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CHAPTER 150: BUILDING REGULATIONS

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§ 150.01 BUILDING CODE ADOPTED.

The most current editions of the “North Carolina State Building Code” and the “Uniform Residential Building Code” found therein are hereby adopted as the official building code of the Town of Broadway.

('82 Code, Art. J-I, § 4)

§ 150.02 BUILDING INSPECTOR; POWERS AND DUTIES.

Such officer or employee as the Board may appoint shall be the Building Inspector of the town and he shall possess all the powers conferred and perform all the duties prescribed by G.S. § 160A-411 and other statutes applicable thereto. He shall possess such further power and perform such further duties as may be prescribed by this chapter. He shall receive the fees allowed by statute. The said Inspector or his deputy shall have the right to enter, at all reasonable times, any building, structure, or premises within the town, for the purpose of inspecting, or in the performance of his duties. He shall make, or cause to be made, such inspection of all chimneys, flues, steam and fire openings within the town. He may, when occasion required, appoint a deputy or deputies, to perform any part of his duties.

('82 Code, Art. J-I, § 1)

§ 150.03 BUILDING PERMIT REQUIRED.

It shall be unlawful for any person, firm, or corporation to hereafter erect, construct, or build, or cause or authorize the same, on any lot or parcel of land within the corporate limits, any building

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or structure of any kind or description, without a building permit. Such person, firm, or corporation shall first submit to the Building Inspector through the office of the Town Clerk, a duly signed and completed application for a building permit for such building or structure, such application to be accompanied by plans and specifications, the material to be used, the proposed location thereof, the purposes for which such building or structure is to be used, the cost of such building or structure, and such other information concerning the same that will enable the Building Inspector to properly pass upon the application. Until such person, firm, or corporation obtains such building permit, it shall be unlawful to proceed with the erection, building, or construction of such building or structure as herein provided. ('82 Code, Art. J-I, § 2) Penalty, see § 10.99

§ 150.04 BUILDING PERMIT FEES.

The Board of Commissioners shall establish building permit fees from time to time. A schedule of current fees is available for public inspection in the office of the Town Clerk. ('82 Code, Art. J-I, § 3)

§ 150.05 INSPECTION OF DANGEROUS BUILDINGS OR STRUCTURES.

Whenever the Board of Commissioners is informed that any building, or other structure within the town is especially dangerous in case of fire, by reason of the bad condition of walls, defective construction, decay, or other causes, or is so situated as to endanger the lives of persons passing by or residing in the vicinity thereof, they shall forthwith require the Building Inspector, together with the Mayor, to make a survey of said building or structure, and report to them their opinion of the same. ('82 Code, Art. J-III, § 1)

CHAPTER 151: PLANNING AND DEVELOPMENT

Section

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PLANNING BOARD**§ 151.01 CREATION; AUTHORITY.**

The Town Planning Board is created under authority of G.S. § 160A-361.
(Ord. passed 3-10-97)

§ 151.02 MEMBERSHIP.

(A) (1) The Town Planning Board shall consist of eight members and two alternates. Five regular members and two alternates shall be residents of the town appointed by the Town Commissioners; two regular members who reside in the town's extraterritorial jurisdiction in Lee County shall be appointed by the Lee County Commissioners; and one regular member who resides in the town's extraterritorial jurisdiction in Harnett County shall be appointed by the Harnett County Commissioners. If the respective County Commissioners fail to make their extraterritorial appointments within 60 days after the Town Commissioners make their appointments, the Town Commissioners may then appoint the extraterritorial jurisdiction Planning Board members. New Planning Board Members will be appointed at the regular Town Commissioners meeting in March of each year and begin their appointed term July 1 of that year.

(2) Regular and alternate members shall be appointed for a term of three years and shall be eligible to serve two consecutive terms. All regular members and alternates shall be persons of recognized experience and qualifications and shall hold no other official position except on a Zoning Board, a Zoning Board of Appeals, or Housing Authority Board. Regular members and alternates of the Planning Board shall serve without compensation. Vacancies occurring on the Planning Board other than through expiration of the term shall be filled for the remainder of the member's unexpired term by the initial appointing authority.

(B) Alternate members shall be appointed by the Town Commissioners for terms of three years on a staggered-term basis and shall serve in the absence of regular Planning Board Members without regard to their original appointing authority.

(C) Any member who has three unexcused absences may lose his or her status as a member of this Board and may be replaced at the discretion of the Town Council.

(D) If the place of residence of any member of the Board from the extraterritorial area is annexed into the town limits, he or she shall lose his or her status as a member of the Board.
(Ord. passed 3-10-97; Am. Ord. passed - -)

§ 151.03 OFFICERS AND DUTIES.

(A) The officers of the Planning Board shall consist of a Chairman, Vice-Chairman and Secretary. All officers shall be residents of the Town of Broadway.

(B) The Chairman shall preside at all meetings and hearings of the Planning Board and have the duties normally conferred by parliamentary usage on such officers.

(C) The Vice-Chairman shall serve as acting chairman in the absence of the Chairman, and at such times he shall have the same powers and duties of the Chairman.

(D) A Secretary shall be appointed by the board to keep minutes of the Planning Board, prepare agendas of regular and special meetings for Planning Board members, arrange proper and legal notice of hearings, attend to correspondence of the Planning Board, and perform such other duties as are normally carried out by a secretary.

(Ord. passed 3-10-97)

§ 151.04 ELECTION OF OFFICERS.

(A) Officers shall be elected by the Planning Board from its appointive members. The Chairman and Vice-Chairman shall reside within the Town of Broadway.

(B) Officers shall be elected at the annual organization meetings which shall be held in April or as soon as practical thereafter.

(C) The candidate for each office receiving a majority vote of the entire membership of the Planning Board shall be declared elected.

(D) All officers shall be elected for a term of one year and all officers shall be eligible to succeed themselves.

(E) Vacancies in the office shall be filled immediately for the unexpired term by the regular election procedure.

(Ord. passed 3-10-97)

§ 151.05 MEETINGS.

(A) Regular meetings of the Planning Board shall be held in the Broadway Town Hall the second Monday of the following months: February, April, June, August, October, and December, beginning at 7:00 p.m. This meeting time and place may be deviated as necessary to coincide with the regularly scheduled Broadway Town Board meeting.

(B) All business to be considered shall be listed on an agenda and to secure such consideration must be received by the Secretary at least 14 days before any regular scheduled meeting. All special business or items not specifically noted on the regular meeting agenda shall be deferred by the Planning Board until the next regular meeting date, except by unanimous consent of the Planning Board members present.

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(C) All meetings at which official action is taken shall be open to the general public.

(D) Whenever there is no business for the Planning Board, the Chairman may dispense with a regular meeting by giving notice to all the members not less than 24 hours prior to the time set for the meeting.

(E) Special meetings may be called by the Chairman. The notice of such a meeting shall specify the purposes of the meeting, and no other business may be considered except by unanimous consent to the Planning Board members present. The Secretary shall give proper notice to members of the planning board of such a meeting.

(F) A majority of the appointed members of the Planning Board shall constitute a quorum. A quorum shall be present before any formal business is transacted.

(G) All plans, reports, and recommendations of the Planning Board must be approved by at least a majority of the appointed members of the Planning Board. The vote of a majority of those members present shall be sufficient to decide all other matters before the Planning Board, provided that a quorum is present. No Planning Board member shall participate in the decision of any matter in which he has a personal financial interest.

