanied by satisfactory evidence as to the proposed method and system of water supply and sanitary sewage collection and disposal. The city shall reserve the right of construction or approve bids taken by the subdivider for all water and sewage mains within its corporate limits. Outside the municipal boundaries of the city and within the municipal perimeter the regulations governing the construction of water and sewer systems or individual facilities shall be under the direction of the county water department and/or the county health department.~~

~~Sec. 19-67~~65—~~19-86~~84. Reserved

ARTICLE III. – PUBLIC IMPROVEMENTS AND GUARANTEES OF IMPROVEMENTS

[Editor’s note: The rules contained in this Article were previously found in Secs. 19-34 through 19-42, and Sec. 19-87. The provisions in previous Sec. 19-88 through Sec. 19-116 have been deleted as they are located in the Streets chapter of the Lenoir Code of Ordinances.]

Sec. 19-85. - Completion of improvements.

Prior to approval of the final plat by the city council, the subdivider shall be required to complete all public improvements, and the director of public works shall state in writing to the city council that all improvements have been installed and meet the criteria as established by the city of the city for streets, water sewer drainage, etc. The subdivider shall dedicate the same to the city free and clear of all liens and encumbrances on the property and public improvements.

Sec. 19-86. - Building permits and certificates of occupancy.

Building permits may be issued upon city council approval of the preliminary plat, but a certificate of occupancy shall not be issued until all public improvements have been installed or guarantee of improvements have been received and accepted by the city council, but under no circumstances shall a certificate of occupancy be issued (under any part of this chapter) until proper water and sewer facilities have been installed and said building has been properly tapped thereto.

Sec. 19-87. – Construction Plans Required.

(a) Upon approval of the preliminary plat by the city council, and prior to beginning construction of any infrastructure, the subdivider must submit construction plans for streets, sidewalks, utility (water and sewer) drainage etc., as may be deemed necessary by the director of public works or the director of public utilities. Construction plans shall contain such data as to determine readily on the ground the length of every structure, crosswalk line, radius, curve data for street right-of-way, location and type of all monuments.

(b) It is advised that subdivider consult with the public works and public utilities department for assistance, prior to submittal of construction drawings.

(c) The following are requirements (where applicable) needed to complete phase II (construction drawings) design requirements:

- (1) Streets;
- (2) Storm drainage;
- (3) Drainage;
- (4) Sidewalks; and
- (5) Water and sewer systems.

(d) All streets, sidewalks, storm drainage, and water and sewer systems must be designed in accordance with the standards of the Code of Ordinances, including but not limited to Chapter 18 Streets and Sidewalks, Chapter 21 Water and Sewer, Appendix A Zoning, and Appendix C Phase II Stormwater, and be consistent with the layout approved through the Preliminary Plat.

(e) An erosion and sedimentation control plan must be submitted by the subdivider to the state department of environmental quality for approval if the tract or contiguous tracts proposed

for development are one acre (43,560 square feet) or more in total surface area. The plan must define how accelerated erosion and sediment will be controlled during construction activity and how the disturbed area will be stabilized and maintained after construction is completed.

Sec. 19-88. - Guarantee of improvements.

(a) The city council in its discretion may waive the requirement that the subdivider complete and dedicate all public improvements prior to the signing of the final plat and as an alternative the subdivider shall guarantee the installation of said improvements by one of the following methods:

- (1) Surety bond issued by any company authorized to do business in this State.
- (2) Letter of credit issued by any financial institution licensed to do business in this State.
- (3) Other form of guarantee that provides equivalent security to a surety bond or letter of credit with a recognized financial institution in the state.

(b) Timing. -- Performance guarantees must be posted prior to signing of the final plat.

(c) The duration, extension, release, amount, coverage, and legal responsibilities of the guarantee, and the option to post one type of guarantee in lieu of multiple securities of the guarantee, shall be as prescribed in G.S. 160D-804.1(1-6).

Sec. 19-89. - Sequential approval.

In lieu of the three methods of guarantee listed under subsection (a)(1)—(3) above, the city council may grant sequential approval of a proposed subdivision of land upon request of the subdivider in writing, at the same time as submittal of the preliminary plat, provided that the section seeking final approval does not exceed 25 lots or 50 percent of the total number of lots within the subdivision whichever is less and that the streets do not exceed 1,250 feet in total length. Prior to a second sequential approval for a future section of the same subdivision or continuation of the same streets, a minimum of 85 percent of all lots approved within the designated area shall have been developed and served by water and sewer (taps) and that all requirements being the responsibility of the subdivider shall have been completed.

Sec. 19-90. - Water and sewer guarantees.

This section shall not apply to the subdivisions within the City's extra-territorial jurisdiction.

(1) The subdivider may exercise the same question for guarantees as listed under subsection 19-88(a)(1)—(3) and section 19-89.

(2) That the total responsibility for both on and off site easements, lift stations (where required) including the property for such lift stations be borne by the subdivider.

~~ARTICLE IV. — CONSTRUCTION STREET, UTILITY AND ENGINEERING REQUIREMENTS~~

~~Sec. 19-87. — General.~~

~~(a) Upon approval of the preliminary plat by the city council, the subdivider shall be required to submit construction plans for streets, utility (water and sewer) drainage etc., as may be deemed necessary by the director of public works. Construction plans shall contain such data as to determine readily on the ground the length of every structure, crosswalk line, radius, curve data for street right-of-way, location and type of all monuments.~~

~~(b) It is advised that subdivider consult with the director and public works for assistance, prior to submittal of construction drawings.~~

~~(c) The following are requirements (where applicable) needed to complete phase II (construction drawings) design requirements:~~

- ~~(1) Streets;~~
- ~~(2) Storm drainage;~~
- ~~(3) Drainage;~~
- ~~(4) Sidewalks; and~~
- ~~(5) Water and sewer systems.~~

~~Sec. 19-88. — Right-of-way.~~

~~A right-of-way shall be granted to and accepted by the city council for public use before any construction, reconstruction, surfacing or resurfacing shall be done. The following shall be considered the minimum unless otherwise approved by the city council.~~

Type of Street	Minimum Required Rights of way.	
	Within Corporate Limits	Perimeter

