

ARTICLE I
TITLE AND PURPOSE

I. TITLE

This Ordinance shall be known and may be cited as the Subdivision Ordinance of the City of Asheboro, North Carolina, and may be referred to as the Subdivision Ordinance.

II. PURPOSE

The purpose of this Ordinance is to establish procedures and standards for the development and subdivision of land within the territorial jurisdiction of the City of Asheboro, North Carolina. It is further designed to provide for the orderly growth and development of Asheboro; for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities; for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare. This Ordinance is designed to further facilitate adequate provision for water, sewerage, parks, schools, and playgrounds, and also to facilitate the further re-subdivision of larger tracts into small parcels of land.

**ARTICLE II
AUTHORITY AND JURISDICTION**

I. AUTHORITY

This Ordinance is hereby adopted under the authority and provisions of the General Statutes of North Carolina, Chapter 160A, Article 19, Part 2.

II. JURISDICTION

The regulations of this Ordinance contained herein as provided in G. S. 160A, Article 19 shall apply throughout the City of Asheboro and its extraterritorial planning jurisdiction, as it may from time to time exist.

**ARTICLE III
PREREQUISITE TO PLAT RECORDATION AND
APPROVAL OF PUBLIC SERVICES**

I. PREREQUISITE TO PLAT RECORDATION

After the effective date of this Ordinance, each individual subdivision plat of land within the territorial jurisdiction of the City of Asheboro shall be approved by the City of Asheboro in accordance with the procedures for submission and approval as set forth herein.

II. APPROVAL OF PUBLIC SERVICES

A major subdivision preliminary plat and engineering drawings must be submitted and approved as required in this ordinance before the construction of streets or public utilities may begin.

A major subdivision final plat must be submitted and approved as required in this ordinance before the City will maintain a new street or accept a street dedication. (Amend 7/99)

ARTICLE IV LEGAL PROVISIONS

I. ADMINISTRATION

The Planning Director shall be the administrator of this Ordinance. The Planning Director shall be responsible for administering the provisions of this Ordinance, providing necessary materials and information to the Planning Board and City Council and performing all other duties consistent with the administration of this Ordinance. It shall further be the duty of the Planning Director to enforce these regulations and to bring to the attention of the Asheboro City Attorney any violation or lack of compliance herewith.

II. PROCEDURE FOR PLAT APPROVAL

After the effective date of this Ordinance, no subdivision plat of land within the territorial jurisdiction of the City of Asheboro shall be filed or recorded until it has been submitted to and approved by the City of Asheboro as set forth in Article III, Section 1 of this Ordinance, and until such approval is certified in writing on the face of the plat by the Review Officer.

III. ENFORCEMENT

- A. Register of Deeds - After the effective date of this Ordinance, the Register of Deeds shall not file or record a plat of a subdivision of land located within the territorial jurisdiction of the City of Asheboro that has not been approved in accordance with these provisions, nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with this section.

B. Permits:

Within any non PUD subdivision no Zoning Compliance Permit nor Building Permit shall be issued for construction until a final plat and as built data are approved EXCEPT two (2) permits may be issued after Preliminary Plat Approval has been granted by City Council to allow "Model" structures which shall not be connected to water and sewer nor receive a Certificate of Occupancy until final plat approval and as built data are approved (amended 10/2001 & 9/5/02)

Within any PUD subdivision Zoning Compliance Permits and Building Permits may be issued prior to Final Plat Certification as long as a PUD Special Use Permit is valid and a Preliminary Plat has been approved by the City Council. (amended 10/2001 & 9/5/02)

- C. It is a violation of this ordinance to record any deed indicating a lot on a preliminary or sketch plat until a final plat has been recorded.

IV. PENALTIES FOR VIOLATION

After the effective date of this Ordinance, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this Ordinance, thereafter subdivides his land in violation of this Ordinance or transfers or sells land by reference to, exhibition of, or any other uses of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this Ordinance and recorded in the office of the Randolph County Register of Deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The City of Asheboro through its attorney or other official designated by the City Council, may enjoin illegal subdivision, transfer or sale of land, and the Court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the Subdivision Ordinance. Further, violators of this Ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by G. S. 14-4.

V. EFFECT OF PLAT APPROVAL ON DEDICATIONS

The approval of a plat pursuant to this Ordinance shall not be deemed to constitute or effect the acceptance by the City of Asheboro of the dedication or maintenance of any street or other ground, public utility line, or other public facility except as designated on the plat.

VI. SEPARABILITY

Should any section or provision of this Ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part therein other than the part so declared to be unconstitutional or invalid.

VII. VARIANCES

Where, because of severe topographical or other conditions peculiar to the site, strict adherence to the provisions of this Ordinance would cause an unnecessary hardship, the City Council upon recommendation of the Planning Board, may authorize a variance to the terms of this Ordinance only to the extent that is absolutely necessary and not to an extent which would violate the intent of the Ordinance. All requests for variances shall

be submitted in writing, by the subdivider or his agent, to the Planning Department. Such request shall be accompanied by materials providing sufficient evidence to support the claim of hardship.

VIII. AMENDMENTS

The City Council of the City of Asheboro may from time to time amend the terms of this Ordinance, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation. The Planning Board shall have sixty (60) days within which to submit its report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have approved the amendment.

Upon receipt of the Planning Board's recommendation, or upon the expiration of the above mentioned sixty (60) day period with no recommendation from the Planning Board, the City Council shall schedule a public hearing on the proposed amendment. After such hearing the City Council may adopt, by Ordinance, amendments to this Ordinance.

IX. ABROGATION

It is not intended that this Ordinance repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, permits previously issued pursuant to law or other agreements between parties, provided however, where this Ordinance imposes greater restrictions upon the land or requires a higher standard of development, the provision of this Ordinance shall govern.

X. RE-ENACTMENT AND REPEAL OF EXISTING SUBDIVISION ORDINANCE

This Ordinance in part carries forward by re-enactment some of the provisions of the City of Asheboro Subdivision Ordinance adopted April 10, 1969, as amended, and it is not the intention to repeal but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced. All provisions of the subdivision ordinance, which are not re-enacted herein are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of any subdivision ordinance heretofore in effect, which are now pending in any of the courts of this State or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance, but shall be prosecuted to their finality the same as if this Ordinance had not been adopted; and any and all violations of the existing ordinance, prosecutions for which had not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Ordinance shall be construed as to abandon, abate, or dismiss any litigation or prosecution now pending and/or which may heretofore have been instituted or prosecuted.

XI. EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the 10th day of September, 2001.

Duly adopted by the City Council of the City of Asheboro, North Carolina on this 10th day of September, 2001..

ARTICLE V DEFINITIONS

I. SUBDIVISION DEFINED*

A. Subdivision

For the purpose of this Ordinance, "subdivision" means all division of a tract or parcel of land into two or more lots, building sites, or other division for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this Ordinance.

1. The combination or re-combination 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, as shown in its subdivision regulations;
2. the division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
3. the public acquisition by purchase of strips of land for widening or opening of streets; and
4. the division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where resultant lots are equal to or exceed the standards of the City, as shown in this Ordinance.

For the purpose of this Ordinance, the following definition also shall not be included in the above definition of a "subdivision".

*The conveyance of land to heirs for the purpose of dividing real estate among in said heirs. (This exclusion results from the North Carolina Court of Appeals decision in Claude A. Williamson, Jr., and wife Angela C. Williamson VS. Dorothy A. Avant (21 N.C. App.211).**

**This definition is extracted directly from the North Carolina General Statutes, Chapter 160A- 376.*

B. Minor Subdivision

For the purpose of this Ordinance, "Minor Subdivision" shall mean the division of one existing tract of land into parcels, whether contiguous or not, where each parcel or lot has the required frontage on an existing public street right-of-way or private access approved by the City of Asheboro. Minor subdivisions can not include any improvements listed under "Major Subdivision". (amended 9/5/02)

C. Major Subdivision

For the purpose of this Ordinance, "Major Subdivision" shall mean the division of one existing tract of land into parcels, whether contiguous or not with one or more of the following improvements proposed by the developer:

1. Creation of a new public street right-of-way or the extension of an existing public street right-of-way.
2. Installation of a water line to be maintained by the City of Asheboro.
3. Installation of a sewer line and / or sewer pump station to be maintained by the City of Asheboro. (amend 9/5/02)

II. OTHER DEFINITIONS

For the purpose of this Ordinance certain words or terms used herein shall be defined as follows:

ALLEY: A minor right-of-way privately or publicly owned, primarily for service access to the back or side of properties.

BUFFER STRIP AND SCREENING: A solid fence or wall, or a planted strip at least ten (10) feet in width composed of deciduous and/or evergreen trees placed not more than 10 feet apart, and not less than one (1) row of dense shrubs spaced not more than five (5) feet apart, which shall be established in perpetuity by the owner of property whenever required under the terms and provisions of this Ordinance

BUILDING INSPECTOR: The officer or other designated authority charged with the administration and enforcement of the building code, or his duly authorized representative or agent.

BUILDING LINE: A line parallel to the front property line in front of which no structure shall be erected. Such line is established according to the Asheboro Zoning Ordinance.

CITY: City of Asheboro, North Carolina.

COLLECTOR STREET: Collector streets perform the function of collecting traffic from local streets and cul-de-sacs and carrying the traffic to minor and major thoroughfares.

CUL-DE-SAC: A cul-de-sac is a short street having but one end open to traffic and the other end being permanently terminated and a vehicular turn-around provided.

DEDICATION: A gift, by the owner, or a right to use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with an acceptance.

EASEMENT: A grant by the property owner of a strip of land for a specified purpose and use by public, corporation, or persons.

EXTRA-TERRITORIAL AREA: That portion of the territorial jurisdiction of the City of Asheboro which lies outside the corporate limits of the City of Asheboro.

LOCAL STREET: A local street serves primarily to provide direct access to abutting land and access to higher systems. It offers the lowest level of mobility and through-traffic is usually deliberately discouraged.

LOT: A portion of subdivision, or any other parcel of land, intended as a unit for transfer of ownership or for development or both.

LOT, FRONT OF:

On interior lots: the front of a lot shall be construed as the portion nearest the street.

