

## Chapter 32 - SUBDIVISIONS

## FOOTNOTE(S):

--- (1) ---

**Cross reference—** Buildings and building regulations, ch. 6; fire prevention and protection, ch. 18; floods, ch. 20; streets, sidewalks and other public places, ch. 30; street naming and building numbering system, § 30-9; utilities, ch. 36; vegetation, ch. 38.

## ARTICLE I. - IN GENERAL

## Sec. 32-1. - Authority.

These land development regulations are adopted pursuant to authority granted in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code 1976 §§ 6-29-1110 et seq. (1994 Supp.)

(Ord. No. 99-1, 5-10-99)

## Sec. 32-2. - Jurisdiction.

These regulations shall apply to all subdivisions of land, as defined in section 32-4, located within the incorporated areas of the town as now or hereinafter established.

(Code 1984, § 5-3-2; Ord. No. 99-1, 5-10-99)

## Sec. 32-3. - Purpose.

The public health, safety, economy, good order, appearance, convenience, morals, and general welfare require the harmonious, orderly, and progressive development of land within the municipalities of the state. In furtherance of this general intent, the regulation of land development by municipalities is authorized for the following purposes, among others, as stated in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code 1976 § 6-29-112 

- (1) To encourage the development of economically sound and stable municipalities;
- (2) To assure the timely provision of required roads, utilities, and other facilities and services to new land developments;
- (3) To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;
- (4) To assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, transportation, and other public purposes; and
- (5) To assure, in general, the wise and timely development of new areas, or redevelopment of areas in harmony with the town's comprehensive plan.

(Ord. No. 99-1, 5-10-99)

Sec. 32-4. - Definitions  

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

*Block* means a parcel of land entirely surrounded by streets or highways, railroad rights-of-way, waterways, or by a combination thereof.

*Building line* means that which represents the distance a building or structure must be set back from a lot boundary line or a street right-of-way line or a street centerline according to the terms of this chapter. In all cases, the building lines of a lot shall be determined to run parallel to and set back the appropriate distance required within the district in which the lot is located from right-of-way lines, centerlines or other boundary lines.

*Density* means the number of lots or dwelling units per acre.

*Dwelling* means a building or portion of a building other than a mobile home, designed for or occupied for residential purpose.

*Dwelling, group* means a dwelling, under the ownership and supervision of a public institution, occupied or intended for occupancy by several unrelated persons or families, but in which separate cooking facilities are not provided for such resident persons or families.

*Dwelling, multifamily* means a dwelling designed for or occupied by three or more persons or families living independently of each other.

*Dwelling, one-family* means a detached dwelling other than a mobile home designed for or occupied exclusively by one family.

*Dwelling, two-family* means a detached or semidetached dwelling designed for or occupied exclusively by two families living independently of each other.

*Dwelling unit* means one or more rooms within a dwelling constituting a separate, independent housekeeping establishment for use on a basis involving owner occupancy or rental or lease on a weekly, monthly or longer basis, with provision for cooking, eating and sleeping, and physically set apart from other rooms or dwelling units in the same structure.

*Easement* means a grant to the general public, a corporation or a certain person or persons of a strip or parcel of land for a specific purpose. The property owner retains ownership and grants perpetual use of a defined portion for a specific purpose.

*Engineer* means a registered professional engineer in good standing with the state board of registration.

*Family* means one or more persons occupying a single dwelling unit, provided no such family shall contain over five persons, unless all members are related by blood or marriage, but further provided that domestic servants employed on the premises may be housed on the premises.

*Group development* means a group of detached, semidetached, attached, groups of attached, clustered, or multistoried buildings on a parcel of land which has not been subdivided into customary streets, lots, and blocks.

*Health authority* means an authorized representative of the county, district, state or municipal health department.

*Lot* means a parcel of land having its boundaries marked by irons at each change in direction of its boundaries and designated by number and/or other symbol as a part of a legally approved and recorded subdivision or as described by metes and bounds.

*Lot, corner* means a lot abutting upon two or more streets at their intersection or upon two parts of the same street, forming an interior angle of less than 135 degrees. The point of intersection of the street lines or of the street lines as extended is the corner.

*Lot, double frontage* means a lot having frontage on two streets, at a point other than at their intersection, as distinguished from a corner lot.

*Lot width* means the distance between side lot lines measured at front building line.

*Mobile home subdivisions* means a unified development of mobile home lots shown on a subdivision plat, approved by the town planning and zoning commission. Three or more mobile homes will be considered a subdivision.

*Plat* means a map or drawing upon which the subdivider's plan of the subdivision is presented for approval.

*Right-of-way* means a grant to the general public, a corporation, or a certain person of a strip or parcel of land for a specific purpose. The property owner conveys ownership of a defined portion for a specific purpose.