(Ord. passed 3-10-97)

§ 151.06 ORDER OF BUSINESS.

(A) The order of business at regular meetings shall be:

- (1) Roll call.
- (2) Reading of minutes of previous meeting.
- (3) Hearing of persons having business with the Planning Board.
- (4) Reports of officers and committees.
- (5) Old business.
- (6) New business.
- (7) Adjournment.

(Ord. passed 3-10-97)

ZONING VESTED RIGHTS PROVISIONS

§ 151.25 PURPOSE.

The purpose of this chapter is to implement the provisions of G.S. § 160A-385.1 pursuant to which a statutory zoning vested right is established upon the approval of a site specific development plan, and to establish a method by which those projects, developments, or other land use proposals which have been approved prior to the effective date of this chapter shall be assigned the same rights and limitations as those governed herein and approved hereafter.

(Ord. eff. 10-1-91)

§ 151.26 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPROVAL AUTHORITY. The Board of Commissioners, Board of Adjustment, or other board or official designated by ordinance or this chapter as being authorized to grant the specific zoning or land use permit or approval that constitutes a site specific development plan.

PREVIOUSLY APPROVED PROJECTS, DEVELOPMENTS, OR OTHER LAND USE PROPOSALS. Any development plan approved under the subdivision chapter (Ch. 152) and the Zoning Code (Ch. 153) or other plan for which a site specific development plan was approved by the town Approval Authority and carries an adoption date prior to the effective date of this chapter.

SITE SPECIFIC DEVELOPMENT PLAN. A plan of land development submitted to the town for purposes of obtaining subdivision approval, a conditional use permit, a special use permit, or other zoning or land use permits or approvals required under §§ 153.161 & 153.162 of the Zoning Code. Notwithstanding the foregoing, neither a variance, a sketch plan, nor any other document that fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property shall constitute a site specific development plan.

ZONING VESTED RIGHT. A right pursuant to G.S. § 160A-385.1 to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan.

(Ord. eff. 10-1-91)

§ 151.27 ESTABLISHMENT OF A ZONING VESTED RIGHT.

(A) A zoning vested right shall be deemed established upon the valid approval, or conditional

approval, by the Board of Commissioners or Board of Adjustment, as applicable, of a site specific development plan, following notice and public hearing.

(B) The Approving Authority may approve a site specific development plan upon such terms and conditions as may reasonable by necessary to protect the public health, safety, and welfare.

(C) Notwithstanding divisions (A) and (B), approval of a site specific development plan with the condition that a variance be obtained shall not confer a zoning vested right unless and until the necessary variance is obtained.

(D) A site specific development plan shall be deemed approved upon the effective date of the Approval Authority's action or ordinance relating thereto.

(E) The establishment of a zoning vested right shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to land use regulation by the town, including, but not limited to building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new or amended regulations shall become effective with respect to property that is subject to a site specific development plan upon the expiration or termination of the vested right in accordance with this chapter.

(F) A zoning vested right is not a personal right, but shall attach to and run with the applicable property. After approval of a site specific development plan, all successors to the original landowner shall be entitled to exercise such right while applicable.

(Ord. eff. 10-1-91)

§ 151.28 APPROVAL PROCEDURES AND APPROVING AUTHORITY.

(A) Except as otherwise provided in this section, an application for site specific development plan approval shall be proceeded in accordance with the procedures established by ordinance and shall be considered by the designated Approval Authority for the specific type of zoning or land use permit or approval for which application is made.

(B) Notwithstanding the provisions of division (A), if the authority to issue a particular zoning or land use permit or approval has been delegated by ordinance to a board, committee, or administrative official other than the Board of Commissioners, Board of Adjustment, or other planning agency designated to perform any or all of the duties of a Board of Adjustment, in order to obtain a zoning vested right, the applicant must request in writing at the time of application that the application be considered and acted on by the Board of Commissioners or Board of Adjustment, following notice and a public hearing as provided in and G.S. Chapter 160A, Article 19.

(C) In order for a zoning vested right to be established upon approval of a site specific development plan, the applicant must indicate at the time of application, on a form to be provided by the town, that a zoning vested right is being sought.

(D) Each map, plat, site plan, or other document evidencing a site specific development plan shall contain the following quotation: "Approval of this plan establishes a zoning vested right under G.S. § 160A-385.1. Unless terminated at an earlier date, the zoning vested right shall be granted until _____ (date)."

(E) Following approval or conditional approval of a site specific development plan, nothing in this chapter shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval.

(F) Nothing in this chapter shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or the Zoning Code.
(Ord. eff. 10-1-91)

§ 151.29 DURATION.

(A) A zoning vested right that has been vested as provided in this chapter shall remain vested for a period of two years unless specifically and unambiguously provided otherwise pursuant to this section. This vesting shall not be extended by any amendments or modifications to a site specific development plan unless expressly provided by the Approval Authority at the time the amendment or modification is approved. In any case, such request must be made to the Approval Authority in writing prior to the expiration date of the vested right.

(B) Notwithstanding the provisions of division (A), the Approval Authority may provide that rights shall be vested for a period exceeding two years but not exceeding five years where warranted in light of all relevant circumstances, including, but not limited to, the size of the development, the level of investment, the need for or desirability of the development, economic cycles, and market conditions. These determinations shall be in the sound discretion of the Approval Authority at the time the site specific development plan is approved.

(C) Upon issuance of a building permit, the expiration provisions of G.S. § 160A-418 and the revocation provisions of G.S. § 160A-422 shall apply, except that a building permit shall not expire or be revoked because of the running of time while a zoning vested right under this section is outstanding.

(D) The provisions of this section shall apply to previously approved projects, developments, or land use approvals. Any approvals heretofore granted and not exercised will terminate two years after the effective date of this chapter.
(Ord. eff. 10-1-91)

§ 151.30 TERMINATION.

A vested right that has been vested as provided in this chapter shall terminate:

(A) At the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed;

(B) With the written consent of the affected landowner;

(C) Upon findings by the Board of Commissioners, by ordinance after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site specific development plan;

(D) Upon payment to the affected landowner of compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the town, together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property which is caused by such action;

(E) Upon findings by the Board of Commissioners, by ordinance after notice and a hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the Approval Authority of the site specific development plan; or,

(F) Upon the enactment or promulgation of a state or federal law or regulation that precludes development as contemplated in the site specific development plan, in which case the Approval Authority may modify the affected provisions, upon a finding that the change in state or federal law has a fundamental effect on the plan, by ordinance after notice and a hearing.

(Ord. eff. 10-1-91)

§ 151.31 LIMITATIONS.

Nothing in this chapter is intended or shall be deemed to create any vested right other than those established pursuant to G.S. § 160A-385.1 or § 151.25 of this chapter.

(Ord. eff. 10-1-91)

§ 151.32 REPEALER.

In the event that G.S. § 160A-385.1 is repealed, those provisions relative to that statute only shall

be deemed repealed and the provisions hereof are no longer effective except to those governing previously approved projects, developments, or other land use proposals.
(Ord. eff. 10-1-91)

§ 151.33 EFFECTIVE DATE.

This chapter shall be effective October 1, 1991 and shall apply to site specific development plans approved on or after October 1, 1991 or those previously approved projects, developments, or other land use proposals as defined in § 151.26.
(Ord. eff. 10-1-91)

ZONING AND SUBDIVISION ORDINANCE CODE ENFORCEMENT OFFICER

§ 151.50 APPOINTMENT.

