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SECTION 13.1 JURISDICTION

- A. The subdivision design and improvement standards of this Chapter apply to all subdivisions of land within the Planning and Zoning jurisdiction of the Lowell Unified Development Ordinance.



- B. In cases where fifty-one (51) percent or greater of a proposed subdivision lies within Lowell; where the abutting municipality/Gaston County's subdivision standards meet or exceed the standards set forth in this ordinance; and at the request of the developer, the Planning Board may relinquish the jurisdiction control of the ordinance to the municipal government for the review and approval of the development under the standards of the other municipal or County ordinance.

SECTION 13.2 ACTIVITIES THAT CONSTITUTE A SUBDIVISION

- A. For purposes of this Ordinance, "subdivision" means all division of a tract or parcel of land into two (2) or more lots, building sites, or the divisions when any one (1) or more of those divisions is created 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 activities do not constitute a subdivision and are expressly exempt from the design and improvement standards of this Chapter:
 - 1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the City as shown in this Ordinance;
 - 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 the express purpose of widening or opening of streets;
 - 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 no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the City as required by this ordinance.

- B. However, all exempt subdivisions shall be approved via issuance of the following Exemption Certificate by the Administrator prior to the recording of same with Gaston County.

Exemption Certificate	
I hereby certify that this subdivision of land is exempt in accordance with Chapter 13.2A(1,2,3,4) of the Lowell Unified Development Ordinance, and may be recorded with the Gaston County Register of Deeds Office.	
_____	_____
Administrator	Date



SECTION 13.3 LIST OF SUBDIVISIONS REQUIRED

A list of all subdivisions approved under this Ordinance shall be kept on file in the Administrator's office.

SECTION 13.4 ACCURACY OF SURVEYS AND MAPS

Standards of accuracy as prescribed in G.S. 47-30, mapping requirements, as amended; standards of practice for land surveying in North Carolina, amended effective February 1, 1996, or latest amendment, published by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, General Statutes of North Carolina Chapter 89C, as amended and the requirements of the Gaston County Register of Deeds shall apply to all surveys and maps.

SECTION 13.5 APPROVAL OF PLATS REQUIRED

- A. No person, firm or corporation shall transfer or sell any real property located within the planning jurisdiction of the City by reference to a plat showing a subdivision of such realty until such plat has been approved in accordance with this Ordinance and recorded in the office of the Gaston County Register of Deeds office. No subdivision plat shall be considered or approved unless the procedures prescribed by this Ordinance have been complied with.
- B. However, the provisions of this Ordinance shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved or recorded with the Register of Deeds, provided the contract does all of the following:



1. Incorporates as an attachment a copy of the preliminary plat referenced in the contract and obligates the owner to deliver to the buyer a copy of the recorded plat prior to closing and conveyance.
 2. Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary and final plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final recorded plat differs in any material respect from the preliminary plat.
 3. Provides that if the approved and recorded final plat does not differ in any material respect from the plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than five (5) days after the delivery of a copy of the final recorded plat.
 4. Provides that if the approved and recorded final plat differs in any material respect from the preliminary plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than fifteen (15) days after the delivery of the final recorded plat, during which 15-day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.
- C. The provisions of this Ordinance shall not prohibit any owner or their agent from entering into contracts to sell or lease land by reference to an approved preliminary plat for which a final plat has not been properly approved or recorded with the Gaston County Register of Deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential, commercial, or industrial buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under the subdivision ordinance and recorded with the Gaston County Register of Deeds.
- D. No building permit shall be issued for the erection of any building on any lot within a proposed subdivision until a final plat of said subdivision has been approved in a manner as prescribed by this Ordinance and recorded at the Gaston County Register of Deeds Office.



SECTION 13.6 APPEALS

The applicant may appeal any decision of the Planning Board made in regard to this Chapter to the City Council in writing within a thirty (30) day period following the date of said decision. If a written appeal is not made within said thirty (30) day period, the matter shall be deemed to be closed and the decision of the Planning Board shall stand.

Any decision of this chapter by the Administrator may be appealed to the Planning Board in accordance with Section 5.13 procedures of this Ordinance.

SECTION 13.7 VARIANCES TO THIS CHAPTER

- A. Notwithstanding other variances of this Ordinance that are specifically allowed elsewhere in this Ordinance, the Planning Board shall have the authority to grant variances to this Chapter as it applies to the subdivision requirements on a case-by case basis after having first held a public hearing and having found in the affirmative each of the following findings:
1. There are special circumstances or conditions affecting said property such that the strict application of the provisions of this Chapter would deprive the subdivider of the reasonable use of his land.
 2. The modification is necessary for the preservation of a substantial property right of the petitioner.
 3. The circumstances giving rise to the need for the modification are peculiar to the subdivision and are not generally characteristic of other subdivisions.
 4. The granting of the modification will not be detrimental to the public's health, safety, and welfare or injurious to other properties in close proximity to the subdivision site.
- B. Said public hearing shall be held in a quasi-judicial manner. Notice of said public hearing shall be provided in the following manner:
1. Notice shall be sent by the City by first class mail to the applicant and to owners of all contiguous pieces of property at least ten (10) days prior to the public hearing. The notice shall indicate the



nature of the public hearing and the date, time, and place where it is to occur.

2. Notice shall also be posted by the City in a conspicuous location at the Lowell City Hall Building at least ten (10) days prior to the public hearing. Said notice shall indicate the nature of the public hearing and the date, time, case number and place where it is to occur.
 3. A sign shall also be posted by the City in a conspicuous location on the subject property at least ten (10) days prior to the public hearing. Said notice shall indicate the date and time, case number and contact phone number.
- C. Notwithstanding the above (Section 13.7A, B), a variance of this Chapter where a different body approves a development that will require a subdivision of land to occur (e.g., TND, PRD, etc), and that approval body specifically has the authority to waive or modify regulations contained herein, such body shall have the authority to make such variance.

SECTION 13.8 APPROVAL PROCEDURES FOR A MINOR SUBDIVISION

Preliminary and final plat approval shall be required for all Minor Subdivisions. A pre-design meeting shall be recommended between the applicant and the Administrator in order that questions may be answered and that the subdivider may gain a better understanding of the requirements of this Ordinance and any other applicable requirements.

- A. No more than one (1) minor subdivision from the same parent tract.
- B. The Administrator or his designee shall have the authority to approve or disapprove minor subdivision final plats in accordance with the provisions of this section.
- C. A summary of subdivision approval procedures is found in Table 13.8-1.



