**CHAPTER 34: SUBDIVISIONS**

**CHAPTER** **34:** **SUBDIVISIONS**

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*Zoning, see Ch. 44*

***Statutory reference:***

*Authority to regulate subdivisions, see G.S.  160A‑371 et seq.*

***ARTICLE I. IN GENERAL***

**34‑1 TITLE.**

This chapter shall be known and may be cited as the Subdivision Policy for the Town of Maxton, North Carolina.

(2001 Code,  34‑1) (Ord. passed 5‑8‑1979)

**34‑2 AUTHORITY AND PURPOSE.**

In pursuance of the authority granted by G.S.  160A‑360 et seq., the town adopts this chapter for the purpose of:

(A) Providing for the orderly growth and development of the town;

(B) Coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities;

(C) Dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and rights‑of‑way or easements for street and utility purposes; and

(D) Distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety and the general welfare.

(2001 Code,  34‑2) (Ord. passed 5‑8‑1979)

**34‑3 JURISDICTION.**

The regulations contained in this chapter shall govern each and every subdivision within the jurisdiction of the town as described in the zoning ordinance for the town, Ch. 44.

(2001 Code,  34‑3) (Ord. passed 5‑8‑1979)

**34‑4 DEFINITIONS.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All other definitions shall be those as found in the towns zoning ordinance, Ch. 44.

***SUBDIVIDER.*** Any person who subdivides or develops land deemed to be a subdivision.

***SUBDIVISION.*** All divisions of a 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 includes all division of land involving the dedication of a new street or a change in existing streets; however, the following is not included within this definition and is not subject to any regulations enacted pursuant to 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 town as shown in its subdivision regulations;

(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 not 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 town as shown in this chapter.

(2001 Code,  34‑4) (Ord. passed 5‑8‑1979; Ord. 1994‑4, passed 7‑12‑1994)

***Cross-reference:***

*Definitions generally, see  1‑2*

**34‑5 COMPLIANCE WITH OFFICIAL PLANS; PENALTY.**

A proposed subdivision must comply in all respects with the requirements of the zoning ordinance, Ch. 44, and any other officially adopted ordinance, policy or plan in effect in the area to be subdivided. Any violation of this chapter subjects the offender to any and all remedies available under G.S.  160A‑375.

(2001 Code,  34‑5) (Ord. passed 5‑8‑1979)

**34‑6 VARIANCES.**

The procedure for authorizing a variance to the terms of this chapter shall be the same as that described in the zoning ordinance for the town, Ch. 44.

(2001 Code,  34‑6) (Ord. passed 5‑8‑1979)

**34‑7 AMENDMENTS.**

The procedure for authorizing an amendment to this chapter shall be the same as that described by the zoning ordinance for the town, Ch. 44.

(2001 Code,  34‑7) (Ord. passed 5‑8‑1979)

**34‑834‑40 RESERVED.**

***ARTICLE II. PLAT PLANS AND APPROVAL***

***Statutory reference:***

*Subdivision regulation, see G.S.  160A‑371 et seq.*

**34‑41 PLAT APPROVAL.**

Each individual subdivision plat of land within the jurisdiction of the town shall be approved by the Board of Commissioners and shall not be filed or recorded with the Robeson and/or Scotland County Registers of Deeds until the approval has been granted. The landowner shown on a subdivision plat submitted for recording or his or her authorized agent shall sign the statement on the plat stating whether or not any land shown on the plat is within the territorial jurisdiction of the town. The filing or recording of a plat of a subdivision without the approval of the Board of Commissioners, as required by this chapter, shall be null and void.

(2001 Code,  34‑41) (Ord. passed 5‑8‑1979)

**34‑42 APPROVAL OF PUBLIC SERVICES AND PERMITS.**

No street shall be maintained by the town nor street dedication accepted for ownership and maintenance; no construction permit shall be issued; nor shall water, sewer or other town facilities or services be extended to or connected with any subdivision for which a plat is required to be approved unless the final plat has been approved by the town.

(2001 Code,  34‑42) (Ord. passed 5‑8‑1979)

**34‑43 EFFECT OF PLAT APPROVAL ON DEDICATION.**

Pursuant to G.S.  160A‑374, the approval of a plat shall not be deemed to constitute or affect the acceptance by the town or public of the dedication of any street or other ground, public utility line or other public facility shown on the plat; however, the Town Board may, by resolution, accept any dedication made to the public of land or facilities for public purposes, when the lands or facilities are located within its subdivision regulation jurisdiction. Acceptance of dedication of lands or facilities located within the subdivision regulation jurisdiction but outside the corporate limits of the town shall not place on the town any duty to open, operate, repair or maintain any street, utility line or other land or facility; and the town shall in no event be held to answer in any civil action or proceeding for failure to open, repair or maintain any street located outside its corporate limits.

