

## ARTICLE 16

### SUBDIVISIONS

#### 16.1 Subdivision Regulations

##### 16.1-1 Purpose.

The regulations for the subdivision of land set forth below are established to promote orderly growth and development; provide for suitable residential and nonresidential subdivisions with adequate streets and utilities and appropriate building sites; provide for the coordination of streets within subdivisions with existing or planned streets and with other public facilities; provide for the dedication or reservation of rights-of-way or easements for streets, utilities, and other purposes; and provide proper land records for the convenience of the public and for better identification and permanent location of real property boundaries.

##### 16.1-2 Exempt land divisions.

(A.) Divisions of land exempt. In accordance with G.S. 160D-802, the following divisions of land are not included within the definition of "subdivision", and are not subject to the Village's subdivision regulations:

- (1.) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Village of Marvin 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 widening or opening of streets or for public transportation system corridors;
- (4.) The division of a tract in single ownership whose entire area is no greater than 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 Village, as shown in this Ordinance;
- (5.) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.
- (6.) The subdivision or recombination of land by public utilities.

*In case of a conflict between this description of exempt subdivisions and state law (N.C. Gen. Stat. sec. 160D-802, or any successor statute), state law shall control.*

- (B.) Planned communities. In accordance with the North Carolina Planned Community Act (Chapter 47F of N.C. Gen. Stat.), Planned communities are not included in the definition of "subdivision" and are not reviewed or recorded as such. Those developments meeting the criteria established by the Act will undergo a site plan review as described in Article 7 of this Ordinance. Planned communities shall be reviewed against and held to those standards established for substantially similar developments and shall comply with the following standards established by the Act:
- (1.) Consist of more than 20 dwelling units or provides a declaration that the development is a planned community.
  - (2.) Be exclusively residential.
  - (3.) Establish a homeowner's association.
  - (4.) The developer shall demonstrate adequate provision for perpetual maintenance of the private infrastructure and common areas associated with the development by the homeowners' association.
- (C.) Determination and certification of exemption. The determination of whether a division of land is exempt from the definition of subdivision shall be made by the *Planning, Zoning & Subdivision Administrator*, upon application of the property owner or agent, with supporting documentation (maps, plats, etc.), as needed. Upon a determination by the *Planning, Zoning & Subdivision Administrator* that the proposed subdivision is exempt, a certificate of exemption shall be issued, and the subdivision shall not be subject to the Village's subdivision regulations.
- (D.) Effect of certification of exemption. Divisions of land found to be exempt from the definition of subdivision are not required to meet the Village's subdivision regulations. However, a building or zoning permit may only be issued with respect to a lot that has been created by an exempt division if said lot meets the standards for development set forth elsewhere in this Ordinance. Where a regulation is contained both in this article and elsewhere in this Ordinance, although the regulation need not be met prior to property division and recordation, the lot in question must comply with said regulation before either a zoning or building permit may be issued for the property.
- (E.) Platting Required. A subdivision plat meeting the requirements of G.S. 47-30 shall be prepared for all exempt subdivisions. The plat shall identify the subdivision as being exempt from the requirements of this ordinance and shall be submitted to the *Planning, Zoning & Subdivision Administrator* for review. Following their review of the subdivision plat, the *Planning, Zoning & Subdivision Administrator* shall sign it and provide a copy to the applicant. The signed plat shall be recorded by the applicant in the office of the Register of Deeds of Union County within thirty (30)

days of being signed by the *Planning, Zoning & Subdivision Administrator*.

16.1-3 Coordination with Other Requirements.

When applications for other approvals are required for the subdivision, applications for these approvals may be submitted simultaneously with the initiation of the subdivision approval process to reduce the time required to secure all necessary approvals. Application forms as required for other approvals may be obtained from the *Planning, Zoning & Subdivision Administrator*.

16.1-4 Submittal.

Applications for subdivision approval shall be submitted to the *Planning, Zoning & Subdivision Administrator* and must include plats with all information as required by this Ordinance. Application for subdivision shall be filed in accordance with Article 7 of this Ordinance.

16.1-5 Approval Required.