The Mayor shall recommend and the Town Board of Commissioners shall appoint the Town Supervisor or a member of the Town Board of Commissioners to serve as the Zoning and Subdivision Ordinance Code Enforcement Officer. The Zoning and Subdivision Ordinance Code Enforcement Officer, working with the Town Planner, shall see that all provisions of the Zoning and Subdivision Ordinance Code are adhered to.
(Ord. passed - -)

§ 151.51 CITATIONS.

(A) The Zoning and Subdivision Ordinance Code Enforcement Officer shall issue a written citation signed by both the Zoning and Subdivision Ordinance Code Enforcement Officer and the Town Planner for code violations. Such citations shall be on proper forms adopted by the Town Board of Commissioners.

(B) Said citation shall:

- (1) Cite the specific code violation;
- (2) State the specific actions required to correct the code violation;
- (3) State the time allowed to correct the code violation; and
- (4) State the penalty for noncompliance.

(Ord. passed - -)

§ 151.52 TRAINING; RESPONSE TO COMPLAINTS.

(A) The Zoning and Subdivision Ordinance Code Enforcement Officer shall receive proper training in identifying Zoning and Subdivision Ordinance Code violations and shall as part of normal routine duties note violations and issue citations.

(B) The Zoning and Subdivision Ordinance Code Enforcement Officer shall respond to citizen complaints of Zoning and Subdivision Ordinance Code violations. Such complaints may or may not be anonymous but will always be confidential. The Zoning and Subdivision Ordinance Code Enforcement Officer shall not reveal to any person the name of the person making the complaint. Town officials shall not question the Zoning and Subdivision Ordinance Code Enforcement Officer about the source of any complaint.

(Ord. passed - -)

§ 151.53 INVESTIGATION; ACTION.

The Zoning and Subdivision Ordinance Code Enforcement Officer shall investigate and determine the validity of any complaint in consultation with the Town Planner and shall take action based on their determination of the merit of the complaint.

(Ord. passed - -)

§ 151.54 REPORT UPON REQUEST.

If requested, the Zoning and Subdivision Ordinance Code Enforcement Officer shall report back to the person who raised the complaint after his investigation is complete. This response shall be in a timely manner and shall include the finding of the Zoning and Subdivision Ordinance Code Enforcement Officer and any action taken.

(Ord. passed - -)

§ 151.55 TOWN OFFICIALS AND EMPLOYEES.

Any Zoning and Subdivision Ordinance Code complaint received by any elected town official or town employee shall be forwarded to the Zoning and Subdivision Ordinance Code Enforcement Officer. No town official or town employee (except the Zoning and Subdivision Ordinance Code Enforcement Officer) shall investigate, comment on the merits of, or respond in any manner to a complaint. Any town official who investigates, comments on the merits of, or responds in any manner to a complaint must refrain from hearing or voting on any appeal that might arise from said complaint.

(Ord. passed - -)

§ 151.56 APPEALS.

All appeals must go directly to the Town Board, except in those cases where the state General Statutes dictate a specific appeal process. The appeal must be made with 14 calendar days of the issuance of the citation. Upon notification of an appeal, the Town Board shall have seven work days to meet to hear the appeal. The Board must rule within five work days after the appeal hearing and must inform the appellant in writing of its findings.

(Ord. passed - -)

CHAPTER 152: SUBDIVISIONS

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Cross-reference:

Zoning and Subdivision Ordinance Code Enforcement Officer, see §§ 151.50 through 151.56
Zoning Code, see Chapter 153

GENERAL PROVISIONS**§ 152.001 AUTHORITY.**

The provisions of this chapter are adopted under authority granted by the General Assembly of the State of North Carolina, particularly G.S. §§ 160A-371 through 160A-376 as amended.
(Ord. passed 6-3-86)

§ 152.002 PURPOSE.

The purpose of this chapter is to provide for the orderly development of the town and its environs through the control and regulations of the subdivision of land. The regulations contained herein are designed to coordinate proposed development with existing development and with official community plans for future development, to ensure the provision of adequate facilities for transportation, water, sewerage, and other public requirements in subdivisions; to ensure the proper surveying, legal description, and monumentation of subdivided land; and to create conditions essential to public health, safety, and welfare.
(Ord. passed 6-3-86)

§ 152.003 JURISDICTION.

The regulations contained herein shall hereafter govern all land subdivision within the corporate limits of the Town of Broadway, and the surrounding area extending in all directions to the extraterritorial jurisdiction boundary line described as follows:

Beginning at the point of intersection of the centerline of US Hwy. 421 South and the centerline of Old US Hwy. 421 (Broadway Road, SR 1579), and thence running in a westerly direction as the centerline of US Hwy. 421 South crossing Vernon Street and Swanns Station Road to a point 300 feet west of the centerline of Swanns Station Road; thence in a northerly direction as a line parallel to and 300 feet west of the centerline of Swanns Station Road (SR 1531) to a point 300 feet south of the centerline of Dixie Farm Road (SR 1532); thence in a northwesterly direction as a line parallel to and 300 feet south and west of Dixie Farm Road (SR 1532) to a point 300 feet south of the centerline of Broadway Road (SR 1579); thence in a westerly direction as a line parallel to and 300 feet south of the centerline of Broadway Road (SR 1579) to a point 300 feet west of the centerline of Woodland Trails (SR 1577) extended; thence in a northerly direction, crossing Broadway Road (SR 1579) as a line parallel to and 300 feet west of Woodland Trails (SR 1577) crossing Longstreet Road (SR 1536) to a point 300 feet north of said road; thence in an easterly direction as a line parallel to and 300 feet north of the centerline of Longstreet Road (SR 1536) to a point in the centerline of Berke Thomas Road (SR 1535); thence as a straight line in a northeasterly direction approximately 2,500 feet to a point in the centerline of Dalrymple Farm

Road (SR 1546), said point being approximately 2,400 feet north of the city limits line of the Town of Broadway; thence as a straight line in an easterly direction approximately 5,200 feet to a point in the centerline of Salem Church Road (SR 1547) at its intersection with the northeastern corner of the Town of Broadway Cemetery property; thence as a straight line in a southeasterly direction to a point in the centerline of Buckhorn Road (SR 1538), said point being located approximately 1,100 feet north of the point of intersection with Salem Church Road; thence continuing as a straight line in a southeasterly direction to the most northwestern point of an unnamed tributary of Daniel's Creek; thence as the various courses of said unnamed tributary in a southeasterly direction to its intersection with the centerline of Bradley Road (SR 1542) thence as a straight line in a southerly direction approximately 8,500 feet to the point of beginning.

(Ord. passed 6-3-86)

§ 152.004 CONFLICT WITH OTHER REGULATIONS.

Where the requirements of this chapter conflict with the requirements of other lawfully adopted rules, regulations, or ordinances, the more stringent or higher requirements shall govern.

(Ord. passed 6-3-86)

§ 152.005 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING SETBACK LINE. A line extending through the interior of a lot which is parallel to a property line and between which and such property line no building shall be erected.

CORNER LOT. A lot which abuts the rights-of-way of two or more streets at their intersection.

LOT. A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership or for development or both; also called a plot, a parcel, or a tract.