*Street* means a dedicated public way for vehicular traffic. For the purpose of this chapter, streets are divided into the following categories:

- (1) *Alley* means a vehicular way used primarily for providing service access along the rear or side of properties which is also served by one of the other types of streets defined in this definition.
- (2) *Collector street* means a public way designed primarily for moving traffic from minor streets to major thoroughfares, including the principal entrance and circulation street or streets of a residential neighborhood.
- (3) *Major thoroughfare* means a street or highway which is used to move fast or heavy traffic between population centers, around population centers, or from one section of town to another.
- (4) *Cul-de-sac* means a minor street of short length having one end open to traffic and one end terminating in a vehicular turnaround.
- (5) *Minor street* means a street used primarily for access to the abutting properties.
- (6) *Marginal access street* means a minor street parallel and adjacent to a major thoroughfare and which provides access to abutting properties and protection from through traffic.

*Subdivider* means any person who undertakes the subdivision or development of any land deemed to be a subdivision within the jurisdiction of this chapter.

*Subdivision* means:

- (1) The division of a tract, parcel or lot into two or more lots or building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and includes all divisions of land involving a new street or a change in existing street and includes a re-

subdivision and where appropriate, relates to the process of subdividing or to the land or area subdivided.

- (2) The division of land by will, or by inheritance under that statute of descent and distribution, or by gift conveyed by deed, shall be exempt from the provisions of this chapter. Such exemption shall be limited to the conveyance of land from one member to another member of the same immediate family (mother, father, children, grandchildren, brothers or sisters).
- (3) The following exceptions to this definition are included for the purpose of requiring that the planning commission be informed and have record of such subdivision:
  - a. The combination or recombination or portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the town.
  - b. The division of land into parcels of five acres or more where no new street is involved.
- (4) Plats of such exceptions shall be prepared and submitted by the subdivider and be received as information by the planning and zoning commission which shall indicate such fact on the plat.

*Surveyor* means a registered land surveyor in good standing with the state board of registration.

(Code 1984, § 5-3-4)

**Cross reference**— Definitions generally, § 1-2.

Sec. 32-5. - Official filing of regulations.

Upon the enactment of this chapter by the town, a copy of this chapter shall be filed in the office of the county clerk of court. After that time no subdivision plat for any land within the established subdivision jurisdiction shall be filed with or recorded by the county clerk of court until such plat has been submitted to and approved by the planning commission according to the procedures set forth in this chapter.

(Code 1984, § 5-3-5)

Sec. 32-6. - Application of regulations.

No street or other public way or land shall be accepted or maintained; nor shall any municipal water lines, sewerage, electricity, gas, street lighting or similar improvements be extended or connected; nor shall any permits be issued by any department of the municipality or county for construction of a building or other improvement in any subdivision established hereafter which does not meet the requirements set forth in this chapter.

(Code 1984, § 5-3-6)

Sec. 32-7. - Effect of plat approval by planning commission on dedications.

The approval of a plat by the planning commission shall not be deemed to constitute or effect an acceptance by the governing body of the dedication of any street or other ground shown upon the plat.

(Code 1984, § 5-3-7)

Sec. 32-8. - Violations and penalties.

Any violation of these regulations shall be a misdemeanor and, upon conviction, is punishable as provided by law.

(Code 1984, § 5-3-8; Ord. No. 99-1, 5-10-99)

### Sec. 32-9. - Interpretation of subdivision jurisdiction.

Where uncertainty exists with respect to the boundary of the subdivision jurisdiction of the town, the location of such boundary shall be determined by scaling the distance on the official copy of the map.

*(Code 1984, § 5-3-9)*

### Sec. 32-10. - Land subject to flooding.

Land subject to flooding and land deemed by the planning commission to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation. All floodprone areas must meet the flood damage prevention ordinance.

*(Code 1984, § 5-3-10)*

### **Cross reference—** Floods, ch. 20.

### Sec. 32-11. - Variance.

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in the chapter would result in substantial hardship or inequity, the planning commission may vary or modify, except as otherwise indicated, requirements of design but not of procedure or improvements, so that the subdivider may develop his property in a reasonable manner, but so, at the same time, the public welfare is protected and the general intent and spirit of this chapter is preserved. Such modification may be granted upon written request of the subdivider stating the reasons for each modification and may be waived by an affirmative vote of two-thirds of the membership of the planning commission.

*(Code 1984, § 5-3-81)*

### Sec. 32-12. - Conditions of modification.

In granting variations and modifications, the planning commission may require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements so varied or modified.

*(Code 1984, § 5-3-82)*

### Sec. 32-13. - Amendment.

This chapter may be amended by the town council. However, no amendment shall become effective unless it shall have been submitted to the planning commission for review and recommendation. A public hearing shall be held by the town council on any amendment to these regulations. Notice of the hearing shall be published in a general circulation newspaper in the community at least 30 days prior to the hearing, stating the time, place, and purpose of the hearing. The planning commission shall have 60 days within which to submit its report. If the planning commission fails to submit a report within the specified time, it shall be deemed to have approved the proposed amendment. A negative report from the planning commission failing to recommend the amendment must be received by the town council prior to the scheduled second reading on the amendment in order to allow consideration of divergent views.

