

ARTICLE X

SUBDIVISIONS: PROCEDURES AND STANDARDS

10-1 REGULATION OF SUBDIVISIONS IN GENERAL

10-1.1 Exclusion Determination

If a proposed division of land meets one or more of the exclusions under the definition of 'Subdivision' in Article II (Definitions), the owner may submit to the Planning Department maps, deeds, or other materials in sufficient detail to permit a conclusive determination by the Zoning Administrator. An owner of land who wishes to record a plat of such a division of land shall obtain a Certificate of Exception [see Appendix A-2-2 (M)] from the Director of Planning.

10-1.2 Approval Required

(A) Date of Compliance

After the effective date of this Ordinance and in accordance with NCGS 153A-332, no plat for the subdivision of land within Edgecombe County shall be filed, accepted for recording, or recorded, nor shall the Clerk of the Superior Court order the recording of a plat until it has been submitted to and approved by the County.

(B) No Subdivision Without Approval

No real property, including property declared under the N.C. Condominium Act NCGS 47C-1 et.seq., lying within the Edgecombe County Planning Jurisdiction as now or hereafter fixed shall be subdivided except in conformance with all applicable provisions of this Article. Violation of this Section shall be a misdemeanor.

(C) Notice Required

With respect to major subdivisions, the Zoning Administrator shall provide first class mail notice of the Planning Board meeting at which the development plan will be reviewed to the record owners for tax purposes of all properties within 100 feet of the property proposed to be subdivided. The Zoning Administrator may also take any other action deemed by the Zoning Administrator to be useful or appropriate to give notice of the Planning Board meeting.

10-1.3 Coordination With Other Procedures

To lessen the time required to attain all necessary approvals and to facilitate the processing of applications, an applicant may start the subdivision approval process simultaneously with other applications for approvals required for the particular project.

10-1.4 Sketch Plans and Development Plans Approved Prior to the Effective Date of this Ordinance

Sketch design plans and development plans approved by the Planning Board or Board of Commissioners prior to the effective date of this Ordinance shall be valid for 12 months from the date of approval of the plan or plat unless a longer time period has been authorized through vested rights provisions.

10-2 MINOR SUBDIVISION PROCEDURES

10-2.1 Applicability

- (A) The Planning Director or his designee shall approve or disapprove minor subdivision plats in accordance with the provisions of this Section. The Planning Director may refer minor subdivisions of 4 or less lots to the Technical Review Committee for review and recommendation. A minor subdivision, as defined in Article II, is a subdivision involving 4 or less lots fronting on an existing, approved public road(s), not requiring any new public or private road(s) nor easements for access to interior property, not requiring an extension of a public sewer or water line, and not requiring a waiver or variance from any requirement of this Ordinance.
- (B) Not more than a total of 4 lots may be created out of one tract using the minor subdivision plat approval process during a two-year period.

10-2.2 Minor Subdivision Review and Approval Procedures

- (A) The applicant for minor subdivision plat approval is encouraged to confer with the Planning Director prior to submitting a minor subdivision plat for a determination of whether the approval process authorized by this Section can be and should be utilized. The Planning Director may require the applicant to submit information necessary to determine whether or not the proposed subdivision is eligible for processing under the minor subdivision approval process.
- (B) The applicant for minor subdivision plat approval shall submit to the Planning Director a plat drawn in waterproof ink on a sheet made of material and of a size that will be acceptable to the Edgecombe County Register of Deeds Office for recording purposes. When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision. The scale of the plat shall be at one inch equals not more than one hundred feet. The applicant shall also submit five prints of the plat as well as any required application form and required fee.
- (C) The minor subdivision plat shall contain the following information:
 - (1) The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the Edgecombe County Registry;

- (2) The name of the subdivision owner or owners;
 - (3) The township, county and state where the subdivision is located;
 - (4) The name of the surveyor and his registration number and the date of survey;
 - (5) The scale according to which the plat is drawn in feet per inch or scale ratio in words or figures and bar graph;
 - (6) All of the additional information required by NCGS ' 47-30, NCGS ' 39-32.3, and Appendix 1;
 - (7) All of the applicable certificates required in Appendix 2; and
 - (8) Total acreage including gross and net usable acreage.
- (D) The Planning Director shall take expeditious action on an application for minor subdivision plat approval. A decision shall be rendered by the Planning Director within ten working days after receipt of the proposed minor subdivision plat. If no decision is rendered by the Planning Director within the required 10-working day period, the applicant may appeal to the Planning Board for review of the application under the major subdivision approval process. Either the Planning Director or the applicant may at any time refer the application to the major subdivision approval process.
- (E) Subject to subsection (D), the Planning Director shall approve the proposed subdivision unless the subdivision is not a minor subdivision as defined in Article II or the application or the proposed subdivision fails to comply with any other applicable requirement of this Ordinance.
- (F) If the subdivision is disapproved, the Planning Director shall promptly furnish the applicant with a written statement of the reasons for disapproval. If a minor subdivision plat is disapproved by the Planning Director, the applicant may appeal the decision by requesting that the plat be scheduled for review by the Planning Board according to the same review and approval procedures set forth in Section 10-3.3 for development plans.
- (G) Approval of any plat is contingent upon the plat being recorded within sixty days after the date the Certificate of Approval is signed by the Planning Director or his designee. Failure to record the approved plat within the specified 60-day period shall render the plat null and void.