Table 13.8-1 Subdivision Approval Procedures

	Description	Pre-Design Conference	Preliminary Plat	Final Plat
Minor	<p>(1) no new streets (public or private) are proposed; and</p> <p>(2) where no more than five (5) lots will result after the subdivision is completed; and</p> <p>(3) where no extension of any sewer or water system is required.</p>	Recommended	Administrative Review	Administrative Review
Major	<p>(1) new streets (public or private) are proposed; or</p> <p>(2) where more than five (5) lots will result after the subdivision is completed; or</p> <p>(3) where extension of any sewer or water system is required.</p>	Required on subdivisions consisting of more than 50 lots	Planning Board Recommend, City Council Approval	Administrative Review

13.8.1 PRE-DESIGN CONFERENCE FOR MINOR SUBDIVISIONS

A pre-design conference is highly recommended to assist in the application of the provisions of this Unified Development Ordinance.

13.8.2 PRELIMINARY PLANS FOR MINOR SUBDIVISIONS

- A. The owner or subdivider seeking preliminary plat approval shall submit the application, review fee and required paper copies of the plat to the Administrator. The plat shall contain all information listed in Section 13.11.
- B. The Administrator shall have up to twenty-one (21) working days from the date of its first consideration of the plat to review the plat and make comment concerning conformity with this and other applicable City ordinances and regulations.
- C. Preliminary plat approval will be valid for two (2) years and shall authorize the start of construction or installation of utilities, and other improvements approved as part of the preliminary plat. If work on the site in furtherance of the plan has commenced, and such work involves any utility installations or other improvements, the plat will remain valid and in force.



If no work in furtherance of the plan except grading on the site has commenced within this two-year period, the preliminary plat approval will become null and void and a new application will be required to develop the site.

13.8.3 FINAL PLAT FOR MINOR SUBDIVISIONS

- A. The final plat shall be prepared by a Registered Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. 47-30 and the Standards of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Gaston County Register of Deeds.
- B. The required number of copies of the final plat shall be submitted to the Administrator with two (2) of these copies being on reproducible mylar. Said copies shall be considered complete if they contain all of the information as indicated in Section 13.11 of this Ordinance.
- C. Submission of the final plat shall be accompanied by the appropriate filing fee. The filing fee and the required number of final plats must be submitted to the Administrator prior to review of the plat taking place.
- D. The Administrator shall endeavor to review the plat in an expeditious manner and will notify the applicant in writing if a decision on the plat cannot be rendered within twenty-one (21) working days from the date of submittal.
- E. Reserved
- F. If the subdivision is disapproved, the Administrator shall promptly furnish the applicant with a written statement of the reasons for disapproval.
- G. Reserved
- H. If the final the plat is approved, the subdivider shall furnish the Administrator with a copy of the approved subdivision in a digital manner on media suitable for use by the City.
- I. The City shall issue no zoning permits on the lots shown on the preliminary plat until the final plat has been recorded.



SECTION 13.9 REVIEW PROCEDURES FOR MAJOR SUBDIVISIONS

- A. Preliminary and final plat approval shall be required for all Major Subdivisions. A pre-design meeting shall be required between the applicant and the Administrator in order that questions may be answered and that the subdivider may gain a better understanding of the requirements of this Ordinance and any other applicable requirements.

NOTE: No more than one (1) Major1 subdivision from the same parent tract

- B. Any completed application submitted shall be heard by the appropriate Board for approval within one hundred-eighty (180) days from the date of submittal. After the expiration of an application, a new application may be submitted following the current regulations in place at the time of the new application submittal.

13.9.1 PRE-DESIGN CONFERENCE FOR ALL MAJOR SUBDIVISIONS

A pre-design conference is required to assist in the application of the provisions of this Unified Development Ordinance. This must be held a minimum thirty (30) days prior to submittal. Submission of plans can not be accepted until this requirement is met.

13.9.2 APPROVAL PROCESS FOR MAJOR2 SUBDIVISIONS

- A. Reserved

13.9.3 APPROVAL OF PRELIMINARY PLAT FOR MAJOR SUBDIVISION

- A. The owner or subdivider seeking preliminary plat approval shall submit the application and all required paper copies of the plat to the Administrator at least fourteen (14) working days prior to the next regularly scheduled Planning Board meeting. The plat shall contain all information listed in Section 13.11.
- B. The Planning Board shall review the plat and make comment concerning conformity with this and other applicable City ordinances and regulations at the time of their scheduled meeting.



- C. Upon recommendation from the TRC, the Planning Board shall consider the subdivision plat so long as the TRC decision is rendered no less than ten (10) days prior to the Planning Board meeting at which the plat is to be considered. The Planning Board shall have the authority to: (i) approve the preliminary plat, or (ii) conditionally approve the preliminary plat with needed changes to bring the preliminary plat into compliance with this Ordinance, or (iii) disapprove the preliminary plat.
- D. Unless a site specific development plan for a period of more than two (2) years has been approved per Section 5.10, preliminary plat approval will be valid for two (2) years and shall authorize the start of construction or installation of roads, utilities, and other improvements approved as part of the preliminary plat. If work on the site in furtherance of the plan has commenced, and such work involves any utility installations or street improvements except grading, the plat will remain valid and in force.

If no work in furtherance of the plan except grading on the site has commenced within this two (2) year period, the preliminary plat approval will become null and void and a new application will be required to develop the site.

13.9.4 APPROVAL PROCEDURES OF THE FINAL RECORDING PLAT FOR A MAJOR SUBDIVISION.

- A. Upon approval of the preliminary plat by the City Council, the subdivider may proceed with the preparation of the final plat, and the installation of, or arrangement for, required improvements in accordance with the approved preliminary plat and the requirements of this Chapter. Prior to approval of a final plat, the subdivider shall have installed the improvements specified in this Chapter or guaranteed their installation as provided herein. No such final plat will be approved by the Administrator unless it is in compliance with the improvement and guarantee standards of this Chapter. The final plat shall constitute only that portion of the preliminary plat that the subdivider proposes to record and develop at that time; such portion shall conform to all requirements of this Chapter. No application shall be considered complete unless it contains all such information required by Section 13.11.
- B. Reserved
- C. The City shall issue no zoning permits on the lots shown on the preliminary plat until the plat has been recorded.