*(Code 1984, § 5-3-83; Ord. No. 99-1, 5-10-99)*

### Sec. 32-14. - Appeal.

Staff action, if authorized, to approve or disapprove a land development plan may be appealed to the planning commission by any party in interest. The planning commission shall act on the appeal within 60 days and the action of the planning commission is final. An appeal from the decision of the planning commission may be taken to circuit court within 30 days after actual notice of the opinion.

*(Code 1984, § 5-3-84; Ord. No. 99-1, 5-10-99)*

Secs. 32-15—32-35. - Reserved.

## ARTICLE II. - PLAT REQUIREMENTS AND REVIEW PROCEDURES

### FOOTNOTE(S):

--- (2) ---

**Editor's note**— Ord. No. 2010-11, § XII, adopted September 20, 2010, amended article II in its entirety to read as herein set out. Former article II, §§ 32-36—32-49, pertained to similar subject matter, and derived from § 5-3-21—5-3-34 of the 1984 Code; Ord. No. 99-1, 5-10-99.

Sec. 32-36. - Steps of approval process.

- (a) Unless exempted in paragraph (c) below, the procedure for review and approval of subdivision plats shall consist of three separate steps. These include:
  - (1) Review and approval of sketch plan;
  - (2) Review and approval of preliminary plat; and
  - (3) Review and approval of final plat.
- (b) Steps (1) and (2) shall be completed prior to making any street improvements or installing any utilities. Steps (1), (2), and (3) shall be completed prior to the sale of any lots within the proposed subdivision.
- (c) Exemptions.
  - (1) The following types of subdivisions shall be exempt from the procedures above and may be reviewed and approved administratively by the planning director:
    - a. The combination or recombination or portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the town.
    - b. The division of land into parcels of five acres or more where no new street is involved.
    - c. Minor amendments to planned neighborhood development (PND), planned cluster development (PCD), and mixed use (MXU) developments, provided such authority is delegated to the planning director under the development conditions approved by the town council.
  - (2) Any plat that is eligible for administrative review and approval shall submit a review fee to cover the administrative costs associated with review and approval. The amount of said fee shall be established by the town council during adoption of the annual budget ordinance.

*(Ord. No. 10-11, § XII, 9-20-10)*

Sec. 32-37. - The sketch plan.

Prior to filing an application for preliminary plat approval, the subdivider or his representative shall submit a sketch plan of the proposed subdivision to the planning commission. This plan shall be submitted at a regular meeting of the planning commission. The town council may establish a fee for sketch plan reviews to cover administrative costs associated with review and approval. The amount of

such fee shall be established by the town council during adoption of the annual budget ordinance. At the meeting the subdivider or his representative should present the plan for the new subdivision, seek the advice and assistance of the planning commission, and become familiar with the regulations governing the subdivision of land.

(Ord. No. 10-11, § XII, 9-20-10)

Sec. 32-38. - Information to be shown on sketch plan.

The sketch plan shall be drawn at a scale of one inch equals 100 feet, or one inch equals 50 feet, and it shall show the following:

- (1) Total acreage in the tract to be divided;
- (2) Tentative street and lot arrangement;
- (3) Approximate rights-of-way, easements, and lot lines;
- (4) Average lot areas and approximate number of lot 
- (5) Existing and proposed uses of land throughout the subdivision;
- (6) Zoning classification, if any; and
- (7) A vicinity map which shows the relationship between the proposed subdivision and the surrounding area at a scale of at least one inch equals 1,000 feet.

(Ord. No. 10-11, § XII, 9-20-10)

Sec. 32-39. - The preliminary plat.

The subdivider shall prepare a preliminary plat for submission to the planning commission. Four or more copies of the preliminary plat and of any supplemental material required shall be submitted to the secretary of the planning commission not less than 14 days prior to the planning commission meeting at which the plat is to be considered . The town council may establish a fee for preliminary plat reviews to cover administrative costs associated with review and approval. The amount of such fee shall be established by the town council during adoption of the annual budget ordinance .

(Ord. No. 10-11, § XII, 9-20-10)

Sec. 32-40. - Contents of the preliminary plat .

The preliminary plat shall be prepared by a registered surveyor . The plat shall be drawn to a scale of one inch equals 100 feet or one inch equals 50 feet, and shall contain or be accompanied by the following information:

- (1) *General information.*
  - a. Names and locations of adjoining subdivisions and streets and the location and ownership of adjoining unsubdivided property;
  - b. Boundaries of the tract to be subdivided with all bearings and distances indicated; and
  - c. Existing zoning classification of the tract, if any.
- (2) *Existing site data.*
  - a. Town limits lines, property lines, rights-of-way, easements, streets, railroads, bridges, and buildings;
  - b. Utilities transmission lines, storm sewers, ditches and culverts, sanitary sewers and water mains, including information on both size, equipments, and location;

- c. Wooded areas, marshes, ponds, and watercourses;
- d. Contours, showing the topography of the site at a vertical interval of five feet by the planning commission; and
- e. Areas subject to flooding, accompanied by high water elevation, if available.