On corner lots: the frontage of a lot shall be construed as the shortest boundary to a street. If the lot has equal frontage on two or more streets, frontage shall be determined by the Zoning Administrator in accordance with the prevailing building pattern, or the prevailing lotting pattern, if a building pattern has not been established (frontage shall be determined at the option of the owner).

On through lots: all portions adjacent to streets shall be considered as frontage for regulatory purposes. If the Zoning Administrator finds that the pattern of lots or the pattern of required yards, on lots adjacent to portions of the through lot, is such as to justify the elimination of the requirement that more than one frontage be provided on the lot, such additional frontage shall not be required.

LOT OF RECORD: A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Randolph County prior to the adoption of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of the original Ordinance, dated April 10, 1969.

LOT TYPES:

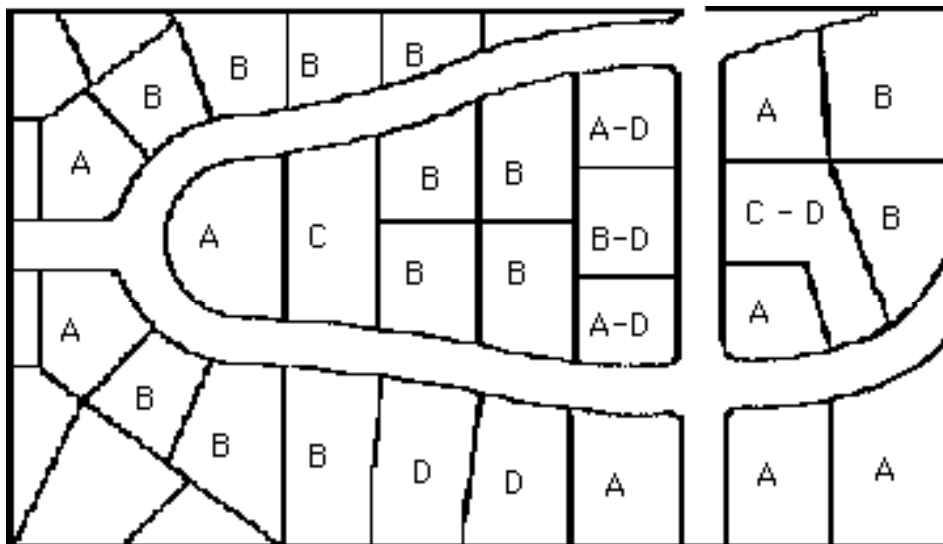


Diagram V-1

CORNER LOT: Any lot located at the intersection of two or more streets. A lot abutting a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot (projected if rounded) meet at an interior angle of less than 135 degrees. (See lots marked A in diagram V-1.)

INTERIOR LOT: Any lot other than a corner lot and abutting one street. Alleys shall not be considered as streets for purposes of this definition.

THROUGH LOT OR A "DOUBLE FRONTAGE LOT": Any lot other than a corner lot, and with frontage on more than one street. Through lots abutting two streets (may) shall be referred to as double-frontage lots unless a corner lot. Alleys shall not be considered as streets for purposes of this definition.

REVERSED FRONTAGE LOT: Any lot on which the frontage is at right angles or approximately right angles (interior angles less than 135 degrees) to the general pattern in the area. A reversed frontage lot may also be in a corner lot (A-D in diagram V-1), an interior lot (B-D) or a through lot (C-D).

MAJOR THOROUGHFARE: Major thoroughfares consist of interstate, other freeway and expressway links, and major streets that provide for the expeditious movement of volumes of traffic within and through urban areas. Such thoroughfares are specifically designated in the Thoroughfare Plan of the City of Asheboro.

MINOR THOROUGHFARE: Minor thoroughfares are important streets in the city system and perform the function of collecting traffic from collector streets and carrying it to the major thoroughfare system. Such minor thoroughfares are specifically designated in the Thoroughfare Plan of the City of Asheboro.

OFFICIAL MAPS OR PLANS: Any maps or plans officially adopted by the City Council as a guide to the development of the City of Asheboro.

OPEN SPACE: An area (land and/or water) generally lacking in manmade structures and reserved for enjoyment in its unaltered state.

PLAN: Any documented and approved program of recommended action, policy, intention, etc., which sets forth goals and objectives along with criteria, standards and implementing procedures necessary for effectively guiding and controlling decisions relative to facilitating development and growth management.

PLANNED UNIT

DEVELOPMENT: The planned unit development is a use designed to provide for developments incorporating a single type or a variety of residential, commercial or industrial 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 long-term value of the entire development. (amended 10/2001 & 9/5/02)

PLANNING BOARD: The Planning Board of the City of Asheboro, North Carolina.

PLANNING DIRECTOR: The Planning Director of the City of Asheboro, North Carolina.

PLAT: A map or plan of a parcel of land which is to be, or has been, subdivided.

PRIVATE DRIVEWAY: A roadway serving two (2) or fewer lots, building sites or other division of land and not intended to be public ingress or egress.

PRIVATE STREET: An undedicated private right-of-way which affords access to abutting properties and requires a subdivision streets disclosure statement in accordance with G. S. 136-102.6. (Amended 6/90)

PUBLIC SEWAGE

DISPOSAL SYSTEM: A system serving two (2) or more dwelling units and approved by the Randolph County Health Department or the North Carolina Department of Environment and Natural Resources, Division of Water Quality.

PUBLIC STREET: A public right-of-way which affords access to abutting properties and when such right-of-ways are designated as public, it shall be presumed to be an offer of dedication to the public.

PUBLIC WATER SUPPLY: Any water supply furnishing potable water to ten or more residences or businesses, or combination of residences or businesses. Approval by the North Carolina Department of Environment and Natural Resources, Division of Environmental Health, Public Water Supply Section is required.

RECREATION AREA

OR PARK: An area of land or combination of land and water resources that is developed for active and/or passive recreation pursuits with various manmade features that accommodate such activities.

RESERVATION: 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.

SINGLE-TIER LOT: 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.

SUBDIVIDER: Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

WORD INTERPRETATION:

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

Words used in the present tense include the future tense.

Words used in the singular number include the plural, and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.

The word "person" includes a firm, association, corporation, trust, and company, as well as an individual.

The words "used for" shall include the meaning "designed for".

The word "structure" shall include the word "building".

The word "lot" shall include the words "plot", "parcel", or "tract".

The word "shall" is always mandatory and not merely directory.

ARTICLE VI
COMPLIANCE WITH OFFICIAL PLANS

I. THOROUGHFARE PLANS

Where a proposed subdivision includes any part of a thoroughfare which has been designated as such upon the officially adopted Thoroughfare Plan of the City of Asheboro, such part of such thoroughfare shall be platted by the subdivider in the location shown on the plan and at the width specified in this Ordinance.

II. SCHOOL PLANS

Where a tract of land that has been approved by the Asheboro City School Board of Education or the Randolph County School Board of Education as a proposed school site lies wholly or partially within an area proposed to be subdivided, and provided the Board of Education has notified the Planning Board and the property owner of its approval of the school site prior to or within 10 days after the presentation of a sketch design plat to the Planning Board for approval, the subdivider shall reserve the proposed school site for a period of at least 60 days from the date of approval of the sketch design plat.

III. ZONING

Proposed subdivisions shall comply in all respects with the requirements of the Asheboro Zoning Ordinance in effect in the area to be subdivided except as described in Article IX-G-1. (*amended 3-91*).

IV. RECREATION FACILITIES AND OPEN SPACES

Where a tract of land that is an approved site for a public Recreation facility or Public Open Space lies wholly or partially within an area proposed to be subdivided, and provided the Planning Board has notified the property owners of its approval of the site prior to or within 10 days after the presentation of the sketch design plat for Planning Board approval, the subdivider shall reserve the proposed recreation site as required by G.S. 160A-372.

V. OTHER PUBLIC FACILITIES PLAN

Where a tract of land that is an approved site for a public facility such as a fire station, water treatment plant or other public facility lies wholly or partially within an area proposed to be subdivided, and provided the public agency concerned has notified the Planning Board and the property owners of the approved public facilities prior to or within 10 days after the presentation of the sketch design plat to the Planning Board for approval,

the subdivider shall reserve the proposed public facilities for a period of at least 60 days from the date of approval of the sketch design plat.

ARTICLE VII
PROCEDURE FOR REVIEW AND APPROVAL OF
SUBDIVISION PLATS

I. MINOR SUBDIVISIONS

The City Council of the City of Asheboro, North Carolina hereby designates the Planning Department as the designated planning agency to approve minor subdivisions, pursuant to General Statutes of North Carolina, Chapter 160A, Article 19, Part 1, 361.

Whenever a subdivision of land is within the definition of a "Minor Subdivision" as set forth in Article V of this Ordinance, the subdivider shall submit to the Planning Director copies of a surveyed plat which shall meet the requirements set forth in Article VIII of this Ordinance.

The Planning Director shall review the plat for compliance with the requirements set forth in Article VIII of this Ordinance. No minor subdivision plat shall be approved unless it complies with all the requirements of this Ordinance.

When a minor subdivision plat has met all the requirements of this Ordinance, the Planning Director shall place the stamp of approval and his/her signature on the plat. The stamp of approval and the signature of the Planning Director on the minor subdivision plat will constitute approval.

No building permits shall be issued for any lot in a Minor Subdivision until the Planning Director is informed of the Book and Page Number assigned the Plat by the Register of Deeds.

II. MAJOR SUBDIVISIONS

A. Sketch Design Plat

Whenever a subdivision of land is within the definition of a "Major Subdivision" as set forth in Article V of this Ordinance and which is located within the territorial jurisdiction established by Article II of this Ordinance, the subdivider shall submit copies of a sketch design plat which shall meet the requirements set forth in Article VIII of this Ordinance to the Planning Director at least twenty (20) days prior to a regularly scheduled meeting of the Planning Board for a subdivision of land.

At the regularly scheduled Planning Board meeting following submission of the sketch design plat, the subdivider or the subdivider's authorized agent shall discuss the proposed development with the Planning Board and become familiar with the regulations affecting the land to be subdivided.

