

CHAPTER 1

INTRODUCTORY PROVISIONS

Section 101. Title

This Ordinance shall be known and may be cited as the Subdivision Ordinance fo the Town of Stanley, North Carolina., and may be referred to as the Subdivision Ordinance.

Section 102. Purpose

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

Section 103. Authority

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

Section 104. Jurisdiction

The regulations contained herein, as provided in G. S. 160A, Article 19, Part 2 shall govern each and every subdivision of land within the Town of Stanley and its extraterritorial jurisdiction as shown on the Town's official zoning map.

Section 105. Compliance with Ordinance Required

All plats for the subdivision of land shall conform to the requirements of this Ordinance, and shall be submitted in accordance with the procedures and specifications established herein.

Section 106. Plats to be Approved

After the effective date of this Ordinance, no subdivision plat of land within the Town's Subdivision Ordinance jurisdiction shall be filed or recorded until it has been submitted to and approved by the Town as provided hereinafter in this Ordinance and no land shall be sold or transferred by reference to a plat that has not been approved and recorded in accordance with the provisions of this Ordinance.

Section 107. Subdivision Administrator

The Town Board of Stanley shall appoint a Subdivision Administrator and other personnel to administer this Ordinance and to undertake other duties as provided for under this Ordinance.

Section 108. Acceptance of Streets

No street shall be maintained by the Town nor street dedication accepted for ownership and maintenance in any subdivision for which a plat is required to be approved unless and until such final plat has been approved by the Town.

Section 109. Thoroughfare Plans

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

Section 110. Reserved

Section 111. Zoning and Other Plans

All proposed subdivision must comply in all respects with the requirements of the zoning Ordinance in effect in the area to be subdivided, and any other officially adopted plans.

Section 112. Definitions

Subdivision

All subdivisions of tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to any regulations enacted pursuant to this Ordinance:

- A. 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 Town of Stanley as shown in this Ordinance;
- B. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
 - C. The public acquisition by 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 Town of Stanley as shown in this Ordinance.
 - D. The division of land by any method of transfer solely among members of a linear family which shall include only direct lineal descendants (children, grandchildren and great grandchildren) and direct lineal ascendants (father, mother, grandfather and grandmother); and brothers, sisters, nieces and nephews.

Subdivision, Minor

- 1. No new roads are proposed or right-of-way dedicated; and
- 2. The entire tract to be subdivided in ten (10) acres or less in size; and
- 3. Where (10) or fewer lots will result after the subdivision is completed; and
- 4. The subdivision will not be served by public or community water and sewer.

Subdivision, Major

- 1. New roads are proposed or rights-of-way are dedicated; and /or
- 2. The entire tract to be subdivided is greater than ten (10) acres; and/or
- 3. More than ten (10) lots are created after the subdivision is completed; and/or
- 4. The subdivision is served by the public or community water or sewer.

Section 113. Other Definitions

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

Administrator, Subdivision

The person designated by the Town Board of Stanley to administer this Ordinance and to undertake other duties as called for in this Ordinance.

Block

A piece of land bounded on one or more sides by streets or roads.

Building Setback Line

A line parallel to the front property line in front of which no structure shall be erected. Setbacks shall be established from the right-of-way line.

Cul-de-sac

A short street having but one end open to traffic and the other end being permanently terminated and a vehicular turnaround provided.

Crosswalk

A specially paved or marked path for pedestrians crossing a road.

Dedication

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

Deeds Office

Office of the Register of Deeds of Gaston County, North Carolina.

Easement

A grant by the property owner to the public, a corporation, or persons of the right to use a specified portion of a tract or tracts of land for a specified purpose.

Lot

A portion of a tract of land to be subdivided for the purpose of transfer of ownership or development.

Lot of Record

A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Gaston County prior to the adoption of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this Ordinance.

Lot Types:Corner Lot

A lot located at the intersection of two or more roads. A lot abutting on a curved road or roads shall be considered a corner lot if straight lines drawn from the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

Double Frontage Lot

Any lot having access on two street rights-of-way.

Interior Lot

A lot more than a corner lot with only one frontage on a street.

Panhandle Lot

A lot, other than one having access on a cul-de-sac, which contains a strip of land thirty-five (35) feet or less in width for a distance of fifty (50) feet or more as measured from the edge of the street right-of-way line.

Single-Tier Lot

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

Through Lot

A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

Official Maps or Plans

Any maps or plans officially adopted by the Town Board of Stanley.