- (A.) Date of compliance. After the effective date of this Ordinance, no plat for the subdivision of land within the planning and regulation jurisdiction of the Village of Marvin shall be filed, accepted for recording, or recorded, nor shall the clerk of superior court order the recording of a plat until it has been submitted to the *Planning, Zoning & Subdivision Administrator* and approved as set forth herein. The signature of the *Planning, Zoning & Subdivision Administrator* on the plat shall signify conformance with the requirements set forth in this chapter unless documented to be in error.
- (B.) No conveyance without approval. No real property lying within the planning and regulation jurisdiction of the Village of Marvin shall be subdivided until it conforms to all applicable sections of this Article. Violations of this Article shall be subject to the penalties set forth in Article 23 of this ordinance. Any sale or transfer of land in a subdivision subject to these regulations by reference to an unapproved plat or the use of a metes and bounds description shall be considered a violation of this Article.
- (C.) Pre-sale contracts. In accordance with G.S. 160D-807(b), the provisions of this section shall not prohibit any owners 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 under the subdivision ordinance 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 owners 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 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 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.

The provisions of this section shall not prohibit any owner or its 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 under the subdivision ordinance or recorded with the register or 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 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 register of deeds in accordance with N.C.G. S. 160D-807(c).

#### 16.1-6 Designation of approval agency.

The Village of Marvin Planning Department is designated as a planning agency for the purposes of G.S. 160D-803(c). The *Planning, Zoning & Subdivision Administrator* or their designee shall be authorized to sign the plat signifying final determination of approval for subdivisions and provide notice of determination in accordance with G.S. 160D-403(b).

#### 16.1-7 Violations.

Violations of the provisions of this section shall be subject to the enforcement and penalty provisions set forth in Article 23 of this Ordinance. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from these penalties. The Village

may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the courts shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this Ordinance. Building permits required pursuant to G.S. 160D-1110 may be denied for lots that have been illegally subdivided. In addition to other remedies, the Village may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act of conduct per G.S. 160D-807(a).

16.1-8 Dedication and acceptance of public areas.

- (A.) Rights-of-way and easements. The approval of a final plat constitutes dedication but does not constitute acceptance by the Village of Marvin or the public of the right-of-way of each public street and easement shown on the plat. The approval of a plat does not constitute acceptance for maintenance of other improvements in the right-of-way such as street paving, utility lines, drainage facilities or sidewalks. When located within the corporate limits of the Village of Marvin, such dedications may be accepted only by resolution of the Marvin Village Council or by their designee following inspection and approval to ensure compliance with specifications established by the Village or by the Village exercising control over and maintaining these areas. Until the offer of dedication is accepted by the Village in either of these manners, the developer shall be responsible for maintenance of those areas.
- (B.) Open space. Land designated as public open space or a park on a plat, in accordance with Article 21 of this Ordinance, shall be considered to be offered for dedication, but not accepted until the Marvin Village Council, or their designee, has by express action done so. Until such dedication has been accepted, such areas may be used for open space purposes by its owner or by an association representing owners of lots within the subdivision. Land so offered for dedication shall not be used for any purpose inconsistent with the proposed public use without the approval of the Marvin Village Council.
- (C.) Sites for public facilities. Where a school or other public site is shown on an approved plat recorded with the Register of Deeds, the site shall either be dedicated for public purpose at the option of the property owner or reserved for acquisition by the Union County School Board for a period not exceeding eighteen (18) months from the date of approval of the preliminary subdivision plan.

16.1-9 Required improvements.

Improvement requirements shall be fulfilled, or their complete performance guaranteed in accordance with North Carolina General Statute 160D-804 before a final plat shall be approved by the *Planning, Zoning & Subdivision Administrator* for recording.

(A.) Street and utility construction.

(1.) Construction Plans. Construction plans for all street, sidewalk, water, sanitary sewer, and stormwater facilities shall be submitted to the Village of Marvin either concurrent with or following preliminary plat approval. The street and utility construction plans for each subdivision, or portion thereof, shall include all improvements lying within or adjacent to the subdivision as well as improvements to all streets, sidewalks, stormwater facilities, and water and sanitary sewer lines lying outside the subdivision which provide service to the subdivision. No final plat shall be approved, or a Certificate of Occupancy issued until all improvements have been installed and approved or a performance guarantee, as specified in section 16.1-9(B) of this Ordinance, accepted.

(2.) No construction without plan approval. No improvement to or new construction of street, sidewalk, water, sanitary sewer, and stormwater facilities shall be permitted until the street and utility construction plans for such improvements/construction have been reviewed and approved by the Village of Marvin and appropriate governmental agencies. These agencies may include, but shall not be limited to, the Division of Water Quality of the North Carolina Department of Environment and Natural Resources, the North Carolina Department of Transportation, and the Division of Environmental Management of the North Carolina Department of Environment and Natural Resources, or their successors.

(3.) Inspection of construction. All construction undertaken pursuant to approved street and utility construction plans shall be inspected and approved by the Village of Marvin and/or the appropriate governmental agencies.