The Planning Board shall review the sketch design plat for general compliance with the requirements of this Ordinance, and the Zoning Ordinance and any other applicable ordinance. The Planning Board shall advise the subdivider or the subdivider's authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the preliminary and final plats. The Planning Board shall not review both a Sketch Design and a Preliminary Plat at the same meeting. If a Sketch Design is presented, then a Preliminary Plat can only be reviewed at the next regularly scheduled Planning Board meeting. The Planning Director shall refer copies of the sketch design plat and all accompanying materials to those public officials and agencies concerned with new development or those whose advice will, in the opinion of the Planning Director, be useful to the Planning Board including, but not limited to the City Manager, the Randolph County Health Department, the Asheboro and/or Randolph County Boards of Education, whichever is appropriate, the District Engineer of the N. C. Department of Transportation, the City Engineer, the City Director of Public Works, and the City Building Inspector. If no response is received from these agencies within fifteen (15) days from the date the Planning Director issues the plats for review, "no comment" will be recorded as the response.

At its next regular meeting, the Planning Board shall review the sketch design plat for compliance with this Ordinance and consider any recommendations made by public officials or agencies concerned with new development.

Upon receipt of the sketch design with recommendations including any recommended conditions or recommended changes from the Planning Board, the City Council shall review it for compliance with the requirements of this Ordinance and shall consider the recommendations of the Planning Board and any public official or agency concerned with new development.

The City Council shall approve, approve conditionally, or disapprove the sketch design plat. If the City Council approves the sketch design plat, approval shall be noted on at least two (2) copies of the plat by the City Clerk. One copy shall be returned to the subdivider and one shall be retained as a part of the records of the City Council.

If the City Council approves the sketch design plat with conditions, the conditions and the reasons for the conditional approval shall be recorded in the minutes of the meeting. A copy of any conditions shall be attached to the plat that is returned to the subdivider.

If, after City Council approval of a sketch design plat, the subdivider wishes to modify the plat the Planning Director shall determine if the modification is substantial (i.e., increase in the number of lots, relocation of streets, etc.) If found to be substantial, the subdivider shall re-submit the sketch design plat for approval in accordance with the requirements of this article.

The review shall in no way be construed as constituting an official action of approval for the recording of the subdivision by the Planning Board or the City Council as required by this Ordinance. One copy of the sketch design plat shall be retained as a part of the records of the Planning Board. The other copy shall be returned to the subdivider or the subdivider's authorized agent.

B. Preliminary Plat

Upon completion of the sketch design plat review procedure, the subdivider, or the subdivider's authorized agent shall submit copies of the preliminary plat, ***engineering data***, and any supplementary material which shall meet the requirements set forth in Article VIII of this Ordinance, to the Planning Director at least twenty (20) days prior to a regularly scheduled meeting of the Planning Board for a subdivision of land which is located within the territorial jurisdiction established by Article II of this Ordinance.

At its next regular meeting, the Planning Board shall review the preliminary plat for compliance with this Ordinance and consider any recommendations made by public officials or agencies concerned with new development.

Upon receipt of the preliminary plat with recommendations including any recommended conditions or recommended changes from the Planning Board, the City Council shall review it for compliance with the requirements of this Ordinance and shall consider the recommendations of the Planning Board and any public official or agency concerned with new development.

The City Council shall approve, approve conditionally, or disapprove the preliminary plat. If the City Council approves the preliminary plat, approval shall be noted on at least two (2) copies of the plat by the City Clerk. One copy shall be returned to the subdivider and one shall be retained as a part of the records of the City Council.

If the City Council approves the preliminary plat with conditions, the conditions and the reasons for the conditional approval shall be recorded in the minutes of the meeting. A copy of any conditions shall be attached to the plat that is returned to the subdivider.

If, after City Council approval of a preliminary plat, the subdivider wishes to modify the plat the Planning Director shall determine if the modification is substantial (i.e., increase in the number of lots, relocation of streets, etc.) If found to be substantial, the subdivider shall re-submit the preliminary plat for approval in accordance with the requirements of this article.

C. Engineering Data

The subdivider shall submit the Engineering data concerning street grade, design data for street corners and curves and the plan and profile for streets, storm drains and water and sewer lines with the submission of the preliminary plat for approval. Engineering data shall be approved by the Director of Public Works prior to review by City Council of the Preliminary Plat. (*amended 7/99*)

D. Improvements

Upon approval (with or without conditions) of the preliminary plat by the City Council and approval of the engineering data by the Director of Public Works, the subdivider may proceed with the installation or arrangements for the required improvements and the preparation of the final plat in accordance with the approved preliminary plat and the requirements of this Ordinance.

E. Final Plat Certification

Upon installation or arrangement for the required improvements, the subdivider shall submit a final plat which shall meet the requirements set forth in Article VIII of this Ordinance, to the Planning Director at least fifteen (15) days prior to a regularly scheduled meeting of the Planning Board. Such submission shall not be more than twelve (12) months after the date on which the preliminary plat was approved nor less than 30 days, otherwise such preliminary plat approval shall be null and void unless a written extension of this time limit is granted by the City Council.

The final plat shall contain only that portion of the preliminary plat which the subdivider proposes to develop and record at that time.

No final plat shall be certified unless and until the subdivider has installed that area, represented on the final plat, all improvements required by this Ordinance or shall have guaranteed their installation as required by Article VIII, II, C of this Ordinance.

At its next regular meeting, the Planning Board shall review the final plat for conformance with the approved preliminary plat and for compliance with all requirements of this Ordinance and consider any recommendations made by public officials or agencies concerned with new development.

Upon receipt of the final plat with recommendations including any conditions or modifications from the Planning Board, the City Council shall review it for conformance with the approved preliminary plat and for compliance with the requirements of this Ordinance, and shall consider the recommendations of the Planning Board and any public official or agency concerned with new development.

If the City Council certifies the final plat with modifications, the subdivider shall prepare and submit to the City Council a new final plat or additional materials which incorporate the modifications. The City Council may refer the modified final plat and accompanying material to the Planning Board or to public officials or agencies concerned with new development for their recommendations.

If the City Council denies certification of the final plat, the reasons for such denial shall be recorded in the minutes of the meeting.

Upon City Council approval of a final plat the Planning Director shall transmit copies of the approved final plat to appropriate public officials and agencies.

ARTICLE VIII
REQUIREMENTS FOR APPROVAL OF SUBDIVISION PLATS

I. MINOR SUBDIVISIONS

A. Plat Prepared

A minor subdivision plat shall be prepared by a surveyor, licensed and registered to practice in the State of North Carolina.

B. Number of Copies and Graphic Media

Four copies of the minor subdivision plat shall be submitted, two of these shall be on mylar, and two shall be black or blue line paper prints.

C. Plat Size and Scale

Minor subdivision plats shall have an outside marginal size of eighteen (18) inches by twenty-four (24) inches including one and one-half (1 1/2) inch for binding on the left margin and one-half (1/2) inch border on each of the other sides. Where size of land areas, or suitable scale to assure legibility require, maps may be placed on two or more sheets with appropriate match lines. Minor subdivision plats shall be drawn at any scale that assures legibility.

D. Contents Required

The minor subdivision plat shall depict or contain the following information:

1. Title Information

- a. Name of proposed subdivision;
- b. Name(s), address(es), and telephone number(s) of owner(s) of property included in the proposed subdivision;
- c. Name(s) of the City, Township(s), County, and State in which the subdivision is located;
- d. Scale denoted graphically and numerically;
- e. North arrow with indication of true grid if within 2,000 feet of grid reference.
- f. Date of preparation;
- g. Name(s), address(es), and telephone number(s) of surveyor, engineer, landscape architect, planner, or other individual responsible for the design and layout of the proposed subdivision or for the preparation of the plat;

- h. Vicinity map at any convenient scale, inset on the plat showing the location of the proposed subdivision with respect to the surrounding area including principal highways and streets;

2. Existing Information:

- a. The tract to be subdivided shall show boundaries fully with bearings, distances, and closures indicated (the tract to be subdivided includes the original entire tract and the new tract being created), however if the residual portion of the tract that is left after all new parcels are created exceeds five (5) acres in area a survey shall not be required for that residual portion. The residual area shall be shown on the plat of the subdivision including its bearings and distances either as a dashed line at the same scale or as a reduced scale map insert. A note indicating that the area is drawn from non surveyed data, where the data was obtained and a statement that this area is not part of the final plat but is reserved for future division or use shall be placed on the plat.
- b. The location of existing and platted property lines, railroads, utility transmission lines, water lines, sewer lines, bridges, culverts, storm drain pipes, City limit lines, and any easements within the boundaries of the tract to be subdivided and on a 50 foot area of the land immediately adjoining it;
- c. The locations of wooded areas, swamps, bogs, rock outcrops of a magnitude to cause development problems, ponds or lakes, streams or stream beds, channels and any other natural features affecting the site of the proposed subdivision;
- d. Zoning classification of the land to be subdivided and of a 50 foot area of the property immediately adjoining it;
- e. Base flood elevation data if proposed subdivision is within a flood hazard area.

3. Information Concerning Proposed Subdivision:

- a. Proposed riding trails, natural buffers, pedestrian, bicycle or other rights-of-way or other easement - their location, width, and purpose;
- b. Layout of lot arrangement including lot lines, lot dimensions, and lot and block numbers;
- c. Proposed minimum building setback lines; in conformance with the Asheboro Zoning Ordinance;
- d. Layout of proposed utilities (sewer, water, drainage, etc.) showing connections to existing systems or a note that utilities will be provided by individual water supply, and/or sewage disposal. Provisions for the installation or the installation of these utilities shall be made prior to minor subdivision plat approval;

- e. Proposed location and size of parks, school sites, and other recreational or open spaces accompanied by provisions concerning their future ownership;
- f. Site Data:
 - 1. Acreage in total tract;
 - 2. Acreage in parks and other non-residential use;
 - 3. Total number of lots;
 - 4. Average lot size;

E. Certification Required

1. Certification of Ownership and Dedication

The following certificate shall be placed on the minor subdivision plat and signed by the owner(s) of the subdivision.

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent. Further I (we) certify the land as shown hereon is within the subdivision regulation jurisdiction of the City of Asheboro, North Carolina.