Plat

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

Public Utilities

Utilities (e.g., sewer, water, electricity) provided by a city, town, county, district or other public body, pursuant to state, federal and local laws, or any combination thereof acting cooperatively or jointly.

Reservation

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

Road

A dedicated and accepted public right-of-way for vehicular traffic (or a private road when permitted by this Ordinance). The word “road” includes, but is not limited to, “street, freeway, highway, expressway and thoroughfare”. The following classification shall apply:

Classification of Roads:

Artirial Road

A road which collects and distributes traffic to and from collector roads and which may contain signals at important intersections.

Collector Road, Residential

A residential collector road shall be any of the following:

1. A dead end road more than 2500 feet in length; or,
2. A connecting road between the local residential road system and the thoroughfare system; or,
3. A loop road more than one mile in length; or,
4. Other roads having a collector-type function.

Frontage Road

A local road that is parallel to a full or partial access controlled road and functions to provide access to adjacent lands.

Local Road, Residential

A residential local road shall be any of the following:

1. A cul-de-sac road; or,
2. A dead end road less than 2500 feet or less in length; or,
3. 3. A road which is one block long; or,
4. A loop road one mile or less in length

Private Road

An undedicated private right-of-way which affords access to abutting properties and requires a subdivision street disclosure statement in accordance with G.S. 126-102.6.

Public Road

A road meeting all minimum construction standards of NCDOT and available for use by the general public.

Sewage Disposal System, Public

A sewage disposal system serving one (1) connection which is usually owned and controlled by a private single entity.

Sewer, Community

A sewer system (including the means of collecting, transporting or treating sewage) which is not owned and/or operated by a public entity (e.g., city, town, county or sewer district).

Sewer, Public System

A means of collecting, transporting, and treatment of sewage by a public entity (e.g., city, town, county, sewer district), or other public body created by, or pursuant to state, federal, and local laws, or any combination thereof acting cooperatively or jointly. A package treatment plant shall be considered part of a public sewer system if owned by a city, town, county, district, etc.

Subdivider

Any person, firm, or corporation who subdivides or develops and land deemed to be a subdivision as herein defined. The term “subdivider” shall also be deemed to mean “the applicant” as used in this Ordinance.

Town Board

Town Board of Stanley, North Carolina referenced the term “Board of Commissioners” or “Stanley Town Board” shall also be deemed to be the Town Board of Stanley, North Carolina.

Town Engineer

The consulting engineering firm chosen by the Town to provide engineering services to the Town.

Water, Community

A water system owned and/or operated by a private entity (i.e., an entity other than a city, county, town or water district).

Water, Public System

The provision to the public of piped water by a system owned and operated by a public entity (e.g., city, town, county or water district).

Water Supply System, Private

A water supply system two water supply come from a single source, usually limited to a well or spring. Said system is not owned or operated by a public entity.

Section 114. Word Interpretation

For the purpose of this Ordinance, certain words shall be interpreted as follows:

Words used in the present tense include the future tense.

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

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

The word “used for” shall include the meaning “designed for”.

The word “structure” shall include the word “building”.

The word “lot” shall include the words “plot” or “parcel” or “tract”.

The word “shall” is always mandatory and not merely directory.

The word “he” shall include the word “she”.

The word “may” is directory and not mandatory.

All words not specifically defined herein shall be assigned their customary dictionary definition.

Section 115. School Sites on Land Use Plan

If the Gaston county Board of Commissioners and Gaston County Board of Education have jointly determined the specific location and size of any school sites to be reserved and if this information appears in an adopted plan of the county, the Subdivision Administrator shall immediately notify the Board of Education within seven (7) days of receipt of a final plat (for minor subdivisions) and preliminary plat or sketch plan (for major subdivisions) which includes all or part of a school site to be reserved. The Board

of Education shall have up to thirty-one (31) days from the date of submittal by the Subdivision Administrator to decide whether it still wishes the site to be reserved. If the Board of Education does not wish to reserve the site, it shall so notify the Subdivision Administrator in writing. If the Board of Education does wish to reserve the site, the subdivision shall not be approved without such reservation. The Board of Education shall then have eighteen (18) months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by exercise of the power of eminent domain. If the Board of Education has not purchased or begun proceedings to condemn the site within eighteen (18) months, the subdivider may treat the land as free of the reservation.