Major thoroughfare	*As required	As required under the state department of transportation
Minor thoroughfare or collector	50	Subdivision roadways minimum construction
Local	40	Standards January 7, 1979 or as amended
Cul-de-sac	40 radius (turn around diameter 80 feet)	
* Lenoir-Hudson Thoroughfare Plan		
* Assuming wet condition		

~~Sec. 19-89. Sight distance.~~

~~Sight distance probably is the most important individual design feature with respect to highway safety. The available sight distance determines how much of the highway the driver can see, and determines how much information he receives on the conditions ahead. The sight distance he needs should be related to the content of what he sees, or needs to see, because more complicated information requires more time to understand and act upon. The sight distance may be limited by the profile of the highway, the horizontal curvature, or by the cross section of the highway; perhaps by all three elements.~~

~~(1) The AASHO sight distance basis is widely used. It has three main features:~~

- ~~a. Sight distance at every point along the highway should be as long as possible under the total conditions;~~
- ~~b. At every point on any highway there should be sign distance at least equal to the minimum safe stopping sight distance for a governing speed; and~~
- ~~c. On two-lane, two-way highways there should be some sections with longer sight distance as needed for passing.~~

~~The second of these is a design control for all highways and is most important.~~

(2) The safe stopping sight distance (SSD) is derived as the sum of the distance traveled during a 2.5 second perception reaction time and the distance traveled while braking from the assumed travel speed to a stop, using values for wet pavements and poor tire treads. SSD is measured from the typical passenger car eye height of 3.5 feet above the pavement surface to a 0.5 foot high object on the pavement. The object is considered to be some rock, box, animal or etc., large enough to be perceived and likely to require a stop. The stopping sight distance (SSD) shall be calculated using:

SSD	=	$1.47(2.5)(\text{MPH})$	+	$\frac{(\text{MPH})^2}{30(f+g)}$
	=	$3.675(\text{MPH})$	+	$\frac{(\text{MPH})^2}{30(f+g)}$
SSD	=	stopping sight distance (feet)		
MPH	=	miles per hour (miles/hour)		
f	=	coefficient of skidding friction (dimensionless)		
g	=	grade of street in decimal. It is negative if roadway is downhill approaching intersection.		

Coefficients of Sliding Friction	
(MPH)	(foot.)
20	.40
25	.38

Coefficients of Sliding Friction	
(MPH)	(foot.)
30	.35
35	.34
40	.32
45	.31
50	.30
55	.30

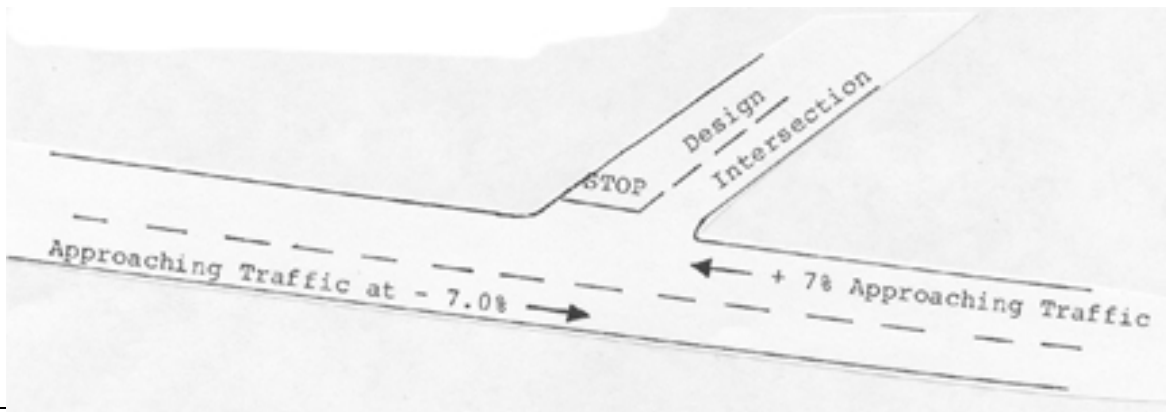
-

When grades are relatively flat the safe stopping distance can be applied as follows:

Safe Stopping Sight	
(MPH)	(SSD FEET)
20	<u>125</u>
25	150
30	200
35	250
40	300
45	375

Safe Stopping Sight	
(MPH)	(SSD FEET)
50	450
55	525

Note—When intersections are built on grades greater than four percent then the safe stopping distance must be calculated rather than using the table. The safe stopping sight distance shall be calculated using the maximum negative grade of traffic approaching the intersection.



The g factor in the formula would be $-.07$ for calculating purposes.

Sec. 19-90. — Safe stopping sight distance for trucks.

Trucks. The actual stopping distance required for trucks (including distance traveled during perception reaction) for a given speed may vary from 1.5 to two times that needed for passenger cars. A guide to tailor the design of a highway to accommodate truck operations is as follows:

Initial Speed of Truck (MPH)	Minimum Sight Distance Required (feet)
30 mph or less	1.5 times SSD of Pass. Car.
40 mph	1.625 times SSD of Pass. Car.
50 mph	1.75 times SSD of Pass. Car.

~~Sec. 19-91. — Vertical grades.~~

~~(a) — *Maximum grades.* Unless necessitated by exceptional topography and subject to approval by the city engineer street grades shall not be greater than:~~