SECTION 13.10 GUARANTEES

13.10-1 Types of Guarantees

Guarantee Type	Purpose	Amount	Section
Performance	Provided in lieu of the completion, installation and dedication of improvements shown on the preliminary plat for the recording of the final plat.	One hundred-fifty (150) percent of the cost of installing all required improvements.	13.10.1
Pre-Acceptance Maintenance	To guarantee that such streets will be properly maintained until the offer of dedication is accepted	Twenty-five (25) percent of the cost of the roadway installation (not including utilities).	13.10.2

13.10.1 PERFORMANCE GUARANTEE

In lieu of requiring the completion, installation and dedication of all improvements shown on the approved preliminary plat prior to approval of the final recorded plat, the City may enter into an agreement with the subdivider whereby the subdivider shall agree to provide an improvement guarantee or security to complete all required improvements. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved, as outlined in Section 13.9.3, if all other requirements of this Ordinance are met. To secure this agreement, the subdivider shall provide to the City either one (1) or a combination of the following guarantees. The subdivider shall choose the type of guarantee. The amount of such guarantee shall be equal to one hundred-fifty (150) percent the cost of installing all required improvements, as proposed by the subdivider and verified by the City. All approved security guarantees shall be made payable to the City of Lowell.

A. GUARANTEE SUBMITTAL REQUIREMENTS.

As determined by the City based on two (2) contractor’s estimates or one (1) engineer’s estimate and one (1) contractor’s estimate.



The estimate shall be valid through the life of the guarantee.

B. SURETY PERFORMANCE BOND.

The subdivider shall obtain one (1) or more performance bonds from a surety bonding company authorized to do business in North Carolina. The duration of the bond(s) shall be for a minimum of two (2) years. Any expenses associated with cost verifications incurred by the City shall be borne entirely by the subdivider.

C. CASH OR EQUIVALENT SECURITY.

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

D. DEFAULT.

That in case of a failure on the part of the subdivider to complete said improvements thirty (30) days prior to the expiration of the guarantee, or after twenty-five (25) percent of the lots are sold, whichever occurs sooner, the financial institution shall be notified of such action by the City. The City may take necessary action to foreclose the security interest / guarantee / bond and to install said improvements. The financial institution shall then immediately pay to the City the requisite funds needed to complete the improvements, up to the full balance of the guarantee, or deliver to the City any other instruments fully endorsed or otherwise made payable in full to the City. Any expenses associated with cost verifications incurred by the City shall be borne entirely by the subdivider.

E. RELEASE.

The Administrator may authorize the release of a portion of any guarantee posted as the improvements are completed and approved by the City. Said guarantees may be returnable in four (4) phases to the subdivider or other appropriate parties upon completion of twenty-five (25) percent, fifty (50) percent, seventy-five (75) percent, and one hundred (100) percent of the necessary



improvements. Completion of said phases shall be determined solely of Planning Department. Such funds shall then be released within thirty (30) days after the corresponding improvements have been so approved. Provided however, the balance remaining as guarantee shall continue to equal one hundred-fifty (150) percent of the estimated cost of the remaining improvements, as verified by the City.

Whenever a surety bond or letter of credit has been submitted, the Administrator shall notify the subdivider at least ninety (90) days prior to the time said guarantee is set to expire. If the subdivider does not extend or replace said guarantee within sixty (60) days of said notification, the Administrator shall, through the City Attorney's Office, and after notifying the City Clerk's Office, begin proceedings for calling upon the guarantee. Any extension or replacement shall be in the same amount as the guarantee being extended or replaced.

Upon completion of all the improvements required herein, written notice shall be given by the developer to the Administrator. The City shall inspect said improvements within thirty (30) days and either recommend the release of the security given to the City or indicate to the developer any area of non-compliance.

13.10.2 PRE-ACCEPTANCE MAINTENANCE GUARANTEES

The owner of any development containing streets shall post a performance bond or other sufficient surety to guarantee that such streets will be properly maintained until the offer of dedication is accepted by the North Carolina Department of Transportation or the Home Owners Association. The amount of the guarantee shall be twenty-five (25) percent of the cost of roadway installation (not including utilities). The owner shall provide information sufficient for the Administrator to determine the actual cost of improvements. If the guarantee described herein is not provided, the City shall not allow the recording of the plat containing the said roads.

SECTION 13.11 SUBMITTAL REQUIREMENTS FOR PRELIMINARY AND FINAL PLAT

- A. The Administrator may waive one (1) or more application submittal requirements shown in Sections 13.11D and 13.11E below, if he or she determines that such information is unnecessary in the particular case to determine compliance with applicable regulations.



B. The final plat shall meet all applicable requirements for recording set forth in the North Carolina General Statutes.

C. The following certificates (if applicable) must be shown on the final plat:

1. **Surveyor's certificate per NCGS 47-30.**

(or as approved by the State of North Carolina)

a. I, _____ hereby, certify that under my direction and supervision this map was drawn from actual field survey; that the Error of Closure is calculated by latitudes and departures in conformance with the laws of the State of North Carolina; that the boundaries not surveyed are shown as broken lines; that plotted information is recorded in Book _____, Page _____; that this map was in accordance with N.C.G.S. 47-30 as amended.

WITNESS my hand and Seal this _____ day of _____,
20____.

_____ Registration Number _____
Signature: Land Surveyor

AND

b. Appropriate N.C.G.S. 47-30f11 Certificate

2. **Approval for Recording**

I, _____ hereby, certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for Lowell, North Carolina, and is approved for recording in the Office of the County Register of Deeds.

Date

Planning Department

3. **Approval and Acceptance of Dedication**

I, _____ hereby, certify that the City of Lowell approved this plat or map and accepted the dedication of the street, easement, rights-of-way, and public parks shown thereon, if any, but assumes



Date Surveyor

6. Approval of Flood Plain

- a. I hereby certify that the plat shown hereon has been found to be in compliance with the Flood Damage Prevention Requirements of Gaston County and / or Variances as granted for this subdivision.

Date Gaston County Floodplain Administrator

AND

- b. I hereby certify that the plat shown hereon or a portion of it is / is not located in a Special Flood Hazard Area and that these areas have been accurately depicted. This area is further shown on FEMA Flood Insurance Rate Map (FIRM) Panel # _____ dated as of _____.