(B.) Guarantee in lieu of construction of improvements. In lieu of completion of construction of the required improvements and utilities prior to final plat approval, the property owner may provide a performance guarantee in accordance with G.S. 160D-804.1. The performance guarantee shall be in an amount equal to 125% of the estimated cost of the installation of the required improvements, as determined by the Village. The performance guarantee shall secure the completion of construction of the improvements shown on the approved preliminary plat and as detailed within the approved construction plans. The performance guarantee shall remain in full force and effect until such time as the construction of improvements and installation of utilities are completed and accepted by the Village of Marvin, or a minimum of one year whichever is greater in accordance with G.S. 160D-804.1. Failure to maintain the required performance guarantee shall result in the revocation of the approval of the preliminary plat and any permits issued as a result of the preliminary plat approval. A temporary construction easement permitting the Village of Marvin or its designee(s) to access the property for the purpose of constructing/installing the

guaranteed improvements is required to be provided with the performance guarantee. The temporary construction easement shall be valid until all guaranteed improvements have been constructed/installed and approved or accepted by the Village. The temporary construction easement shall bind to all successive owners until the guaranteed improvements have been constructed/installed and approved or accepted by the Village. Said temporary construction easement shall be recorded at the office of the Union County Register of Deeds, with recording fees to be paid by the applicant/landowner.

- (C.) Failure to perform. Failure to initiate construction of the improvements within one year of the date the performance guarantee was accepted by the Village of Marvin shall result in the Village, at its sole discretion, constructing the improvements, with the cost to be paid from the performance guarantee. The guarantor institution shall, if requested by the Village, pay all or any portion of the funds to the Village up to the amount needed to complete the improvements based on an estimate by the Village. The Village may spend such portion of said funds necessary to complete all or any portion of the required improvements. The Village shall return to the developer any funds not spent in completing the improvements. Default on a project does not release the developer from responsibility for the completion of the improvements. In the event that the amount of performance guarantee on hand is insufficient to pay for the completion of the improvements, the property owner shall pay to the Village of Marvin the total amount of the insufficiency. If the Village is not paid, the amount of the insufficiency shall constitute a lien on the property in favor of the Village.

16.1-10 Maintenance of common areas.

Where subdivisions have common areas or facilities serving more than one dwelling unit, the developer shall be responsible for the maintenance of these common areas and facilities. This responsibility may be transferred to another entity, provided the developer prepares a document for recordation showing the transfer of the property and the maintenance responsibilities to a successor. A copy of the recorded document must be provided to the *Planning, Zoning & Subdivision Administrator*. In such case, the successor shall be responsible for the maintenance of the common access and facilities.

16.1-11 Association documents.

Prior to the approval of the final plat for a subdivision, all documents related to the creation and operation of the homeowners' association, property owner's association, and/or any other association created for and/or by the developer, homeowners, or property owners of the proposed subdivision shall be submitted to the Village of Marvin for review and approval. These documents shall include but not be limited to the articles of incorporation for the association, the homeowner association

documents, the property owner association documents, parking restrictions to ensure established minimum required parking spaces remain in use for parking of motor vehicles, and design standards which may exceed the standards of this Ordinance. The purpose of the review is to ensure that the documents do not contain standards, requirements, or other provisions that conflict with ordinances, regulations, and/or standards of the Village of Marvin. The Covenants, Conditions and Restrictions shall incorporate the standards established in Subsections 9.7-4 and 9.8-4 related to anti-monotony. The Village shall not be responsible for enforcement of the homeowner association documents.

16.1-12 Recordation of final plat.

A final plat must be recorded in the office of the Register of Deeds for Union County in accordance with the process outlined in Article 7 of this Ordinance.

16.1-13 Phased development.

Subdivisions may be designed to be platted and constructed in phases. A plan for phased development must be approved by the *Planning, Zoning & Subdivision Administrator*. The plan for phased development shall provide for the provision of adequate public facilities to support each and any phase independent of the overall subdivision plan. Access and water supply for fire protection shall be present to the extent required by the North Carolina Fire Prevention Code. In approving the phases, the *Planning, Zoning & Subdivision Administrator* may require that additional streets, water and sewer facilities, or other required public facilities be constructed as part of the phase or phases to ensure that sufficient public facilities will be in place to support each phase or phases independent of any future subdivision development. Final plats for subdivisions developed in phases shall be recorded in accordance with the schedule presented by the applicant during the preliminary plat approval and approved as part of the preliminary plat approval process as specified in Article 7 of this Ordinance. The applicant may request, in writing, adjustments of the approved schedule and the *Planning, Zoning & Subdivision Administrator* may grant extensions of up to 12 months for each phase. If the final plat for any phase of the subdivision is not submitted in accordance with the approved schedule, the preliminary plat shall be resubmitted to the *Planning, Zoning & Subdivision Administrator* for review and approval unless the extension(s) remain within the scope of the vested rights per G.S. 160D-108(d) established in accordance with a site-specific development plan in accordance with Section 7.11 of this Ordinance. Such resubmittal shall be in accordance with the requirements of this Ordinance.