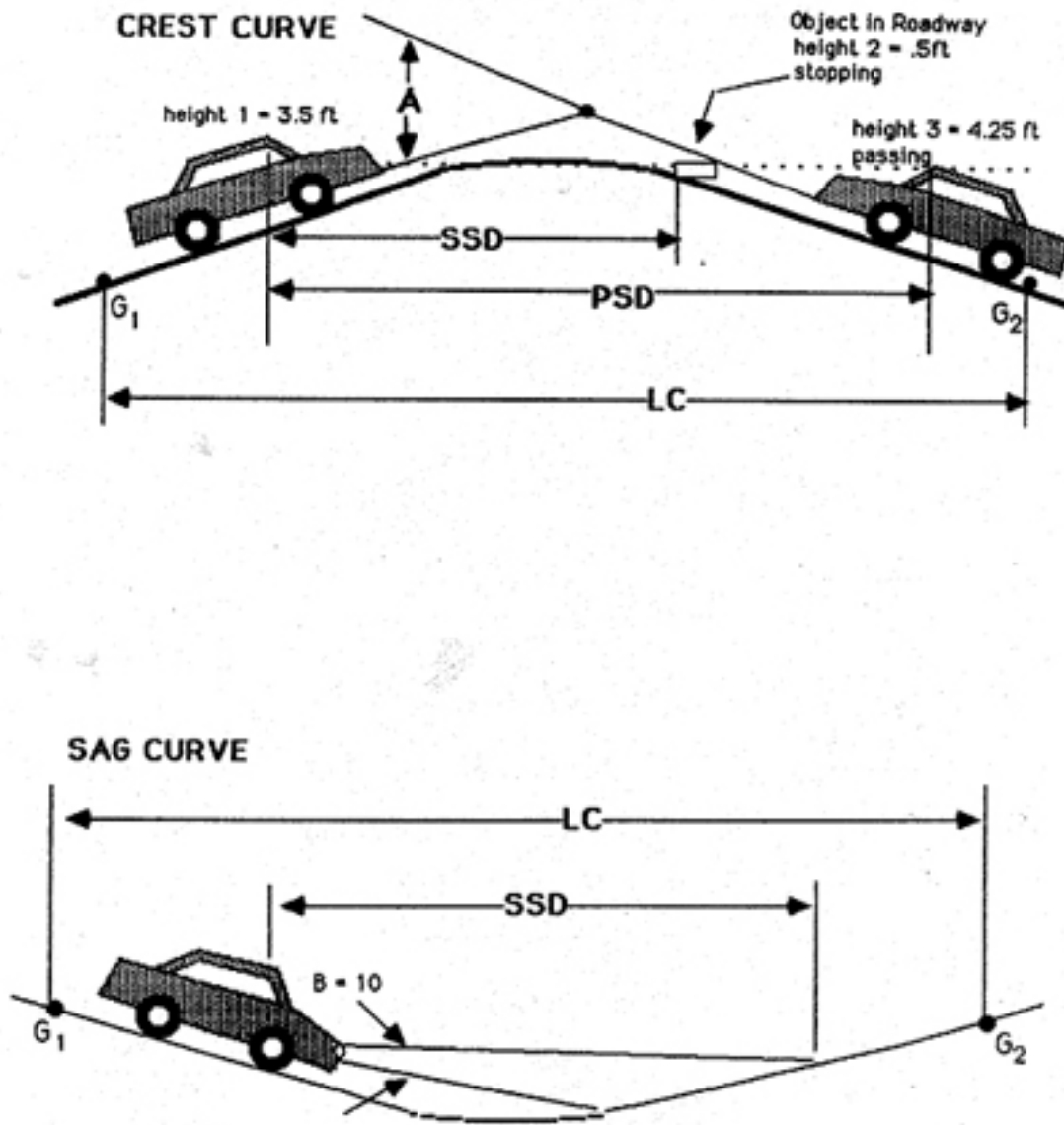
Cul-de-sac	3 percent
Intersections (50 foot approach area)	4 percent
Major and Minor Thoroughfares	7 percent
Marginal Access Streets	12 percent
Local Streets	12 percent

~~(b) — *Minimum grades.* Grades less than five percent shall not be used unless reviewed individually by the city engineer to determine potential maintenance problems.~~

~~Sec. 19-92. — Vertical curves.~~

~~All vertical curves shall meet the sight distance criteria once the sight distance is determined using the appropriate formula or chart. The vertical curve length can be calculated using the following~~

riteria:-



Crest Vertical Curves: The design criteria of crest vertical curves shall be based on safe stopping sight distance. This design format is satisfactory from the standpoint of safety, comfort, and appearance. An exception may be at decision areas, such as ramp exits, where longer lengths are necessary.

The basic formula for the length of crest vertical curve is:

$$L = KA$$

L = Length of vertical curve (ft.)

K = Rate of vertical curvature (no units)

A = Algebraic difference in grades (percent)

Ex. (10% - 5% = 5%)

Values of K can be found in the following table:

Design Controls for Crest Vertical Curves Based on SSD					
				Rate of Vertical Curvature, K (length (feet) per percent of A)	
Design Speed (mph)	Assumed Speed for Condition (mph)	Coefficient of Friction f	Stopping Sight Distance Rounded for Design (feet)	Computed ^a	Rounded for Design
20	20-20	0.40	125-125	8.6-8.6	10-10
25	24-25	0.38	150-150	14.4-16.1	20-20
30	28-30	0.35	200-200	23.7-28.8	30-30
35	32-35	0.34	225-250	35.7-46.4	40-50
40	36-40	0.32	275-325	53.6-73.9	60-80
45	40-45	0.31	325-400	76.4-110.2	80-120
50	44-50	0.30	400-475	106.6-160.0	100-160
^a Using computed values of stopping sight distance.					

Sec. 19-93. Horizontal curves and super elevation.

(a) ~~All horizontal curves shall be designed to simultaneously meet or exceed the required stopping sight distance while maintaining proper clearance from a roadside obstruction. The safe stopping sight distance used shall be as follows:~~

DESIGN SPEED	SAFE STOPPING SIGHT DISTANCE
20	125
25	150
30	200
35	250
40	300
45	375
50	450
55	525

~~In the analysis the safe stopping sight distance and the length along the curve shall be considered the same.~~

(b) ~~When designing horizontal curves the cross section of the roadway plays an important factor in the safety and comfort of the vehicle. Curb and gutter streets which appear to be flat are super-elevated in order to accommodate drainage. The centerline of the road to the gutter line experiences a plus four percent grade depending on the direction of the traffic. Therefore the outside lane of a curve section shall dictate the minimum radii.~~

(c) ~~The following charts shall be used to determine the maximum allowable super-elevation and the minimum allowable radius of curvature.~~

SUPER ELEVATIONS		
<i>Type of Street</i>	<i>Max.—————Super-elevation</i>	<i>Min.—————Super-elevation</i>
Major thoroughfare	0.06 foot/foot	0
Major thoroughfare	0.06 foot/foot	0
Local street	0.04 foot/foot	0
Marginal access street	0.04 foot/foot	0
MINIMUM RADII OF CURVATURE		
Curb and gutter streets with normal four percent crown		
SPEED (MPH)	MINIMUM RADII (FEET)	
20	205	
25	320	
30	460	
35	625	
40	820	
45	1035	
Non curb and gutter streets with two (two percent) crown		