(3) *Proposed site data.*

- a. Street rights-of-way, pavement widths, grades, and street names (street profiles and cross sections shall be provided when required by the planning commission);
- b. Preliminary plans prepared by an engineer for sanitary sewers, storm sewers, water, electricity, and gas lines, showing connections to existing systems or proposals for developing new water supply, storm drainage, and sewage disposal systems (storm and sanitary sewer profiles, cross sections and sizes shall be provided when required by the planning commission);
- c. Other easements and rights-of-way including location, dimensions, and purposes;
- d. Contour changes to be made by grading;
- e. A plan to control erosion and storm runoff during construction so as to prevent damage to adjacent properties and minimize the sedimentation of stream beds and the destruction of natural drainage areas;
- f. Lot lines, lot dimensions, lot and block numbers, and minimum building setback lines along street rights-of-way and rear and side property lines;
- g. Parks, school sites, and other public areas, if any; and
- h. Areas to be used for purposes other than residential and public, if any, with the purpose, location, and dimensions of each indicated.

(4) *Other information.*

- a. Name of subdivision and surveyor or engineer;
- b. Name and address of owners and developers;
- c. Date of survey and plat preparation, north point, graphic scale;
- d. Surveyor's certificate of accuracy;
- e. Site data: total acreage in tract, acreage in public or other land usage, average lot size, total number of lots, linear feet in streets;
- f. Developer shall address future drainage demands and areas of potential concern which may arise when the subdivision is completely developed; and
- g. Other supplemental materials, any protective covenants proposed for the subdivision and any other information considered by either the subdivider or the planning commission to be pertinent to the review of the preliminary plat.

*(Ord. No. 10-11, § XII, 9-20-10)*

Sec. 32-41. - Planning commission action on preliminary plat.

(a) *Review.* The planning commission shall review and shall tentatively approve, approve conditionally, or disapprove the preliminary plat within 60 days of the date of its presentation by the applicant. If no action is taken by the planning commission at the end of 60 days after presentation, the preliminary plat shall be automatically approved.

(b)

*Notice of hearing.* Notice of the time and place of the planning commission review shall be sent by registered mail or certified mail, return receipt, to the subdivider whose name and address appear on or accompanies the preliminary plat. Such notice shall be sent not less than five days before the date fixed for the hearing.

- (c) *Consultation of public officials.* Before taking final action on the preliminary plat, the planning commission shall refer copies of the plat and attachments to those public officials and agencies which are concerned with new development, including the directors of departments responsible for streets, water, storm drainage, and sanitary sewerage, the building official, the county health department, and the district engineer of the state department of highways and public transportation, for their review and recommendations.
- (d) *Preliminary approval.* If the preliminary plat is found to conform to all of the requirements of this chapter, preliminary approval shall be given by the planning commission. Approval shall be noted on at least two copies of the preliminary plat by the chairperson and two other members of the commission. One copy shall be retained by the planning commission; another shall be given to the subdivider.
- (e) *Installation of or arrangements for improvements and preparation of final plat.* Upon approval of the preliminary plat, the subdivider may proceed with the installation of or arrangements for required improvements in accordance with the preliminary plat and proceed with preparation of a final plat.
- (f) *Disapproval or conditional approval.* If the preliminary plat is disapproved or approved conditionally, the reasons for disapproval or any conditions required shall be stated in writing and signed by the chairperson of the planning commission. The reasons for disapproval shall refer specifically to those parts of the general plan or ordinance or regulation with which the plat does not conform. One copy of the reasons shall be retained in the records of the commission; another shall be given to the subdivider. On conditional approval the commission may require the subdivider to resubmit the preliminary plat with all recommended changes before approving the plat.
- (1) *[Approval or disapproval public record.]* A record of all actions on all land development plans and subdivision plats with the grounds for approval or disapproval and any conditions attached to the action taken must be maintained as a public record. In addition, the developer must be notified in writing of the actions taken.

(Ord. No. 10-11, § XII, 9-20-10)

#### Sec. 32-42. - The final plat.

- (a) The subdivider shall submit one final plat on vellum, film, or linen and three or more dark line prints to the secretary of the planning commission at least 10 days prior to the regularly scheduled meeting of the commission at which the plat is to be considered for final approval. At the same time there shall be submitted one set of the proposed plans and specifications for all improvements and the proposed protective covenants. The town council may establish a fee for final plat reviews to cover administrative costs associated with review and approval. The amount of such fee shall be established by the town council during adoption of the annual budget ordinance.
- (b) Subdivisions which do not involve the platting, construction or opening of new streets, water or sewer facilities, or improvements to existing streets shall be accepted by the planning commission in the form of a final plat. Such subdivisions shall comply with all requirements of these regulations.

(Ord. No. 10-11, § XII, 9-20-10)

#### Sec. 32-43. - Improvements.

Before submitting the final plat for review, the subdivider shall have installed all required improvements or shall have filed a bond in accordance with the provisions of this chapter.