## 16.2 Subdivision Standards.

### 16.2-1 General.

All proposed subdivisions shall comply with the standards set forth below.

### 16.2-2 General Requirements and Compliance with Adopted Plans.

Land shall be subdivided in accordance with good land planning practices and in general conformance with the adopted Plan referenced in Section 1.5 of this Ordinance, including subsequent amendments adopted by the Village of Marvin, including adequate consideration of the natural topography and drainage features and the type of development proposed. Land shall also be subdivided in compliance with the district standards set forth in Article 8 of this Ordinance. In addition, where land lies within the area of a public water supply reservoir, a proposed highway project or other public project designated by a governmental authority, subdividers shall give notice on the face of the final subdivision plat that land within the subdivision lies within a designated area for public development and may be the subject of future public purchase.

### 16.2-3 Lot dimensions and standards.

The size, shape, and orientation of lots shall be in accordance with the specifications of this Ordinance for the location of the proposed subdivision and for the type of development contemplated. Lots shall be designed in shape, size and location with due regard to topographic conditions, features of the surrounding area, contemplated use, and official plans and ordinances and shall conform to the following:

- (A.) Conformance to other regulations. Every lot shall have sufficient area, dimensions, and street access to permit a principal building to be erected thereon in compliance with all Village ordinances, including those regulating the location of utility service connections.
- (B.) Area and dimensions of lots. All lots shall conform to the minimal dimensional requirements for each zoning district as prescribed in Article 8 and with the lot type standards found in Article 9 of this Ordinance.
- (C.) Frontage. Every lot shall front or abut on a public street, with the exception that there can be up to four lots created off of a private drive, where such private drive meets or exceeds the Village of Marvin's Standards set forth in the Village of Marvin's *Technical Standards & Specifications Manual*. There shall be no reserve strips controlling access to streets except where cause can be shown that such control would best serve the purpose of this Ordinance.
- (D.) Lot lines and drainage. Lot boundaries shall be made to coincide with natural and pre-existing topography to the extent practicable to avoid the creation of lots that can

be built upon only by altering drainage ways. Lot boundary lines shall conform to the following requirements:

- (1.) The *Lot* boundary lines within a *Major Subdivision* shall not extend into areas equal to or below the Base Flood Elevation (BFE).
  - (2.) The *Lot* boundary lines within a *Major Subdivision* shall not extend into areas designated as a stream *Buffer Zone*.
  - (3.) The *Lot* boundary lines within a *Major Subdivision* shall not extend into areas designated as *Wetlands*.
- (E.) Double and reverse frontage. Double frontage and reverse frontage lots shall not be approved, except where required in unusual circumstances and specifically approved by the *Planning, Zoning & Subdivision Administrator*.
- (F.) Lot boundaries. Lot boundaries must be contiguous with street right-of-way boundaries and shall not extend to the center of public streets or encroach into street right-of-way. Land to be subdivided which has existing property lines extending into street rights-of-way or into streets shall dedicate a street right-of-way as required by the Village of Marvin's *Technical Standards & Specifications Manual* for that section of the street located on or adjacent to the property being subdivided.
- (G.) Side lot lines. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.
- (H.) Buildable area. Lots or parcels shall not be unreasonably shaped and shall be made to contribute to the buildable area of a lot. Portions of a lot less than 15 feet wide shall be excluded from the minimum lot area. Additionally, portions of a lot that are less than 26 feet wide and longer than 25 feet will be excluded from the minimum lot area except when calculating lot area for Single-family Attached Lot Types per Article 9 of this Ordinance.
- (I.) Block dimensions and configuration. Blocks shall be laid out taking into consideration traffic circulation patterns and contemplated use. In conditions exceeding 2.5 dwelling units per acre, excluding common open spaces and public street right-of-way(s), any dimension of a block may range from 250 to 900 linear feet measured along front property lines between cross streets. In all other major subdivisions, the dimension of blocks may not exceed 1200 linear feet measured along front property lines between cross streets, except within subdivisions with average lots exceeding one acre in size, wherein blocks may be up to 1500 feet measured along front property lines.
- (1.) Length. Blocks shall be not less than 250 feet nor more than 1,500 feet in length as stipulated above, except as deemed necessary to secure efficient use of land or desired features of street pattern by the *Planning, Zoning & Subdivision*

*Administrator*. Where deemed necessary by the *Planning, Zoning & Subdivision Administrator*, a pedestrian crosswalk of at least eight feet in width shall be provided.