10-3 MAJOR SUBDIVISION PROCEDURES

10-3.1 Applicability

- (A) A major subdivision, as defined in Article II, is a subdivision involving 5 or more lots, or requiring a new public or private road(s) for access to interior property, or requiring extension of a public sewer or water line, or requiring a waiver or

variance from any requirement of this Ordinance. When a subdivision is to be developed in stages, a development plan shall be submitted for the entire development. A final plat may be submitted for each stage.

- (B) The procedures for the review of a major subdivision generally involve (i) sketch design plan review and approval by the Planning Director, (ii) a development plan review by the Technical Review Committee and review and approval by the Planning Board, and (iii) a final plat review and approval by the Planning Director.

10-3.2 Submission of the Sketch Plan for a Major Subdivision to the Planning Director

- (A) Submission Requirements

The developer shall submit 5 copies of the sketch design plan to the Planning Director prior to submitting a development plan.

- (B) Sketch Plan Contents

The proposed sketch plan shall be prepared by a registered land surveyor or engineer licensed to render said service in the State of North Carolina and shall depict the following information:

- (1) The name and location of the proposed subdivision;
- (2) The date that the sketch plan was prepared or revised;
- (3) North arrow;
- (4) Vicinity map;
- (5) Scale (1"=100 ft. if less than 3 acre lots);
- (6) Scale (1"=200 ft. if greater than 3 acre lots);
- (7) Total number of lots;
- (8) The names of adjacent property owners;
- (9) Adjoining property lines within 100 feet of the property;
- (10) Corporate limits, county lines, ETJ boundaries, etc.;
- (11) Existing structures, wells, and septic systems;
- (12) Zoning information, including setbacks;
- (13) Total acreage to be subdivided and acreage left in open spaces or for other uses;
- (14) Property boundaries and proposed lot lines;

- (15) Proposed road layout to meet NCDOT standards and proposed road construction standards;
- (16) Proposed road names;
- (17) Existing topography showing contour intervals of 10 feet;
- (18) Existing public roads and accesses within 400 feet of the property;
- (19) Existing railroads and bridges;
- (20) Utility easements;
- (21) Floodplain, public water supply watershed, and soil type information; and
- (22) Watercourses, ponds, streams, etc.

(C) Technical Review Committee Review

Upon receipt of the requisite copies of the proposed sketch plan, the Planning Director shall schedule a meeting of the Technical Review Committee (TRC) to review the sketch plan. Following its review, the TRC shall provide its recommendations to the Planning Director. If the Planning Director determines that the sketch plan is incomplete, the Planning Director shall notify the applicant of the deficiencies.

(D) Planning Director Approval

The Planning Director shall review the sketch plan and the findings and recommendations of the TRC, and any other reports or recommendations pertaining to the plan and shall approve, approve with conditions, or disapprove the sketch plan.

- (1) If the Planning Director grants the conditional approval of the sketch plan, the conditions and reasons thereof shall be stated in writing.
- (2) If the Planning Director disapproves of the sketch plan, the reasons for disapproval shall be stated in writing and reference shall be made to the specific section(s) of this Ordinance with which the plan does not comply. If a sketch plan is disapproved by the Planning Director, the applicant may appeal the decision by requesting that the sketch plan be scheduled for review by the Planning Board according to the same review and approval procedures set forth in Section 10-3.3 for development plans.
- (3) If the Planning Director approves the sketch plan, the developer is authorized to proceed with the preparation of a development plan.
- (4) If the Planning Director fails to render a recommendation on the sketch plan within 30 days from the date that the plan is initially submitted to the Planning Director, the developer may proceed with the preparation of a development plan.

10-3.3 Development Plan Review and Approval Procedures

(A) Conformance with Sketch Plan

The development plan shall conform substantially to the approved sketch plan. If the submitted development plan deviates in its overall design from the approved sketch, or if the applicant requests a waiver from any of the standards of this Ordinance, the Planning Director shall schedule the development plan to be reviewed by the Technical Review Committee and Planning Board. Such review shall follow the same review and approval procedures set forth in Section 10-3.2 for sketch plans.

(B) Submission/Notice Requirements

The applicant for development plan approval shall submit, at least 20 days prior to the regularly scheduled Planning Board meeting at which the plat will be considered, 5 prints of the proposed subdivision. When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision. The scale of the plat shall be at one inch equals not more than one hundred feet. The applicant shall also submit any required application forms and any required fee.

Notice of the Planning Board meeting at which the development plan will be reviewed shall be provided in accordance with Section 10-1.2 (C).

(C) Development Plan Contents

The development plan shall contain the following information:

- (1) The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the Edgecombe County Registry;
- (2) The name of the subdivision owner or owners;
- (3) The township, county and state where the subdivision is located;
- (4) The name of the surveyor and the surveyor's registration number and the date of survey;
- (5) The scale according to which the plat is drawn in feet per inch or scale ratio in words or figures and bar graph; and
- (6) All of the additional information required by NCGS 47-30, NCGS 39-32.3, and Appendix 1.