SPEED (MPH)	MINIMUM RADII (FEET)
20	175
25	275
30	400
35	545
40	710
45	900

(e) ~~Horizontal curves utilizing super-elevation shall be design using AASHTO guidelines and sound engineering principles. All designs shall be accompanied with supporting data for the design.~~

~~Sec. 19-94. Street intersections.~~

~~Street intersections shall be laid out as follows:~~

~~(1) Sight distance shall be determined by the safe stopping sight distance of the approaching traffic.~~

~~(2) All streets should intersect as nearly as possible at 90 degrees, and no street shall intersect at less than 75 degrees unless by variance from the city engineer and only under extreme conditions.~~

~~(3) Property line radii at street intersections shall not be less than 20 feet and where the angle of intersection is less than 75 degrees a greater radius shall be required by the city engineer.~~

~~(4) Intersections on thoroughfares shall be at least 1,000 feet apart measured from centerline to centerline.~~

~~(5) Street intersections shall not be less than 150 feet apart measured from centerline to centerline.~~

~~Sec. 19-95. Minimum street cross sections.~~

~~The requirements for minimum street cross sections are as follows:~~

- (1) ~~Concrete curb and gutter 27 feet back to back of curb.~~
- (2) ~~Paved streets 18 feet shoulder to shoulder.~~
- (3) ~~Four foot shoulders in cuts.~~
- (4) ~~Six foot shoulders on fill.~~
- (5) ~~One foot vertical to one and one-half horizontal slope on banks which have been cut.~~
- (6) ~~One foot vertical to two feet horizontal slope on banks which have been filled.~~
- (7) ~~Twenty foot minimum curb radius at intersections.~~

~~Sec. 19-96. Pavement widths.~~

The requirement for pavement widths shall be as shown in the following table:

<u>TYPE OF STREET</u>	<u>PAVEMENT WITH _____ CURB AND GUTTER</u>	<u>PAVEMENT WITHOUT CURB AND GUTTER</u>	<u>PERIMETER</u>
Major thoroughfare	As required*	As required	As _____ required under the department of transportation
Minor thoroughfare collector	37 _____ feet** Back to Back of Curb (BBC)	24 feet	Subdivision Roadways Minimum Construction Standards, January 7, 1977, as amended.
Local	27 feet (BBC)	18 feet	18 feet
Marginal _____ access street	27 feet (BBC)	18 feet	
Cul-de-sac	37 _____ feet _____ Radius 74 _____ feet _____ Diameter (BBC)	35 _____ feet _____ Radius 70 feet Diameter	

~~*Lenoir Hudson Thoroughfare Plan adopted September 1987.~~

~~** (BBC) Measured from back to back of curb.~~

~~Sec. 19-97. -- Pavement designs.~~

~~Shown below are minimum thicknesses of base and surface course to be used. Design should be chosen from Group 1 or Group 2 depending on subgrade soil type:~~

~~GROUP I~~

Good to Excellent Subgrade Soil Types	Base Course	Pavement
A-1-a, A-1-b, A-3 A-2-4, A-2-5, A-2-6, A-2	7 inches STBC, Type A or C 9 inches STBC, Type A or C	2 inches SA or I-2 1½ inch SA or I-2
	8 inches ABC or STBC, Type B	BST, 1 inch SA or I-2
	6 inches ABC or STBC, Type B	1½ inches SA or I-2
	3 inches BCBC, Type HB	1 inch SA or I-2
		5 inches Plain Concrete

~~GROUP II~~

Poor to Fair Subgrade Soil Types		
A-4, A-5, A-6, A-7-5, A-7-6	9 inches STBC, Type A or C	2 inches SA or I-2
	8 inches ABC or STBS, Type B	1½ inches or SA or I-2

	10 inches ABC or STBC, Type, B	BST, 1 inch SA or I-2
	4 inches BCBS, Type HB	1½ inches SA or I-2
	3 inches BCBC, Type HB	2 inches SA or I-2
		6 inches Plain Concrete

~~Any other pavement design must be reviewed by the city engineer on an individual basis and approval will be based upon sound engineering principles.~~

~~NOTE: Subgrade—No base course shall be placed on muck, pipe clay, organic matter or other unsuitable material. The city engineer may require a subgrade soils test, if needed, to determine the soil classification type.~~

~~ABC—Aggregate Base Course, No. 7 stone~~

~~STBC—Soil Type Base Course~~

~~BST—Bituminous Surface Treatment~~

~~SA—Bituminous Concrete Surface Course, Type F-1 (Sand Asphalt)~~

~~I-2—Bituminous Concrete Surface Course, Type I-2~~

~~BCBC—Bituminous Concrete Base Course, Type HB (Black Base)~~

~~Other base course such as various cement-treated materials may be used in lieu of those shown above. These materials shall be of sufficient thickness to provide equivalent strength. However, any design other than those shown above must also be approved prior to use by the city engineer.~~

~~All materials shall meet the requirements set forth in the latest edition of the North Carolina Standard Specifications for Roads and Structures.~~

~~Sec. 19-98. Drainage structure.~~

~~(a) On all streets with 40 to 60 feet rights of way, the subdivider shall construct stormwater drainage facilities, which may include curbs and gutters, catchbasins and inlets, storm sewers,~~

~~road ditches, open channels, water retention structures and settling basins as required to adequately serve the subdivision.~~

~~(b) All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes (100-year flood) of flow and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazard to life and property.~~

~~(c) On all newly constructed or reconstructed streets the contractor shall be responsible for the construction of all stormwater drainage which may include but shall not be limited to curb and gutter, catchbasins and inlets, storm sewers, road ditches, open channels, water retention structures and settling basins. When designing such structure the engineer must consider that:~~

~~(1) All drainage facilities shall be adequate size and grade to hydraulically accommodate the anticipated flow and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazard to life and property.~~

~~(2) Earthen ditches shall have side slopes of at least three feet of horizontal distance for each foot of vertical distance and be seeded or sodded as grass waterways.~~

~~(3) All storm drainage shall be adequate so that the road may be maintained without excessive cost, and not cause flooding on private property from storm runoff of the design frequency. Permanent drainage easements may be required. The minimum design frequency shall be as follows but may be increased at the recommendation of the city engineer:~~

~~a. Storm sewer collector—10 years~~

~~b. Street cross drainage—25 years~~

~~*All calculations concerning pipe sizing shall be submitted with design.~~

~~(d) In areas where ditch grades or quantities of flow deem it impracticable to establish and maintain vegetation, an erosive resistant lining such as paving or rock rip rap may be required.~~

~~(e) Subsurface drainage shall be adequately designed in order to maintain a stable subgrade.~~

~~(f) When road crossings are within areas designated as flood hazard areas under the federal flood insurance program, the design must be approved by the department of planning and the city engineer.~~

~~(g) Cross pipes under streets shall be constructed of approved reinforced concrete or asphalt coated corrugated metal or aluminum.~~

~~(h) Culverts shall be provided to accommodate all natural water flow and shall be sufficient length to permit full width roadway and the required slopes. The size openings to be provided~~

shall be determined by the department of public works, but in no case shall be less than 15 inches. Cross drains shall be built on straight line and grade shall be laid on a firm base, but not on rock. Pipes shall be laid with the spigot pointing in the direction of the flow and with the ends filled and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the road bed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one foot below the road bed and constructed of reinforced concrete or asphalt coated corrugated metal.