Date Surveyor

7. NCDOT

DEPARTMENT OF TRANSPORTATION, DIVISION OF
HIGHWAYS
Proposed Subdivision Road Construction Standards Certification
APPROVED _____
District Engineer Date

8. Review Officer

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

Review Officer Date



9. Register of Deeds

Filed for registration on _____ day of _____ A.D.,
20_____ at _____ o'clock _____ M., and Registered in the office of
Register of Deeds, Gaston County, N.C.

In Book _____ Page _____

By: _____

Assistant Register of Deeds

NORTH CAROLINA
GASTON COUNTY

I, _____, Register of Deeds, in and for the aforesaid
county and state hereby certify this to be a true copy of document
which is recorded in Book _____, Page _____

WITNESS my hand and seal of office this ___ day of _____,
20_____.

Register of Deeds

By: _____

Assistant/Deputy

10. Stormwater Compliance

I, hereby certify that Stormwater Pollution Prevention Plans for this
subdivision have been submitted, reviewed and found to be in
compliance with the Stormwater Ordinance of Gaston County and /
or variance(s) as granted for this subdivision.

Date

Gaston Natural Resources Stormwater Administrator

D. The following procedures and requirements must be followed to get
preliminary plat approval:

1. Scale:

The preliminary plat shall be placed on a standard sheet size
measuring a maximum of twenty-four (24) inches by thirty-six (36)
inches, at a scale of not smaller than one (1) inch to one hundred
(100) feet. In addition, all units of measurement shall be the same



throughout the plat. (i.e. All meters or all feet.) Any preliminary plat having to be submitted on two (2) or more sheets, shall include a reduced version of the entire subdivision in the form of a composite drawing.

2. Requirements Before Preliminary Plan is Submitted:

In order to obtain a review of the lots in a proposed subdivision, the developer shall have the lot corners and road centerline as indicated on the preliminary plan, marked and identified on the ground in such a manner that the proposed lots can be clearly identified.

3. Content:

a. The Title Block

Shall show the words "Preliminary Plat" and shall include the subdivision name, township, phase, date, scale, and the name(s), and address(es) of the owner(s) and the designer(s) of the plan and his/her title. The title block shall be located on the bottom right corner of the plat. If the plan is part of a previously recorded subdivision, the old name, date and recording reference of the prior plat shall be stated.

b. Existing Data

The location of existing and platted property lines, streets, buildings, natural and man-made water courses, railroads, transmission lines, sewers, bridges, culverts, and drain pipes, water mains, City and County lines (if adjoining), drainage easements and any public utility easements, cut and fill areas on lots.

c. Bearings and Distances

Boundaries of tracts with bearings and distances, certified by a land surveyor licensed in the State of North Carolina.

d. Natural Features

Wooded areas, marshes, soil conditions, if available, and other conditions affecting the site.

e. Screening and/or Buffering

If any type of fence, brick wall, or earthen berm is being proposed to screen the proposed development, its location shall be shown and a typical section detailed on the preliminary plat.

f. Adjoining Property Owners

Names of adjoining property owners or subdivisions.



- g. Street Profile Sheets
Proposed streets, rights-of-way, roadway widths, and plan profiles of streets. Planned profile sheets shall be drawn on twenty-four (24) inch by thirty-six (36) inch sheets, with a scale of one (1) inch equaling forty (40) feet horizontally and one (1) inch equaling four (4) feet vertically.
- h. Sewer/Water Layout
The plans for proposed sewer and water utility layouts, showing connections to existing systems or plans for water supplies, sewage disposal systems and storm drainage. If the subdivider plans to connect the utility system to public water and/or sewer utility system, such layout shall be accompanied by a letter from the public agency stating that they will accept the system for ownership or maintenance.
- i. Rights-of-Way
Other proposed rights-of-way or easements including location, width and purpose.
- j. Lot Information
Proposed lot lines, lot and block numbers, and approximate dimensions and square footage of each lot.
- k. Curve Data
All curve data shall be shown as chords, bearing, distances, and radius for each property line.
- l. Zoning
Existing zoning and zoning district boundaries on the tract and on adjoining properties.
- m. North Point and Graphic Scale
- n. Site data:
 - (i) Acreage in total tract; and in this phase (if applicable)
 - (ii) Acreage in parks, if applicable
 - (iii) Total number of lots; and in this phase (if applicable)
 - (iv) Lineal feet in streets
- o. Location / Vicinity Map
A key map and/or vicinity sketch at a scale of one (1) inch equal two thousand (2,000) feet showing relationship between subdivision and surrounding area, and to all streets



or roads existing within one thousand (1,000) feet of any part of the property to be subdivided.

- p. Topography
Existing topography with a five (5) foot contour interval in areas where the City has existing topographic mapping. For areas where the City does not have topographic mapping, a map showing on-site drainage and general direction of drainage offsite, in accordance with the published drainage guidelines of the Gaston County Natural Resources Conservation District Drainage Guidelines may be substituted.
- q. Erosion Control Plan Information
When an erosion control plan is required by State regulations, a copy of the plan and letter of transmittal must be submitted to Planning Department prior to Planning Board review.
- r. Flood Plain Information
Subdivider shall show location of one hundred (100) year flood plain with elevation.
- s. Watershed Water Supply Information
Subdivider shall indicate any watershed water supply district(s) that are applicable, with the location of buffer strips along perennial streams.
- t. Application for Names of Proposed Streets and/or Roads
The subdivision plans should be accompanied by "An Application for Naming Subdivision Roads." For application procedures, contact the Planning Department.
- u. Drainage Information
Proposed drainage design and method of stabilization of all concentrated flow areas (i.e. side ditches, drainage swales, and diversions, etc.)
- v. Book and Map information
The plat / plan shall indicate deed book and map information, the tax parcel number(s) of each parent parcel from which the subdivision was created and shall also be indicated on all adjoining parcels.
- w. Interior Blocks



In cases where subdivisions create an interior block surrounded by roadways, streets, etc. the interior block shall have at least one (1) control monument and shall be tied to at least one (1) control monument outside of the interior block.

- x. Naming Roadways
Where the subdivision creates a new street or roadway, the developer shall be responsible for naming these roadways prior to preliminary plat submission. All roadway names shall be previously approved by the Planning Department in order to prevent the duplication of names. (Note: the changing of a suffix such as Court, Drive, Avenue, etc., does not eliminate duplication.) Streets shall be named in accordance with the City's Street Naming and Addressing Ordinance. The suffixes for street / road names are: Street, Road, Drive, Boulevard, Lane, Way, Place, Court, Crossing, Point, Pointe, Terrace, Run, Path Trail, Avenue, Circle, etc. To determine which suffix applies to a subdivision, consult with the Planning Department.