(2.) Width. Blocks shall be wide enough to allow two tiers of lots of minimum depth, (reference Zoning standards, Article 8, Building and Lot Type standards, Article 9), except where fronting on major streets is prevented by topographic conditions, in which case a single tier of lots may be approved. Block width standards do not apply to subdivisions proposed as part of Rural Residential (RR) District development.

(J.) Lots on thoroughfares. Residential lots in subdivisions shall not be entered from major thoroughfare streets.

(K.) Access requirements for all lots. Each lot in a subdivision shall meet the access standards set forth in this Ordinance, unless specific design alternatives are approved as part of the approval of a Traditional Neighborhood Development Overlay (TNDO) District.

(L.) Lot area calculation. Areas in the public right-of-way shall not be used to calculate compliance with minimum lot size requirements.

(M.) Flag lots. Flag lots shall be permitted subject to the following standards:

(1.) The minimum flagpole width (strip connecting the bulk of the lot to the street) shall be 25 feet or 25% of the minimum required lot width established by the primary general use district, established by Article 8 of this Ordinance, whichever is greater.

(2.) The maximum flagpole length (strip connecting the bulk of the lot to the street) shall be 200 feet.

(3.) The total lot area shall be a minimum of 2.5 acres, unless required to be larger by the primary general use district, established by Article 8 of this Ordinance; furthermore, the area of the flagpole within the first 150 linear feet of the street (strip connecting the bulk of the lot to the street) shall not be used in calculating minimum lot area, setbacks, or other dimensional requirements for the zoning district in which the lot is located.

(4.) Not more than 4% of the total number of lots in a subdivision or development shall be flag lots.

16.2-4 Landscaping and buffering. Landscaping shall be provided in the proposed subdivision as required by Article 11 of this Ordinance. Preservation of existing trees is required in accordance with Article 11.

16.2-5 Open space. Open space as required by Article 21 of this Ordinance and other

applicable ordinances and regulations of the Village of Marvin shall be provided in the proposed subdivision.

16.2-6 Streets and utilities. All streets and utilities must comply with the requirements of all applicable plans adopted by the Village of Marvin, including, but not limited to, the Village of Marvin *Technical Standards & Specifications Manual*. Utilities shall be installed underground in all *Major Subdivisions* when new streets are constructed. All off-street easements not contiguous and parallel to the public street right-of-way shall be located in/on areas dedicated as Common Open Space and be dedicated for pedestrian use by the public in accordance with Article 21, Subsection 21.2.

16.2-7 Street design. The design of all public streets and roads within the Village of Marvin shall conform to standards set forth in Article 13 of this Ordinance and the Village of Marvin *Technical Standards & Specifications Manual*. Where permitted, private streets must be constructed to Village of Marvin' design standard.

(A.) Cul-de-Sacs. Cul-de-sacs or other dead-end streets designed to be permanently closed are strongly discouraged and can only be used when it is not feasible to connect to an existing or future street. Cul-de-sacs shall not exceed 400 feet in length and shall be provided at the closed end with a right-of-way radius and a turnaround radius meeting or exceeding the standards set forth in the Village of Marvin *Technical Standards & Specifications Manual*. Cul-de-sacs shall have a minimum twenty (20) foot wide common open space for pedestrian access connecting to the nearest public space, street right-of-way, or common open space, and have paved pedestrian connections, where practicable to provide pedestrian access connectivity. The *Planning, Zoning & Subdivision Administrator* may approve modifications to these requirements on a case-by-case basis, with the justification stated in writing on the final plat.

(B.) Continuation of Adjoining Street System. The proposed street layout shall be coordinated with the street system of the surrounding area. Where possible, existing principal streets shall be extended.

(C.) Stub Streets. Where the property to be subdivided abuts another property that, in the opinion of the *Planning, Zoning & Subdivision Administrator*, could be subdivided in the future, the proposed street layout shall include a public street and right-of-way, meeting the Village's standards for width and grade, which connects the streets in the subdivision to the abutting property. This street and public right-of-way shall be preserved for the construction of a future street providing access to the abutting property. The subdivider(s) shall be responsible for placing a permanent sign(s) within the right-of-way of the stub street stating that it is the location of a future street. Such sign(s) shall be approved by the *Planning, Zoning & Subdivision Administrator* before being placed in said right-of-way.