(i) ~~Storm sewers, drains and structures shall be installed by the subdivider of a size and type, and location as required by the city engineer. The minimum size of storm drains shall be 15 inches in diameter. The design frequency for storm sewer collectors shall be ten years with cross street frequency at 25 years storm. Storm drains carrying water from street rights-of-way shall be placed along lot lines where feasible and shall extend for a distance for 35 feet minimum back of the building line. All off-street storm drains or extensions shall be installed initially by the subdivider or the responsibilities thereafter shall be transferred to the purchaser through the instrument of property transfer, which responsibility shall be clearly indicated on the final plat.~~

~~Sec. 19-99. Private ditches.~~

~~Any ditch which originates on private property or exist outside of an accepted right-of-way or storm drainage easement shall be considered private. It shall be the responsibility of the property owner to keep the ditch clear of all obstructions which could impede the natural flow of stormwater runoff. The city will not participate in the construction or maintenance of a private ditch.~~

~~Sec. 19-100. Ditch enclosure by owner.~~

~~Plans and specifications shall be approved by the city engineer on all ditch enclosure projects planned by the owner. No approval will be required by the property owner who plans to enclose a private ditch unless the closure has a direct effect on existing city maintained structures.~~

~~Sec. 19-101. Ditch enclosure by the city.~~

~~The city will participate in enclosing of ditches on a priority basis. The city after determining the feasibility of enclosing the ditch will notify the property owner of its intentions. If approved,~~

~~the city will participate in enclosing the ditch by furnishing labor and equipment at no cost to the property owner. All material that will be used in enclosing the ditch must be approved by the city engineer. All material cost will be borne by the property owner. Priority will be based on the following list:~~

~~1st priority — Ditch lines receiving direct discharge from a city maintained street.~~

~~2nd priority — Ditch lines receiving secondary discharge from a city maintained street.~~

~~Example — A ditch line receiving water from an abutting lot which receives direct discharge from a city maintained street.~~

~~3rd priority — Side ditches on reconstructed or resurfaced streets.~~

~~4th priority — Side ditches along existing city maintained streets.~~

~~Sec. 19-102. — Residential driveways.~~

~~Only two driveways shall be permitted for any one residence. Any one driveway shall not exceed 30 feet in width at the curbline or pavement shoulder line. Any two driveways to any one piece of property shall be separated by at least 30 feet. Not more than 50 percent of any one side of any residential lot may be used for driveways.~~

~~Sec. 19-103. — Commercial, industrial, and institutional driveways.~~

~~(a) Only two driveways shall be permitted on any one side and not more than a total of three driveways on two sides to any commercial, industrial, or institutional property.~~

~~(b) Each driveway shall be limited to a total width of 36 feet at the curbline or shoulder-pavement line.~~

~~(c) Any two driveways to any one piece of property shall be separated by at least 30 feet.~~

~~(d) Not more than 50 percent of any one side shall be used for driveways.~~

~~(e) The above category (driveways) must also be approved by the state department of transportation when on a state maintained road.~~

~~(f) Deceleration and acceleration lanes may be required and improved by the developing parties at driveways, utilizing standards developed by the state department of transportation.~~

~~Sec. 19-104. — Driveway materials.~~

~~(a) Where either concrete curb and gutter or concrete sidewalk is adjacent to a proposed drive, concrete shall be the only material used for construction of the driveway connection.~~

~~(b) Asphalt or stone connections will be permitted on a dirt or asphalt street when no concrete is adjacent.~~

~~Sec. 19-105. -- Driveway connection limits.~~

~~The control limits of this chapter for any driveway shall be the street right of way line, or the back side of a concrete walk and the back side of concrete curb and gutter, or the pavement shoulder line.~~

~~Sec. 19-106. -- Concrete curb cuts.~~

~~A concrete driveway must be planned and a driveway permit secured before any concrete shall be cut or any construction shall commence.~~

~~Sec. 19-107. -- Owner responsibility.~~

~~(a) It shall be the responsibility of the property owner to bear the cost to construct or maintain any private driveway from the street right of way line to the back of the curb or the pavement shoulder line. The above includes the area across any concrete sidewalk.~~

~~(b) When any private driveway becomes a hazard to the safety of pedestrians using a concrete walk, the owner shall be notified and corrective action shall be taken within a 30 day period.~~

~~Sec. 19-108. -- Driveways at intersections.~~

~~No driveway shall be permitted to extend into the curved portion of any concrete curb radius or beyond the back edge of any intersecting sidewalk. No driveway edge shall extend closer than 25 feet from the back of the curbline of the intersecting street.~~

~~Sec. 19-109. -- Joint driveways.~~

~~(a) Joint driveways will be permitted if the driveway conforms to all other sections of this article.~~

~~(b) No driveway edge shall be constructed closer than 15 feet to any fire hydrant. Fire hydrants will be moved at owner's cost.~~

~~Sec. 19-110. -- Driveways near fire hydrants.~~

~~No driveway edge shall be constructed closer than 15 feet to any fire hydrant. Fire hydrants will be moved at owner's cost.~~

~~Sec. 19-111. -- Dropped curb or radius type driveway.~~

- ~~(a) Either the dropped curb or radius type driveway will be permitted.~~
- ~~(b) The radius type shall not be extended through any concrete sidewalk.~~
- ~~(c) The radius type shall also conform to all state regulations to accommodate handicapped people.~~