(2001 Code,  34‑43) (Ord. passed 5‑8‑1979)

**34‑44 GENERAL PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS.**

(A) *Generally.* The procedures in this section shall be followed in the submission of, the review of and the action taken upon all proposed subdivision of land within the towns planning area.

(B) *Sketch design plan.* Prior to the filing of an application for approval of the preliminary plat, a sketch plan may be submitted to the staff of the Planning Board for review and recommendation. When submitted, this sketch plan shall be on a topographical survey and shall show in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions. The sketch plan may be a freehand pencil sketch made directly on a print of the topographical survey. It shall include the following information:

(1) The boundary lines of the property being subdivided;

(2) Watercourses on the land to be subdivided;

(3) The location, names and right‑of‑way widths of any existing streets on or within 300 feet of the land to be subdivided; and

(4) The location of all property lines which intersect the boundaries of the property being subdivided.

(C) *Preliminary plat.* The subdivider, or the subdividers representative, shall submit four copies of the preliminary plat and any supplementary materials to the Planning Board at least ten days prior to a regular meeting of that Board, for every subdivision of land which is located within the territorial jurisdiction of the town.

(1) *Contents.* The required contents for the preliminary plat shall be those listed on the checklist on file at the Town Clerks office.

(2) *Review and approval.*

(a) The Planning Board shall review the presented plat and formulate a recommendation at the first regularly scheduled meeting following submission of the plat. The recommendation, which shall be either to approve, approve conditionally or disapprove, shall be presented to the Town Board at the next regularly scheduled Town Board meeting. The votes of four Town Board members shall be required to overturn a recommendation of the Planning Board.

(b) If a preliminary plat is approved conditionally, the subdivider may be required to submit a revised preliminary plat to the Planning Board.

(D) *Final plat.*

(1) Upon approval of the preliminary plat by the Planning Board and the Town Board, the subdivider may proceed with the preparation of the final plat, and the installation or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this chapter. Prior to approval of a final plat, the subdivider shall have installed improvements specified in this chapter or guarantee their installation as provided.

(2) In lieu of prior construction of the improvements required by this chapter, the town may, for the purpose of approving a final plat, accept a guarantee from the subdivider that the improvements will be carried out according to the towns specifications at his or her expense. The guarantee may be in the form of a surety bond made by a surety company licensed to do business in the state or certified check drawn in favor of the town, or cash deposited with the town. The guarantee shall be in an amount of not less than 100%, nor more than 125% of the estimated cost of the construction of the required improvements. Performance guarantees shall run for a period of one year and may be reviewed once for a period of one year upon written approval from the Town Manager.

(3) The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at the time and the portions shall conform to all requirements of this chapter. No final plat shall be approved unless the subdivider shall have installed in that area, represented on the final plat, all improvements required by this chapter or shall have guaranteed their installation as provided in this section.

(4) The final plat shall be prepared by a surveyor or professional engineer licensed and registered to practice in the state. A final plat shall substantially conform to the preliminary plat as it was approved. The final plat shall conform to the provisions of plats, subdivisions and mapping requirements as set forth in G.S.  47‑30.

(a) *Contents.* The required contents for the final plat shall be those as listed on the checklist on file at the Town Clerks office.

(b) *Submission of final plat.* The subdivider shall submit the final plat so marked to the Chairperson of the Planning Board or his or her designee not less than ten days prior to the Planning Board meeting at which it will be considered for approval; further, the plat shall be submitted not more than 12 months after the date on which the preliminary plat was approved; otherwise, the approval shall be null and void unless a written extension of this time limit is granted by the Planning Board upon or before the one‑year anniversary of the approval.

(c) *Review and approval.*

1. The Planning Board shall review the presented plat and formulate a recommendation at the first regularly scheduled meeting following submission of the plat. That recommendation, which shall be either to approve, approve conditionally or disapprove, shall be presented to the Town Board at the next regularly scheduled Town Board meeting. The votes of four Town Board members shall be required to overturn a recommendation of the Planning Board.

2. If approved conditionally, the subdivider may be required to submit a revised final plat to the Planning Board.

(d) *Recording a final plat.* The subdivider shall file the approved final plat with the Register of Deeds of Robeson or Scotland County for recording within 60 days after the date of approval by the Town Board; otherwise, the approval shall be null and void.