(Ord. No. 10-11, § XII, 9-20-10)

Sec. 32-44. - Time of submission.

The final plat of the proposed subdivision shall be submitted to the planning commission for final approval within one year of the date on which the preliminary plat was approved. If not submitted for final approval within such time, the preliminary plat shall be considered as having been disapproved, unless the commission agrees to an extension of time.

(Ord. No. 10-11, § XII, 9-20-10)

Sec. 32-45. - Recording.

The final plat shall constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time. The final plat shall be filed in the office of the county clerk of court within one week after approval, or if not, approval shall be considered void.

(Ord. No. 10-11, § XII, 9-20-10)

Sec. 32-46. - Contents of the final plat.

The final plat shall conform substantially to the preliminary plat as it was approved. The final plat shall be prepared by a registered surveyor and shall be drawn to a scale of one inch equals 100 feet or one inch equals 50 feet. It shall contain or be accompanied by the following information:

(1) *Survey data.*

- a. Exact boundaries of the tract to be subdivided, the error of closure shall be at least 1:10,000;
- b. Names and locations of adjoining subdivisions and streets and the location and ownership of adjoining unsubdivided property;
- c. Accurate location and description of all monuments, markers, and control points;
- d. Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary line, street line, lot line, right-of-way, easement line and setback line, including linear dimensions, bearings of deflection angles, tangents, radii, arcs, chords, and central angles. All dimensions shall be measured to the nearest 1/100 of a foot and all angles to the nearest minute; and
- e. The error of linear closure for lots shall be at least 1:5,000.

(2) *Site data.*

- a. All rights-of-way, easements, and areas to be dedicated to public use with the purpose of each stated;
- b. Areas to be used for purposes other than residential and public, if any, with the purpose, location, and dimensions of each indicated;
- c. Lot and block numbers, street names;
- d. Such cross sections and profiles of streets as may be required by the planning commission; and
- e. Such plans for water mains, sanitary sewers and storm sewers, showing sizes, cross sections and profiles, as required by the planning commission.

(3) *Other information.*

- a. Name of subdivision, owner and surveyor;
- b. Date of survey and plat preparation, north arrow, graphic scale;
- c. Deed restrictions proposed for the subdivision, if any; and
- d. Any other information considered by either the subdivider or the planning commission to be pertinent to the review of the final plat.

(Ord. No. 10-11, § XII, 9-20-10)

Sec. 32-47. - Certificates.

The following signed certificates shall be shown on the original, and all copies of the final plat shall be submitted to the planning commission:

- (1) Certificate of ownership and dedication;
- (2) Certificate of approval of water supply and sewage disposal collection and transmission system, where necessary, and operating permits from the state department of health and environmental control and the town;
- (3) Certificate of surveying and mapping;
- (4) Certificate of approval of the design and installation of streets, utilities, and other required improvements; and
- (5) Reference to any separate instruments, including restrictive covenants, filed in the clerk of court's office which directly affect the land being subdivided.

(Ord. No. 10-11, § XII, 9-20-10)

Sec. 32-48. - Planning commission action on final plat.

- (a) *Decision time limit.* The planning commission shall approve or disapprove the final plat within 60 days after it has been submitted for final approval unless stipulation for additional time is agreed to by the subdivider and the planning commission. Approval and the date thereof shall be shown on the plat over the signature of the planning commission chairperson and two other members of the commission. If no action is taken by the commission at the end of 60 days after submission or within the agreed time, the plat shall be deemed to have been approved.
- (b) *Disapproval; reasons in writing.* If the final plat is disapproved by the planning commission, the grounds for such action shall be stated in writing. The reasons for disapproval shall refer specifically to those parts of the general plan or ordinance or regulation with which the plat does not conform. One copy of the reasons for disapproval shall be retained in the records of the planning commission, and another shall be given to the subdivider for resubmission.
- (c) *Review; comparison of preliminary and final plat.* During review of the final plat, the planning commission shall check the final plat against the preliminary plat. The commission may appoint an engineer or surveyor to check the accuracy of the subdivision layout and the final plat. If substantial errors are found, the cost of checking the plat shall be charged to the subdivider.
- (d) *Submission to town council.* Before recording the final plat or resubmitted final plat, it shall be submitted to the governing body of the town or county for approval and acceptance of public streets, utilities, easements, and land dedication to public use.
- (e) *Final approval; filing.* After final approval the subdivider shall file the original approved final plat with certificates with the county clerk of court. The subdivider shall provide the planning commission with at least one dark line copy thereof.

(Ord. No. 10-11, § XII, 9-20-10)

Secs. 32-49—32-70. - Reserved.

### ARTICLE III. - DESIGN STANDARDS

Sec. 32-71. - Requirements considered minimum; reflective of purpose.

- (a) The following design standards shall be considered minimum requirements; however, higher standards are to be encouraged in subdivision design.
- (b) Subdivision design should carry out the purpose of the general plan and this chapter but not be limited to the minimum requirements.