(D) Technical Review Committee Review and Recommendation and Approval by the Planning Board

Upon receipt of the requisite copies of the proposed development plan, the Planning Director shall schedule a meeting of the Technical Review Committee (TRC) to review the plan. The TRC shall review the development plan and any other reports or recommendations pertaining to the plan and shall recommend approval, approval with conditions, or disapproval of the development plan to the Planning Board.

- (1) If the Planning Board authorizes the conditional approval of the development plan, the conditions and reasons thereof shall be stated in writing.
- (2) If the Planning Board disapproves the initial Development Plan and Plat, the reasons for disapproval shall be stated in writing and reference shall be made to the specific section(s) of the Ordinance with which the Plan does not comply. Upon disapproval of the initial Development Plan and Plat, the Developer may within thirty (30) days submit a revised Plan and Plat and/or supplemental materials pertinent to the proposed Plan and Plat. If the Planning Board shall finally disapprove the revised Plan and Plat, the Developer, within thirty (30) days following the date of such final disapproval, may request the Planning Director to forward the Development Plan and Plat to the Edgecombe County Board of Commissioners for its review. The Board of Commissioners, after its review, shall either conditionally approve, disapprove, or approve the Development Plan and Plat which shall constitute final administrative action. In the case of disapproval, the Developer may appeal the decision pursuant to NCGS 153A-340(f).
- (3) If approval is granted, written confirmation shall be made on two copies of the development plan. One copy of the approved development plan shall be returned to the applicant. Approval of the development plan is authorization for the applicant to proceed with the construction of the necessary improvements. Development plan approval shall be valid for a period of 12 months from the date of approval of the plan by the Planning Board unless a longer time period is established under the vested rights provisions (Section 4-15). Development plans whose approval has elapsed shall be resubmitted in accordance with Section 10-3.3 (B).

If the Planning Board fails to render a recommendation on the development plan within 60 days from the date that the plan is initially reviewed by the Planning Board, the Planning Director shall forward the application to the Board of Commissioners for its review and approval. In such case, the Board of Commissioners shall grant conditional approval, disapprove, or approve the development plan.

10-3.4 Final Plat Review and Approval Procedures

(A) Conformance with Development Plan

The final plat shall conform substantially to the approved development plan. If the submitted final plat deviates in its overall design from the approved development plan, or if the applicant requests a waiver from any of the standards of this

Ordinance, the Planning Director shall schedule the final plat to be reviewed by the Technical Review Committee and Planning Board. Such review shall follow the same review and approval procedures set forth in Section 10-3.3 for development plans.

(B) Submission Requirements

The applicant for final plat approval shall submit to the Planning Director a final plat made of material and of a size that will be acceptable to the Edgecombe County Register of Deeds Office for recording purposes. When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision. The scale of the plat shall be at one inch equals not more than one hundred feet. The applicant shall also submit five prints of the plat as well as any required application forms and any required fee.

(C) Final Plat Contents

The final plat shall contain the following information:

- (1) The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the Edgecombe County Registry;
- (2) The name of the subdivision owner or owners;
- (3) The township, county and state where the subdivision is located;
- (4) The name of the surveyor and the surveyor's registration number and the date of survey;
- (5) The scale according to which the plat is drawn in feet per inch or scale ratio in words or figures and bar graph;
- (6) All of the additional information required by NCGS 47-30, NCGS 39-32.3, and Appendix 1; and
- (7) All of the applicable certificates required in Appendix 2.

(D) Planning Director Approval

The Planning Director shall approve the final plat unless the Planning Director finds that the plat fails to comply with one or more of the requirements of this Ordinance or that the final plat differs substantially from the plans and specifications approved for the development plan. If the final plat is disapproved by the Planning Director, the applicant shall be furnished with a written statement of the reasons for the disapproval and reference shall be made to the specific section(s) of this Ordinance with which the plat does not comply.

When the final plat is approved by the Planning Director, a signed written certification to this effect shall be entered on the face of the plat in accordance with the requirements of Appendix 2.

The Planning Director shall take expeditious action on a final plat. If the Planning Director fails to act within 30 days after the final plat is submitted, the applicant may request that the final plat be reviewed for final plat approval according to the same review and approval procedures set forth in Section 10-3.3 for development plans. The Planning Director may at any time, however, refer an application for final plat approval to the TRC and Planning Board.

(E) Required Improvements

No final plat shall be approved until all required improvements have been installed and approved or appropriate surety has been provided as set forth in Section 10-6.

(F) Appeals From the Decision of the Planning Director on Final Plats

If a final plat is disapproved by the Planning Director, the applicant may appeal the decision by requesting that the final plat be scheduled for review by the Planning Board according to the same review and approval procedures set forth in Section 10-3.3 for development plans.

10-4 RECORDATION OF FINAL PLATS

10-4.1 Final Plat Recording Required

Within thirty days of approval of the final plat, the Zoning Administrator or other designated staff member of the Department of Planning and Inspections shall record the final plat in the Office of the Register of Deeds. All recording fees shall be paid by the subdivider.