~~Sec. 19-112. -- New sidewalks.~~

~~No new sidewalks shall be constructed along any street until the plans and specifications have been approved by the city engineer.~~

~~Sec. 19-113. -- Concrete curb and gutter required.~~

~~All newly constructed or reconstructed streets shall include curb and gutter which meets the city's specifications. All costs of curb and gutter shall be the responsibility of the contractor/developer.~~

~~Sec. 19-114. -- Materials and specifications.~~

~~All new sidewalk material shall be class B concrete. The minimum width shall be five feet with a marking joint each five feet and an expansion joint with one-half inch expansion joint materials placed each 40 feet. Additional expansion joint may be used in every place where the walk joins curb and gutter, walls, buildings, fire hydrants, poles, etc.~~

~~Sec. 19-115. -- Sidewalk and damage replacement.~~

~~All sidewalk damage which occurs during the construction of a building or additional work being done to an existing building or where property is being developed shall be corrected by replacing the damaged walk with new concrete at the property owner's expense.~~

~~Sec. 19-116. -- Water and sewage systems.~~

~~(a) Water and sewer construction drawings shall be submitted to the director of public utilities showing the proposed water supply, and sewage collection system specifically showing:~~

~~(1) *Water:*~~

~~1. Location;~~

~~2. Fire hydrants;~~

~~3. Taps; and~~

~~4. Size of line.~~

~~(2) *Sewer:*~~

~~1. Location;~~

~~2. Profiles;~~

~~3. Taps; and~~

~~4. Size of line.~~

~~(b) When utilities are located outside of dedicated rights-of-way easements shall be designated having a minimum width of 25 feet, 12½ feet on center.~~

~~(c) The city shall reserve the right of construction or approve bids taken by the subdivider for all water and sewage mains within its corporate limits. Outside the municipal boundaries of the city and within the municipal perimeter the regulations governing the construction of water and sewer systems or individual facilities shall be under the direction of the county water department and/or the county health department.~~

~~Secs. 19-117~~91~~—19-136. - Reserved.~~

ARTICLE IV. - FINAL PLAT

Sec. 19-138. - Final plat approval.

(a) When the requirements of the preliminary plat construction drawings and sedimentation control plan have been satisfactorily fulfilled, the subdivider may submit a final subdivision plat for review and approval by the City Council. ~~the review of the planning board.~~

(b) The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time; such portion shall conform to all requirements of this chapter.

(c) ~~Four~~ A full-size, to--scale paper copy and a digital copy of copies of the final plat shall be submitted to the Planning Department. Upon determination that the final plat is consistent with the preliminary plat and all infrastructure has been satisfactorily constructed and approved, the Planning Department will place the final plat on the next available regularly scheduled Council meeting. The review of the final plat is an administrative function of Council. Any documents related to the dedication of public infrastructure or facilities must also accompany the final plat and be accepted/approved by the City Council planning department by the Friday falling at least 20 days prior to the board meeting at which it is to be reviewed.

(d) If a developer is requesting City participation or reimbursement for costs related to the construction of streets, sidewalks, or public utilities, a Developer's Agreement is required and must be approved through a Legislative public hearing.

~~(d) After reviewing the final plat and all requirements satisfactorily completed, the board shall transmit the final plat and its recommendations to the city council for final action. Failure of the board to act on a final plat within 45 days after the meeting at which it is first reviewed, shall result in the plat being forwarded to the council for consideration.~~

(e) The approval of the final plat by the council shall be conditional until said plat is recorded in the office of the county register of deeds and receipt of such record is presented to the planning department.

FINAL PLAT CHECK LIST

Date _____ Application No.: _____

Subdivision _____

Owner's Name _____

Address _____

Telephone _____

The following symbols are used in reviewing the preliminary plat.

☒ Compliance.

☐ Non-compliance.

☐ Not applicable.

☐ Submitted within 18 months of preliminary plat approval.

☐ Conforms to preliminary plat and incorporates suggested changes.

☐ Name of subdivision.

☐ Names of owner.

☐ Name of surveyor and/or engineer who prepared the final plat.

☐ Plat drawn at a minimum scale of one hundred feet to the inch.

☐ Northpoint, graphic scale, and date.

☐ Drawn in ink on material suitable for reproduction 18" X 24" in size.

☐ Sketch vicinity map.

☐ Index sheet (if applicable).

☐ Names of adjacent subdivision and/or property owners.

☐ Closure.

☐ Boundary lines of the tract dimensioned by lengths and bearings.

☐ Location of rights of way, easements, and areas dedicated to public use with the purpose of each stated.

☐ Location of rights of way, easements, and areas dedicated to public use with the purpose of each stated.

☐ Description of off site rights of way or easements (if applicable).

☐ Copy of proposed deed restrictions (if applicable).

☐ Names, rights of way lines, widths, and easements of proposed and adjacent streets.

☐ Curve data for street rights of way.

☐ Dimensions and lines of all lots and tracts.

☐ Minimum building setback lines.

☐ Lots and blocks numbered consecutively.

☐ Lengths and widths of blocks.

☐ Engineering data sufficient to reproduce on the ground the location of bearings and lengths.

- ~~___ Location and types of all monuments.~~
- ~~___ Parks, open spaces, and other dedicated areas.~~
- ~~___ Installation of guaranteed improvements. (Water and sewer systems, drainage facilities, and streets).~~
- ~~___ Plans for individual water supply and/or sewage disposal systems.~~
- ~~___ Copy of deed restrictions (if applicable).~~
- ~~___ Required certificates and endorsements.~~
- ~~___ Contractual agreement with the city to install water and sewer based on ___ (if applicable).~~
- ~~___ Sedimentation and erosion control plan.~~

Recommendation of the subdivision review committee:

Approval of planning board _____ (Date)
Disapproval _____ Date (reasons for disapproval, see attached page).
Decision by city council _____ and _____ (Date).

-

City Clerk, City of Lenoir _____.

Signature of the owner of the subdivision

_____.

Secs. 19-139—19-158. - Reserved.

ARTICLE VI. - PROCEDURE FOR REVIEW AND APPROVAL OF MINOR AND EXPEDITED SUBDIVISIONS

Sec. 19-159. - Procedures for review of minor expedited subdivision.