MINOR SUBDIVISION. Certain subdivisions which are subject to this chapter are classified as ***MINOR SUBDIVISIONS*** and simplified procedures for reviewing and approving them are established in § 152.075. ***MINOR SUBDIVISIONS*** are defined as follows:

(1) The division of a parcel of land into three lots or less where each lot will have public road frontage.

(2) The division of a parcel of land into three lots where each lot will front on a perpetual easement having a width of not less than 50 feet that connects to a public road. The 50 foot easement shall serve no more than three subdivided lots. Proof of the permanency of the easement shall be

provided to the Town Planner. The subdivider shall provide a statement on the map that no further divisions of the property shown may occur without complying with the regular subdivision provisions of this chapter.

(3) The division of a land-locked parcel of land into two lots provided that the parcel was a lot on record prior to October 16, 1978 and is served by a perpetual easement of at least 12 feet in width that extends to meet a public road. Proof of the existence of said easement prior to said date and proof of its permanency shall be provided to the Town Planner.

STREET. A dedicated and accepted public right-of-way for vehicular traffic.

(1) **MAJOR THOROUGHFARE.** A street or highway which is used for moving either heavy traffic volumes or high-speed traffic or both or which has been designated as a thoroughfare on the Broadway Thoroughfare Plan.

(2) **COLLECTOR STREET.** A street which is used for moving traffic from minor streets to major streets and highways.

(3) **MARGINAL ACCESS STREET.** A minor street, located beside a limited access street, highway or a railroad, which provides access to and protection from through traffic.

(4) **MINOR STREET.** A street which is used primarily for access to abutting properties.

(5) **CUL-DE-SAC.** A short street permanently terminated by a vehicular turn-around; a dead-end street.

(6) **ALLEY.** A vehicular way used for providing service access along rear or side property lines of lots which are also served by one of the previously listed street types.

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

SUBDIVISION. Includes all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets, provided, however, that the following shall not be included within the definition nor be subject to the regulations set forth in this chapter:

(1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality set forth in this chapter and other ordinances of the Town of Broadway;

(2) The division of land into parcels greater than ten 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; and,

(4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality, as set forth in this chapter and other ordinances of the town.

(Ord. passed 6-3-86)

§ 152.006 APPLICATION OF REGULATIONS; COMPLIANCE.

Upon the enactment of this chapter by the Broadway Board of Commissioners, a copy of this chapter and a map showing the extent of the Broadway Subdivision Jurisdiction shall be filed in the office of the Lee County Register of Deeds and the Harnett County Registers of Deeds after which:

(A) No subdivision plat for any land within the subdivision jurisdiction of the Town of Broadway shall be filed with or recorded by the Lee County Register of Deeds or the Harnett County Register of Deeds, until such plat has been submitted to and approved by the Broadway Planning Board and the Broadway Board of Commissioners according to the procedures set forth in this chapter;

(B) Nor shall any street or utility right-of-way or any other public land be accepted, or maintained by the Town of Broadway in any subdivision established hereafter which does not meet the requirements of this chapter;

(C) Nor shall municipal water lines, sewerage, street lighting, or be extended to or installed in any subdivision established hereafter which does not meet the requirements of this chapter.

(D) No municipally-required permits shall be issued for any construction or otherwise in any subdivision established after June 3, 1986, which does not meet the requirements of this chapter.

(Ord. passed 6-3-86) Penalty, see § 152.999

§ 152.007 SUITABILITY OF LAND.

The Planning Board shall not approve the subdivision of land if, from investigation conducted by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed. Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, or for any other use that may increase the flood hazard, endanger health, life, or property, or aggravate erosion. Such land uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions shall be permitted. In applying this provision, land below the flood elevations as established by the municipal engineering authority shall be considered subject to flood.

Fill may be used to raise land in areas subject to flood if the fill proposed does not restrict the flow of water and unduly increase flood heights as determined by the engineering authority of the city.
(Ord. passed 6-3-86)

§ 152.008 COMPLIANCE WITH REVIEW PROCEDURE.

The procedures of this chapter shall hereafter be followed in the submission, review of, and action upon all subdivision plats for lands within the Subdivision Jurisdiction of Broadway, North Carolina.
(Ord. passed 6-3-86)

§ 152.009 SUBMISSION OF SKETCH PLAN; CONTENTS; REVIEW.

(A) *Submission.* At least 14 days prior to the Planning Board meeting at which the subdivision plan is to be considered, the subdivider shall submit a tracing of the Sketch Plan of the proposed subdivision to the Broadway Planning Board for review. The Sketch Plan shall be drawn at a scale of 200 feet to 1 inch.

(B) *Contents.* The Sketch Plan shall show the following:

- (1) Topography of the site (if required).
- (2) Total acreage in the tract to be subdivided.
- (3) Tentative street and lot arrangement.
- (4) Approximate rights-of-way, easements, and lot lines.
- (5) Average lot area and approximate number lots.
- (6) Existing and proposed uses of land throughout the subdivision.
- (7) Zoning classification of the tract.

(C) *Planning Board Review.* At the time the Sketch Plan is reviewed by the Planning Board, the subdivider or his representative shall discuss plans which he may have for development of the proposed subdivision; the Planning Board shall advise the subdivider as to the regulations which pertain to the proposed development and the procedures the subdivider should follow in preparing and submitting subdivision plats. Upon recommendation by the Town Planner, Sketch Plan requirements may be waived.

(Ord. passed 6-3-86)

PRELIMINARY PLAT**§ 152.020 PRELIMINARY PLAT REQUIRED.**

(A) As the second step in the plat review procedure, (following sketch plan review) the subdivider shall submit six copies of the proposed subdivision plat and of any required supplemental material to the Secretary of the Planning Board at least 14 days prior to the Planning Board meeting at which time the plat is to be considered initially.

(B) The Preliminary Plat shall be prepared by a registered surveyor or engineer. The plat shall be drawn at a scale of either 100 feet to one inch or 50 feet to one inch.
(Ord. passed 6-3-86)

§ 152.021 INFORMATION TO BE INCLUDED IN PRELIMINARY PLAT.

The following information shall be shown on the Preliminary Plat or on sheets attached thereto:

(A) *General information.*

(1) Names and locations of adjoining subdivisions and streets and the location and ownership of adjoining unsubdivided property.

(2) Boundaries of the tract to be subdivided with all bearings and distances indicated.

(3) Existing zoning classification of the tract.

(4) Tracing of the vicinity map drawn to a scale of 400 feet to one inch.

(B) *Existing site data.*

(1) City limits lines, property lines, rights-of-way, easements, streets, railroads, utility transmission lines, storm sewers, ditches, and culverts, sanitary sewers, water mains, bridges, and buildings.

(2) Wooded areas, marshes, water courses, ponds, and any other similar conditions affecting the site.

(3) Contours showing the topography of the site at a vertical interval of two or five feet as required by the Planning Board.

(C) *Proposed site data.*

- (1) Street rights-of-way, pavement widths, grades, and street names (street profiles and cross-sections shall be provided when required by the Planning Board).
- (2) Plans for sanitary sewers, storm sewers, water, electricity, and gas lines, showing connections to existing systems or proposals for developing new water supply, storm drainage, and sewage disposal systems - (storm and sanitary sewer profiles, cross-sections and sizes shall be provided when required by the Planning Board).
- (3) Other easements and rights-of-way including location, dimensions, and purposes.
- (4) Contour changes to be made by grading.
- (5) Lot lines, lot dimensions, lot and block numbers, and minimum building setback lines along street rights-of-way.
- (6) Parks, school sites, and other public areas, if any.
- (7) Areas to be used for purposes other than residential and public, if any, with the purpose, location, and dimensions of each indicated.