(D.) Curb & Gutter. Curb and Gutter is required in all new streets in accordance with applicable details appearing in the Village of Marvin *Technical Standards & Specifications Manual*. Exceptions to this requirement are eligible in the Industrial (IND), Heavy Industry Overlay (HIO), Rural Residential (RR), and Mini-Farm Overlay (MFO) districts.

16.2-8 Naming of streets. All streets shall be named, and signs conforming to Village standards shall be posted at intersections showing the name of every street. New streets which are obviously in alignment with others already existing and named shall bear the names of the existing streets where practical. In no case shall the names of new streets phonetically resemble existing street names. Streets shall be named in accordance with the standards for street naming established by Union County and must be approved by Union County's emergency address coordinator.

16.2-9 Street construction - property owners' participation. The Village of Marvin will not accept or adopt any new street, nor will it pave or assist in the construction or pavement of any new street other than streets shown on the map of the streets of the Village of Marvin known as the Official Powell Bill Map except upon approval by the Village Council and receipt of payment of the full cost and expense of construction or of construction and pavement, as the case may be, and such cost and expense must be actually paid or amply secured per section 16.1-9(B) of this Article before the Village will take any action.

16.2-10 Utility and Pedestrian easements. All subdivision plats shall identify easements for the installation of utilities and pedestrian use as follows:

(A.) Major subdivisions. An appropriate easement, of the width required by the utility company/agency, shall be provided for utilities including, but not limited to, electric service, telephone service, cable television service, sewer (sanitary and/or storm-water) lines, and waterlines within the subdivision. The location of the easements and the physical relation of all utilities within the easement shall be approved by the Village of Marvin, in consultation with the utility providers, prior to final plat approval. Placement of all underground cables by utilities in a common easement is encouraged when such placement does not conflict with these requirements or others. All off-street easements not contiguous and parallel to the public street right-of-way shall be located in/on areas dedicated as Common Open Space and be dedicated for pedestrian use by the public in accordance with Article 21, Subsection 21.2.

(B.) Minor subdivisions. An appropriate easement, of the width required by the utility company/agency, shall be provided for utilities including, but not limited to, electric service, telephone service, cable television service, sewer lines, and waterlines within the subdivision. The location of the easements and the physical relation of all utilities

within the easement shall be approved by the Village of Marvin, in consultation with the utility providers, prior to final plat approval. Placement of all utilities in a common easement is encouraged when such placement does not conflict with these requirements or others. All off-street easements not contiguous and parallel to the public street right-of-way shall be located in/on areas dedicated as Common Open Space and be dedicated for pedestrian use by the public in accordance with Article 21, Subsection 21.2.

16.2-11 Water supply for fire protection.

- (A.) Water supply for fire protection shall be provided as required by the North Carolina Fire Prevention Code.
- (B.) Size, type, and installation of hydrants shall conform to the specifications set forth in the North Carolina Fire Prevention Code.
- (C.) The maximum distance between fire hydrants shall be 900' measured by right angles along identified travel way(s).

16.2-12 Storm-water management.

- (A.) Design of the stormwater management system shall be consistent with the Village of Marvin's storm-water regulations, as contained in the Stormwater Management standards and specifications appearing in Article 19 of this Ordinance.
- (B.) The stormwater management system design shall comply with the specifications set forth in the stormwater section of Article 19 of this ordinance and the Village of *Marvin Technical Standards & Specifications Manual*.

16.2-13 Flood standards.

- (A.) All subdivision proposals within the Village of Marvin jurisdiction shall be consistent with the requirements of the Village's flood protection regulations set forth in Article 18 of this Ordinance and with the need to minimize flood damage.
- (B.) All subdivision proposals shall have the public utilities and facilities such as sewerage systems, gas lines, electrical, telecommunications (television, Internet, telephone, etc.), and water systems located and constructed to avoid flood damage.
- (C.) Adequate drainage shall be provided to avoid exposure to flood hazards.
- (D.) Base flood elevation data shall be provided for subdivision proposals whenever any portion of the project site is located within a designated flood hazard area.
- (E.) Preliminary and final plats shall note the location of floodplain and floodway boundaries and the 100-year flood (Base Flood) elevation.