10-4.2 Dedication and Acceptance

(A) Rights-of-Way and Easements

The approval and recordation of a final plat does constitute an offer to dedicate but does not constitute dedication to and acceptance for maintenance responsibility by the County or the public of any public road, alley, or utility or drainage easement shown on such plat. Improvements within such rights-of-way or easements, such as utility lines, road paving, drainage facilities, or sidewalks may, however, be accepted for maintenance by the North Carolina Department of Transportation or by the private utility provider upon compliance with applicable NCDOT and private utility provider guidelines and standards.

(B) Open Space

Land designed as public open space on a final plat shall be considered to be offered for dedication until such offer is officially accepted by the County. The offer may be accepted by the County through:

- (1) Express action by the Board of Commissioners;
- (2) Express action by an administrative officer designated by the Board of Commissioners; or
- (3) Conveyance of fee simple marketable title (unencumbered financially and environmentally) of the property to the County at the time of final plat recordation.

Until such dedication has been accepted, land so offered may be used for open space purposes by the owner or by the owners' association. Land so offered for dedication shall not be used for any purpose inconsistent with the proposed public use.

- ### **(C) The developer shall be responsible for the maintenance of all facilities and improvements until an offer of dedication is accepted.**

10-4.3 Permits and Certificates of Occupancy

Unless otherwise provided in this Ordinance, upon recordation of the final plat, the applicant shall be eligible to apply for building and any other permits required by this Ordinance. No certificates of occupancy shall be issued until all improvements are complete and approved by NCDOT and the applicable utility provider.

10-5 OWNERS' ASSOCIATIONS

10-5.1 Establishment of Owners' Association

(A) Creation

An Owners' Association shall be established to fulfill the requirement of the North Carolina Condominium Act or to accept conveyance and maintenance of all common areas and facilities within a development containing common areas.

(B) Conveyance

Where developments have common areas for facilities serving more than one dwelling unit, these areas shall be conveyed to the Owners' Association in which all owners of lots in the development shall be members. All areas other than public road rights-of-way, other areas dedicated to the County, and lots shall be shown and designated as common areas. The fee-simple title of the common area shall be conveyed by the subdivider or developer to the Owners' Association.

(C) Subdivision or Conveyance of Common Area

Common areas shall not be subsequently subdivided or conveyed by the Owners' Association unless a revised development plan and a revised final plat showing such subdivision or conveyance have been submitted and approved.

(D) Owners' Association Not Required

Developments involving only two units attached by a party wall shall not be required to have common areas or an Owners' Association. Developments with only two units attached and not having an Owners' Association shall have an agreement between owners concerning maintenance of party walls.

10-5.2 Submission of Owners' Association Declaration

Prior to or concurrently with the submission of the final plat for review and approval, the applicant shall submit a copy of the proposed Bylaws of the Owners' Association containing covenants and restraints governing the Association, plats, and common areas. The submitted documents shall be reviewed by the county attorney and a recommendation made to the Board of Commissioners as to their sufficiency. The restrictions shall include provisions for the following:

(A) Existence Before Any Conveyance

The Owners' Association declaration shall be organized and in legal existence prior to the conveyance, lease-option, or other long-term transfer of control of any unit or lot in the development.

(B) Membership

Membership in the Owners' Association shall be mandatory for each original purchaser and each successive purchaser of a lot or unit. Provisions shall be made for the assimilation of owners in subsequent sections of the development.

(C) Owners' Association Declaration

(1) Responsibilities of Owners' Association. The Owners' Association declaration shall state that the association is responsible for:

- (a) the payment of premiums for liability insurance and local taxes;
- (b) maintenance of recreational and/or other facilities located on the common areas; and
- (c) payment of assessments for public and private improvements made to or for the benefit of the common areas.

(2) Default of Owners' Association. Upon default by the Owners' Association in the payment to the County of any assessments for public improvements or ad valorem taxes levied against the common areas, which default shall continue for a period of six months, each owner of a lot in the development shall become personally obligated to pay to the County a portion of the taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the County by the total number of lots in the development. If the sum is not paid by the owner within thirty days following receipt of notice of the amount due, the sum shall become a continuing lien on the property of the owner, his heirs, devisees, personal representatives and assigns. The County may either bring an action at law against the owner personally obligated to pay the same, or may elect to foreclose the lien against the property of the owner.

(3) Powers of the Association. The Owners' Association is empowered to levy assessments against the owners of lots or units within the development. Such assessments shall be for the payment of expenditures made by the Owners' Association for the items set forth in this Section, and any assessments not paid by the owner against whom such assessments are made shall constitute a lien on the lot of the owner.

(4) Easements. Easements over the common areas for access, ingress, and egress from and to public roads and walkways and easements for enjoyment of the common areas, and for parking, shall be granted to each lot owner.

(5) Maintenance and Restoration. Provisions for common area maintenance of and restoration in the event of destruction or damage shall be established.

(D) Nonresidential Condominiums

If the condominium is a nonresidential condominium, the declaration shall contain the following provision:

Parking spaces shall be allocated among the individual lots or units in such a manner that each unit is entitled to a sufficient number of parking spaces to comply with this Ordinance for the use intended to be located therein. The Owners' Association shall maintain a register listing the total number of parking spaces in the development and the number of parking spaces allocated to each lot or unit. A copy of this register shall be available to the Zoning Administrator at his request. The Owners' Association shall not reduce the number of parking spaces allocated to an individual lot or unit without the express written consent of the owner thereof, and in no case shall the number of parking spaces allocated to an individual unit be reduced to a number below that required by this Ordinance.