- y. County Lines
In the event that a subdivision crosses the City line, then the developer / surveyor is required to accurately locate the City line within the subdivision with the placement of a monument (specifications to be developed in conjunction with NC Geodetic Survey), at the intersection of the City line with each resultant / affected parcel. This shall also be accurately displayed and noted on the submitted plat and shall show all bearings and distances along the property lines as well as the coordinates of the points along the City line, (North Carolina State Plane, NAD 83) and coordinates of all property parcel lines.

In addition, the plat shall indicate the acreage in the parcel in both the affected City and the City of Lowell.

- z. Sidewalk Typical / Improvement
Typical cross sections shall be shown for each sidewalk type proposed within a subdivision.

E. Content Requirements for Final Plat

- 1. All information required on an approved preliminary plat.



2. The developer shall place property addresses on the plat for each new or resultant parcel/lot. Property addresses shall be neatly lettered and shall be surrounded by a capsule and placed so as to be parallel with the roadway serving the property. The capsule shall also be drawn on the plat with a note in the legend indicating its use in indicating property addresses. All property addresses will be assigned or approved by the Land Records Division. Digital copy (i.e. DWG.VXF, NAD 83 State Plane in feet, etc.) of the subdivision plat in format acceptable by the Planning Department is required.
3. The plat / plan shall indicate deed book and map information, and tax parcel number(s) of each parent parcel from which the subdivision was created and shall also be indicated on all adjoining parcels.
4. All permanent control markers are set in all subdivisions in compliance with and pursuant to the standards of NC General Statutes 39-32.1 and 47-30.

SECTION 13.12 RESERVATION OF SCHOOL SITES

Schools sites must be reserved with the agreement of the Board of Education, in accordance with plans adopted by the Board of Education. Whenever a subdivision includes all or part of a site identified for new school construction, the Administrator shall notify the Board of Education prior to preliminary plat approval. That Board shall then notify the Administrator whether it still wishes the site to be reserved. If the Board of Education does not wish for it to be reserved, no reservation will be required. If that board wishes for the site to be reserved, the subdivision may not be approved without that reservation. The Board of Education must acquire the site within eighteen (18) months of the date of reservation. If the Board of Education has not acquired the site or begun the proceedings to condemn the site within said 18-month period, the land shall be freed of the reservation and may be developed for other purposes in accordance with all other applicable land use regulations.

SECTION 13.13 SUBDIVISION NAMES, ROAD NAMES AND ADDRESSES

- A. The names of new subdivisions and subdivision roads shall not duplicate or be phonetically similar to the names of existing subdivisions and road names in Lowell.
- B. Where proposed streets are extension of existing streets, the existing street names shall be used.



- C. House numbers shall conform to the City of Lowell Street Naming and House Numbering Ordinance and shall be assigned by the Lowell Planning Department or their designee, see Appendix A.

SECTION 13.14 CONFORMITY TO THOROUGHFARE PLAN

Whenever a tract of land included within any proposed subdivision includes any part of a street or proposed street as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan, the subdivider shall:

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

SECTION 13.15 ROADS

Road standards for new subdivisions shall be as provided herein. Notwithstanding, some of these requirements (e.g., road widths, allowances for alleys, private roads, etc.) may be exempt in TNDs, PRDs and infill developments. See Sections 8.1.11, 8.1.12 and 8.1.13 for such exemptions.

13.15.1 PUBLIC ROADS

- A. Unless specifically authorized herein, public roads must be designed in accordance with the *Minimum Construction Standards for Subdivision Roads* established by the North Carolina Department of Transportation, Division of Highways. When other City regulations impose higher or more restrictive standards, the higher or more restrictive standard shall apply.
- B. Except as noted in Section 13.15.2, all roads shall be public.

13.15.2 GATED RESIDENTIAL DEVELOPMENTS; INFILL DEVELOPMENTS

- A. Unlike other developments in the City of Lowell, a Gated Residential Development, where a gate is placed at the outer periphery of the



development in order to restrict access, may be allowed to have private streets that are not owned and maintained by NCDOT. All Gated Residential Developments must be developed in accordance with the regulations of this section and other applicable regulations of this Ordinance.

- B. The design and layout of any gatehouse, entry gates, external fence, walls, and berms shall be located outside any public street right-of-way and shall be designed to blend in, to the greatest degree feasible, with the proposed development and be attractive to motorists and pedestrians from adjoining public streets. Gatehouses and entry gates shall be located outside any required screening areas. Entry gates shall be set back sufficiently far from public street entrances to allow for stacking of at least three (3) vehicles out of the public travel lanes. An additional setback between the point of the access control device and the entry gate shall be required to allow a vehicle which is denied access to safely turn around and exit onto a public street. Pedestrian access to the gated residential development shall be provided at its entrance outside of the vehicle travel lanes. Entry gates shall have sufficient minimum gate widths and openings to allow safe passage of all vehicles permitted to use public roadways. Overhead barriers or obstructions shall not be allowed above entry gates. All gatehouses, entry gates, external fences and walls shall be subject to specific review and approval of the Administrator prior to the start of construction. Said review and approval shall include any signage and/or illumination integral to subdivision gatehouses, entry gates, external fences and walls.
- C. With the exception of the placement of a gate and guardhouse in a private street right-of-way, all private roads, traffic signs and markings shall meet all applicable minimum right-of-way, pavement, construction and design standards for public roads as established by the North Carolina Department of Transportation (NCDOT) and this ordinance. The City reserves the right to have streets inspected during the construction phase to insure that they are being built in accordance with all applicable NCDOT standards. The developer of the subdivision shall bear all costs borne by the City in association with such inspections.
- D. Prior to the approval of a final plat, the subdivider shall submit to the Administrator evidence that the subdivider has created a homeowners' association whose responsibility it will be to maintain common areas, private streets, curb and gutter and sidewalks within the subdivision. Such evidence shall include filed copies of the articles of incorporation, declarations, and homeowners' association bylaws.
- E. The maintenance and upkeep of any guardhouses or entry structures, and subdivision walls, fences, or berms located at the external periphery of the