_____ (Date)
 _____ (Owner) _____ (Owner)

2. Certificate of Survey

The following certificate shall be placed on the minor subdivision plat and shall be signed by the surveyor preparing the plat or under whose supervision it was prepared; the signature shall be accompanied by the seal and registration number of the above mentioned survey and shall be certified as true by a Notary Public or Clerk of Superior Court:

*I, _____, certify that this map was (drawn by me)(drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book _____ page _____, Book _____, page _____, etc.) (Other); that the error of closure as calculated by latitudes and departures is 1:____; that the boundaries not surveyed are shown are broken lines plotted from information found in Book _____, page _____; that this map was prepared in accordance with G.S. 47-30 as amended.
 Witness my hand and seal this ____day of _____A.D., 2_____.*

3. Certificate of Approval of the Design of Public Utilities Connections

A minor subdivision plat that proposes the installation or connection(s) to public utilities such as water and sewer shall have the following certificate placed upon it and signed by the Public Works Director:

I hereby certify that the water and sewer facilities are available as shown on the plat.
 _____(date) _____Public Work Director

F. Design Standards

1. Utilities

- a. All water supply and sewerage systems within a proposed minor subdivision shall be designed in accordance with City of Asheboro specifications and standard details.

2. Rights-of-Way

Existing street easements or rights-of-way shall be designated as "Public Right of Way", and the public right of way shall be designated as at least 50 feet wide, or at least 25 feet wide when measured from the property line to the center of an existing street or right of way.

Triangular sight distances must be designated at intersections in accordance with the latest edition of the NC DOT Minimum Standards for Subdivision Roads.

The property lines along streets for property being subdivided shall be contiguous with the edge of the street's public right of way, and no portion of the subdivided property shall extend into the street's public right of way or triangular sight distance area.

II. MAJOR SUBDIVISION PLATS

A. Sketch Design Plat

1. Number of Copies and Graphic Media

A minimum of eight (8) copies of a sketch design plat shall be submitted. No specific graphic media must be employed.

2. Plat Scale

Major subdivision Sketch Design plats shall be drawn at a scale that assures legibility.

3. Contents Required

The sketch design plat shall depict or contain the following information:

a. Title Information

1. Name of proposed subdivision;
2. Name(s), address(es) and telephone number(s) of owner(s) of the property included in the proposed subdivision;
3. Name(s) of the City, Township(s), County, and State in which the subdivision is located;
4. Scale denoted graphically and numerically;
5. North arrow with indication of true grid; if within 2,000 feet of grid reference.
6. Date of preparation;
7. Vicinity map at any convenient scale, inset on the plat showing the location of the proposed subdivision with respect to the surrounding area including principal highways and streets.
8. Name(s), address(es), and telephone number(s) of surveyor, engineer, landscape architect, planner or other individual

responsible for the design and layout of the proposed subdivision or for the preparation of the plat.

b. Existing Information:

1. Boundaries of the tract to be subdivided.(amended 12/89)
2. The location of existing and platted property lines, streets, structures, water courses, railroads, utility transmission lines, water lines, sewer lines, bridges, culverts, storm drain pipes, City limit lines, and any easements within the boundaries of the tract to be subdivided and on land immediately adjoining it;
3. The locations of wooded area, swamps, bogs, rock outcrops of a magnitude to cause development problems, ponds or lakes, streams or stream beds, channels and any other natural features affecting the site of the proposed subdivision.
4. Existing topography shown on plat.
5. Zoning classification of the land to be subdivided and of a 50 foot area of the property immediately adjoining it.

c. Information Concerning Proposed Subdivisions:

1. Proposed riding trails, natural buffers, pedestrian, bicycle or other rights-of-way or other easement - their location, width, and purpose;
2. Layout of lot arrangement including lot lines and lot dimensions;
3. Site data:
 - a. Acreage in total tract;
 - b. Total number of lots;
 - c. Average lot size;
 - d. Linear feet of streets;
4. Layout of proposed water, sewer and storm drains or a note that utilities will be provided by individual water supply or sewage disposal.
5. Names of proposed streets.
6. Grading plan indicating proposed modifications to the topography, other than street construction, at a contour of not more than five (5) feet; (*amended 12/89*)
7. Base flood elevation data if proposed subdivision is within a flood hazard area.

B. Preliminary Plat

1. Number of Copies and Graphic Media

A minimum of eight (8) copies of the preliminary plat shall be submitted. No specific graphic media must be employed unless the preliminary plat will also serve as the final plat. In such a case, the graphic media employed shall be of the same type as required for final plat.

2. Plat Scale

Major subdivision Preliminary plats shall be drawn at a scale that assures legibility.

3. Contents Required

The preliminary plat shall depict or contain the following information:

a. Title Information

1. Name of proposed subdivision;
2. Name(s), address(es), and telephone number(s) of owner(s) of the property included in the proposed subdivision;
3. Name(s) of the City, Township(s), County, and State in which the subdivision is located;
4. Scale denoted graphically and numerically;
5. North arrow with indication whether true grid or magnetic and date of magnetic reading;
6. Date of preparation;
7. Name(s), address(es), and telephone number(s) of surveyor, engineer, landscape architect, planner or other individual responsible for the design and layout of the proposed subdivision or for the preparation of the plat;
8. Vicinity map at any convenient scale, inset on the plat showing the location of the proposed subdivision with respect to the surrounding area including principal highways and streets.

b. Existing Information

1. Boundaries of the tract to be subdivided.*(amended 12/89)*
2. The location of existing and platted property lines, streets, structures, water courses, railroads, utility transmission lines, water lines, sewer lines, bridges, culverts, storm drain pipes, City limit lines, and any easements within the boundaries of the tract to be subdivided and on a 50 foot area of land immediately adjoining it;
3. The locations of wooded areas, swamps, bogs, rock outcrops of a magnitude to cause development problems, ponds or lakes, streams or stream beds, channels and any other natural features affecting the site of the proposed subdivision.
3. Zoning classification of the land to be subdivided and of a 50 foot area of the property immediately adjoining it;

c. Information Concerning Proposed Subdivision:

1. Names of proposed streets and the locations and widths of proposed street rights-of-way and street pavement;
2. Proposed riding trails, natural buffers, pedestrian, bicycle, or other rights-of-way or other easement ,their location, width and purpose;
3. Layout of lot arrangement including lot lines, lot dimensions and lot and block numbers;
4. Proposed minimum building setback lines; in conformance with the Asheboro Zoning Ordinance;

5. Location of proposed utilities (sewer, water, drainage, gas, electricity, telephone, etc.,) showing connections to existing systems or location plans to existing systems or a note that utilities will be provided by individual water supply, or sewage disposal.
6. Proposed location and size of parks, school sites, and other recreational or open spaces accompanied by provisions concerning their future ownership;
7. Site data:
 - a. Acreage in total tract;
 - b. Acreage in parks and other non-residential use;
 - c. Total number of lots;
 - d. Average lot size;
 - e. Linear feet of streets;
8. Grading plan indicating proposed modifications to the topography, other than street construction, at a contour of not more than five (5) feet; (*amended 12/89*)
9. Engineering Data shall be submitted at time Preliminary Plat is submitted:
 - a. Design data for streets and curves;
 - b. Plan and profiles for streets, water, sewer and storm sewer lines;
10. Base flood elevation data if proposed subdivision is within a flood hazard area.

C. Final Plat

1. Improvements, Installation or Guarantees

Prior to certification of a Final Plat the subdivider shall have installed improvements specified in Article IX of this Ordinance or guaranteed their installation in one of the following ways:

- a. File with the City Clerk a performance or surety bond made by a surety company licensed to do business in North Carolina. Such guarantee shall be in an amount of not less than 100% of the construction of required uncompleted improvements as estimated by professional contractors competent in their respective fields in the form of proposals or bids for the installation being guaranteed. (amended 12/01)
Performance guarantees shall run for a period of one year and may be renewed once for a period of one year upon written approval from the City Manager.
- b. Deposit or place in escrow with the City Clerk a certified check or cash in an amount not less than 100% of the estimated cost of the construction of the required improvements. Said funds shall not be returned by the City until improvements have been satisfactorily installed. Portions of the deposit may be released as work progresses provided that such refunds shall be made no often than once per calendar month.

- c. File with the City Clerk a letter of credit from a financial institution licensed to do business in the State of North Carolina for the cost. Such letter of credit shall be in an amount of not less than 100% of the construction of required uncompleted improvements as estimated by the by professional contractors competent in their respective fields in the form of proposals for bids or the installation being guaranteed. (amended 12/01) The letter of credit shall run for a period of one year and may be renewed once for a period of one year upon written approval from the City Manager.

The guarantee shall not apply to the installation of the water and sewer systems, or stone base for the street. These items shall be installed and "as built" drawings shall be submitted prior to approval of any final plat.

2. Maintenance & Defects Guarantee

The City Clerk shall secure from all subdivider's a letter in which said subdivider shall agree to maintain the backfill on any improvements, stabilize erosion control as required, and guarantee improvements against defects for one year, except those improvements made by utility companies. Such letter shall be binding on the subdivider for a period of one year after the acceptance of such improvements by the City.

3. Plat Prepared

The Final Plat shall be prepared by a surveyor licensed and registered to practice in the State of North Carolina.

4. Number of Copies and Graphic Media

A minimum of eight (8) copies of the final plat shall be submitted; at least two (2) of these shall be on three or four mill mylar and the others shall be black or blue line prints.

5. Plat Size and Scale

Major subdivision plats shall have an outside marginal size of not more than eighteen (18) inches by twenty-four (24) inches nor less than eight and one-half (8 1/2) inches by eleven (11) inches, including one and one-half (1 1/2) inch for binding on the left margin and one-half (1/2) inch border on each of the other sides. Where size of land areas, or suitable scale to assure legibility require, maps may be placed on two or more sheets with appropriate match lines. Major subdivision Final plats shall be drawn at a scale that assures legibility.