10-6 SURETIES OR IMPROVEMENT GUARANTEES

10-6.1 Agreement and Security

(A) Financial Guarantee in Lieu of Immediate Installation for Approval

In lieu of requiring the completion, installation, and dedication of all improvements prior to final plat approval, the County may enter into an agreement with the developer whereby the developer shall complete all required improvements. Once said agreement is signed by the developer and the security required herein is provided, the final plat may be approved if all other requirements of this Ordinance are met. To secure this agreement, the developer shall provide any or a combination of the following guarantees to cover the costs of the uncompleted improvements:

(1) Surety Performance Bond(s)

- (a) The developer shall obtain a surety bond from a surety bonding company authorized to issue said bonds in North Carolina.
- (b) The bond shall be payable to Edgecombe County and shall be in an amount equal to 150 percent of the entire estimated cost, as approved by the County, of installing all uncompleted improvements. Developers must submit a request for bonding including a detailed construction cost estimate upon submission of the final plat.
- (c) The bond amount and term shall be as approved by the Planning Director upon recommendation of the NCDOT and other consultants as deemed necessary.
- (d) The County Attorney shall review the submitted bond and make a recommendation regarding its sufficiency to the Planning Director.

(2) Cash or Equivalent Security

- (a) The developer shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the County or in escrow with a financial institution. The amount of deposit shall be equal to 150 percent of the entire estimated cost, as approved by the County, of installing all uncompleted improvements.
- (b) If cash or other instrument is deposited in escrow with a financial institution as provided above, then the developer shall file with the County an agreement between the financial institution and himself guaranteeing the following:
 - i) that said escrow account shall be held in trust until released by the County and may not be used or pledged by the developer in any other matter during the term of the escrow; and
 - ii) that in case of a failure on the part of the developer to complete said improvements, the financial institution shall, upon notification by the County, immediately pay the funds deemed necessary by the County to complete the improvements, up to the full balance of the escrow amount, or deliver to the County any other instruments fully endorsed or otherwise made payable in full to the County.
- (c) All instruments shall be reviewed by the County Attorney and a recommendation regarding their sufficiency made to the Planning Director.

(B) Duration of Financial Guarantees

- (1) The duration of a financial guarantee shall be of a reasonable period to allow for completion and acceptance of improvements. In no case shall the duration of the financial guarantee for improvements exceed one year.
- (2) All developments whose improvements are not completed and accepted fourteen days prior to the expiration of the financial guarantee shall be considered to be in default. Said guarantee may be extended with the consent of the County, if such extension takes place prior to default.

(C) Default

- (1) Upon default, the surety bonding company or the financial institution holding the escrow account shall, if requested by the County, pay all or any portion of the bond or escrow fund to the County up to the amount deemed necessary by the County to complete the improvements. Upon payment, the County shall expend such funds or portion thereof to complete all or any portion of the required improvements. The County shall return any funds not spent in completing the improvements. Default on a project does

not release the developer from liability and responsibility for completion of the improvements.

- (2) Release of Guarantee Security. The County may release a portion or all of any security posted as the improvements are completed and approved by the County.

10-7 SUBDIVISION STANDARDS

10-7.1 General

(A) Design

All proposed subdivisions, including group developments, shall comply with this Article, shall be designed to promote beneficial development of the community, and shall bear a reasonable relationship to the approved plans of the County.

(B) Development Name

In no case shall the name of a proposed development duplicate or be phonetically similar to an existing development name in Edgecombe County unless the proposed development lies adjacent or in proximity to the existing development.

(C) Reasonable Relationship

All required improvements, easements, and rights-of-way (other than required reservations) shall substantially benefit the development or bear a reasonable connection to the need for public facilities attributable to the new development.

Whenever a tract to be subdivided includes or adjoins any part of a thoroughfare or collector road as designated by an officially adopted County Thoroughfare Plan, that part of such proposed public right-of-way shall be dedicated as public right-of-way within the subdivision plat in the location and to the width recommended by the Thoroughfare Plan or this Article.

10-7.2 Lot Dimensions and Standards

The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated and shall conform to the following:

(A) Conformance to Other Regulations

Every lot shall have sufficient area, dimensions, and road access to permit a principal building to be erected thereon in compliance with all zoning and other requirements of this Ordinance.

(B) Minimum Building Area

Every lot shall have at least forty percent of its total area, or 3,000 square feet, whichever is less, of contiguous buildable area of a shape sufficient to hold a principal building. Said area shall lie at or be filled to an elevation at or above the 100-year flood elevation. (Note: Article XII or Federal wetlands regulations will prohibit or restrict fill placement in certain locations.)

(C) Lot Line Configuration

Side lines of lots should be at or near right angles or radial to road lines. No intersecting lot lines shall have an angle of less than 60 degrees.

(D) Lot Lines and Drainage

Lot boundaries shall coincide with natural and pre-existing man-made drainageways to the extent practicable to avoid lots that can be built upon only by altering such drainageways.