subdivision as well as internal streets, curb, gutter, and sidewalks shall be the sole responsibility of the subdivider and/or any duly incorporated and active homeowners' association. Accordingly, any maintenance bond accepted by the City per Section 13.10.1(F) for a gated residential development subdivision shall be calculated using the construction costs of all facilities listed above (in addition to the cost of roads). The maintenance guarantee shall remain in place for two (2) years following final plat approval of the Subdivision plat or until the Administrator is satisfied (in his own exclusive discretion) that the homeowners' association is controlled by individual lot owners other than the developer (one (1) year, at a minimum, after a homeowners' association is incorporated and active), has made necessary assessments for payment of maintenance of the roads and facilities, and has otherwise taken over the full responsibility of maintenance of such facilities and the private roads within the subdivision. This guarantee may be required to be renewed in increments of two (2) years until the homeowner's association has taken control. The decision to release the guarantee shall rest entirely with the City and shall be made based upon the homeowners' association financial ability to properly maintain these roads and common facilities. After the maintenance bond is released, the homeowners' association shall be required to submit to the Administrator, by the 15th of January of each calendar year, the names, addresses, and telephone numbers of all duly elected members of their board of directors as well as a copy of their annual financial statement showing, at a minimum, the amount of funds budgeted to maintain such facilities. In the event the Planning Board, in its discretion, believes the homeowners' association is not making necessary repairs to the roadways or facilities (amenities), or is not making assessments necessary to cover the cost of said repairs, it may after notice of hearing published as provided in this Ordinance, and notice provided to each lot owner within the subdivision, as shown on the tax scrolls of Gaston County as of January 1 of the prior year, require the homeowners' association to provide a maintenance bond as required in 13.10.1. This maintenance bond may be eliminated or reinstated at the discretion of the City upon notice as set out above.

F. The subdivider and homeowners' association shall guarantee access to all private streets by emergency and law enforcement vehicles. Access procedures must ensure immediate access through the entry gates for emergency and law enforcement vehicles responding to emergencies. Approach and departure areas on both sides of a gated entrance must provide adequate setbacks and proper alignment to allow free and unimpeded passage of emergency vehicles through the entrance area. The subdivider shall provide documentation from Gaston County Emergency Management and the local law enforcement department that proposed entry gates and access procedures meet all County and City standards for access by emergency and law enforcement vehicles.



- G. The subdivider and homeowners' association shall guarantee access to all private streets by County agencies, City agencies, State of North Carolina agencies, and all public utility companies when access to the subdivision is needed to conduct official business by such agency or company. A statement to this effect shall appear on or accompany the final plat.
- H. If the homeowners' association fails to maintain reliable access for the provision of emergency or other public services, the City may enter the gated residential development and open, disable or remove any gate or device which is a barrier to access, at the sole expense of the homeowners' association and/or the developer. The declaration of covenants, conditions and restrictions and any other relevant documents of the homeowners' association shall include this provision.

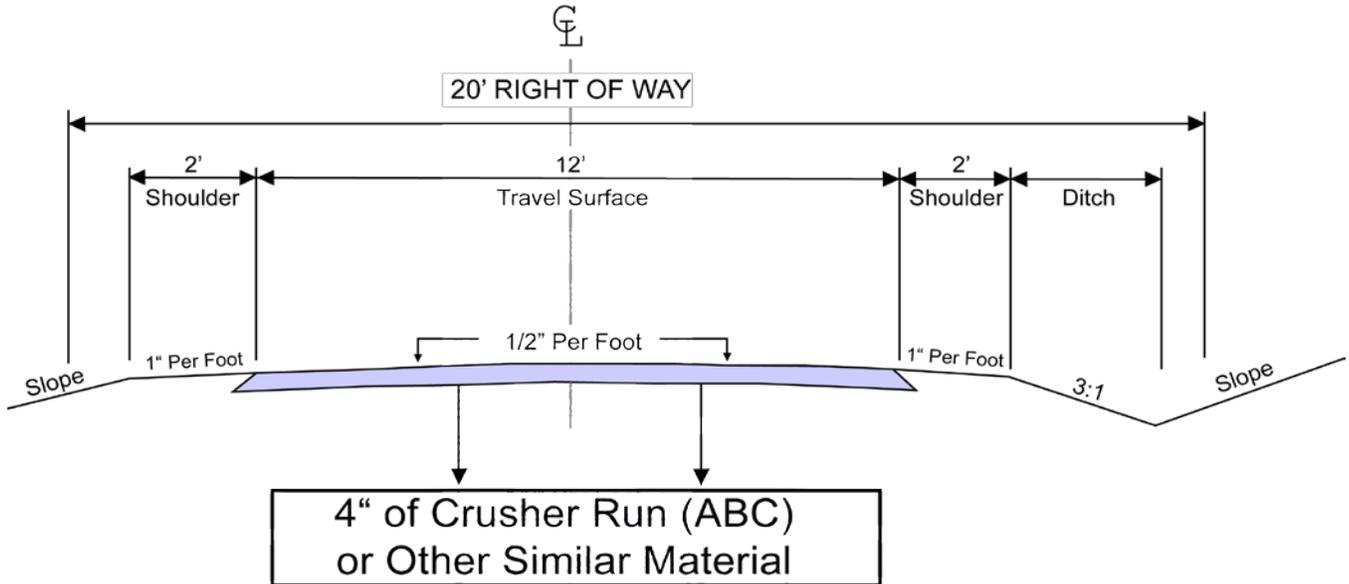
13.15.3 LOTS TO ABUT A PUBLIC STREET

Each lot shall have frontage on a public street and meet the requirements of Section 9.5, with the following exceptions:

- A. Existing lots meeting the requirements set forth in Section 3.5.7; or
- B. Lots fronting on a private road meeting the requirements set forth in 13.15.2; or
- C. Proposed lots for use by single-family dwellings and individual manufactured homes that do not have frontage on a public street may be approved by the Administrator after determining the following:
 - 1. Each such resultant lot is a minimum of three (3) acres in size, outside all easements and / or right-of-ways; and
 - 2. Not more than three (3) lots served by an easement have been created out of said parent tract.
 - 3. Each such lot is provided with access to a public street by means of a recorded twenty (20) foot wide access easement; and
 - 4. Each such resultant lot is served, at a minimum, by an all weather road; defined as: a well drained travel surface composed of gravel, crusher run, or other similar material, having a center crown to prevent ponding of water on the travel surface, and have a minimum twelve (12) foot travel surface and shall be built in accordance with the Figure 13.15.3-1.