6. Contents Required

The final plat shall depict or contain the following information:

- a. Title Information

1. Name of proposed subdivision;

2. Name(s), address(es), and telephone number(s) of owner(s) of the property included in the proposed subdivision;
 3. Name(s) of the City, Township(s), County, and State in which the subdivision is located;
 4. Scale denoted graphically and numerically;
 5. North arrow with indication of true grid; if within 2,000 feet of grid reference;
 6. Date of preparation;
 7. Name(s), address(es), and telephone number(s) of surveyor, engineer, landscape architect, planner or other individual responsible for the design and layout of the proposed subdivision or for the preparation of the plat;
 8. Vicinity map at any convenient scale, inset on the plat showing the location of the proposed subdivision with respect to the surrounding area including principal highways and streets.
- b. Existing Information:
1. Names of proposed streets and the locations and widths of proposed street rights-of-way and street pavements;
 2. Layout of lot arrangement including lot lines, lot dimensions, and lot and block numbers;
 3. Proposed minimum building setback lines; in conformance with the Asheboro Zoning Ordinance;
 4. Site data:
 - a. Acreage in total tract;
 - b. Acreage in parks and other non-residential use;
 - c. Total number of lots;
 - d. Average lot size;
 - e. Linear feet of streets;
 5. As Built Engineering Data: The following information shall be contained in a plan and profile accompanying the final plat.
 - a. The plans for utility layout, including sanitary sewers, storm sewers, water distribution lines, natural gas, telephone, and electric service, illustrating connections to existing systems or plans for individual water supply systems and/or sewerage disposal systems. Plans must show lines sizes, the location of fire hydrants, blowoffs, manholes, pumps, forcemains, and gate valves;
 - b. Location and dimensions of all rights-of-way, utility or other easements, riding trails, natural buffers, pedestrian or bicycle paths and areas to be dedicated to public use with the purpose of each stated;
 - c. Location, purpose, and dimensions of areas to be used for purposes other than residential;

- d. Right-of-way lines, sight distance lines, pavement widths, and names of all streets and the location, name, and width of all adjacent streets and easements;
 - e. Property lines, building or other structures, water courses, railroads, bridges, culverts, storm drains, corporate limits on land to be subdivided and on a portion of the land immediately adjoining;
 - f. Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary line, street line, lot line, right-of-way line, easement line, setback line, sight distance line including dimensions, bearings, or deflection angles, radii, central angles and tangent distances for the center line of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest one-hundredth of a foot and all angles to the nearest minute;
 - g. Accurate location and description of all monuments, markers, and control points;
6. Base flood elevation data if proposed subdivision is within a flood hazard area.

7. Certification Required

a. Certification of Ownership and Dedication

The following certificate shall be placed on the final plat and signed by the owner(s) of the subdivision.

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent. Further I (we) certify the land as shown hereon is within the subdivision regulation jurisdiction of the City of Asheboro, North Carolina.

_____ Date _____ Owner
 _____ Owner

b. Certificate of Survey

The following certificate shall be placed on the final plat and shall be signed by the surveyor preparing the plat or under whose supervision it was prepared; the signature shall be accompanied by the seal and registration number of the above mentioned survey and shall be certified as true by Notary Public or Clerk of Superior Court:

I _____, certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description record in Book____, page____, Book____, page____, etc.) (Other); that the error of closure as calculated by latitudes and departures is 1:____;

that the boundaries not surveyed are shown are broken lines plotted from information found in Book____, page____, that this map was prepared in accordance with G. S. 47-30 as amended.

Witness my hand and seal this__ day of _____A.D., 2____.

c. Certificate of Approval of the Design and Installation of Required Improvements

The following certificate shall be placed on the final plat and shall be signed by the Public Works Director.

*I hereby certify that the street, utility, and other required improvements have been installed or provisions have been made for installation in an acceptable manner and according to City specifications and standards in the _____subdivision.
_____(date) _____Public Works Director*

ARTICLE IX
REQUIRED IMPROVEMENTS AND DESIGN STANDARDS

I. REQUIRED IMPROVEMENTS

Each subdivision as defined in Article V, Section I of this Ordinance shall contain the following improvements as applicable:

- A. Survey
- B. Streets
- C. Sidewalks
- D. Stormwater Drainage System
- E. Water and Sewerage Systems
- F. Blocks
- G. Lots

A. SURVEY

Survey, plat, monuments and control corners shall be provided in accordance with the latest edition of the "Manual of Practice for Land Surveying in North Carolina" by the North Carolina State Board of Registration for Professional Engineers & Land Surveyors.

B. STREETS, PUBLICLY MAINTAINED

1. Design Standards:

All streets shall be designed and built in accordance with the current edition of the North Carolina Department of Transportation Division of Highways Minimum Construction Standards for Subdivision Roads, with the following modifications:

a. Streets with Curb and Gutter Section

- 1. Curb and Gutter shall be 30" concrete per N. C. Department of Transportation Standard #846.01.
- 2. Right-of-way, pavement width, and typical street sections for local and collector roads shall conform to the attached illustration for curb and gutter sections.(See attachment IX-A)

b. Streets with Valley Curb Section

1. Right-of-way, pavement width, and typical street sections for local valley curb roads shall conform to the attached illustration for local valley curb. (See attachment IX-B)
2. The erosion control plan for valley curb section streets must include the following item certified by a registered professional engineer:
 - a) Stormwater quantity and velocity calculations showing that adequate curb inlets are provided so that storm water will not overtop the valley curb during a twenty-five year storm in a manner that will cause erosion of the street shoulders. (*Amended 2/03*)
 - c. Pavement
All publicly maintained streets must have an asphalt surface (Type I-1 or I-2) or a concrete surface. A BST surface (Bituminous surface treatment) will not be acceptable. (amended 6/99)
All streets and drainage systems shall be built in accordance with City of Asheboro specifications and standard details.
2. Construction
Streets shall be cleared and graded to the full width of the right-of-way and as required for stable side slopes.
3. Coordination and Continuation of Streets
The proposed street layout within a major subdivision shall be coordinated with the existing street system of the surrounding area and existing streets shall be extended.
4. Conformity to Thoroughfare Plan
The alignment of all proposed streets shall follow the general alignments shown in the adopted Asheboro Thoroughfare Plan. Proposed thoroughfare streets shall be designed to appropriate thoroughfare standards.
5. Access to Adjacent Property
If adjacent property is undeveloped street right-of-way shall be extended to property line(s) to provide for continuation of streets. If a street must be a dead-end street a temporary cul-de-sac, or a T- or L- shaped turnabout shall be provided, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to the abutters whenever the street is continued. The City Council may limit the length of temporary dead-end streets. (*Amended 2/03*)
6. Half-Streets
The dedication of half streets of less than fifty (50) feet at the perimeter of a new subdivision shall be prohibited. If circumstances render this impracticable, adequate provision for the concurrent dedication of the remaining half of the street must 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.
7. Private Streets and Reserve Strips
Private streets or reserve strips shall be prohibited within any platted subdivision, unless required to obtain access to existing inaccessible

property. Ownership and maintenance of a private street shall be designated on the plat. (*Amended 6/90*)

8. Subdivision Street Disclosure Statement (G.S. 136-102.6)

All streets shown on the final plat and designated as "public" shall be presumed an offer of dedication to the public.

9. Street Names

a. Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be subject to the approval of the 911 addressing agency.

b. Street name signs will be provided by the City of Asheboro inside the City limits, and shall be provided by the developer outside the City limits.

10. Street Traffic Signs

Traffic signs such as stop and yield signs will be provided by the City of Asheboro inside the City limits, and shall be provided by the developer or N.C. Department of Transportation outside the City limits.

11. Cul-De-Sac (Dead-end Street)

Permanent dead-end streets shall not exceed five hundred (500) feet in length unless necessitated by topography or property configuration and shall be provided with a turnaround. Where a street does not extend to the boundary of the subdivision and its continuation is not required by the City Council for access to adjoining property, its terminus shall not normally be nearer to such boundary than fifty (50) feet.

12. Street Intersection

a. Angle of Intersection. All streets shall intersect as nearly as possible at right angles and no street shall intersect at less than seventy-five (75) degrees.

b. Spacing of Intersection. The number of intersections with a major or minor thoroughfare should be limited to a minimum number necessary to adequately serve normal traffic. The number and spacing of such intersections shall be determined by the Director of Public Works if within the corporate limits and the District Highway Engineer if outside the corporate limits. Generally, intersections on major or minor thoroughfares should be at least one thousand (1000) feet apart measured from centerline to centerline.

c. Curb Radii. Curb radii at street intersections shall not be less than twenty (20) feet. At an angle of intersection of less than ninety (90) degrees, or on major or minor thoroughfares a greater radius may be required.

d. Sight Distances at Intersections. Property sight distances shall be maintained at all intersections of streets. There shall be a clear sight distance in the triangular area formed by the intersecting street right-of-way lines and a straight line connecting points on said street right-of-

way lines in accordance with the current edition of the N. C. Department of Transportation Division of Highways Minimum Construction Standards for Subdivision Roads. The sight distance shall be surveyed and platted as street right-of-way, and no obstruction shall be permitted in this area.

13. Rights of Way

Existing street easements or rights-of-way shall be designated as "Public Right of Way", and the public right of way shall be designated as at least 50 feet wide, or at least 25 feet wide when measured from the property line to the center of an existing street or right of way.

Triangular sight distances must be designated at intersections in accordance with the latest edition of the NC DOT Minimum Standards for Subdivision Roads.

The property lines along streets for property being subdivided shall be contiguous with the edge of the street's public right of way, and no portion of the subdivided property shall extend into the street's public right of way or triangular sight distance area.

C. SIDEWALKS

Sidewalks are not required, however, the subdivider is encouraged to provide sidewalks especially in high density developments. Where provided, the design and construction of sidewalks shall be subject to the approval of the Director of Public Works. The Planning Board may require adequate grading along streets for future sidewalks.

D. STORM WATER DRAINAGE SYSTEM

The subdivider shall provide an adequate drainage system for the proper drainage of all surface water. The design of such a system shall be subject to the approval of the Director of Public Works.

1. No surface water shall be channeled or directed into a sanitary sewer.
2. Where feasible, the subdivider shall connect to existing storm drainage.
3. Stormwater drainage collectors shall be adequately sized and placed to carry the flow of ten (10) year frequency.
4. Cross drainage pipes and bridges shall be adequately sized and placed to carry the flow of a flood of twenty-five (25) year frequency.
5. Catch basins shall be placed at low points and as otherwise needed.