(E) Lots on Roads with Capacity Deficiencies and On Major Thoroughfares

Subdivisions shall not be approved that propose individual residential lots with direct vehicular access to roads that have, in the opinion of the NCDOT and the Technical Review Committee, capacity deficiencies that warrant the prohibition of the platting of lots with direct vehicular access.

Whenever a proposed subdivision abuts any principal arterial, minor arterial, major collector, or minor collector (as delineated on the latest adopted Thoroughfare Plan), the Planning Board may prohibit the platting of lots with direct vehicular access to such roads. The Planning Board's decision to require alternative access shall be based upon the need to provide safe access to proposed lots, reduce interference with the existing traffic pattern and flow, and provide buffering of the proposed lots from adverse effects from traffic noise.

(F) Access Requirements

All lots must have public road access and frontage meeting the requirements set forth in Article IX (Zoning). The following exceptions may be approved:

- (1) Lots and units located in developments with Owners' Associations or in group developments in which permanent access is guaranteed by means of approved private roads and/or drives designed in accordance with the requirements of Section 10-7.3(G).
- (2) Lots of record provided there is recorded access and the use is limited to only one single-family dwelling and its unhabitable accessory structures.
- (3) Flag lots meeting the following requirements:
 - (a) A flag lot shall contain only one single-family dwelling and its unhabitated accessory structures;
 - (b) The maximum flagpole length shall be 300 feet;

- (c) The minimum flagpole width shall be 25 feet;
- (d) The maximum lot size in areas with public sewer shall be one acre. The maximum lot size without public sewer shall be three acres. (Note: the 'flagpole' portion of the lot is not used to calculate area, width, depth, coverage, and setbacks of the lot or to provide off-street parking);
- (e) The minimum separation between the 'flagpole' portion of the lot and that of another flag lot shall be 150 feet;
- (f) Where public sewer is available, occupied buildings on the flag lot shall have a gravity service line, or the sewer pump requirements shall be noted on the plat; and
- (g) Use of a single driveway to serve a flag lot and an adjoining conventional lot is permitted and encouraged. The preferred location for the driveway is on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole.

(G) Water and Sewage Disposal

Every subdivision lot intended for building purposes shall be served by a water supply system and a sewage disposal system that (i) is adequate to accommodate the reasonable needs of the proposed use of the lot and (ii) complies with all applicable health regulations.

(H) Ingress and Egress Requirements

To the extent feasible, subdivisions containing twenty (20) or more lots shall have at least two (2) means of ingress and egress from a public street so as to afford emergency and maintenance vehicles reasonable access to the properties in the subdivision.

If such access is not feasible at the time the subdivision is developed but may become feasible at a later date when adjoining property is developed, then the street system serving the subdivision shall be extended to the property line of the tract that is being subdivided at the point where a future connection is anticipated so that a second point of access can be provided at a later time.

If the subdivision contains less than twenty (20) lots, but the remainder tract is such that it could potentially accommodate twenty (20) or more lots, then the Planning Board may require one or more strips of land to be reserved for future access.

10-7.3 Roads

(A) Conformance with Thoroughfare Plans

The location and design of roads shall be in conformance with any applicable, adopted Thoroughfare Plan. Where conditions warrant, right-of-way widths and pavement widths in excess of the minimum road standards may be required.

(B) Conformance with Adjoining Road Systems

The planned road layout of a proposed subdivision shall be compatible with existing or proposed roads and their classifications on adjoining or nearby tracts.

(C) Access to Adjoining Property

Where, upon the recommendation of the Planning Board and the approval of the Board of Commissioners, it is desirable to provide for road access to adjoining property, proposed roads shall be extended and constructed to the boundary of such property.

(D) Reserve Strips

Reserve strips adjoining road rights-of-way for the purposes of preventing access to adjacent property shall not be permitted under any condition.

(E) Road Classification

The final determination of the classification of roads in a proposed subdivision shall be made by the County.

(F) Public Road Design Criteria

Public roads shall be designed in accordance with the North Carolina Department of Transportation (NCDOT) Subdivision Roads; Minimum Construction Standards. When a municipality providing the proposed subdivision with utility service(s) requires that its public road standards be adhered to and where those standards exceed the NCDOT road standards, the municipality's road standards shall be complied with.

(G) Private Road Design Criteria

- (1) Where Permitted. Private roads shall be permitted in developments with Owners' Associations and in group developments, provided that the minimum lot sizes of a proposed subdivision are no less than 30,000 square feet, and that the proposed private road serve no more than 4 lots.
- (2) Minimum Design and Construction. Private streets shall comply with the minimum NCDOT Construction Standards for subdivision roads except as expressly permitted in this subsection.

The area of the private road right-of-way provided for travel shall either be stoned or paved. In the event that a stone surface is applied, it shall be crusher run compacted to a minimum depth of six inches. In locations where soil conditions require additional stone to attain a stable road bed, the developer shall add the required amount of stone before procuring approval of the final plat. Paved private streets shall be designed by a professional engineer or a registered land surveyor.

All private streets shall have a minimum right-of-way width of 50 feet. The minimum travel width shall be 12 feet for private streets that provide access to no more than 3 dwellings and 18 feet for private streets that provide access to 4 or more dwellings.