(2001 Code,  34‑44) (Ord. passed 5‑8‑1979)

**34‑45 ABBREVIATED PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS.**

(A) A person owning land adjacent to a state‑maintained road or highway or a town‑maintained road may apply for subdivision approval by an abbreviated process, as stated in this subsection; provided:

(1) Each proposed lot adjoins a state‑maintained road or highway or a town‑maintained road and each lot has at least sufficient front footage on the road or highway to meet the requirements of the town zoning ordinance, Ch. 44; and in no event shall any lot have less than 75 feet of road frontage;

(2) Each lot meets or exceeds the size requirements stated in the zoning ordinance as to lots in subdivisions;

(3) Each lot meets all requirements of the Robeson/Scotland County Health Department and any relevant health requirements in the zoning ordinance and this chapter;

(4) The owner reserves at least one entrance or access area, at least 60 feet in width, extending to interior property from the state‑maintained road or highway or town‑maintained road for every 1,500 feet of frontage on the road or highway; and

(5) No further street dedication or improvement would be required to comply with other town subdivision regulations or regulations of the State Department of Transportation.

(B) The applicant shall submit to the Zoning Officer any information, documents, exhibit or material set forth in this section which the Zoning Officer requests, in order that the Zoning Officer may fully consider all aspects of the proposed subdivision. Until the time as all requested information is received, the Zoning Officers consideration of application shall not commence.

(C) Those general rules and requirements concerning subdivision layout, improvements and standards stated in this chapter shall apply to this type of subdivision request unless specifically modified in this subsection.

(D) The Zoning Officer shall approve or disapprove a proposed abbreviated subdivision application within ten calendar days of its initial consideration; provided that, consideration of the proposal shall begin at the time as all requested information has been furnished to the Zoning Officer. If the Zoning Officer disapproves the application, he or she shall state in writing his or her reasons for the action. One copy of this statement shall be transmitted to the subdivider within ten days of disapproval and the other copy shall be retained by the Zoning Officer as a part of the file on the application.

(E) If the Zoning Officer approves the subdivision, the approval shall be indicated on each copy of the plat by signed certificate of the Zoning Officer, which certificate shall be in the nature of and in conformity with that certificate contained in this chapter.

(F) Those fees applicable to regular subdivision applications in the town shall also apply to subdivision plans submitted pursuant to this section.

(2001 Code,  34‑45) (Ord. passed 11‑26‑1986)

**34‑4634‑80 RESERVED.**

***ARTICLE III. STANDARDS***

***Statutory reference:***

*Subdivision regulation, see G.S.  160A‑371 et seq.*

**34‑81 FINAL PLAT APPROVAL.**

Required improvements before final plat approval. The following improvements must be installed by the subdivider or a performance or surety bond posted to ensure the installation of the improvements by the subdivider before the final plat is approved in order to assure the physical reality of a subdivision which approval recordation will establish legally.

(2001 Code,  34‑81) (Ord. passed 5‑8‑1979; Ord. passed 11‑26‑1986)

**34‑82 STREETS.**

(A) *Design standards.* The design of all streets and roads within the town shall be in accordance with the accepted policies of the State Department of Transportation, Division of Highways, as taken or modified from the American Association of State Highway Officials (AASHO) manuals. The proposed street layout shall be coordinated with the existing street system of the surrounding area. All street rights‑of‑way shall be graded to their full width. The subdivider shall bear the costs of all grading except on major streets, where the subdivider shall bear the costs of grading to a width of 60 feet. Grading and filling shall be undertaken to ensure that:

(1) The street is centered in the right‑of‑way;

(2) Adequate shoulders and space for future sidewalks are provided;

(3) Allowance is made for side ditches or curbs and gutters and storm sewers for street drainage;

(4) Cut slopes do not exceed a ratio of one and one-half to one (1‑1/2:1); and

(5) Fill slopes do not exceed a ratio of two to one (2:1).

(B) *Paving.*

(1) In all cases inside the corporate limits of the town and outside the corporate limits when and where water and sewer lines are connected to the town system, the subdivider shall be responsible for the cost and installation of the street foundation and paving of all streets on the approved final plat in accordance with the specifications of the town. If other specifications have not been adopted by the Board of Commissioners, the Planning Board may accept specifications equal to those found in F.H.A. Instruction 424.5, exhibit B.

(2) In all cases outside the corporate limits, streets shall be improved to meet standards established by the State Highway Commission for acceptance for maintenance by the Commission.