ARTICLE IX
REQUIRED IMPROVEMENTS AND DESIGN STANDARDS

E. WATER AND SEWERAGE SYSTEMS

1. Within the Corporate Limit

- a. Subject to the provisions found below in subsection E.1.e., water mains and sanitary sewers shall be installed in accordance with City of Asheboro specifications and standard details for each lot in the tract of land to be subdivided in whole or in part. The developer shall provide complete water and sewer services for all residential lots when street construction or water and sewer utility construction is proposed. The City will install water meters when required upon payment of the applicable fee.
- b. Before installation, a complete set of construction plans for the proposed water and sewerage system prepared by a registered professional engineer shall be submitted for approval by the Director of Public Works. Also, plans for water improvements must be submitted to the N. C. Department of Environment and Natural Resources, Division of Environmental Health, Public Water Supply Section for approval, and plans for sewer improvements must be submitted to the N. C. Department of Environment and Natural Resources Division of Water Quality for approval.
- c. Water Supply systems shall be approved by the Fire Chief as to location of hydrants and size of mains. Water mains shall not be less than six (6) inches in diameter, except that smaller mains may be used on permanent cul-de-sacs where approved by the Fire Chief. Water mains shall be designed to form a complete circuit where practical, and fire hydrants or blowoffs shall be placed at dead-ends.

- d. Water and sewer lines should be installed outside of the street pavement where possible.
 - e. Real property located within the Seagrove/Ulah Metropolitan Water District and within the territorial jurisdiction of the City of Asheboro shall be subject to the provisions of this ordinance, specifically including without limitation the annexation and water/sewer connection requirements of this subsection of the ordinance, to the same degree as any other real property located within the territorial jurisdiction of the City of Asheboro; Provided, however, if the Seagrove/Ulah Metropolitan Water District has made service available to the real property that is to be subdivided by means of a major subdivision plat, the subdivider shall be required to install water mains in accordance with Seagrove/Ulah Metropolitan Water District specifications and standard details in lieu of connecting to the City of Asheboro Municipal Water System. For the purpose of applying the provisions found within the immediately preceding sentence to specific situations, the determination as to whether the Seagrove/Ulah Metropolitan Water District has made service available to the real property that is to be subdivided shall be made on the basis of the “pipes-in-the-ground standard” recognized by the United States Court of Appeals for the Fourth Circuit. Under this standard, the Seagrove/Ulah Metropolitan Water District shall be deemed to have made service available to a specific property if the district’s lines are close enough to extend service to the property within a reasonable period of time. When such service has been made available to a specific property that is voluntarily annexed by means of petition into the City of Asheboro, the city shall take all necessary steps to ensure that customers residing within the corporate limits of the City of Asheboro are charged water rates comparable to the rates charged to citizens residing elsewhere within the corporate limits of the city.
2. Within the Extraterritorial Area; except as provided in E. 3. below
- a. Subject to the provisions found below in subsection E.2.e., water mains and sanitary sewers shall be installed in accordance with City of Asheboro specifications and standard details for each lot in the tract of land to be subdivided in whole or in part. On or after July 8, 2004, owner(s) of real property located outside the city limits must petition the city for annexation and be annexed into the city before connections to the city’s water and sewer facilities are allowed. The developer shall provide complete water and sewer services for all residential lots when street construction or water and sewer utility construction is proposed. The City will install water meters when required upon payment of the applicable fee.
 - b. Before installation, a complete set of construction plans for the proposed water and sewerage system prepared by a registered professional engineer shall be submitted for approval by the Director of Public

Works. Also, plans for water improvements must be submitted to the N. C. Department of Environment and Natural Resources, Division of Environmental Health, Public Water Supply Section for approval, and plans for sewer improvements must be submitted to the N. C. Department of Environment and Natural Resources Division of Water Quality for approval.

- c. Water Supply systems shall be approved by the Fire Chief as to location of hydrants and size of mains. Water mains shall not be less than six (6) inches in diameter, except that smaller mains may be used on permanent cul-de-sacs where approved by the Fire Chief. Water mains shall be designed to form a complete circuit where practical, and fire hydrants or blowoffs shall be placed at dead-ends.
- d. Water and sewer lines should be installed outside of the street pavement where possible.
- e. Real property located within the Seagrove/Ulah Metropolitan Water District and within the territorial jurisdiction of the City of Asheboro shall be subject to the provisions of this ordinance, specifically including without limitation the annexation and water/sewer connection requirements of this subsection of the ordinance, to the same degree as any other real property located within the territorial jurisdiction of the City of Asheboro; Provided, however, if the Seagrove/Ulah Metropolitan Water District has made service available to the real property that is to be subdivided by means of a major subdivision plat, the subdivider shall be required to install water mains in accordance with Seagrove/Ulah Metropolitan Water District specifications and standard details in lieu of connecting to the City of Asheboro Municipal Water System. For the purpose of applying the provisions found within the immediately preceding sentence to specific situations, the determination as to whether the Seagrove/Ulah Metropolitan Water District has made service available to the real property that is to be subdivided shall be made on the basis of the "pipes-in-the-ground standard" recognized by the United States Court of Appeals for the Fourth Circuit. Under this standard, the Seagrove/Ulah Metropolitan Water District shall be deemed to have made service available to a specific property if the district's lines are close enough to extend service to the property within a reasonable period of time. When such service has been made available to a specific property that is voluntarily annexed by means of petition into the City of Asheboro, the city shall take all necessary steps to ensure that customers residing within the corporate limits of the City of Asheboro are charged water rates comparable to the rates charged to citizens residing elsewhere within the corporate limits of the city.

3. Within Areas Designated by the Adopted Land Development Plan as Watershed Residential and Conservation Residential

- a. Water mains and sanitary sewers may be installed if such installation is undertaken and completed in a manner that complies with the entirety of the provisions prescribed above by subsection E.1. of this ordinance. The option to install City services includes installing both water and sanitary sewers, not either or. On or after July 8, 2004, owner(s) of real property located outside the city limits must petition the city for annexation and be annexed into the city before connections to the city's water and sewer facilities are allowed.
 - b. If the proposed water distribution and sewerage disposal system is to be a private system, it shall be approved by the Randolph County Health Department; N. C. Department of Environment and Natural Resources, Division of Environmental Health, Public Water Supply Section or N. C. Department of Environment and Natural Resources Division of Water Quality whichever is (are) appropriate and the Director of Public Works. Layout and easements for the future extension of City sewer must be provided.
4. The City may require installation of certain oversized facilities such as water mains in excess of six (6) inches in diameter, when it is in the interest of future development. The City may pay for that portion of the improvement, which exceeds the standards set forth in this Ordinance.

F. BLOCKS

1. General
The lengths, widths, and shapes of blocks shall be determined with due regard to provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements as to lot sizes and dimensions; needs for vehicular and pedestrian circulation, control and safety of street traffic; limitations and opportunities of topography; and convenient access to water areas.
2. Block Length
Blocks shall not be less than four-hundred (400) feet nor more than thirteen hundred twenty (1320) feet in length.
3. Block Width
Blocks shall have sufficient width to allow two (2) tiers of lots of minimum depth except where single-tier lots are required to separate residential development from through vehicular traffic or another type of use, or when abutting a water area.
4. Pedestrian Crosswalks
Where deemed necessary by the Planning Board and approved by the City Council a dedicated pedestrian crosswalk easement at least fifteen (15) feet in width may be required to provide convenient public access to a public

area such as a park or school or to a water area such as a stream, river, or lake.

G. LOTS

1. General

- a. The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be in conformance with the Asheboro Zoning Ordinance for the type of development and use contemplated.
- b. The width, depth, shape and orientation, and the minimum building setback lines may be modified from the Zoning Ordinance requirements where it is necessary to allow the subdivision of land which is developed prior to the time of Subdivision application. Such modifications may be permitted to make reasonable use of property . Such modifications may be approved where the following findings are met:
 1. That the intent and purpose of the Zoning Ordinance concerning width, depth, shape and separation, are maintained.
 2. That the approval will not alter the existing plan of the neighborhood.
 3. That the approval is compatible with the existing neighborhood.
 4. That the modifications approved are only to the extent necessary to allow reasonable use of the property and that no additional nonconformities beyond those currently existing will be created.
 5. The resulting subdivision will promote home ownership, or will more likely result in improved maintenance, and economic productivity of the property.*(Amended 3/91)*

2. Utility Easements

Easements for underground or above ground utilities shall be provided where necessary across lots or preferably located along rear or side lot lines. Easements for utilities to be maintained by the City of Asheboro shall have a minimum width of 20 feet and shall be designated "City of Asheboro Water (or Sewer) Easement".

3. Drainage Easements

Where street construction grading or street drainage structures extend outside of the street right-of-way, a drainage easement shall be provided as necessary for street maintenance.

4. Buffer Strips

A buffer strip at least ten (10) feet in width may be recommended by the Planning Board and required by the City Council adjacent to a major street or a commercial or industrial development. This strip shall be in addition to the normally required lot dimension, shall be part of the platted lot, and shall be reserved for the planting of trees and shrubs by the owners.

II. SEDIMENTATION POLLUTION CONTROL

In order to prevent soil erosion and sedimentation pollution of streams, springs, flat water bodies, or other drainage networks, the subdivider shall comply with all requirements of the N.C. Sedimentation Pollution Control Act of 1973 and the Asheboro Sedimentation Pollution Control Ordinance. Erosion control shall be provided in accordance with NCDENR requirements.

III. PLANS REQUIRED FOR PROPOSED IMPROVEMENTS

Plans signed by a Professional Engineer for the following proposed improvements are required and must be submitted to the City Engineering Department for approval.

- A. Streets and Storm Drainage
Plans and profiles for streets and storm drainage must be submitted per the Application Requirements of the N. C. Department of Transportation's Minimum Construction Standards for Subdivision Roads.
- B. Water and Sewerage Systems
Plans and profiles for water and sewer improvements must be submitted for review by the City Engineering Department prior to submission to the appropriate North Carolina regulatory agencies.
- C. Erosion Control
Erosion control plans are required when the construction area exceeds one (1) acre and on all subdivisions that propose streets with shoulder sections.
- D. Mylar for As-built Drawings
In order to meet certification requirements by State review agencies, the subdivider will be required to resubmit revised sepias of the engineering plans showing changes made during construction in the location and grade of streets or water and sewer utilities. These revised plans must also be certified by the design engineer. (*amended 12/89*)

IV. PROCEDURE FOR CONSTRUCTION OF IMPROVEMENTS

A. Approvals must be secured for plans of proposed improvements as listed below prior to construction:

<u>Description</u>	<u>Approval Required</u>	<u>Copies of Plans Required</u>
1. All Improvements	City Engineering Dept.	2 (4 when approved)
2. Erosion Control	Public Works Department (<i>amended 10/2001</i>) N. C. Dept. of Environment & Natural Resources (outside City)	3 2
3. Street Construction	N.C. Department of Transportation (Plans involving State System or State Maintenance)	6
4. Water Lines	N.C. Dept. of Environment & Natural Resources Division of Environmental Health, Public Water Supply Section	3
5. Sewer Lines	N. C. Dept. Environment & Natural Resources	3

All application fees shall be paid by subdivider.