The design of stormwater drainage systems shall be prepared by a professional engineer or a registered land surveyor and recommendations made to the Planning Board.

- (3) Owners' Associations Required. An Owners' Association is required to own and maintain all private roads allowed under this Ordinance. All private roads will be indicated as such on the plat.
 - (4) Private Through Roads. No through road in a residential area connecting two public streets can be designated as a private road, unless approved by the Board of Commissioners.
 - (5) Connections to Public Roads. All private roads, connecting with public roads, require an approved driveway application from the NCDOT.
 - (6) Sidewalks. In the event sidewalks are constructed, the minimum width shall be 4 feet.
 - (7) Disclosure Statement. A disclosure statement in accordance with NCGS 136-102.6 shall be recorded simultaneously with the plat and referenced on the final plat. The disclosure statement must contain the provision(s) for construction and/or maintenance of the private road. See Appendix A-2-2 (H).
- (H) Intersecting Road Angle
- (1) All roads shall intersect at or as near to 90 degrees as possible, but in no case shall the angle of intersection be less than 75 degrees.
 - (2) All roads crossing natural areas, wetlands, or stream buffers must cross at or as near to 90 degrees as possible within topographic limits.
- (I) Minimum Block Length and Maximum Cul-de-sac Length

The minimum block length shall be 400 feet. The maximum distance from an intersecting through road to the end of a cul-de-sac shall be 1000 feet, except where, upon the recommendation of the Planning Board and the approval of the

Board of Commissioners, existing conditions warrant a modification of this requirement.

(J) Minimum Road Offset

Where roads are offset, the centerlines shall be offset no less than 150 feet.

(K) Curb and Gutter

Curbs and gutters, if provided, shall be constructed in conformance with the design criteria of the NCDOT.

(L) Temporary Turnarounds

Roads stubbed to adjoining property or phase lines may be required to have a temporary turnaround at the end of the road which will be sufficient to permit service vehicles to turn around.

(M) Grades at Intersections

The grade on stop roads approaching an intersection shall not exceed 5 percent for a distance of not less than 100 feet from the centerline of the intersection, unless topographical conditions dictate otherwise.

(N) Sight Distance Easements

Triangular sight distance easements shall be shown in dashed lines at all road intersections and so noted on the subdivision plat. These easements will remain free of all structures, trees, shrubbery, and signs, except utility poles, fire hydrants, and traffic control signs. The location and extent of sight distance easements will be determined by the NCDOT.

(O) Road Names

Roads which are obviously in alignment with existing roads shall generally bear the name of the existing road. Road names shall not duplicate or closely approximate phonetically the names of existing roads in Edgecombe County. Road suffixes and addresses shall conform to the standards established by Edgecombe County.

(P) Road Name and Traffic Control Signs

Road name and traffic control signs which meet Edgecombe County and NCDOT specifications shall be placed at all road intersections. The developer shall purchase all road signs through the County according to a fee schedule established by the Board of Commissioners. The developer shall be responsible for installing all traffic control signs. The maintenance of signs on private roads, drives, or lanes shall be the responsibility of the owner or of an Owners' Association, as applicable.

10-7.4 Road and Utility Construction

(A) Plans

Construction plans for all road facilities shall be submitted to the NCDOT before development plan approval. Construction plans for all water and sanitary sewer facilities shall be submitted to the appropriate utility provider before development plan approval. For each subdivision section, the road and utility construction plans shall include all improvements lying within or adjacent to that section as well as all water and sanitary sewer lines lying outside that section and being required to serve that section.

(B) No Construction Without Plan Approval

No road improvements shall be constructed until the road construction plans have been reviewed and approved by the NCDOT. No utility improvements shall be constructed until the utility construction plans have been reviewed and approved by the appropriate utility provider.

(C) Inspection

Work performed pursuant to approved road and utility construction plans shall be inspected and approved by the NCDOT and the appropriate utility provider.

(D) Wet Detention Ponds and Soil Erosion and Sedimentation Control Devices Installation

Any approved wet detention pond(s) and soil erosion and sedimentation control device(s) may be installed prior to approval of road and utility construction.

(E) Public Water and Sewer Construction Requirements

Water and sewer lines, connections, and equipment shall be constructed in accordance with state and local regulations and to the standards and specifications of the utility provider.

(F) Water and Sewer Connection

Connection of each lot to public water and sewer utilities shall be required if the proposed subdivision is within three hundred feet of the nearest adequate lines of a public system, provided that no geographic or topographic factors would make such connection infeasible or that a specific waiver of this requirement is granted by the Board of Commissioners. Where public sewer is not available, lots shall be evaluated, at the developer's expense, in accordance with *Laws and Rules for Sanitary Sewage Collection, Treatment, and Disposal 15 A NCAC 18 A 1990*. Approval of each lot by the Edgecombe County Health Department or approval of a soils report prepared for the Edgecombe County Health Department shall be obtained prior to development plan approval. Approval of each lot by the Edgecombe County Health Department shall be obtained prior to final plat recordation. The final plat shall show lot(s) denied or not evaluated crosshatched and labeled "NO IMPROVEMENT PERMIT HAS BEEN ISSUED FOR THIS LOT."