(2001 Code,  34‑82) (Ord. passed 5‑8‑1979)

***Cross-reference:***

*Streets, sidewalks and other public places, see Ch. 32*

**34‑83 SIDEWALKS.**

Sidewalks are considered necessary on major streets. Sidewalks shall be constructed on the street right‑of‑way and installed as required by the Planning Board.

(2001 Code,  34‑83) (Ord. passed 5‑8‑1979)

***Cross-reference:***

*Streets, sidewalks and other public places, see Ch. 32*

**34‑84 DRIVEWAYS.**

All driveways for houses to be built by the developer shall be cut and graded to provide a minimum ten‑foot driveway. The curve radii of the driveway at the street shall be a minimum of two and one-half feet.

(2001 Code,  34‑84) (Ord. passed 5‑8‑1979)

**34‑85 INSTALLATION OF UTILITIES AND STORM DRAINAGE.**

(A) *Generally.* After grading of street rights‑of‑way is completed and approved and before any base is applied, underground work to be installed such as water mains, sewer mains, gas mains and the like shall be installed by the developer and approved by the Town Manager.

(B) *Water supply system.* When any part of the subdivision lies within the corporate limits or within 300 feet of the municipal water system, it shall be constructed in a manner as to serve adequately for both domestic use and for fire protection on all lots shown on the subdivision plat. Within the corporate limits, the subdivider shall provide all pipe and necessary materials. The town shall furnish labor and the equipment necessary to install water lines as municipal funds are available for this purpose. Outside the corporate limits when connected to municipal water, all of the costs of pipes and other necessary materials and installation of water lines shall be borne by the developer. 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 Planning Board and shall conform to accepted standards of good practice for municipal water systems.

(C) *Sanitary sewers.* When any part of the subdivision lies within the town limits or 300 feet of the municipal sewerage system, sanitary sewers shall be installed in a manner as to serve adequately all lots with connection to the public system. Inside the corporate limits, sanitary sewers shall be installed by the town as municipal funds are available for this purpose. Outside the corporate limits when connecting to municipal sewers the cost of pipe, materials and installation of sewer lines shall be borne by the developer. Sewer connections shall comply with the regulations of the State Board of Health and shall be constructed under the supervision and approval of the County Health Officer and the Town Maintenance Supervisor. Where lots cannot be economically connected with a sewer system, they must be at least 20,000 square feet in area and contain area for the installation of approved septic tank and disposal fields and must be approved in writing by the County Health Officer.

(D) *Storm drainage.*

(1) An adequate drainage system, including necessary open ditches, pipes, culverts, drop inlets, bridges and the like shall be provided for the proper drainage of all surface water.

(2) In a subdivision abutting commercial acres or having a density of more than six units per acre, a rolled curb and gutter, storm water drainage system, conforming to the State Department of Transportation standards shall be installed.

(3) In other subdivisions, surface storm water drainage systems with:

(a) Side slopes of three feet of horizontal distance for each one foot of vertical distance; and

(b) A minimum grade of one foot of vertical fall for each 300 feet of horizontal distance may be deemed adequate by the Planning Board. The Planning Board may require the installation of drainage tile.

(4) In all cases, the subdivider shall show that the storm water drainage system shall be adequate for the proper drainage of all surface water.

(5) Culverts shall be provided to accommodate all natural water flow, and shall be of sufficient length to permit full width roadway and the required slopes. The size openings to be provided shall be determined by the Planning Board, but in no case shall be less than 12 inches. Cross drains shall be built on straight line and grade and shall be laid on a firm base, but not on rock. Pipes shall be laid with the spigot end pointing in the direction of the flow and with the ends filled and matched to provide tight joints and smooth uniform invert. They shall be placed at a sufficient depth below the roadbed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one foot below the roadbed and constructed of reinforced material.

(2001 Code,  34‑85) (Ord. passed 5‑8‑1979)

***Cross-reference:***

*Utilities, see Ch. 38*

**34‑86 ELECTRICAL AND TELEPHONE SERVICE.**

It is highly recommended that all electrical and telephone service be underground.

(2001 Code,  34‑86) (Ord. passed 5‑8‑1979)

***Cross-reference:***

*Utilities, see Ch. 38*

**34‑87 STREET SIGNS.**

Appropriate street name signs which meet standard municipal specifications shall be placed at all street intersections.

(2001 Code,  34‑87) (Ord. passed 5‑8‑1979)

**34‑88 STREET TREES.**

It is recommended that street trees be planted in all subdivisions. The planting of street trees is considered a responsibility of the subdivider. The Planning Board will assist the subdivider in the location of trees and species to use under varying conditions. They shall be planted inside the property lines where they are less subject to injury, decrease the chance of motor accidents and enjoy more favorable conditions for growth.