- B. After preliminary plat approval by the City Council construction should follow the sequence below: . (*amended 2/03*)
1. Survey clearing limits.
 2. Install erosion control measures.
 3. Obtain erosion control inspection, grading permit from Planning Department.
 4. Survey grade stakes for construction and rough grade site.
 5. Survey location and install underground utilities.
 6. Survey final grade stakes for fine grading.
 7. Install curb and gutter, stone base and street paving.
 8. Finish grading, stabilization and permanent erosion control.
 9. Obtain Certificate of Erosion Control from the Planning Department or N. C. Dept. of Environment and Natural Resources.
 10. Final Punch list.
 11. As built drawings.
 12. Engineering Certification.
- C. The design engineer and City Engineer must approve changes in the location and grade of streets or water and sewer utilities that may be required during construction. (*amended 12/89*)
- D. Project Completion Sequence
1. Send letter of Substantial completion
 - a. Preliminary punch list
 - b. Inspection and test reports
 - c. Inspector's field drawings
 2. Issue a progress letter at the end of 1 month.
 3. At the end of 2 months send 30 day notification letter. (This letter is to notify owner that if all punch list items are not completed within 30 days, the bond will be cashed and the City will complete the remaining items.)
 4. When all punch list items are completed, issue Project Approval Certificate. (which starts one (1) year warranty period)
 5. Re-inspect project eleven months after issuance of Project Approval Certificate.
 6. If everything is satisfactory, send Acceptance of Maintenance letter to owner, water/sewer maintenance department, engineering department, street department (this letter end the one year maintenance period)
- E. Compaction Testing
- The Owner and/or developer will be required to pay for the services of a qualified geo-technical firm to certify that compaction of roadway fill sections, utility trenches and stone base meet requirements of the NC DOT Standard Specifications.

If other areas in the street and/or utility construction areas do not appear to be adequate, additional testing may be required at the owner and / or developer's expense. (*amended 2/03*)

ARTICLE X PLANNED UNIT DEVELOPMENTS

I. GENERAL

The intent of this article is to permit greater flexibility in the design of residential and other developments by allowing certain variations in lot size and design requirements and the establishment of townhouses and condominiums so that open space in commonly owned areas, tree covered and recreation areas can be provided.

II. COORDINATION WITH THE ASHEBORO ZONING ORDINANCE

A. Site Plans

Site plans for planned unit developments shall meet the requirements set forth in Article 600 "Special Uses" and Section 630 "Planned Unit Developments" of the Asheboro Zoning Ordinance.

B. Design Requirements

Individual lot size may be varied but the overall density of a planned unit development shall not exceed the applicable zoning requirements of that district.

C. Review Process

Planned unit development plans shall be reviewed simultaneously for compliance with this ordinance and the Asheboro Zoning Ordinance in particular, Section 630. (*amend 10/2001*)

If the PUD requires review as a "major" subdivision the Sketch Design Plat shall be properly submitted for review by the City Council at the same meeting as the PUD SUP. The Sketch Design Plat and the site plan required for the SUP may be

combined on one plat so long as the requirements for each are met. If the PUD requires a “minor subdivision the required subdivision plat shall be properly submitted for approval. Approval shall be subject to any conditions of the PUD SUP and granted only after approval of the SUP by the City Council.

III. PLAT REQUIREMENTS

The sketch, preliminary and final plats for a planned unit development shall meet the requirements of this ordinance and in addition the following requirements in Section IV shall be met. (*amended 2/03*)

IV. OTHER REQUIREMENTS (*amended 2/03*)

A. Common Areas

1. Common areas or areas not shown as lots shall be held in non-profit corporate ownership by the owners of the lots within the development. The title to such common areas of property shall be preserved to the perpetual benefit of the private properties in the development and shall be restricted against private ownership for any other purpose.
2. Improvements may be made within the common areas provided that maximum coverage of the area shall not exceed 25 percent of the entire common property.
3. The developer shall submit and after approval by the City Council, record a declaration of the covenants and restrictions that govern the ownership, management and maintenance of the common area and the ownership and maintenance of private streets and alleys, if any.

B. Reserved (*amended 9/5/02*)

C. Improvements

1. All improvements required in this ordinance shall apply to planned unit developments regardless of private ownership of streets and utilities.
2. Private streets and alleys shall be designed as required for Emergency Services and garbage collection if public collection is desired.
3. All private streets and parking areas within residential and commercial developments shall have a paved surface. (*amend 10/2001*)
4. The street layout of the development shall be in conformity with the Asheboro Thoroughfare Plan and:
 - a. Where a proposed development will extend an existing public street such extension shall be a public street unless it is an existing dead end street not necessary for access to adjacent property.
 - b. Where a through street is required to provide access to adjacent properties or for general public usefulness such street shall be a public street.
5. Sidewalks that meet ADA standards shall be provided along streets to connect all units, parking areas, recreation vehicle storage, recreation facilities, central trash facilities, postal centers etc. and shall extend to intersections with existing streets.
6. Street lights shall be installed which meet the design standards of the City of Asheboro street lighting policy.

7. In residential PUD's parking spaces for visitor and or overflow parking shall be installed which equals 10% of the total number of units in the project.
8. In residential PUD's recreation vehicle parking / storage areas shall be installed, unless these vehicles are prohibited by covenants and restrictions. Spaces provided shall be 12 feet by 30 feet and shall equal to 10% of the total number of units in the project.
9. In residential PUD's open space and recreation space shall be provide as specified in Table 200-1 under RA6 and Section 321A of the Asheboro Zoning Ordinance. (*amended 2/03*)

D. Public Access, Easements, Private Party Walls

1. Building lots may abut or be provided with frontage on common areas or private streets or alleys, properly restricted through a property owners association to assure access.
2. Easements over the common areas for access, ingress, and egress from and to public streets and walkways and easements for enjoyment of the common areas, as well as for parking, shall be granted to each owner of a building lot.
3. All common walls between individual lots shall be party walls and provisions for the maintenance thereof and restoration in the event of destruction or damage shall be established.
4. Ownership and maintenance responsibility of a private street shall be designated on the plat.
5. In developments containing private streets or alleys, a release of liability shall be included in the recorded covenants and restrictions which releases the City of Asheboro from any liability resulting from utility maintenance, garbage collection , and responsibility for failing to provide any emergency or regular fire, police or other public service to such developments or their occupants when such failure is due to the lack of access to such areas due to inadequate design or construction, blocking of access routes, inadequate maintenance, or any other factor within the control of the developer, homeowner's association, or occupants. In no case shall the City or the State be responsible for maintaining any private street. Such responsibility shall rest with the homeowner's association and occupants in that such private streets will not be constructed to the minimum standards sufficient to allow their inclusion for public maintenance.

E. Landscape Plan

A landscape plan for all planned unit developments be submitted as required by Section 630.11 of the Asheboro Zoning Ordinance.

F. Street Trees

Street trees may be included within the public right-of-way of a public street within a planned unit development. Street trees may be planted in a planting strip between the sidewalk and the street. Street trees, when utilized, shall have a minimum caliper of 2 inches measured 6 inches above the ground. Plant materials should be selected which are appropriate to soil and site conditions. It is recommended that species be selected which are resistant to heat, drought, insects, and diseases and which require little maintenance. Selected plant materials shall meet the requirements and be installed according to ANLA (American Nursery and Landscape Association) standards.

Recommended street trees include the following (listed by common name):

Large Trees (Mature Height Greater than 50 feet):

- | | | |
|-------------------------|-------------------|-------------------|
| -Green Ash | -Overcup Oak | -Japanese |
| -Thornless Honey Locust | -Pin Oak | Pagodatree |
| -Dawn Redwood | -Willow Oak | -Bald Cypress |
| -London Planetree | -Northern Red Oak | -Silver Linden |
| -Swamp White Oak | -Shumard Oak | -Lacebark Elm |
| -Shingle Oak | -Live Oak | -Japanese Zelkova |

Medium Trees (Mature Height between 35 feet and 50 feet):

- | | | |
|--------------------|--------------------|------------------|
| -Red Maple | -American Hornbeam | -Golden Raintree |
| -Horsechestnut | -Sugar Hackberry | -Amur Corktree |
| -Red Horsechestnut | -Turkish Filbert | -Sargent Cherry |
| -European Hornbeam | -Easter Redcedar | |

Small Trees (Mature Height less than 35 feet)

- | | | |
|---------------------|----------------------|-------------------|
| -Hedge Maple | -Kousa Dogwood | -Amur Maackia |
| -Serviceberry | -Green Hawthorn | -Flowering |
| -Eastern Redbud | -Carolina Silverbell | Crabapple |
| -Chinese fringetree | -Crapemyrtle | -Chinese Pistache |
| -Carolina Cherry | -Chokecherry | -Japanese Tree |
| Laurel | | Lilac |

Street trees shall be planted and maintained in accordance with design standards as shown in Article X, Appendix A (Street Tree Cross Section). Maintenance of street trees shall be the responsibility of the planned unit development homeowners' association. A maintenance agreement in perpetuity for the street trees shall be included in the homeowners' association documents that shall be recorded with any final plat.