Figure 13.15.3-1



TERRAIN	MAXIMUM SLOPE
LEVEL	2:1
ROLLING	2:1
HILLY	1½:1

SECTION 13.15.4 GENERAL STREET LAYOUT

- A. The street layout of the subdivision shall provide for the most advantageous development of the entire neighboring area. All proposed streets shall provide satisfactory alignment for continuation of existing, planned or platted streets with which they are to connect.
- B. When a proposed subdivision contains or is adjacent to a railroad right-of-way, it shall be planned so as to avoid having residential lots front on a street which runs parallel and adjacent to the railroad right of way.
- C. When a tract of land to be subdivided includes a principal or minor arterial as designated on the most recently adopted version of the thoroughfare plan of the Gaston Urban Area or any officially adopted thoroughfare plan, the subdivider shall provide a separate street permitting access to the lots abutting the principal or minor arterial. When reverse frontage is established, private driveways shall not have direct access to the principal or minor arterial.



- D. All streets, both internal and external to the subdivision, except existing North Carolina Department of Transportation (NCDOT) maintained streets, shall be built and paved to the specifications and standards as set for subdivision streets by the NCDOT for acceptance and addition to the State System. The developer shall bear all costs of constructing subdivision to NCDOT standards.
- E. Street layout shall be so designed as to provide for future access to and not impose undue hardship upon undeveloped property adjoining the subdivision.

SECTION 13.16 ROAD CONSTRUCTION SPECIFICATIONS

The more restrictive of the following or NCDOT regulations shall apply.

SECTION 13.16.1 STREET RIGHT-OF-WAY DIMENSIONS

Street right-of-way widths shall be as follows:

- A. Freeways shall comply with the requirements on file with the Administrator and with the North Carolina Department of Transportation as outlined in the most recently adopted technical report of the Gaston Urban Area thoroughfare plan or any officially adopted thoroughfare plan.
- B. Principal arterial streets shall comply with the requirements on file with the Administrator and with the North Carolina Department of Transportation as outlined in the most recently adopted technical report of the Gaston Urban Area thoroughfare plan or any officially adopted thoroughfare plan.
- C. Minor arterial streets shall comply with the requirements on file with the Administrator and with the North Carolina Department of Transportation as outlined in the most recently adopted technical report of the Gaston Urban Area thoroughfare plan or any officially adopted thoroughfare plan.
- D. Collector streets rights-of-way shall be not less than sixty (60) feet.
- E. Residential streets rights-of-way shall not be less than forty (40) feet with a five (5) foot general drainage, sidewalk and utility easement on each side of the right-of-way.



SECTION 13.16.2 STREET GRADES AND ALIGNMENT

A. GRADES

The grades for all roadways shall comply with the requirements on file with the Administrator and with the North Carolina Department of Transportation.

B. VERTICAL CURVES

All changes in street grade shall be connected by vertical curves of a minimum length as determined by the standards and specifications on file with the Administrator.

C. HORIZONTAL CURVATURE

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

1. Principal arterial streets – six-hundred-fifty (650) feet.
2. Minor arterial streets – four hundred (400) feet.
3. Other streets – two hundred fifty (250) feet.

D. TANGENTS

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

E. INTERSECTIONS

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



prescribed by the Planning Board upon recommendation by the TRC.

SECTION 13.16.3 STREET GRADING

Streets within the subdivision and any other streets required to gain ingress and egress from existing streets into the subdivision shall be graded by the subdivider so as to provide adequate shoulders and pedestrian walkways. Such grading and construction shall be done in accordance with the typical cross section and profile approved by the Planning Board upon recommendation by the TRC.

SECTION 13.16.4 RESERVED

SECTION 13.16.5 RESERVED

SECTION 13.16.6 REQUIREMENTS FOR STREET PAVING

The paving of any newly dedicated or opened street, public or private, shall be installed in accordance with the specifications of the NCDOT for the particular street involved.

SECTION 13.16.7 PAVING WIDTHS

The width of pavement shall be as follows:

- A. All paving widths shall be meet or exceed NCDOT Standards. The Planning Board, at the recommendation by the TRC, may increase the paving widths.
- B. Cul-de-sac or dead-end street pavement shall terminate with a paved turning area after duly considering the applicable NCDOT standards and other site locational factors.

SECTION 13.16.8

Valley curb and gutter shall be required on all streets within the subdivision. Standard curb and gutter shall be required on principal and minor arterials.



SECTION 13.17 SIDEWALKS / GREEN STRIPS / CROSSWALKS

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

SECTION 13.18 STREET TREES

Street trees shall be required for subdivisions located within the USO and CH Overlay Districts only. The subdivider shall install street trees along all streets within a subdivision and along the abutting side of streets forming the perimeter of the subdivision. Planting requirements for street trees are found in Section 11.4.

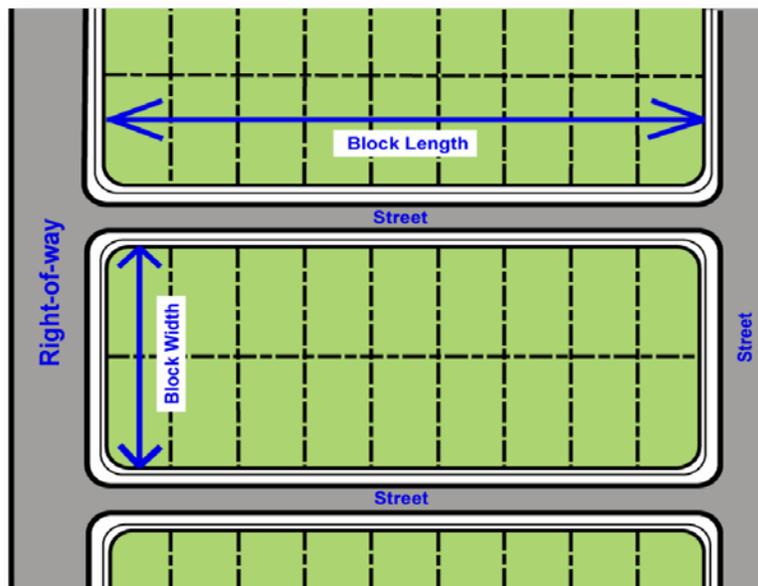
SECTION 13.19 WATER SUPPLY AND SANITARY SEWER COLLECTION

SEE THE SEWER USE ORDINANCE OF THE CITY OF LOWELL

SECTION 13.20 RESERVED

SECTION 13.21 LAYOUT OF BLOCKS

- A. The width of the blocks shall be sufficient to allow two (2) tiers of lots of appropriate depth where possible.
- B. Block length shall be not less than four hundred (400) feet and shall not exceed one thousand two hundred (1,200) feet except in cases where, in the judgment of the TRC, a longer block is necessary because of unusual topography or in order to complete a comprehensive neighborhood plan.