(2001 Code,  34‑88) (Ord. passed 5‑8‑1979)

***Cross-reference:***

*Vegetation, see Ch. 40*

**34‑89 SEDIMENTATION POLLUTION CONTROL.**

The subdivider shall comply with all requirements of the State Sedimentation Pollution Control Act of 1973, G.S.  113A‑50 et seq.

(2001 Code,  34‑89) (Ord. passed 5‑8‑1979)

***Cross-reference:***

*Environment, see Ch. 18*

**34‑90 GUARANTEE OF IMPROVEMENTS AND REIMBURSEMENT OF SUBDIVIDER FOR OVERSIZED IMPROVEMENTS.**

(A) *Guaranteeing installation of improvements.*

(1) *Method.* Where the required improvements have not been completed prior to the submission of the plat for final approval, the approval of the plat shall be subject to the subdividers guaranteeing the installation of the improvements by the posting of a performance or surety bond in sufficient amount to assure the completion of all required improvements. For any bond, there shall be submitted with the plat a certification by the Towns Engineer as to the sufficiency of the bond offered (usually 125% of the contract amount).

(2) *Maintenance guarantee.*

(a) The Board of Commissioners shall require a bond guaranteeing street construction, curbs, gutters, sidewalks, drainage facilities and water and sewer lines against defects for one year. The improvements must be accepted or rejected within 60 days following the installation of the improvements. This bond shall be in the amount determined by the Town Manager and shall be in cash or be made by a surety company authorized to do business in the state.

(b) The town shall secure from all developers a letter or statement in which each developer shall agree to maintain the backfill and any improvements located on and in the backfill and any ditch which has been dug in connection with the installation of the improvements. The letter or statement shall be binding on the developer for a period of one year after the acceptance of the improvements by the town. Improvements must be accepted or rejected within 60 days following installation.

(B) *Reimbursement of subdivider by town for improvement costs over and above those required to serve his subdivision.* The town, under conditions specified in subsections (A) through (E) of this subsection, shall reimburse the subdivider for improvement costs incurred over and above those required to serve his or her immediate subdivision where required by the Board of Commissioners. The requirement shall be made in 12 equal payments, to become due and payable within one year following the date of final inspection and acceptance of the improvement by the Board of Commissioners. Installations subject to reimbursement are the following:

(1) Street paving and grading costs within the corporate limits are over the following paving widths when required by the Board of Commissioners:

(a) Measured from back of curb to back of curb: 30 feet in width; or

(b) For hard surface paving: 26 feet in width.

(2) The cost of materials for water mains over six inches in diameter, including extra costs of lines over six inches in diameter incurred by the subdivider to reach his or her subdivision;

(3) The cost of materials for sanitary lines over eight inches in diameter, including the extra cost of lines over eight inches in diameter incurred by the subdivider to reach his or her subdivision;

(4) After plans and specifications of the improvements have been approved by the Board of Commissioners, the subdivider shall advertise for a formal sealed bid to be opened publicly at the town hall for any improvements for which the town will be requested to participate in. After approval by the Board of Commissioners, the contract shall be awarded to the lowest responsible bidder, who shall be required to furnish a performance bond guaranteeing fulfillment of the contract; and

(5) Following completion of improvements and acceptance by the Board of Commissioners, the subdivider shall furnish an itemized list of costs to be reimbursed by the town.

(C) *Lot requirements and building setback lines.* Requirements for lot size shall be the same as those in the zoning ordinance of the town, Ch. 44, except as provided in  34‑6.

(D) *Blocks.* Blocks shall be laid out with special attention given to the type of use contemplated.

(1) Block lengths shall not exceed 1,500 feet or be less than 400 feet.

(2) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic.

(3) Pedestrian ways, not less than ten feet in width, may be required near the center and entirely across any block 900 feet or more in length.

(E) *Easements and dedications.*

(1) Utility easements for both underground and aboveground facilities shall be provided where needed. The easements shall have a minimum width of 20 feet and shall normally be laid out along property lines.

(2) Pedestrian easements or walkways shall be provided through the interior of blocks where the Planning Board determines the easements are needed.

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

(4) Lakes, ponds, creeks and similar areas will be considered for acceptance for maintenance only if sufficient land is dedicated as a public recreation area or park or if the dedicated area constitutes a necessary part of the drainage control system. The areas must be indicated on the preliminary and final plat.

(2001 Code,  34‑90) (Ord. passed 5‑8‑1979)