Section 116. Zoning and Other Plans

Proposed subdivisions must comply in all respects with the requirements of any Zoning Ordinance in effect in the area to be subdivided, and any other pertinent plans or ordinances officially adopted by the Stanley Town Board. If any provisions in such adopted ordinance is more restrictive than the provisions provided in this Ordinance, the provisions of the more restrictive ordinance shall apply.

Section 117. Other Reserved Land

In order to insure orderly development of the community in accordance with any adopted plan or ordinance, the Town Board (in approving a preliminary plat of a subdivision containing five (5) acres of land or greater) may require that the subdivider reserve open spaces for a park, fire station, police station or library for a period of up to one (1) year after the final plat has been recorded. Such reservation shall not constitute more than the (10) percent of the total land area included within the subdivision. If the Town of Stanley or County or Gaston do not develop this land by the end of said one (1) year period, the subdivider may treat the land as being freed of the reservation.

CHAPTER 2

LEGAL PROVISIONS

Section 201. General Procedure for Plat Approval

After the effective date of this Ordinance, no subdivision plat of land within the Town's subdivision jurisdiction shall be filed or recorded unless it has been submitted to the Subdivision Administrator and approved by the proper body as set forth in this Ordinance, and until this approval is entered in writing on the face of the plat by the Subdivision Administrator.

The Register of Deeds shall not file or record a plat of a subdivision of land located within the subdivision jurisdiction of the Town of Stanley that has not been first approved in accordance with these provisions, nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with these provisions.

Section 202. Statement by Owner

The Owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the subdivision jurisdiction of the Town of Stanley.

Section 203 Issuance of building Permits on Subdivision Lots

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 Deeds Office and where applicable, an improvements permit has been issued by the Gaston County Health Department.

Section 204. Penalties for Violation

104.1 After the effective date of this Ordinance, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this Ordinance, thereafter subdivides his land in violation of this Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of land before the plat has been properly approved under the terms of this Ordinance and recorded in the Gaston County Deeds Office, shall be guilty of a misdemeanor.

The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from the penalty. The Town of Stanley through its attorney or other official designated by the Town Board, may enjoin an illegal subdivision, transfer or sale of land by auction for injunction. Further, violators of this Ordinance shall

be subject, upon conviction, to fine and/or imprisonment as provided by G.S. 14.4.

204.2 In addition to the other remedies cited in this Ordinance for the enforcement of the provisions of this Ordinance , the regulations and standards contained in this Ordinance may be enforced through the issuance of citations by the Subdivision Administrator. These citations shall be in the form of a civil penalty. The county may recover this penalty in a civil action in the nature of a debt if the offender does not pay the penalty within seventy-two (72_ hours after being cited for a violation. In addition, failure to pay the civil penalty within seventy-two (72) hours may subject the violator to criminal charges. The following civil penalties are established for violations under this section.

Warning Citation	Correct violation with ten (10) days
First Citation	\$10.00
Second Citation for same Offense	\$25.0
Third and Subsequent Citation For Same Offense	\$50.00

These civil penalties are in addition to any other penalties which may be imposed by a court for violation of the provisions of the Subdivision Ordinance.

Section 205. Separability

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

Section 206. Relief

206.1 The Planning Board or Board of Commissioners may authorize relief from these regulations when, in their opinion, undue hardship may result from strict compliance.

In granting relief, the Planning Board or Board of Commissioners shall make the findings, required herein, taking into account the nature of the proposed subdivision, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No relief shall be granted unless it is found:

- A. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land, and
- B. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner, and
- C. That the circumstances giving rise to the need for the variance are peculiar to the subdivision and are not generally characteristic of other subdivisions in the territorial jurisdiction of this Ordinance, and
- D. That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the area in which said property is situated.

Section 207. Amendments

- 207.1** The Board of Commissioners may from time-to-time amend the terms of this Ordinance. Any proposed amendment shall either be proposed by or be referred to the Planning Board for its review and recommendation.
- 207.2** Unless first proposed by the Planning Board, no application shall be considered by the Planning Board unless it has been properly completed and submitted to the Subdivision Administrator at least fourteen (14) days prior to the Planning Board meeting at which it is to be reviewed. This requirement may be waived by a unanimous vote of the Planning Board membership present at such meeting. The Planning Board shall have forty-five (45) days from the date at which it met to review the application to submit its recommendation to the Board of Commissioners. If a recommendation is not made during said forty-five (45) period, the application shall be forwarded to the Board of Commissioners without a recommendation from the Planning Board.
- 207.3** No amendment shall be adopted by the Town Board unless a public hearing has been held on the amendment. Notice of such public hearing shall be published in a newspaper of general circulation in Stanley at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall appear not more than twenty-five (25) nor less than ten (10) days prior to the hearing date. In computing the ten (10) to twenty-five (25) day period, the date of publication is not to be counted, but the date of the hearing is.