(Code 1984, § 5-3-41)

Sec. 32-72. - Streets.

The following design standards are for streets:

- (1) *Thoroughfare plans.*
  - a. Arterial and collector streets shall be in conformance with the thoroughfare plan of the planning area.
  - b. Where any portion of a subdivision lies within the proposed right-of-way of any major arterial or collector street shown on an officially adopted thoroughfare plan, the street shall be dedicated in the location and width required.
- (2) *Public streets.* All streets shall be public streets and shall be opened to the exterior property lines of the subdivision, unless permanently terminated by a vehicular turnaround or an intersection with another street.
- (3) *Continuation of adjoining streets.* Proposed streets shall be coordinated with the street system in the surrounding area and, where possible, provide for the continuation of principal streets.
- (4) *Reserve strips.* Reserve strips controlling access to streets shall be prohibited except where their control is placed with the city under conditions approved by the planning commission.
- (5) *Minor streets.* Minor streets shall be laid out so that their use by through traffic will be discouraged. Where possible, T intersections should be used to discourage traffic and ensure safety.
- (6) *Marginal access streets with major thoroughfares.* Where a subdivision abuts or contains an existing or proposed major artery, the planning commission may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- (7) *Intersections.* Alley intersections and sharp changes in alignment should be avoided, but where necessary, the curve radius shall permit safe vehicular movement.
- (8) *Dead-ends.* Dead-end alleys should be avoided, but where necessary shall be provided with adequate turnaround facilities at the deadend, as determined by the planning commission 

(Code 1984, § 5-3-42)

**Cross reference—** Streets, sidewalks and other public places, ch. 30.

Sec. 32-73. - Easements.

The following standards are for easements:

- (1) *Utility.* Where alleys are not provided, easements not less than ten-feet wide, centered on lot lines for both underground and aboveground facilities, for use by both public and private utilities shall be provided along each rear lot line. A five-foot easement along side lot lines of individual lots may be required where necessary, for use by public and private utilities. Easements shall be provided on developers property and not adjacent property owned by persons or groups other than the developer.
- (2) *Walkways.* Pedestrian easements or walkways shall be provided through the interior of blocks in blocks greater than 2,000 feet in length, where such easements are needed. Pedestrian easements shall be at least ten-feet wide and shall be laid out alongside of rear property lines.
- (3) *Drainage.* Where a subdivision is traversed by a watercourse, drainage channel or stream, there shall be provided a right-of-way for drainage and public utility purposes, conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate to carry stormwater through and from the area for the purpose of protecting the area from flooding or overflow. Parallel streets may be required in connection with drainage easements.
- (4) *Maintenance.* The town will maintain only those easements, rights-of-way and public sites which it accepts for maintenance.

(Code 1984, § 5-3-43)

#### Sec. 32-74. - Blocks.

- (a) *Generally.* The lengths, widths and shapes of blocks shall be determined with due regard for the following:
  - (1) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
  - (2) Zoning requirements as to sizes and dimensions.
  - (3) Limitations and opportunities of topography.
- (b) *Length.* Blocks for residential use shall not be longer than 1,200 feet, and shall not be less than 500 feet in length, measured along the centerline of the block, unless due to unusual circumstances, longer blocks are approved by the planning commission.
- (c) *Width.* Blocks used for residential purposes should be of sufficient width to allow for two tiers of lots of appropriate depth. Blocks intended for business and industrial use should be of a width suitable for the intended use, with due allowance for off-street parking and loading facilities.

(Code 1984, § 5-3-44)

#### Sec. 32-75. - Lots.

- (a) *Generally.* Lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. All lots shall conform to zoning requirements and the following requirements.
- (b) *Width, general.* Residential lots shall be not less than 60 feet in width at the front building line, except that a corner lot shall have additional width to accommodate the side yard setback required in section 32-76
- (c) *Side lot lines.* Side lot lines should be approximately at right angles or radial to street lines, except where, due to topographic conditions, the planning commission approves some other arrangements.
- (d) *Lot area.* No lot shall be created which has an area less than that specified by the current zoning ordinance.

- (e) *Commercial and industrial lots.* Commercial and industrial sites and lots shall be of appropriate size and arrangement to provide for adequate building area, open space, and off-street parking and loading facilities necessary for the intended use and according to the town zoning ordinance.
- (f) *Double frontage.* Double frontage and reserve frontage lots should be avoided except where they are needed to provide for the separation of development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least 20 feet shall be provided along the portion of the lots abutting such a traffic artery or other use where screening is required. There shall be no right of access across a planting screen easement.

(Code 1984, § 5-3-45)

#### Sec. 32-76. - Building lines.

In residential subdivisions the minimum setback from the street right-of-way line or property line, whichever is applicable, shall be 35 feet or as designated in the zoning ordinance.

(Code 1984, § 5-3-46)

#### Sec. 32-77. - Public sites and open spaces.

Where a proposed park, playground, school or other public use shown in the general plan is located in whole or in part in a subdivision, the planning commission may require the reservation of such area for a period not exceeding 90 days from the date of approval of the preliminary plat, to give the public body concerned opportunity to acquire such site.