(F.) If there is a water course or dry branch running through or within 150 feet of the proposed subdivision, the prospective sub-divider shall furnish evidence that residential lots within the subdivision will not be flooded. Lots located in flood plains shall comply with Section 16.2-3(D) of this Article and the flood prevention standards set forth in Article 18.

16.2-14 Buffer Strips – Streams. Buffer strips shall be provided along streams as required by the United States Army Corps of Engineers, State of North Carolina, and/or Watershed Regulations set forth in Article 19 of this Ordinance.

16.2-15 Electrical, Cabled, Wired and Fiber Optic utilities. Electrical, Cabled, Wired and Fiber Optic utility lines shall be installed underground unless inconsistent with flood protection requirements.

16.2-16 Placement of monuments. The Standards of Practice for Land Surveying in North Carolina, as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, shall apply when conducting surveys.

16.2-17 Utilities - Water and Sewer Systems.

(A) Connection to System Required. Any development which has Village water and/or sewer system lines available shall be required to extend the public water and/or sewer system throughout the development to each lot located therein. All required line extensions shall include appropriate valves, hydrants, taps, service, manholes, lift stations, pumps and clean outs to the property line of each lot as required by Village standards.

In any case where a public water and/or sewer system intended to serve more than two (2) lots is proposed to be installed in a development as part of the plan approval process, such system shall be considered to be a required improvement within the context of the Section regardless of whether such a system is an extension of the Village system or not and such system shall be required to be installed by the developer. This requirement includes both facilities within the development and off-site facilities which are essential to providing the service to the property.

Where public sanitary water and sewer are not available as defined in (B) below, structures shall be connected to an approved private water supply and sewage disposal system.

(B) Availability Defined. For developments within or partially within the Village, the term “available” shall mean that there is an existing line of adequate size and flow and/or pressure either crossing the development property or immediately available from an adjacent public right-of-way or the Village indicates its commitment to extend such a

line to the property line of the development in accordance with a Development Agreement per Section 7.15 of this Ordinance.

For developments located entirely outside the boundaries of the Village but within the jurisdiction of this ordinance, “availability” shall be determined by the threshold levels indicated in the table below. Within the range of lots, water and/or sewer lines shall be within the distance indicated to be considered “available”, extension of the water and/or sewer lines shall be paid for by the developer, and the development shall be connected to the system. For example, if the water and sewer lines are within 300 feet of a proposed 15 lot subdivision, then the developer shall pay for the extension and the development shall be connected to the system. If a non-residential subdivision is proposed, comparable demand estimates for residential uses shall be used.

<b>Number of Proposed Lots</b>	<b>Distance to Nearest Water/Sewer Line</b>
0-10	200
11-20	300
21-50	600
51-100	1,000
101 or greater	1,500

- (C) Exemption from Extension of Lines. In the event the Village, for whatever reason, elects not to allow water and/or sewer service extension to a development, then the developer is not required to extend such services.
  
- (D) Oversized Water and Sewer Facilities. The Village may, in order to serve future development, require the developer to install certain oversized water and sewer improvements and/or to increase such improvements to a size and/or extent beyond that necessary for the needs created by the subdivision. In such cases, the Village shall enter into a Development Agreement to reimburse the developer for the oversizing and/or extension based upon rates as agreed to by the Village.
  
- (E) Annexation Required. In any case where a new development connects to the Village water and/or sewer system, such development shall be voluntarily annexed into the Village prior to the approval of a final plat, for a subdivision, or the issuance of a Zoning Permit, where the subdivision of land is not involved.
  
- (F) Installation Requirements. All water and sewer extensions for new development inside or outside the corporate limits will be made by the Village’s public works department or approved licensed contractors. No water or sewer line may be connected to the system of the Village unless such line properly designed and constructed to service the properties intended to be served directly by such line and of a size and design sufficient



to accommodate any necessary expansion of the water and sewer system to serve other properties, including fire protection.

The Village shall own and control any and all water and sewer lines and related facilities connected to and serviced by its water or sewer system, except those lines and facilities of other public bodies connected to and serviced by the Village's water or sewer system under contracts approved by the Village Council between the Village and other public bodies.

Because the extension of water or sewer lines to certain properties benefits the owners of such properties by raising property values, the cost of such extension shall be borne by the developers of such properties as provided in this article except in instances when the Village Council makes a determination that the Village is obligated to extend such utilities when it determines that it is the best interest of the Village to do so. In making such a conclusion, it must be demonstrated by the developer to the Village Council that ad valorem taxes to be gained by the Village from the properties which will be served by the proposed utilities will over a five (5) year period exceed the cost incurred by the Village for making such utility extensions.