Section 208. Abrogation

It is not intended that this Ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, the provisions of the Ordinance shall govern.

Section 209. Conflict with Other Ordinances

All ordinances or parts of ordinances other than the Zoning Ordinance of the Town of Stanley, which are in conflict herewith, are hereby repealed. Should the requirements of this Ordinance conflict with those of the Stanley Zoning Ordinance, existing or hereinafter to be adopted, the more stringent requirements shall prevail.

Section 210. List of Subdivisions

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

Section 211. Accuracy

Standards of accuracy as prescribed in the “Manual of Practice for Land Surveying” published by the North Carolina State Board of Registration for Professional Engineers and Land surveyors shall apply to all surveys and maps.

Section 212. Effective Date

This Ordinance shall take effect on _____20 .

Section 213. Adoption

Duly adopted by the Board of Commissioners of the Town of Stanley, North Carolina, this the ____ day of _____, ____.

Mayor

Clerk

CHAPTER 3

PROCEDURES FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

Section 301. Plat Shall be Required on Any Subdivision of Land

Pursuant to G.S. 160A-372, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this Ordinance whenever any subdivision of land takes place except as herein provided.

Section 302. Approval Prerequisite to Plat Recordation

Pursuant to G.S. 160-A-373, no final plat of a subdivision within the jurisdiction of the Town of Stanley as established in Section 104 of this Ordinance shall be recorded by the Gaston County Deeds Office until it has been approved as provided herein.

Section 303 Appeals

Any decision of the Subdivision Administrator made in regard to this Ordinance may be appealed to the Planning Board in writing by the applicant within a thirty (30) day period following the date of said decision. Requests for an appeal shall be made in writing to the Town Clerk. If a written appeal is not made within said thirty (30) day period, the matter shall be deemed closed and the decision of the Subdivision Administrator shall stand. After a determination has been made on a particular matter by the Planning Board, the applicant may appeal the Planning Board's decision to the Stanley Town Board within a thirty (30) day period following the date of the decision. Requests for such an appeal shall be made in writing by the applicant to the Clerk of the Stanley Town Board. If an appeal is not made during said thirty (30) day period, the matter shall be deemed to be closed and the decision of the Planning Board shall stand.

The Stanley Town Board shall have final administrative review on all matters under this Ordinance brought before them. In this capacity, the Town Board may affirm, revise or modify the decision(s) of the planning Board and/or the Subdivision Administrator.

Section 304. Procedure for Review of Minor Subdivisions

304.1 Sketch Plan for Minor Subdivisions

This section shall apply to minor subdivisions only. For all minor subdivisions, a preliminary plat shall not be required. All such subdivisions, however, shall require the submittal, approval and recordation in the Gaston County Deeds Office of a final plat. Prior to submission of a final plat, the subdivider shall submit to the Subdivision Administrator two (2) copies of a sketch plan of the proposed subdivision. The purpose of the sketch plan is to familiarize the Subdivision Administrator with the proposed development and to insure that it is in

compliance with all applicable regulations. The sketch plan shall contain the following information:

- a) A sketch vicinity map including north arrow showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;
- b) The boundaries of the lot(s) to be subdivided;
- c) The total acreage to be subdivided;
- d) The existing street layout and right-of-way width;
- e) The name of the proposed subdivision;
- f) The zoning classification of the property to be subdivided and of adjacent properties, if applicable.

The Subdivision Administrator shall review the sketch plan for general compliance with the requirements of this Ordinance and any applicable zoning regulations. The Subdivision Administrator shall advise the subdivider the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the final plat.

304.2 Final Plat for Minor Subdivision

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, subdivision, 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.

At least five (5) completed copies of the final plat shall be submitted to the Subdivision Administrator, with one of these copies being on reproducible material. The remaining copies shall be black or blue-line paper prints. Said copies shall be considered complete if they contain all the information required by Section 309 of this Ordinance. Material and drawing medium for the original shall be in accordance with the Standards of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Gaston County Register of Deeds.