(D) *Other information.*

- (1) The name of the subdivision, owner, and surveyor or engineer.
- (2) Date of the survey and plat preparation, north point, graphic scale.
- (3) Surveyor's certificate of accuracy.
- (4) Site data: total acreage in tract, acreage in public or other land usage, average lot size, total number of lots, linear feet in streets.
- (5) Other supplemental materials, any deed restrictions purposed for the subdivision and any other information considered by either the subdivider or the Planning Board to be pertinent to the review of the Preliminary Plat.
(Ord. passed 6-3-86)

§ 152.022 PLANNING BOARD REVIEW.

- (A) The Planning Board shall review and take final action on each preliminary plat within 60 days of the date such plat is submitted to the secretary of the Planning Board by the subdivider. Failure of

the Board to take such action shall be grounds for the subdivider to submit his Preliminary Plat to the Board of Commissioners for review.

(B) Before taking final action on the preliminary plat, the Planning Board shall refer copies of the plat and attachments to those public officials and agencies which are concerned with new development, including the Director of Public Works, the Building Inspector, and the Lee County Health Department, and the District Engineer of the North Carolina Highway Commission (required for all subdivision plats located within the extraterritorial planning jurisdiction), for their review and recommendations.

(C) Upon completion of the preliminary plat review, the Planning Board shall approve, approve conditionally, or disapprove the preliminary plat.

(1) Approval shall be noted on at least two copies of the preliminary plat by the Planning Board Secretary. One of these copies shall be retained by the Planning Board; another shall be given to the subdivider.

(2) In case of conditional approval, the conditions to be met shall be specified in writing. One copy of such conditions shall be filed with the copy of the plat retained by the Planning Board; another shall be given to the subdivider. The Planning Board may require the subdivider to resubmit the preliminary plat with all recommended changes made before approving the plat.

(3) When a preliminary plat is disapproved, the Planning Board shall specify the reasons for such action in writing. One copy of such reasons shall be retained by the Planning Board, another shall be given to the subdivider. If the preliminary plat is disapproved, the subdivider may make recommended changes and resubmit the preliminary plat.

(4) When approved by the Planning Board, the preliminary plat shall be referred to the Board of Commissioners for review.
(Ord. passed 6-3-86)

§ 152.023 BOARD OF COMMISSIONERS REVIEW.

(A) The preliminary plat shall be approved or disapproved by the Board of Commissioners within 45 days of the date of final action by the Planning Board.

(B) Such approval shall be indicated on the preliminary plat by the signature of the Mayor.

(C) Upon approval of the preliminary plat by the Board of Commissioners, the subdivider may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements in accordance with the preliminary plat as approved and the requirements of this chapter.
(Ord. passed 6-3-86)

FINAL PLAT

§ 152.035 IMPROVEMENTS TO BE CONSTRUCTED PRIOR TO SUBMISSION.

Before submitting the final plat for review, the subdivider shall have installed all required improvements or shall have filed a bond for the installation of all required improvements with the town in an amount and manner satisfactory to policies and requirements.

(Ord. passed 6-3-86; Am. Ord. 02-1, passed 5-20-02)

§ 152.036 TIME LIMIT FOR SUBMISSION.

The subdivider shall submit at least one section of the final plat for the proposed subdivision within one year of the date of preliminary plat approval or such approval shall be null and void.

(Ord. passed 6-3-86; Am. Ord. 02-1, passed 5-20-02)

§ 152.037 COMPLIANCE WITH PRELIMINARY PLAT.

(A) The final plat shall conform substantially to the preliminary plat as it was approved and shall comply with all of the conditions and requirements permitted by and set forth in G.S. § 160A-372. The final plat shall be prepared by a registered surveyor or engineer and shall be drawn at a scale of either 100 feet to one inch or 50 feet to one inch.

(B) The final plat shall constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time; such portion shall conform to all requirements of this chapter.

(Ord. passed 6-3-86)

§ 152.038 DATA TO BE INCLUDED; SIGNED CERTIFICATE.

(A) The subdivider shall submit five copies of the final plat (2 cloth, film or linen tracing, one for recording in the Register of Deeds Office, one for the Planning Office, and 3 additional copies) to the Secretary of the Planning Board.

(B) The following information shall be shown on the final plat or on attached sheets:

(1) *Survey data.*

(a) Exact boundaries of the tract to be subdivided.

(b) Names and locations of adjoining subdivisions and streets and the location and ownership of adjoining unsubdivided property.

(c) Accurate location and description of all monuments, markers, and control points.

(d) Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including linear dimensions, bearings, or deflection angles, radii, arcs, chords, and central angles. (All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.)

(2) *Site data.*

(a) All rights-of-way, easements, and areas to be dedicated to public use with the purpose of each stated.

(b) Areas to be used for purposes other than residential and public, if any, with the purpose, location, and dimensions of each indicated.

(c) Lot and block numbers, street names.

(d) Such cross sections and profiles of streets, as may be required by the Zoning Administrator.

(e) Such plans for water mains, sanitary sewers, and storm sewers, showing sizes, cross-sections, and profiles, as required by the Zoning Administrator.

(3) *Other information.*

(a) Name of subdivision, owner, surveyor, or engineer.

(b) Date of survey and plat preparation, north arrow, graphic scale.

(c) Deed restrictions proposed for the subdivision, if any.

(d) Any other information considered by either the subdivider or the Zoning Administrator to be pertinent to the review of the final plat.

(C) The following signed certificate shall also appear on each copy of the final plat which is submitted by the subdivider.

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(3) Certificate of Survey and Mapping

I, _____, certify that this map was (drawn by me) (drawn under my supervision) (an actual survey made by me) (an actual survey made under my supervision) deed description recorded in Book _____, Page _____, Book _____, Page _____, etc. (other); that the error of closure as calculated by latitudes and departures is 1: _____; that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, Page _____. Witness my hand and seal the _____ day of _____ A.D. 19__.

Surveyor or Engineer

(4) Certificate of Approval of the Design and Installation of Streets, Utilities and Other Required Improvements

I hereby certify that all streets, utilities and other required improvements have been installed in an acceptable manner and according to specifications and standards in the _____ Subdivision or that a guarantee of the installation of the required improvements in an amount or manner satisfactory to the town has been received.

Director of Public Works

Date

Clerk

(Ord. passed 6-3-86; Am. Ord. 02-1, passed 5-20-02)

§ 152.039 REVIEW PROCEDURE.

(A) After approval of the Preliminary Plat, the final plat shall be submitted to the Planning Administrator for review. The final plat shall be checked for conformity with the preliminary plat.

(B) If the final plat conforms to the preliminary plat, the Planning Administrator shall refer the plat to the Town Manager for final approval. Such approval shall be indicated on each copy of the plat by the following signed certificate:

Certificate of Final Approval

In accordance with the general provisions of the Town of Broadway subdivision regulations, having met the general requirements of the preliminary plat as approved by the Broadway Planning Board and Board of Commissioners, final approval is hereby granted to _____ Subdivision shown hereon.

Date

Broadway Town Manager

(C) When approved by the Town Manager, the final plat shall be returned to the subdivider. The subdivider shall file the approved final plat with the Register of Deeds of Lee County for recording within six months of the date of its approval by the Town Manager or such approval shall be null and void.