In accordance with NCGS 160D-802, only a plat for recordation is required the division of a tract or parcel of land in single ownership if all of the following criteria are met:

- (1) The tract or parcel to be divided is not exempted under subdivision (2) of subsection (a) of this section.
- (2) No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.
- (3) The entire area of the tract or parcel to be divided is greater than 5 acres.
- (4) After division, no more than three lots result from the division.
- (5) After division, all resultant lots comply with all of the following:
 - a. All lot dimension size requirements of the applicable land-use regulations, if any.
 - b. The use of the lots is in conformity with the applicable zoning requirements, if any.
 - c. A permanent means of ingress and egress is recorded for each lot.

Expedited subdivisions follow the same procedure as for other minor subdivisions, except that a sketch plan is not required and review is limited to the items listed above.

Sec. 19-160. — Minor subdivision defined.

~~For purposes of these regulations, a minor subdivision is defined as a subdivision:~~

- ~~(1) Involving not more than ten lots fronting on an existing public street;~~
- ~~(2) Not involving any new street for access to lots within the subdivision or to interior property;~~
- ~~(3) Not requiring extension of public sewage or water lines or creation of new drainage easements through lots to serve property at the rear;~~
- ~~(4) Not adversely affecting the development of the remainder of the parcel or of adjoining property;~~
- ~~(5) Creating no new or residual parcels not conforming to the requirements of these or other regulations; and~~
- ~~(6) Not committing the expenditure of city funds.~~

Sec. 19-161160. - Approval process for minor subdivisions.

If the land to be subdivided meets the requirements of a minor subdivision as defined in ~~section 19-80~~Article I of this chapter, the subdivider will not have to follow the same procedures as for a major subdivision. The review process for minor subdivisions shall be adequate to protect the public interest, but shall also provide minimum delay and expense to the subdivider. A preliminary plat is not required. ~~The subdivider may go from a sketch plan to a final plat with the approval of the subdivision administrator. The following minor subdivision plat approval process may be used only where the subdivision meets the requirements of section 19-80.~~

Sec. 19-161. – Family Subdivisions

Family subdivisions are a type of minor subdivision permitted only with the City's extra-territorial jurisdiction in order to facilitate the residential subdivision of family homesteads without requiring the extension of public infrastructure such as streets, water lines, and sewer lines as is required in regular subdivisions. The tract of land from which the family subdivision is to be made must be at least three acres in size and no more than 20 acres in size.

Family subdivisions must meet all of the minimum requirements of the City of Lenoir Subdivision Ordinance, except:

(a) Only one lot may be conveyed to any individual lineal family member or to the spouse of such individual lineal family member. A lot may be conveyed jointly to the family member and to the family member's spouse, not separate lots each to the family member and to the spouse;

(b) No more than a total of five family subdivision lots may be created from the tract of land from which the family subdivision is to be made regardless of the size of the original tract;

(c) All family subdivisions plats shall be prepared in the same manner and bear the same certificates as minor subdivisions plats and shall be submitted to the planning department for approval and reviewed in accordance with the provisions for minor subdivisions;

(d) All lots created for a family subdivision shall have a duly recorded forty-five-foot-wide ingress and egress easement, including general residential utility easements, located within the tract of land from which the family subdivision is to be made. There shall also be a duly recorded ingress and egress easement extending to a publicly maintained road if the tract of land from which the family subdivision is created does not abut a publicly maintained road. If a duly recorded easement for ingress and egress, located across nonfamily owned property, is to be

utilized for access, this ingress and egress easement may be used for access at its existing width. However, if such duly recorded easement across nonfamily land is less than 45 feet in width and/or does not include general residential utility rights, then a written statement shall be included on the plat which states and describes such limitations with respect to such easement. Within any newly created ingress and egress easement created under the family subdivision provisions, a gravel or paved drive at least 18 feet in width shall be constructed upon the tract of land from which the family subdivision is to be made if it serves at least two new lots.

(e) A plat map is required showing the resulting lots and ingress/egress easements. The plat shall state that it has been prepared for a family subdivision, and shall state the name(s) of the owner(s) of the original tract being subdivided and the specific family member to which the subdivided property is being conveyed. The plat shall state that approval of the plat by the City of Lenoir does not establish any assumption of obligation by the City of Lenoir or the North Carolina Department of Transportation for maintenance of any street or driveway in the family subdivision, which shall be and remain private streets until such time, if any, as the City of Lenoir or the North Carolina Department of Transportation should accept such streets for public dedication.

Sec. 19-162. - Procedure for review of minor subdivisions.

(a) Prior to submission of a final plat, the subdivider shall submit to the subdivision administrator three copies of a sketch plan of the proposed minor subdivision containing the following information:

- (1) A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;
- (2) The boundaries of the tract and the portion of the tract to be subdivided;
- (3) The total acreage to be subdivided;
- (4) The existing and proposed uses of the land within the subdivision and the existing uses of the land adjoining it;
- (5) The existing street layout and right-of-way width, lot layout and size of lots;
- (6) The name, if any, of the proposed subdivision;
- (7) The name, address and telephone number of the owner;
- (8) The zoning classification of the tract and adjacent properties;

- (9) The location of water and sewer facilities serving the proposed minor subdivision, if applicable; and
- (10) A statement from the county health department that a copy of the sketch plan has been submitted to them, if septic tanks or other on-site water or wastewater systems are to be used in the subdivision.
- (b) The subdivision administrator shall review the sketch plan for general compliance with the requirements of this article, and shall advise the subdivider or his authorized agent of the regulations pertaining to the proposed minor subdivision and the procedures to be followed in the preparation and submission of the final plat.
- (c) The subdivision administrator, after determining that all requirements of this article have been met, shall advise the subdivider to proceed with the preparation of a final plat which conforms to the submitted sketch plan. The approval of the sketch plan shall in no way be construed as constituting official approval of the final plat.

Sec. 19-163. - ~~Dispute of findings~~Appeals.

Appeals of administrative decisions made by staff under this ordinance shall be heard by the Board of Adjustment and follow the procedure outlined for appeals in Sec. 1308 of the Zoning ordinance. ~~In the event the subdivider disagrees with any findings of the subdivider and disagrees with any findings of the subdivision administrator concerning approval of a sketch plan of a minor subdivision, the matter shall be taken to the city council for a decision. No final plat shall be accepted for review~~recorded until the ~~city council~~Board of Adjustment has acted on the disputed sketch plan.