The final plat shall be of a size suitable for recordation in the Gaston County Deeds Office and shall be at a scale of not less than one (1) inch equals one hundred (100) feet, unless each lot in the proposed subdivision is more than three (3) acres. In such case, the scale shall not be less than one (1) inch equals two hundred (200) feet. Maps may be placed on more than one sheet with appropriate match lines.

Submission of the final plat shall be accompanied by a non-refundable filing fee of one-hundred dollars (\$100.00). The fee and the required number of final plats must be submitted to the Subdivision Administrator.

The following signed certificates shall appear on all copies of the final plat submitted to the Subdivision Administrator.

a) Certificate of Ownership and Dedication

I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of Gaston County and that I hereby adopt this plan of subdivision with my free consent and establish minimum lot size and building setback lines as noted.

Owner

Date

b) Certificate of Survey and Accuracy

On the face of each map prepared for recordation there shall appear a certificate acknowledged before an officer authorized to take acknowledgements and executed by the person making the survey or map including deeds and any recorded data shown thereon. The certificate shall include a statement of error of closure calculated by altitudes and departures. Any lines on the map which were not actually surveyed must be clearly indicated on the map and a statement included in the certificate revealing the source of information.

The certificate shall take the following general form:

STATE OF NORTH CAROLINA

GASTON COUNTY

I, _____ certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual made under my supervision) (deed description recorded in Book____, Page ____, etc.) (Other); that the ratio of precision as calculated by latitudes and departures is 1:_____, (that the boundaries not surveyed are shown as broken lines plotted from information found in Book____, Page____; that this map was prepared in accordance with G.S. 47-30 as mended.

Witness my hand and seal this _____ day of _____, A.D. _____.

Registered Land Surveyor

Official seal

Registration Number

I, (officer authorized to take acknowledgements) do hereby certify that (name of registered surveyor) appeared before me this day and acknowledged the due execution of this certificate. Witness my hand and (where an official seal is required by law) official seal this _____ day of _____, 20 .

Signature of Officer

Official Seal

304.3 Approval of Final Plat

Once the Subdivision Administrator has received the required number of copies of the final plat, he shall either **(I)** review the plat or **(II)** at his discretion, submit the plat to the Planning Board for its review and decision. The Subdivision Administrator shall have twenty-one (21) days from date of submittal to act upon a plat. Otherwise, the plat shall automatically be forwarded to the Planning Board. The Planning Board shall have thirty-one (31) days from the meeting date at which they reviewed the plat to **(i)** approve the plat or, **(ii)** approve the plat with conditions or **(iii)** disapprove the plat. If the Planning Board does not take action within said thirty-one (31) day period, the plat shall then automatically be transferred to the Town Board for their review and decision.

If the final plat is disapproved, the Subdivision Administrator shall instruct the subdivider concerning resubmission of a revised plat and the subdivider may make such changes as will bring the plat into compliance with the provisions of Ordinance and resubmit the same for reconsideration. The subdivider shall have twenty-one (21) days to resubmit the final plat to the Subdivision Administrator without having to pay an additional filing fee. If a revised plat is not submitted within said period, any future submittal will require the payment of an additional filing fee

If the final plat is approved, such approval shall be shown on each copy of the plat by the following signed certificate:

Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply the subdivision Ordinance of Stanley, North Carolina and that this plat has been approved by _____ on _____ for recordation in the Gaston County Deeds Office.

The subdivider shall have twenty-one (21) days from the date of final approval to have the plat recorded in the Gaston County Deeds Office. Otherwise the approved final plat shall be null and void.

Section 305. Submission and Review Procedure for Major Subdivisions Sketch Plan

Prior to the preliminary plat submission, the subdivider shall submit to the Subdivision Administrator two (2) or more copies of a sketch plan of the proposed subdivision containing the following information:

- A. A sketch vicinity map including north arrow showing the location of the subdivision in relation to neighboring tracts, subdivisions, road, and waterways;
- B. The boundaries of the lot(s) to be subdivided;
- C. The total acreage to be subdivided;
- D. The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;
- E. The proposed street layout with approximate pavement and right-of-way widths, lot layout and size of lots;
- F. The name, address, and telephone number of the owner(s) of the tract to be subdivided;
- G. The name of the proposed subdivision;
- H. The zoning classification of the lot(s) to be subdivided and of adjacent properties, if applicable;
- I. Tax map and parcel number of the lot(s) to be subdivided.