The homeowners' association shall remove, thin, prune, spray, stake, and otherwise maintain street trees in accordance with generally accepted standards of the landscaping industry. All incurred costs are to be borne by the homeowners' association. The City may remove from the public right-of-way without notice any planting or portion thereof which in the sole discretion of the City constitutes a hazard or may endanger the public health or safety or which constitutes an obstruction to the vision of traffic. The City does not assume liability for street trees. The City does not assume any responsibility or liability for the maintenance and preservation of street trees installed pursuant to this section. If any street trees installed pursuant to this section are not maintained in accordance with generally accepted industry standards, the city, upon thirty (30) days written notice to the homeowners' association, may remove the plantings from the right of way

This subsection (Article X, Section IV.F) is an Ordinance to determine the feasibility of a system of street tree plantings. The provisions of this subsection shall expire as of midnight, December 31, 2010 without further action by City Council.

ARTICLE XI
RESIDENTIAL TOWNHOUSE DEVELOPMENTS

I. GENERAL

The intent of this article is to permit greater flexibility in the design of residential neighborhoods by providing for the establishment of townhouse developments.

II. COORDINATION WITH THE ASHEBORO ZONING ORDINANCE

A. Site Plans

Site plans for Residential Townhouse Developments shall meet the requirements set forth in Article 600 “Special Uses” and Section 648 “Residential Townhouse Developments in the B3 District” of the Asheboro Zoning Ordinance.

B. Design Requirements

Individual lot size may be varied but the overall density and permitted dwelling type within a Residential Townhouse Developments shall not exceed the applicable zoning requirements of the district in which the development is located.

C. Review Process

Residential Townhouse Development plans shall be reviewed simultaneously for compliance with this ordinance and the Asheboro Zoning Ordinance in particular, Section 648. If the Residential Townhouse Development requires review as a “major” subdivision the Sketch Design Plat shall be properly submitted for review by the City Council at the same meeting as the Residential Townhouse Development SUP. The Sketch Design Plat and the site plan required for the SUP may be combined on one plat so long as the requirements for each are met. If the Residential Townhouse Development requires a “minor subdivision” the required subdivision plat shall be properly submitted for approval. Approval shall be subject to any conditions of the Residential Townhouse Development’s SUP and granted only after approval of the SUP by the City Council.

III. PLAT REQUIREMENTS

The sketch, preliminary and final plats for a Residential Townhouse Developments shall meet the requirements of this ordinance.

IV. OTHER REQUIREMENTS

A. Common Areas

1. Common areas or areas not shown as lots shall be held in non-profit corporate ownership by the owners of the lots within the development. The title to such common areas of property shall be preserved to the perpetual benefit of the

private properties in the development and shall be restricted against private ownership for any other purpose.

2. Improvements may be made within the common areas provided that open space requirements as set forth in the Asheboro Zoning Ordinance are met.
3. The developer shall submit and after approval by the City Council, record a declaration of the covenants and restrictions that govern the ownership, management and maintenance of the common area and the ownership and maintenance of private streets and alleys, if any.

B. Improvements

1. All improvements required in this ordinance shall apply to Residential Townhouse Developments regardless of private ownership of streets and utilities.
2. Private streets and alleys shall be designed as required for Emergency Services and garbage collection if public collection is desired.
3. All private streets and parking areas within Residential Townhouse Developments shall have a paved surface.
4. The street layout of the development shall be in conformity with the Asheboro Thoroughfare Plan and:
 - a. Where a proposed development will extend an existing public street such extension shall be a public street unless it is an existing dead end street not necessary for access to adjacent property.
 - b. Where a through street is required to provide access to adjacent properties or for general public usefulness such street shall be a public street.
5. Sidewalks that meet ADA standards shall be provided along streets and driveways to connect all units, parking areas, recreation facilities, central trash facilities, postal centers etc. and shall extend to intersections with existing streets.
6. Street lights shall be installed which meet the design standards of the City of Asheboro street lighting policy.
7. In Residential Townhouse Developments parking spaces for visitor and or overflow parking shall be installed which equals 20% of the total number of units in the project, except no additional parking is required for Town Home Development's located within a B3 zoning district.
8. In Residential Townhouse Developments recreation vehicle parking / storage areas shall be installed, unless these vehicles are prohibited by covenants and restrictions. Spaces provided shall be 12 feet by 30 feet and shall equal to 20% of the total number of units in the project. No recreation vehicle parking / storage areas are required for Residential Townhouse Developments located within a B3 zoning district, such projects shall prohibit recreation vehicle parking / storage by covenants and restrictions or restrict such parking / storage to completely enclosed structures.
9. In all residential zoning districts Residential Townhouse Developments shall provide open space and recreation space as specified in Table 200-1, under the RA6 district, and Section 321A of the Asheboro Zoning Ordinance.

10. In B3 districts Residential Townhouse Developments shall meet the requirements of Article 200A of the Asheboro Zoning Ordinance.

C. Public Access, Easements, Private Party Walls

1. Building lots may abut or be provided with frontage on common areas or private streets or alleys, properly restricted through a property owners association to assure access.
2. Easements over the common areas for access, ingress, and egress from and to public streets and walkways and easements for enjoyment of the common areas, as well as for parking, shall be granted to each owner of a building lot.
3. All common walls between individual lots shall be party walls and provisions for the maintenance thereof and restoration in the event of destruction or damage shall be established.
4. Ownership and maintenance responsibility of a private street shall be designated on the plat.
5. In developments containing private streets or alleys, a release of liability shall be included in the recorded covenants and restrictions which releases the City of Asheboro from any liability resulting from utility maintenance, garbage collection, and responsibility for failing to provide any emergency or regular fire, police or other public service to such developments or their occupants when such failure is due to the lack of access to such areas due to inadequate design or construction, blocking of access routes, inadequate maintenance, or any other factor within the control of the developer, homeowner's association, or occupants. In no case shall the City or the State be responsible for maintaining any private street. Such responsibility shall rest with the homeowner's association and occupants in that such private streets will not be constructed to the minimum standards sufficient to allow their inclusion for public maintenance.

D. Landscape Plan

A landscape plan for all Residential Townhouse Developments be submitted as required by Article 600 of the Asheboro Zoning Ordinance.

ARTICLE XII

Recreational Vehicle Resorts

I. GENERAL

The intent of this article is to permit greater flexibility in the design of the subdivided portions of Recreational Vehicle Resorts (as defined in Section 649 of the Asheboro Zoning ordinance) by allowing certain variations in lot size and design requirements and the establishment of open space.

II. COORDINATION WITH THE ASHEBORO ZONING ORDINANCE

A. Site Plans

Site plans for Recreational Vehicle Resorts shall meet the requirements set forth in Article 600 “Special Uses” Section 649 “Recreational Vehicle Resorts” of the Asheboro Zoning Ordinance.

B. Design Requirements

Individual lot size and the overall density of Recreational Vehicle Resorts shall meet the requirements established in Article 600 Section 649 of the Asheboro Zoning Ordinance.

C. Review Process

Recreational Vehicle Resort plans shall be reviewed simultaneously for compliance with this Ordinance and the Asheboro Zoning Ordinance, in particular Section 649. If the Recreational Vehicle Resort requires review as a “major” subdivision, the Sketch Design Plat shall be properly submitted for review by the City Council at the same meeting as the Recreational Vehicle Resorts SUP. The Sketch Design Plat and the site plan required for the SUP may be combined on one plat so long as the requirements for each are met. If the Recreational Vehicle Resort requires a “minor” subdivision, the required subdivision plat shall be properly submitted for approval. Approval shall be subject to any conditions of the Recreational Vehicle Resorts SUP and granted only after approval of the SUP by the City Council.

III. PLAT REQUIREMENTS

The Sketch, Preliminary and Final plats for Recreational Vehicle Resorts shall meet the requirements of this ordinance and, in addition, the requirements in Section IV below shall be met.

IV. OTHER REQUIREMENTS

A. Open space and recreation space shall be as per Article 600 Section 649 of the Asheboro Zoning Ordinance.

B. Improvements

1. All improvements required in this ordinance shall apply to Recreational Vehicle Resorts regardless of private ownership of streets and utilities, except:

Private streets shall be designed and built according to the latest revision of the NC DOT Subdivision Roads Minimum Construction Standards manual. Curb and gutter is not a requirement for private streets within RV Resorts. Public streets shall be designed and built according to the Standards in Article IX of this Ordinance.

2. The street layout of the development shall be in conformity with the Asheboro Thoroughfare Plan and:

a. Where a proposed development will extend an existing public street, such extension shall be a public street unless it is an existing dead end street not necessary for access to adjacent property.

b. Where a through street is required to provide access to adjacent properties or for general public usefulness, such street shall be a public street.

3. Sidewalks or greenway paths that meet ADA standards shall connect the resort office, resort store, recreation areas, overflow parking, storage areas, and all other resort amenities.

4. Street lights shall be installed which meet the design standards of the City of Asheboro street lighting policy.

C. Access to and Maintenance of Improvements and Common Areas

1. As provided by law, when a plat is recorded that creates individual lots within a Recreation Vehicle Resort, and lots are sold in reference to such plat, then each purchaser of such lots (and their successors) has a property interest in the nature of an easement in and to all streets, alleys, and other common property shown on such plat.

2. Prior to final plat approval, the developer of the subdivided portion of a Recreation Vehicle Resort shall (i) establish an incorporated property owners

association to which all owners of lots with the Resort must belong by virtue of their ownership within the subdivision, and (ii) record a set of restrictive covenants that provides that all owners of lots within the subdivision shall have access to the streets, alleys, and other common areas within the subdivision and that obligates each lot owner to pay dues or assessments to the property owners association sufficient to cover the cost of maintaining all such common areas and facilities not dedicated to the public.

3. If the lots within the subdivided portion of a Recreational Vehicle Resort are to be served by private streets, the final plat shall so indicate and shall specify that maintenance of such streets will be the responsibility of the property owners association. The plat shall reference the book and page where the covenants described above in subsection C.2 are recorded.
4. In developments containing private streets or alleys, a release of liability shall be included in the recorded covenants and restrictions which releases the City of Asheboro from any liability resulting from utility maintenance, garbage collection, and responsibility for failing to provide any emergency or regular fire, police or other public service to such developments or their occupants when such failure is due to the lack of access to such areas due to inadequate design or construction, blocking of access routes, inadequate maintenance, or any other factor within the control of the developer, homeowners' association, or occupants. In no case shall the City or the State be responsible for maintaining any private street. As provided above, such responsibility shall rest with the property owners association and occupants in that such private streets will not be constructed to the minimum standards sufficient to allow their inclusion for public maintenance.