Sec. 19-164. - Final plat for expedited and minor subdivisions.

(a) The subdivision administrator shall review the final plat for complete compliance with the requirements outlined for final plat approval of these minor subdivision regulations. The final plat shall be complete and show all information required for final plats in subsection 19-77 137(a) and (b)(1)–(12), and all certifications and notarizations required in section 19-85-165 for final plat approval of a minor subdivision.

(b) The final plat shall be prepared by a registered land surveyor currently licensed and registered in the state 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 and the Manual of Practice for Land Surveying in North Carolina.

(c) Three copies of the final plat shall be submitted to the subdivision administrator. One of these shall be on reproducible material; two shall be black or blue line paper prints. Material and drawing medium for the original shall be in accordance with the Manual of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the county register of deeds.

(d) The final plat shall be of a size suitable for recording with the county register of deeds and shall be at a scale of not less than one inch equals 200 feet. Maps may be placed on more than one sheet with appropriate match lines.

~~ARTICLE VII. — PROCEDURE FOR REVIEW AND APPROVAL OF FAMILY SUBDIVISIONS~~

~~Sec. 19-170. — Definition.~~

~~A family subdivision is a residential subdivision in which lots are intended to be conveyed to members of the owners' lineal family. Lineal family members shall only include the owners and the direct lineal descendants (children and grandchildren) and direct lineal ascendants (parents and grandparents), as well as the spouses/widows of such persons.~~

~~Sec. 19-171. — Purpose~~

~~This article is intended to facilitate the residential subdivision of family homesteads without requiring the extension of public infrastructure such as streets, water lines, and sewer lines as is required in regular subdivisions. The tract of land from which the family subdivision is to be made must be at least three acres in size and no more than 20 acres in size.~~

~~Sec. 19-172. — Family subdivision~~

~~Family subdivision provisions shall be effective only within the extraterritorial jurisdiction of the City of Lenoir.~~

~~Sec. 19-173. -- Requirements.~~

~~Family subdivisions shall meet all of the minimum requirements of the City of Lenoir Subdivision Ordinance, except:~~

~~(a) Only one lot may be conveyed to any individual lineal family member or to the spouse of such individual lineal family member. A lot may be conveyed jointly to the family member and to the family member's spouse, not separate lots each to the family member and to the spouse;~~

~~(b) No more than a total of five family subdivision lots may be created from the tract of land from which the family subdivision is to be made regardless of the size of the original tract;~~

~~(c) All family subdivisions plats shall be prepared in the same manner and bear the same certificates as minor subdivisions plats and shall be submitted to the planning department for approval and reviewed in accordance with the provisions for minor subdivisions;~~

~~(d) All lots created for a family subdivision shall have a duly recorded forty-five-foot-wide ingress and egress easement, including general residential utility easements, located within the tract of land from which the family subdivision is to be made. There shall also be a duly recorded ingress and egress easement extending to a publicly maintained road if the tract of land from which the family subdivision is created does not abut a publicly maintained road. If a duly recorded easement for ingress and egress, located across nonfamily-owned property, is to be utilized for access, this ingress and egress easement may be used for access at its existing width. However, if such duly recorded easement across nonfamily land is less than 45 feet in width and/or does not include general residential utility rights, then a written statement shall be included on the plat which states and describes such limitations with respect to such easement. Within any newly created ingress and egress easement created under the family subdivision provisions, a gravel or paved drive at least 18 feet in width shall be constructed upon the tract of land from which the family subdivision is to be made if it serves at least two new lots.~~

~~(e) A plat map is required showing the resulting lots and ingress/egress easements. The plat shall state that it has been prepared for a family subdivision, and shall state the name(s) of the owner(s) of the original tract being subdivided and the specific family member to which the subdivided property is being conveyed. The plat shall state that approval of the plat by the City of Lenoir does not establish any assumption of obligation by the City of Lenoir or the North Carolina Department of Transportation for maintenance of any street or driveway in the family subdivision, which shall be and remain private streets until such time, if any, as the City of~~

~~Lenoir or the North Carolina Department of Transportation should accept such streets for public dedication.~~

Permit Report

04/19/2021 - 05/13/2021

Permit #	Permit Date	Permit Type	Applicant Name	Issued Date	Description	Parcel Address
----------	-------------	-------------	----------------	-------------	-------------	----------------

Group: Driveway

2021058	5/4/2021	Driveway	Galeas Castro	5/4/2021	driveway	1505 WALT ARNEY RD
2021052	4/26/2021	Driveway	Glenn Miller	4/26/2021	driveway	909 WOODBINE PL
2021051	4/26/2021	Driveway	Glenn Miller	4/26/2021	driveway	913 WOODBINE PL
2021050	4/26/2021	Driveway	Juan Jose Banegas	4/26/2021	driveway	1022 ASHE AV

Group Total: 4

Group: Permanent Sign

2021063	5/10/2021	Permanent Sign	Heather English	5/10/2021	sign permit	201 MULBERRY ST
2021062	5/7/2021	Permanent Sign	Action Sign	5/7/2021	sign permit	2345 MORGANTON BV
2021060	5/6/2021	Permanent Sign	Rebecca Adkins	5/6/2021	sign permit	1080 NORTH MAIN ST
2021055	4/30/2021	Permanent Sign	Salde Gorski		sign permit	675 BLOWING ROCK BV

Group Total: 4

Group: Single Family Home

2021056	5/3/2021	Single Family Home	Keith Willis	5/3/2021	Single Family Dwelling	413 ROCKY TOP CT
2021048	4/22/2021	Single Family Home	Glenn Miller	4/22/2021	Single Family Dwelling	909 WOODBINE PL
2021047	4/22/2021	Single Family Home	Glenn Miller	4/22/2021	Single Family Dwelling	913 WOODBINE PL

Group Total: 3

Group: Temporary Advertising

2021059	5/6/2021	Temporary Advertising	Rebecca Adkins	5/6/2021	temporary signs	1080 NORTH MAIN ST
2021057	5/3/2021	Temporary Advertising	Tam Nguyen	5/3/2021	temporary banner	409 BLOWING ROCK BV

Group Total: 2

Group: Zoning Verification

2021061	5/6/2021	Zoning Verification	Chicago Title Insurance Co	5/6/2021		1208 HICKORY BV

Group Total: 1

--	--	--	--	--	--	--

Total Records: 14

5/13/2021