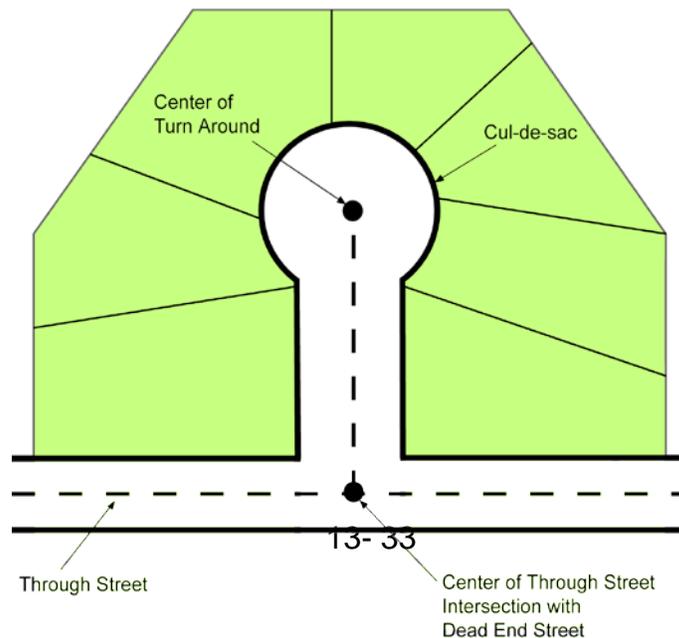




Section 13.22 Cul-De-Sacs

Permanent dead end streets in the Urban Standards Overlay District shall not exceed six hundred (600) feet in length, except that cul-de-sacs shall not be greater than two-hundred fifty (250) in length in a TND. Permanent dead end streets outside the Urban Standards Overlay District shall not exceed one thousand (1000) feet in length. The length of the cul-de-sac shall be computed from the point where the centerline of the dead end street intersects with the center of a through street to the center of the turnaround of the cul-de-sac.

Figure 13.22-1





SECTION 13.23 MULTIPLE ACCESSES

Multiple accesses into a subdivision are required to be provided for additional ingress and egress. Any subdivision exceeding seventy-five (75) lots shall be provided with at least two (2) entrances on to a public street or interconnect to an adjoining/adjacent existing public street, road or highway. Requirement for multiple entrances shall be based on the cumulative number of lots for a contiguous development, whether or not it is developed in phases. Subdivision entrances shall be no closer than two hundred (200) feet, as measured from the street centerlines.

SECTION 13.24 LOT LAYOUT

- A. Every lot created after the effective date of this ordinance shall conform to the underlying zoning regulations
- B. Where public water and sewer facilities are not available, each residential lot layout shall be of a size as determined by the local agency having jurisdiction over such facilities. In no event shall the lot area be less than that prescribed in Table 7.1-2 for the lot in question based on underlying zoning district requirements.
- C. Side lot lines shall be as near as is practicable at right angles to the straight street or radial to curved streets.
- D. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service parking facilities required by the type of use and developments contemplated.

SECTION 13.25 COMPLIANCE WITH ZONING REGULATIONS

All lots shown on a preliminary and final subdivision recording plat shall be in conformance with all other applicable regulations and requirements of this Ordinance.



SECTION 13.26 DEDICATION OF OPEN SPACE

- A. Every subdivider who proposes a subdivision of land for residential purposes shall dedicate a portion of land or pay a fee in lieu thereof, in accordance with Section 11.7, for public park, greenway, recreation, and open space sites to serve the recreational needs of the residents of the subdivision or development.
- B. A Home Owners Association shall be created for the ownership of the Open Space when required to dedicate said Open Space.
- C. The Open Space shall never be developed, except as allowed in Section 11.7.

SECTION 13.27 PUBLIC UTILITIES AND SERVICES

- A. All public utilities and services lines will be below ground to the point of service. This includes, but is not limited to, lines for electric service, cable service, telephone service, water service and wastewater services.
- B. Easements shall be provided for storm and sanitary sewers, water lines and other utilities in such widths, and at such locations as may be required by the City in order to properly serve the lot and adjoining realty; but in no event shall the City require less than easements of ten (10) feet in width along all rear lines and exterior side lot lines, and five (5) feet in width along each side of all interior side lot lines. Notwithstanding, in no case may the width of an easement upon a lot be less than the minimum required side or rear yard setback for that lot per the requirements of the underlying zoning district.
- C. No principal or accessory structure may be placed within a utility easement.
- D. Inside the Urban Standards Overlay District, streets lights will be installed by the subdivider in all subdivisions of six (6) or more lots. Distances between streetlights shall not exceed two hundred (200) feet. Street light intensity and placement shall be determined by the City in conjunction with the utility provider.



SECTION 13.28 MONUMENTS REQUIRED

13.28.1 CONTROL CORNER

In accordance with article 5A, chapter 39 of the North Carolina General Statutes, whenever a subdivider shall divide any parcel of real estate into lots and lay off streets, he shall cause at least two (2) or more corners of the development to be designated as a control corner and place at such control corner a permanent marker. The permanent marker shall be as prescribed in the G.S. 47-30 mapping requirements, as amended; standards of practice for land surveying in North Carolina, amended effective February 1, 1996, or latest amendment, published by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, General Statutes of North Carolina chapter 89C, as amended, and the requirements of the Gaston County register of deeds shall apply to all surveys and maps.

13.28.2 LOT CORNERS

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

SECTION 13.29 STANDARDS FOR SUBDIVISION PROPOSALS TO MINIMIZE POSSIBLE FLOOD DAMAGE

All subdivision proposals located within a flood hazard area shall comply with Chapter 15, the Flood Hazard (FH) Overlay District. In addition, all subdivision proposals shall be consistent with the need to minimize flood damage and shall meet the following standards. (Refer to Chapter 15 for definitions):

- A. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- B. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- C. Base flood elevation data shall be provided for all subdivisions submitted.



SECTION 13.30 PIPE SIZING FOR DITCHES / CREEKS / STREAMS

All lots which have an existing or proposed ditch, creek, or stream flowing between the road and the probable home site, shall have a properly sized pipe stated on the plat of record. The Administrator shall make the decision if home site location is questionable.