(Code 1984, § 5-3-47)

#### **Cross reference—** Parks and recreation, ch. 26.

#### Sec. 32-78. - Area subject to flooding.

A plat of a proposed subdivision submitted to the planning commission for approval which contains lands subject to flooding shall have such areas delineated as being subject to flooding. A lot having more than one-quarter of its area subject to flooding shall not be approved.

(Code 1984, § 5-3-48)

#### Sec. 32-79. - Group developments.

- (a) *Requirements.* The standards and requirements of this chapter may be modified by the planning commission to allow the developer more freedom in the arrangement of streets and buildings in the case of a plan and program for a group development which is in conformance with applicable zoning requirements, and in the judgment of the planning commission does not violate the spirit of these regulations. Such proposed development shall have adequate public spaces and improvements for circulation, light, air and service needs for the future users of the tract when fully developed and populated.
- (b) *Plans.* Plans for group developments such as mobile home parks, apartment complexes and industrial and commercial complexes where the site is not subdivided into lots and public streets, but is retained in one ownership, shall be submitted to the planning commission for review and approval. Such plans shall show the following information:
  - (1) A plat of the property drawn to a scale of at least 100 feet to one inch;
  - (2) The location of the parcel of land with respect to adjacent rights-of-way;
  - (3) The shape, dimensions, and location of all buildings, existing and proposed, on the parcel;

- (4) The nature of the proposed uses of the buildings and/or land;
  - (5) Topography of the site by contours at vertical intervals of not more than two feet;
  - (6) The location and dimensions of off-street parking and loading space and the means of ingress and egress to and from such space;
  - (7) The location and size of all proposed utilities and storm drainage facilities; and
  - (8) Such other information as the planning commission may deem necessary because of the physical characteristics peculiar to the particular development.
- (c) *Proposals*. Proposals for a group development submitted to the planning commission shall include, in addition to a subdivision plat meeting all the requirements of this chapter, the necessary covenants, restrictions, legal guarantees, and any other information required by the planning commission.
- (d) *Setbacks*. Each building on the periphery of a group development shall observe the minimum setback requirements of the zoning ordinance for the district in which it is located.
- (e) *Enforcement of group development requirements*. No building permits shall be issued and no connection to public utilities or services shall be made until the plans for the group development have been approved by the planning commission.

(Code 1984, § 5-3-49)

Secs. 32-80—32-100. - Reserved.

#### ARTICLE IV. - REQUIRED IMPROVEMENTS

Sec. 32-101. - Plat approval conditional on installation.

Final plat approval shall not be given until the subdivider has installed the required improvements or has guaranteed to the satisfaction of the town that such improvements will be installed. One set of as-built plans and specifications, certified by a registered engineer shall be filed with the town prior to acceptance by the governing body of any improvements installed by the subdivider. The following improvements are required: survey reference markers, grading and street improvements, water system, sanitary sewer system, storm sewers and drainage, and street signs.

(Code 1984, § 5-3-61)

Sec. 32-102. - Survey accuracy.

The error of linear closure for land surveys shall not exceed one foot per 10,000 feet of perimeter of the lot of land (1:10,000).

(Code 1984, § 5-3-62)

Sec. 32-103. - Survey reference markers.

- (a) *Monuments*. At least one corner of each subdivision shall be designated by course and distance (tie) from a readily discernible reference marker. Monuments shall be placed at all control corners and at all other locations where needed; no point within any subdivision shall be more than 500 feet from a monument. Such monuments shall be made of concrete or stone, shall be at least 36 inches long, shall be at least four inches in diameter or square, shall be sunk vertically in the ground until the top is approximately four inches above the finished grade, and shall have a metal plate in the top to indicate the purpose of the monument and the survey point.
- (b) *Markers*. Iron markers shall be set at all lot and property corners and at all other survey points not marked by monuments. Such markers shall be set at points of curve, points of tangency, reference points, points of intersection, etc. Survey markers shall be at least 20 inches long, shall be at least

three-fourths inches in diameter, and shall be sunk vertically into the ground until the top is approximately four inches above the finished grade, except in sidewalks, streets, and other similar surfaces where the markers shall be flush with such surface.

*(Code 1984, § 5-3-63)*

Sec. 32-104. - Surety bond.

- (a) In lieu of completion of the improvements required in this article, streets, sidewalks (when required), water system, sanitary sewerage system, storm sewers and drainage and street signs, the planning commission shall require the subdivider to file a surety bond, certified check, or other instrument readily convertible to cash to ensure the actual construction of such improvements according to the plans and specifications filed with the commission.
- (b) The surety must be in an amount equal to at least 125 percent of the cost of the improvement. The surety must be in favor of the local government to ensure that, in the event of default by the developer, funds will be used to install the required improvements at the expense of the developer.