(G) Utility and Drainage Easements

- (1) Easements shall be provided for electrical, telephone, natural gas, cable television, water, and sewer utilities where necessary to serve every platted lot. The developer and the utility provider(s) shall agree on the location and the width of the easements. Any easements for subsurface sewage disposal systems shall be delineated on the final plat and described by bearings and distances.
- (2) The developer shall transfer to the applicable utility provider the necessary ownership or easement rights to enable the utility provider to operate and maintain the utility facilities. In addition, the developer shall dedicate sufficient easement rights to accommodate the extension of utility service to adjacent or nearby properties whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments.
- (3) Where a subdivision is traversed by a water course, drainageway, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose of drainage. Parallel roads may be required in connection therewith.
- (4) Lakes, ponds, creeks, and similar areas will be accepted for maintenance only if sufficient land is dedicated as a public recreation area or park or if such area constitutes a necessary part of the drainage control system. The acceptance of such dedicated areas must be approved by the Planning Board before the Board of Commissioners will consider accepting it.

(H) Stormwater Management

- (1) An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water. Banks of ditches shall be immediately seeded upon grading and installation of utilities and the ditch itself shall be improved with appropriate vegetative cover to retard erosion.
- (2) The storm drainage system shall follow existing topography as nearly as practical, shall divert stormwater away from surface waters, and shall incorporate stormwater Best Management Practices to minimize adverse water quality impacts.
- (3) Subdivisions located within a watershed protection overlay district that utilize the high density option shall comply with the stormwater management requirements of Section 12-1.12.

10-7.5 Blocks

- (A) Intersecting streets shall be laid out at such intervals that block lengths are not more than 1,800 feet nor less than 400 feet except where, upon the

recommendation of the Planning Board and the approval of the Board of Commissioners, existing conditions justify a modification of this requirement.

- (B) 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 or nonresidential uses.
- (C) Pedestrian ways or cross walks, not less than ten feet in width, shall be provided near the center and entirely across any block 1,800 feet or more in length or at the end of cul-de-sacs, where deemed essential, in the opinion of the Planning Board, to provide adequate pedestrian circulation or access to schools, shopping areas, churches, parks, playgrounds, transportation or other similar facilities.

10-7.6 Buffer Areas

- (A) In residential districts, a buffer strip at least fifty feet in depth, in addition to normal lot depth required, shall be provided adjacent to all railroads and limited access highways. This strip shall be a part of the platted lots and shall have the following notation lettered on the face of the plat: *'This strip is reserved for the planting of trees or shrubs by the owner; the building of structures hereon is prohibited.'*
- (B) A minimum one hundred-foot vegetative buffer is required for all new subdivisions located within a watershed protection overlay district that utilize the high density development option authorized by Section 12-1.11; otherwise, a minimum thirty-foot vegetative buffer is required along all perennial waters indicated on the most recent versions of USGS 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Additional buffer area requirements are delineated in Sections 11-3 and 12-7.

10-7.7 Sites for Public Uses

In subdividing property, due consideration shall be given by the developer to the reservation of suitable sites for school and other public uses in accordance with NCGS 153 A-331.

10-7.8 Placement of Monuments

The *Standards of Practice for Land Surveying in North Carolina*, as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, shall apply when installing monuments.

10-7.9 Flood Standards Pertaining to Subdivisions

Proposed subdivisions in flood hazard overlay districts shall comply with the requirements of Section 12-2.

10-7.10 Dedication of Greenway, Open Space, & Recreational Lands for Public Use

- (A) Land Setasides for Public Recreational Use. The following standards shall apply to new subdivisions. All actions by the Governing Body under this section must also be consistent with the provisions of the state enabling legislation.

Applicants for new residential developments involving ten or more dwelling units shall be required to set aside 5 percent of their gross tract acreage as undivided recreational land designated for the recreational usage by the residents of the proposed subdivision. If land is set aside in this manner for private recreational use, it shall also be permanently protected through a conservation easement enforceable through a recorded Homeowner's Association Agreement. Such land shall be suitable for active and/or passive recreation.

10-8 WAIVERS

10-8.1 Approval Authority

The Board of Commissioners may approve waivers to standards in this Article except as noted in Section 10-8.4.

10-8.2 Grounds for Waivers

The Board of Commissioners may waive standards in this Article under one of the following circumstances:

- (A) Physical Hardship

Where because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Article would cause unusual and unnecessary hardship on the subdivider.

- (B) Equal or Better Performance

Where in its opinion a waiver will result in equal or better performance in furtherance of the purposes of this Ordinance.

- (C) Unintentional Error

Where through an unintentional error by the applicant, his agent, or the reviewing staff, there is a minor violation of a standard in this Article, where such violation is not prejudicial to the value or development potential of the subdivision or adjoining properties.

10-8.3 Conditions

In granting waivers, the Board of Commissioners may require such conditions as will secure, insofar as practicable, the purposes of the standards or requirements waived.

10-8.4 Waivers Affecting Subdivisions In Watershed Protection Overlay Districts

Any waiver which would have the effect of waiving or relaxing any of the watershed protection management requirements delineated in Section 12-1.9 shall follow the procedural requirements of Section 7-2.3(B).

10-9 MODIFICATIONS

Modifications to approved development plans shall be made in accordance with the requirements of Section 4-12.