(D) If the final plat is disapproved, the Planning Administrator shall specify the reasons for disapproval in writing. One copy of such reasons shall be retained by the Town Manager, and one copy shall be given to the subdivider. The subdivider may make recommended changes to the final plat after which he may resubmit the final plat to the Planning Administrator.

(Ord. passed 6-3-86; Am. Ord. 6-01, passed 5-20-02)

REQUIRED IMPROVEMENTS AND DESIGN STANDARDS

§ 152.050 GUARANTEE OF INSTALLATION REQUIRED PRIOR TO APPROVAL.

(A) Final plats for subdivisions within the corporate limits of Broadway shall not be approved until the subdivider has installed the required improvements listed in § 152.051(A) or had guaranteed to the satisfaction of the town that such improvements will be installed, in accordance with G.S. § 160A-372.

(B) Although final plats for subdivisions outside of the town may be approved without the installation of improvements, no municipal services or utilities will be extended or furnished to any subdivision established hereafter either inside or outside the corporate limits until the subdivider has installed the required improvements listed in § 152.051(A) or has guaranteed to the satisfaction of the town that such improvements will be installed.

(C) The subdivider's guarantee in lieu of improvements installation may take the form of performance or surety bonds, of a certified check, or of cash deposited with the Town of Broadway. The amount of such guarantee shall be sufficient to cover the costs of complete improvements installation.
(Ord. passed 6-3-86)

§ 152.051 COMPLIANCE; IMPROVEMENTS REQUIRED AND RECOMMENDED.

All improvements shall be made in conformity with the requirements and standards set forth in this chapter and other specifications and policies of the town. All improvements plans and improvements shall be inspected and approved by the Director of Public Works, as conforming to town requirements. All improvements specifications of the Town of Broadway are on file in the office of the Public Works Director.

(A) Required improvements.

- (1) Survey reference markers.
- (2) Street grading, base preparation, and paving.
- (3) Storm drainage system.
- (4) Sanitary sewage disposal system.
- (5) Water supply system.
- (6) Street name markers.

(B) Recommended improvements. To improve the appearance and value of Broadway subdivisions, it is recommended that all subdividers provide street lighting and landscape the unpaved portions of public rights-of-way and easements with trees, shrubs, and grass.

(Ord. passed 6-3-86; Am. Ord. 98-2, passed 6-8-98)

§ 152.052 MAINTENANCE GUARANTEE OF IMPROVEMENTS.

(A) The Broadway Board of Commissioners shall require a bond guaranteeing street connections, sidewalks, drainage facilities, and water and sewer lines against defects for one year after the acceptance of such improvements by the Town of Broadway (such improvements must be accepted or rejected by the town within 60 days following the installation of improvements). This bond shall be in the amount determined by the Town Attorney and shall be in cash or be made by a surety company authorized to do business in North Carolina.

(B) The town engineering authority shall secure from all developers a letter or statement in which said developer shall agree to maintain the backfill and any improvements located thereon and therein of any ditch which has been dug in connection with the installation of such improvements, and such letter or statement shall be binding on the developer for a period of one year after the acceptance of such improvements by the Town of Broadway (such improvements must be accepted or rejected by the town within 60 days following the installation of the improvements).

(Ord. passed 6-3-86)

§ 152.053 COMPLIANCE WITH COMMUNITY DEVELOPMENT PLANS.

Improvement and design standards used in every subdivision shall be suitable for the contemplated development and shall be in keeping with the provisions of official community plans and policies. The following requirements of this subchapter shall be minimum requirements; where other official engineering and public works standards and specifications are more stringent, such higher standards shall be used.

(Ord. passed 6-3-86)

§ 152.054 SURVEY REFERENCE MARKERS.

Permanent survey reference markers shall be installed in all subdivisions in accordance with G.S. §§ 39-32.1 through 39-32.4 and the following requirements:

(A) At least one corner of each subdivision shall be designated by course and distance (tie) from a readily discernible reference marker. If a corner is within 2,000 feet of a U.S. Coast and Geodetic Station or N.C. Grid System Coordinated Monument or Town of Broadway Coordinated Station or Monument, then this corner shall be marked with a monument so designated and shall be accurately tied to this Station or Monument by computed X and Y coordinates which shall appear on the plat with a statement identifying this Station or Monument and to an accuracy of 1:7500. When such a Monument or Station is not available, the tie shall be made to some pertinent and readily recognizable landmark or identifiable point, physical object or structure.

(B) Monuments shall be placed at all control corners and at all other locations where needed; no point within any subdivision shall be more than 500 feet from a monument. Such monuments shall be made of concrete or stone, shall be at least 36 inches long, shall be at least four inches in diameter or square, shall be sunk vertically in the ground until the top is approximately four inches above the finished grade, and shall have a metal plate in the top to indicate the purpose of the monument and the survey point.

(C) Steel or iron markers shall be set at all lot and property corners and at all other survey points not marked by monuments. Such markers shall be set at points of curve, points of tangency, reference points, points of intersection, and the like. Survey markers shall be at least 20 inches long, shall be at least ½-inch in diameter, and shall be sunk vertically into the ground until the top is approximately four inches above the finished grade, except in sidewalks, streets, and other similar surfaces where the markers shall be flush with such surface.

(Ord. passed 6-3-86)

§ 152.055 STREETS.

(A) *Street plans.* Major thoroughfare and collector streets in subdivisions shall be planned in conformity with the Thoroughfare Plan of the Town of Broadway.

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(B) *Public streets.* All streets shall be public streets. All streets shall be opened to the exterior property lines of the subdivision unless they are permanently terminated with a vehicular turn-around or an intersection with another street.

(C) *Rights-of-Way, minimum.*

	<i>Inside Corp. Limit</i>	<i>Outside Corp. Limit</i>
1. Major thoroughfares	80 ft.	80 ft.
2. Collector streets	60 ft.	60 ft.
3. Minor streets	50 ft.	50 ft.
4. Culs-de-sac	50 ft.	50 ft.
5. Marginal access street	30 ft.	50 ft.
6. Alleys, (comm. & others)	20 ft.	20 ft.

(D) *Slopes.*

- (1) Minimum slope on any street - 0.5%
- (2) Maximum slopes:
 - Major thoroughfares - 5%
 - Collector streets - 8%
 - Other streets - 10%

(E) *Vertical curves.*

(1) Major thoroughfares and collector streets - the minimum length of any vertical curve connecting two different street grades shall be equivalent in feet to 15 times the algebraic difference in the rates of grade change on the two slopes involved.

(2) All other streets - the minimum length of any vertical curve connecting two different street grades shall be equivalent in feet to 7.5 times the algebraic difference in the rate of grade change on the two slopes involved.

(F) *Horizontal curves.* Where horizontal street alignment deflects at an angle greater than 10 degrees, a curve with the following minimum radii shall be inserted.

- (1) Major thoroughfares - 400 ft.
- (2) Collector streets - 200 ft.
- (3) Other streets - 100 ft.

(G) *Reverse curves.* Between any two reverse curves, tangents of the following minimum length shall be inserted:

- (1) Major thoroughfares and collectors - 150 ft.
- (2) Other streets - 100 ft.

(H) *Intersections.*

(1) When practical, streets shall intersect at an angle of approximately 90°. In no case shall the angles of intersection be less than 60°.

(2) Street jogs or centerline offsets between streets on opposite sides of an intersection shall be no less than 125 feet.