*(Code 1984, § 5-3-64; Ord. No. 99-1, 5-10-99)*

Sec. 32-105. - Oversized improvements cost sharing.

Whenever a subdivision contains streets, water mains, or sewer mains that are larger than those required to serve the future occupants of the subdivision, the subdivider shall be required to pay only the portion of the cost of the improvement required to serve only the subdivision, as determined by the planning commission. The balance of the cost will be borne by the unit of government which is responsible for constructing the facility.

*(Code 1984, § 5-3-65)*

Sec. 32-106. - Grading.

- (a) All subdivision grading shall be done in such a manner as to preserve natural vegetation and topographic features. Wholesale removal of topsoil from subdivision areas, other than those to be paved, shall not be permitted. Where extensive grading is required, the topsoil shall be removed and piled near the site until rough grading is completed, after which the topsoil shall be spread over the portions of the site which are not to be paved. When grading is completed, the topography will generally agree with the contour changes shown and approved on the preliminary plat. Seeding, strawing, staking, and/or other means necessary to prevent erosion shall be completed.
- (b) All contractors, homeowners or agents desiring to clear at least 15 percent or more of any lot will be required to obtain a grading permit and to maintain necessary erosion controls to prevent additional water from flowing into the streets or adjacent property. Erosion control measures will include, but not be limited to, the installation of sediment basins, traps and fences, installation of construction entrances as specified by the town; installation of driveway culverts; and the construction of perimeter erosion controls in all areas of land disturbing activities.

*(Code 1984, § 5-3-66; Ord. No. 97-2, 1-13-97)*

Sec. 32-107. - Streets.

The subdivider of any subdivision designed to be used for residential, commercial, industrial, or other purposes shall lay out, grade, install necessary drainage facilities, pave, and otherwise improve all streets that are designated on the approved plat or that directly serve the subdivision, in accordance with the specifications of the town, county or state highway department specifications, according to the current manual.

*(Code 1984, § 5-3-67; Ord. of 3-9-87, § 1)*

**Cross reference—** Streets, sidewalks and other public places, ch. 30.

Sec. 32-108. - Sidewalks.

The planning commission shall require the subdivider to construct sidewalks within the right-of-way of public streets to connect with existing or proposed sidewalks and in other areas where sidewalks are needed for pedestrian circulation. Sidewalks shall be constructed in accordance with town specifications and standards. Adequate easement shall be set aside to allow for sidewalks on all collector streets and any other streets the planning and zoning commission determines will have a future need for such.

*(Code 1984, § 5-3-68)*

**Cross reference—** Streets, sidewalks and other public places, ch. 30.

Sec. 32-109. - Water system.

Every lot in every subdivision shall be served by the municipal water unless service by another water supplier is required by superseding federal law or agreed to by the town pursuant to state law. Whenever a water main is reasonably accessible, as determined by the planning commission, the subdivider shall install water lines that are sufficient to take care of the demand of the subdivision when it is completely developed. Water lines shall be installed in accordance with town and state department of and environmental control specifications and standards, and shall be of sufficient size to supply water for fire protection. The subdivider shall install fire hydrants so that when fully developed no house will be more than 1,000 feet from a hydrant.

*(Code 1984, § 5-3-69; Ord. No. 05-16, 12-12-05)*

**Cross reference—** Utilities, ch. 36.

Sec. 32-110. - Sanitary sewerage system.

Every lot in every subdivision shall be served by the municipal sewer system. The sanitary sewers installed shall be large enough to provide adequate service to every house in the subdivision when it is completely developed. Sanitary sewers shall be installed in accordance with town and state department of health and environmental control specifications and standards.

*(Code 1984, § 5-3-70)*

**Cross reference—** Sewer use generally, § 36-91 et seq.

Sec. 32-111. - Storm sewers and drainage.

- (a) A storm drainage system designed to protect proposed development from flooding shall be provided in every subdivision. The system shall be adequate to carry through and from the area all stormwater in its drainage area and shall be installed to town specifications.
- (b) Where a public storm sewer is reasonably accessible as determined by the planning commission, the subdivider shall connect with such drainage system. The developer shall do all grading and provide all necessary drainage structures to carry the water and to conform with the town standards and specifications.

*(Code 1984, § 5-3-71)*

Sec. 32-112. - Street lighting.

Before the planning commission shall give final approval to a subdivision plat, the subdivider shall submit a street lighting plan developed in conjunction with the electrical utility serving the area. The plan shall be reviewed by the government's street light committee before approval.

*(Code 1984, § 5-3-72)*

**Cross reference—** Streets, sidewalks and other public places, ch. 30.

Sec. 32-113. - Street signs.

The subdivider shall place street name signs which meet town specifications at all street intersections.

*(Code 1984, § 5-3-73)*

**Cross reference—** Streets, sidewalks and other public places, ch. 30.

Sec. 32-114. - Electrical and telephone service.

Electrical and telephone wires shall be placed in rear easements or underground.

*(Code 1984, § 5-3-74)*

**Cross reference—** Utilities, ch. 36.