The Subdivision Administrator shall review the sketch plan for general compliance with the requirements of this Ordinance and any applicable zoning requirements. The Subdivision Administrator shall advise the subdivider or his authorized agent of the regulations pertaining to the proposed subdivision and the procedure to be followed in the preparation and submission of the preliminary and final plats.

One copy of the sketch plan shall be retained as a part of the County's record by the Subdivision Administrator with the other copy(ies) being returned to the subdivider or his authorized agent along with any comments made by the Subdivision Administrator concerning the proposed plat.

The subdivision Administrator shall have a maximum of twenty-one (21) days from the receipt of sketch plan to review and make comments. If comments are not forwarded during said period the subdivider may submit his preliminary plat for review having not received comments from the Subdivision Administrator on the sketch plan.

Section 306. Preliminary Major Subdivision Plat Submission and Review (this section shall apply to Major Subdivisions Only)

Preliminary and final plat approval shall be required for all major subdivisions. Preliminary plat approval of all major subdivisions containing fifty (50) lots or less may be made by the Planning Board (except as otherwise provided in Section 303 of this Ordinance). Final approval of all preliminary plats containing over fifty (50) lots may only be made by the Board of Commissioners.

All preliminary plats submitted for review shall be accompanied by a non-refundable submittal fee determined as follows:

Engineering Plan Review Fee by Town Engineer (Residential) **actual fee**
Final Plat for family and minor subdivision review - \$200
Major Subdivision preliminary – Plan Reviews (**These fees do not include engineering fee review**)

Plat-Lots in Subdivision	Fee (Per Phase)
2 – 10	\$250
11 – 50	\$400
51 – 100	\$500
101 – 200	\$ 5 dollars per lot
201 – more	\$ 5 dollars per lot
Final Plat	\$ 150 per phase

Mill Sites \$150 per phase (Site Plan Review Required)

At least seven (7) complete copies of the preliminary plat shall be submitted to the Subdivision Administrator (with one of these copies being on reproducible material) ten (10) or more days prior to the meeting at which it is to be reviewed by the Planning Board. Said Planning Board meeting may be a special meeting or it shall be the next regularly scheduled meeting occurring at least ten (10) days following the date of submittal. A plat shall be considered complete only if **(i)** it contains all applicable information indicated in Section 309 and **(ii)** the appropriate submittal fee has been paid.

The Planning Board shall have the authority to approve any preliminary plat containing under fifty (50) lots. The Planning Board shall have forty-five (45) days from the meeting date at which the plat was reviewed to **(i)** approve the plat, **(ii)** approve the plat with conditions, **(iii)** disapprove the plat, or **(iv)** make a recommendation to the Town Board on a plat containing fifty (50) or more lots. If no recommendation or decision is made during said forty-five (45) day period, the plat shall automatically be submitted to the town Board for their decision.

Before acting on the preliminary plat, the Planning Board may request a report from any person or agency directly concerned with the proposed development, such as the District Highway Engineer, Town Public Works Director, County Health Department, and the Superintendent of Schools. Such reports shall certify compliance with or note deviations from the requirements of this Ordinance, and include comments on other factors which bear upon the public interest.

If the preliminary plat is disapproved, the Subdivision Administrator shall instruct the subdivider concerning the resubmission of a revised plat and the subdivider may make such changes as will bring the plat into compliance with this Ordinance.

The subdivider shall have sixty (60) days from the date of the denial to resubmit such plat for approval. If a revised plat is not submitted within said period, any future resubmittal will require the payment of an additional filing fee. If the revised plat is resubmitted within said sixty (60) day period a submission fee will not have to be repaid. Said resubmitted revised plat shall be reviewed by the Planning Board and, if necessary, Town Board, in the same manner as any other preliminary plat for a major subdivision. At least one copy of any disapproved plat along with the reasons for disapproval shall be retained by the Subdivision Administrator as part of the Town's official records. A copy of such reasons and any remaining copies of the plat shall also be transmitted to the subdivider.

If the preliminary plat is approved, it shall be indicated on the reproducible copy of the plat and said copy shall be retained by the Subdivision Administrator as part of the Town's official records. Any remaining copies of the approved plat shall be transmitted to the subdivider. In approving such subdivision plat, the planning Board or Town Board may attach fair and reasonable conditions which are deemed to promote the public's health, safety and welfare. Such conditions may include, but not be limited to, the following:

1. Alignment or roads within the subdivision to allow for an improved flow of traffic;
- 2.