(3) Street curb lines at intersections shall be curved with a minimum radius of 15 feet.

(4) The maximum grade on any street within 100 feet of an intersection shall not exceed 5%.

(5) Intersections on major thoroughfares shall not normally be located closer than 800 feet to each other.

(I) *Culs-de-sac.*

(1) Maximum length - 600 ft.

(2) Turn-around area at interior and required with a minimum right-of-way diameter of 100 feet and minimum paved surface diameter of 80 feet, or a circular paved driveway 20 feet wide.

(J) *Grading.*

(1) All street rights-of-way shall be graded to their full required width so as to provide adequate shoulders and space for future sidewalks except on major thoroughfares where the subdivider shall only be required to bear the costs of grading to a width of 60 feet.

(2) All ditches shall be graded to include a minimum 2:1 side slope; and where feasible a minimum 3:1 side slope is recommended.

(3) All grading shall conform to the specifications of the town (finished grades, cross sections and profiles shall be approved by the Director of Public Works).

(K) *Base preparation.*

(1) The base for all street pavements shall be prepared by the subdivider for the full required paving width except on major thoroughfares where the subdivider shall only be required to bear the costs of base preparation to a width of 33 feet.

(2) All base preparation shall conform to the specifications of the Town of Broadway.

(L) *Paving.*

(1) All streets shall be paved to the full required paving width by the subdivider except major thoroughfares and collector streets where the subdivider shall only be required to bear the costs of paving to a width of 33 feet.

(2) All street paving shall conform to the specifications of the town and shall be installed by a contractor licensed to do paving work in the State of North Carolina and Broadway. All paving materials used shall be obtained from a plant approved by the North Carolina State Highway Commission.

(3) Paving Widths, Minimum.

(a) Streets with standard curb and gutter (width measured from curb back to curb back).

Major thoroughfares - 53 ft.

Collector streets - 45 ft.

Minor streets - 33 ft.

Marginal access streets - 20 ft.

(b) Streets with open ditches.

Collector streets - 24 ft. plus a 9 ft. gravel shoulder on each side.

Minor streets - 20 ft. plus a 4 ft. gravel shoulder on each side.

(Ord. passed 6-3-86)

§ 152.056 BLOCKS.

(A) *Block length.* The length of any block shall be no less than 400 feet and no more than 1,200 feet.

(B) *Block width.* The width of any block shall be of sufficient dimensions to accommodate two tiers of lots except where one tier of lots abuts an area of nonresidential development, a major street or highway, a railroad, or some other unusual area.

(Ord. passed 6-3-86)

§ 152.057 EASEMENTS.

(A) *Utility.* Utility easements for both underground and above-ground facilities shall be provided where needed. Such easements shall have a minimum width of 15 feet and shall normally be laid out along property lines, provided that where lots abut along a common property line at the rear, the easement may be centered along said common property line.

(B) *Walkway.* Pedestrian easements or walkways shall be provided through the interior of blocks where such easements are needed. Pedestrian easements shall be at least ten feet wide and shall be laid out along front, side, or rear property lines.

(C) *Drainage.* Drainage easements of a width required for handling storm drainage shall be provided where needed along streams and drainage ways.

(D) *Maintenance.* The Town of Broadway will maintain only those easements, rights-of-way, and public sites which it accepts for maintenance.
(Ord. passed 6-3-86)

§ 152.058 LOTS.

(A) Lots shall conform to the dimensional requirements of the Zoning Code, Chapter 153.

(B) Building setback and yard requirements on lots shall be those set forth in the Zoning Code, Chapter 153.

(C) Residential lots which are not served by public sewer and public water facilities shall be no less than 100 feet wide at the building setback line nor less than 20,000 square feet in area.

(D) Residential lots which are not served by public sewer facilities shall be no less than 75 feet wide at the building setback line nor less than 12,000 square feet in area.

(E) Every lot shall abut on a public street which has a minimum right-of-way width of at least 50 feet, except for lots abutting on marginal access streets or easements defined in § 152.005.

(F) Side lot lines shall normally be perpendicular or radial to street right-of-way lines.
(Ord. passed 6-3-86)

§ 152.059 GRADING.

(A) All subdivision grading shall be done in such a manner as to preserve natural topographic and vegetative features.

(B) Wholesale removal of topsoil from subdivision areas other than those to be paved shall not be permitted. Where extensive grading is required, the topsoil shall be removed and piled near the site until rough grading is completed after which the topsoil shall be spread over the portions of the site which are not to be paved.

(C) When grading is completed, the topography will generally agree with the contour changes shown and approved on the preliminary plat.

(D) Grading methods used shall conform to the specifications of the town.
(Ord. passed 6-3-86)

§ 152.060 STORM DRAINAGE SYSTEM.

(A) A storm drainage system designed to protect proposed development from flooding shall be provided in every subdivision by the subdivider.

(B) Drainage systems for individual subdivisions shall be designed and constructed so as to complement drainage systems on surrounding properties.

(C) Drainage system design and construction for both surface or subsurface shall conform to the specifications of the Town of Broadway.
(Ord. passed 6-3-86)

§ 152.061 STREET DRAINAGE.

When open ditches are used and ditch grades exceed 4%, the ditch shall be paved and/or sodded as approved by the Planning Board in accordance with town standards.
(Ord. passed 6-3-86)

§ 152.062 SIDEWALKS.

(A) Sidewalks of a type suitable for handling pedestrian traffic shall be provided when deemed necessary by both the Board of Commissioners and the Planning Board. The location and types of sidewalk shall be decided by the Planning Board after determining expected development densities, expected pedestrian traffic volumes, and suitable pedestrian routes.

(B) Sidewalk design and construction shall comply with the specifications of the town.
(Ord. passed 6-3-86)

§ 152.063 WATER SUPPLY; SANITARY SEWAGE DISPOSAL.*(A) Water supply.*

(1) All new subdivisions within a reasonable distance but in all cases when within the corporate limits or within 300 feet of the municipal water system shall be properly connected with the municipal water system in such a manner as to serve adequately for both domestic use and for fire protection on all lots shown on the subdivision plat. All of the costs for installing water lines and fire hydrants shall be borne by the subdivider. Fire hydrants shall be installed in accordance with requirements of the fire underwriters. The size of water mains, the location and types of valves and hydrants, the amount of soil cover over the pipes, and other features of the installation shall be approved by the Town Engineer and shall conform to accepted standards of good practice for municipal water systems.

(2) All subdivision water supply systems shall be approved by the Sanitary Engineering Division of the State Board of Health, the Lee County Health Department, and the Town of Broadway.

(B) Sanitary sewage disposal.

(1) *Required.* When the subdivision is located within the gravity service area of a municipal sewerage system, and in all cases when within the corporate limits and within 300 feet of the municipal sewerage system by gravity flow, sanitary sewers shall be installed in such a manner as to serve adequately all lots with connection to the municipal system. The cost of installing sewer lines shall be borne by the subdivider. Sewer connections shall comply with the regulations of the State Board of Health and shall be constructed under the supervision and approval of the Town of Broadway. Where lots cannot be connected with the municipal system or an approval community sewer system, they must contain adequate area for the installation of approved septic tanks and disposal fields and must be approved in writing by the County Health Officer.