Additional requirements regarding sizes and installation methods are available from the Public Works Department and/or the Village Engineer.

- (G) Extensions Required by State Law and Emergency Situations. To comply with municipal obligations by state statutes, or in cases of emergency where it is found to be in the public interest or necessary to protect the public health, the Village may authorize extensions of water or sanitary sewer into specific areas.
- (H) Payment of Tap Fees. Except as prescribed herein, nothing in this Article shall exempt an applicant from paying the standard tap fees in effect at the time the application for connection is made as adopted from time to time by the Town Council. Tap fees for lots created through this ordinance where new utility lines are installed by the developer shall not be collected for any such lot(s).
- (I) Extension to Existing Development. Extension of water or sanitary sewer service within the corporate limits of the Village shall be made upon petition as set for by the Village Council.
- (J) Extensions to New Development. Any person desiring to install any water or sewer line for new developments within the Village's service area to be connected to and served by the water and sewer system of the Village shall make application on forms

provided by the Village and shall furnish such information or exhibits as are required by such application forms.

Such application for extension, whenever possible, shall be made simultaneously with the appropriate Development Review Process for the type of development proposed.

The applicant shall pay to the Village a nonrefundable application fee. This fee shall be equal to the annual average water and sewer extension engineering fee, as determined by the Village Council for the July 1 to June 30 fiscal year, plus an additional fee as established by the Village Council from time to time.

The applicant shall submit engineering plans, profiles and specifications for such water main or sewer line, including those for any required fire hydrants, valves, manholes, sewer lift stations, force mains or other appurtenances necessary in connection therewith, to the Village Engineer for approval by the Village Council. All plans shall bear the seal of a registered professional engineer. See Article 7.

No water or sewer line may be installed and connected to the Village water or sewer system except as approved by the Village Council. Such approval shall meet the requirements of all Ordinances as adopted by the Village Council.

(K) Denial of Extension. The Village Council will not approve any contract for the installation of any water main or sewer line to be connected to and served by its water or sewer system if in its judgement, the projected volume of water that would be used by any properties to be serviced thereby would unduly burden the available water supply or sewage treatment capacity of the Village, or it would not be feasible or otherwise suitable for the Village to commit itself to such cost. Exception to this policy may be made by the Village Council for any meritorious reason and good cause shown.

16.2-18 On-site Wastewater Disposal (Septic Systems).

(A.) Definitions of terms appearing in Section 16.2-18 of this Ordinance including: ‘maintenance’, ‘repair’, ‘septic tank system’, ‘sewage’, ‘wastewater’, and ‘wastewater system’ shall be determined in accordance with G.S.130A-334.

(B.) Every principal use and every lot within a subdivision not served by a public wastewater collection, transport and treatment system shall be served by a wastewater system, in accordance with G.S.130A-335, that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.

(C.) Plats, as defined by G.S.130A-334, for new lots and/or parcels shall be submitted for review, whether subject to subdivision approval or not. Each plat shall identify the location of an approved wastewater system and if an on-site wastewater system, then identify the location of the repair field and/or area. Plats shall identify off-site wastewater system locations and show easements where any portion of said off-site wastewater system and/or utility line providing service to the lot extends over any portion of a lot other than the lot for which said off-site wastewater system and/or utility serves. Plats representing locations of on-site and/or off-site wastewater system, utility line and requisite repair areas shall be submitted with all Exempt, Minor Subdivision and Major Subdivision Preliminary Plats and appear on all Final Plats approved for recording in the Union County Register of Deeds.

16.2-19 Streetlights. All subdivisions that have one or more public streets shall have streetlights installed at no more than 200 feet apart along each street. The subdivider is responsible for installation expenses. Street light fixtures shall be of the “Open Traditional” design on a 16’ “type A” fiberglass pole and are subject to approval by the Village Council as part of the preliminary approval process.

16.2-20 Buffering, Recreation and Open Space Requirements.

(A.) Perennial streams shall be protected with a thirty-five foot (35') undisturbed conservation buffer running adjacent to the stream and indicated on the final plat.

(B.) Proposed subdivisions adjacent to land uses other than residential shall establish, along its entire perimeter a twenty-five-foot (25') buffer as defined in Article 5. The Village Council may consider berming, fencing or open space in lieu of the buffer.

(C.) Proposed subdivisions with any lot less than 21,780 square feet shall provide fifteen percent (15%) open space. Such open space shall be designed to provide the conservation of natural features (streams, wetlands, mature trees, etc.), access to recreational spaces including manmade and natural water features, buffering, and stormwater management facilities.