(2) *Public disposal system.* Public sewage disposal systems to be incorporated into the town sewer systems, at either the time of construction or later, shall be approved by the town, the Lee County Health Department, and the Division of Stream Sanitation and Hydrology of the North Carolina Department of Water Resources.

(3) *Semi-public disposal systems.* Semi-public sewage disposal systems to be constructed and operated independently of the town sewer system shall be approved by the Lee County Health Department, the Division of Stream Sanitation and Hydrology of the North Carolina Department of Water Resources, and the Town of Broadway.

(4) Individual disposal systems.

(a) Individual sewage disposal systems must be installed and maintained in accordance with the State Board of Health "Rules and Regulations Governing the Disposal of Sewage from any

Residence, Place of Business or Place of Public Assembly in North Carolina” and the regulations of the Lee County Board of Health. (State Board of Health Bulletin No. 519 “Residential Sewage Disposal Plants” contains helpful information.)

(b) If individual sewage disposal systems are planned, a Lee County Health Department representative shall investigate the site to determine whether or not such individual facilities are feasible. The site investigation shall include a sufficient number (at least one per acre) of percolation tests, to determine the absorption capacity of the soil and the locations of the ground water table, and of rock formations or other impervious strata.

(c) When individual sewage disposal systems are planned, the minimum lot size (20,000 square feet for lots not served by public water and public sewer facilities or 12,000 square feet for lots not served by public sewer facilities) specified previously shall be increased as required by the results of percolation tests and subsoil investigations.
(Ord. passed 6-3-86)

§ 152.064 STREET NAME MARKERS AND LIGHTING; GRASS AND TREES.

(A) *Street name markers.* Street name markers shall be provided at all subdivision street intersections. The placement and construction of such signs shall conform to specifications of the Town of Broadway. The costs of these signs shall be borne by the developer.

(B) *Street lighting.* Appropriate street lights are recommended in all subdivisions. The placement of such lights shall conform to the specifications of the Town of Broadway.

(C) *Street trees.*

(1) It is recommended that trees be planted along both sides of all subdivisions streets where suitable trees do not exist.

(2) It is recommended such trees should be planted outside the street curb line approximately 50 feet apart; however, no street tree shall be located within 20 feet of the right-of-way lines at street intersections.

(D) *Grass.* It is recommended that grass be planted along all unpaved portions of public rights-of-way.

(Ord. passed 6-3-86; Am. Ord. 98-2, passed 6-8-98)

§ 152.065 PUBLIC AREAS.

(A) It is recommended that the subdivider dedicate suitable sites for public use areas such as parks, playgrounds, and school sites.

(B) Inside and outside the corporate limits but within the jurisdiction of subdivision control where public facilities shown on the development plan are located whole or in part in a proposed subdivision, the Town Board of Commissioners shall require the reservation or dedication of the area necessary to accommodate such facilities as a condition to connect with municipal utilities. The local public board, commission, or body having jurisdiction or financial responsibility for acquisition of said reserved facility or facilities shall, within four months following recording of the final plat, execute a written option to acquire by purchase or file suit for condemnation of said area reserved for such facility or facilities, provided, however, that said option must be exercised and fully consummated within 12 months following date of the recording of the final plat.

(C) Where there are 25 or more lots in a proposed subdivision, the subdivider may reduce each lot by not more than 10% of the required area, provided each lot contains a minimum of 6,000 square feet after the 10% reduction and that the subdivider dedicates an equivalent amount of land within the subdivision to the public for park, recreational, or other public purposes and such land is accepted by the Broadway Board of Commissioners.

(Ord. passed 6-3-86)

§ 152.066 ELECTRICAL AND TELEPHONE SERVICE.

The Planning Board may require all overhead wiring be placed in rear servitudes.

(Ord. passed 6-3-86)

ALTERNATIVE SUBDIVISIONS; APPROVAL PROCEDURE**§ 152.075 MINOR SUBDIVISIONS.**

(A) Minor subdivisions, as defined in § 152.005, shall be reviewed and approved by a simplified, two-step process:

(1) Any person who proposes a minor subdivision must first consult with the Town Planner to insure that he understands the requirements for the approval of a record plat.

(2) After consulting with the Town Planner, the subdivider may file a record plat and any required fee with the Town Planner within one year.

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(3) To the extent applicable, the record plat shall be in the form and include the information required by the abbreviated procedure and shall be accompanied by any necessary approval from other agencies. The Town Planner may approve the record plat or disapprove it if the subdivision is not a minor subdivision or the record plat does not include the required information. The Town Planner may also refer the record plat to the Planning Board if he is unsure whether it meets the requirements of this chapter.

(4) The following certificate shall be placed on the plat in lieu of the Planning Board Certificate and the Board of Commissioners Certificate:

Certificate of Approval for Recording

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

Town Planner Date

(B) *Recording of the Final Plat.* The subdivider shall file the approved final plat with the Register of Deeds of Lee County for recording within 90 days after the date of approval; otherwise, such approval shall be null and void.

(Ord. passed 6-3-86)

§ 152.076 GROUP HOUSING DEVELOPMENT.

A comprehensive group housing development including the large scale construction of housing units together with necessary drives and ways of access, in sites over 5 acres, may be approved by the Planning Board although the design of the project does not include standard streets, lots, and subdivision arrangements, if departure from the foregoing standards can be made without destroying their intent.

(Ord. passed 6-3-86)

§ 152.077 VARIANCES.

The Board of Commissioners may approve subdivision plats which vary from the requirements of these regulations upon the recommendation of the Town Planning Board. Before recommending such a variance the Planning Board shall have found that strict adherence to the provisions of this chapter would cause unnecessary hardship to the subdivider because site conditions exist which are peculiar to a given site and which are not the result of actions by the subdivider; and, that granting such

variances would not destroy or nullify the intent and purpose of this chapter. The reasons for recommending such variance shall be described explicitly in the minutes of the Planning Board. (Ord. passed 6-3-86)

§ 152.999 PENALTY.

(A) Any person who shall violate any of the provisions of this chapter for which no other penalty is specifically provided shall be subject to the penalty set forth in § 10.99 of this code of ordinances.

(B) Any person who, being the owner or agent of the owner of any land located within the Subdivision Jurisdiction of Broadway transfers or sells such land by reference to a plat showing a subdivision of such land before such plat has been approved by the Broadway Board of Commissioners and recorded in the office of the Lee County Register of Deeds or the Harnett County Register of Deeds, shall be guilty of a misdemeanor, punishable by a fine not to exceed \$50; each day after the first during which such violation shall continue shall constitute a separate offense. The description by metes and bounds in the instrument of transfer or other documents used in the process of transferring or selling shall not exempt the transaction from the aforementioned penalties. The Town Attorney or other official designated by the Board of Commissioners may enjoin such transfer or sale by action of injunction. (Ord. passed 6-3-86)

[Text continues on p. 51]

SUBDIVISIONS - APPENDICES

Appendix

- A. (RESERVED)**
- B. (RESERVED)**
- C. STREET TYPES**
- D. GRADES, CURVE, AND INTERSECTIONS**
- E. PLAT DESIGN EXAMPLES**

APPENDIX A: (RESERVED)

APPENDIX B: (RESERVED)

APPENDIX C: STREET TYPES

[artwork]

[Appendix D begins on p. 63]

APPENDIX D: GRADES, CURVES, AND INTERSECTIONS

[Artwork]

[Artwork]

[artwork]

APPENDIX E: PLAT DESIGN EXAMPLES

[Artwork]

[Artwork]

