

Subdivision Ordinance

Lenoir County, NC



AUGUST 16, 2004

Lenoir County

SUBDIVISION ORDINANCE

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AN ORDINANCE OF THE BOARD OF COMMISSIONERS
OF LENOIR COUNTY PERTAINING TO
THE SUBDIVISION OF LAND WITHIN THE COUNTY

ENACTMENT:

AN ORDINANCE ESTABLISHING SUBDIVISION REGULATIONS FOR THE COUNTY OF LENOIR, NORTH CAROLINA, AND PROVIDING FOR ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF NORTH CAROLINA GENERAL STATUTES CHAPTER 153A, ARTICLE 18.

PREAMBLE:

WHEREAS, in the opinion of the Board of Commissioners of Lenoir County, it is necessary and advisable to provide for the orderly development of the county; for the coordination of streets within proposed subdivisions with existing and planned streets and with other public facilities; for dedication or reservation of rights-of-way or easements for streets and utility purposes; and for the distribution of population and traffic which shall avoid congestion and overcrowding, and which shall create conditions essential to public health, safety, and general welfare, and

WHEREAS, the Board of County Commissioners has given due public notice of hearings relating to the Subdivision Regulations, and has held such public hearings, and

WHEREAS, all requirements of the General Statutes of North Carolina have been met;

NOW THEREFORE BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF THE COUNTY OF LENOIR AS FOLLOWS:

ARTICLE I: IN GENERAL

SECTION 10 **Authority**

The provisions of this ordinance are adopted under authority granted by the General Assembly of the State of North Carolina in Article 18, Chapter 153A of the North Carolina General Statutes.

SECTION 11 **Title**

This ordinance shall be known as the Subdivision Regulations of the County of Lenoir, North Carolina, and may be referred to as the Subdivision Regulations.

SECTION 12 **Jurisdiction**

On and after July 1, 2001, these regulations shall govern each and every subdivision of land lying within the County and outside the subdivision regulation jurisdiction of any municipality, and the subdivision of land within the subdivision regulation jurisdiction of any municipality whose governing body by resolution agrees to such regulations.

SECTION 13 **Metes and Bounds Transfer**

The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from these regulations. A plat shall be prepared, approved and recorded pursuant to these regulations whenever a subdivision of land takes place.

SECTION 14 **Purpose**

The purpose of this ordinance is to regulate and control the subdivision of land within Lenoir County excluding the subdivision regulation jurisdiction of any municipality within the County in order to promote the public health, safety, and general welfare of the County. The ordinance is designed to promote the orderly development of the County; for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities; for the dedication or reservation of rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic which shall avoid congestion and overcrowding and which will create conditions essential to public health, safety, and the general welfare. This ordinance is designed further to facilitate adequate provision for water, sewerage, parks, schools and playgrounds, and also to facilitate the further resubdivision of larger tracts into smaller parcels of land.

SECTION 15 **Conformance Prerequisite to Extension of Public Services, Etc.**

No building permits shall be issued nor shall water, sewer or other public facilities or services be extended to or connected with any subdivision for which a plat is required to be approved unless and until the requirements set forth in this ordinance have been met.

SECTION 16 **Conformance with Official Plans**

All subdivisions shall comply with the principles, goals and objectives of the Lenoir County Future Land Use Plan, as amended from time to time, and all other officially adopted plans and policies of the County. In addition, proposed subdivisions must comply with the requirements of the zoning regulations of the County.

SECTION 17 **Administrator**

The County Planner or County Manager's designee shall be designated as the Administrator of this ordinance.

ARTICLE II: DEFINITIONS AND INTERPRETATIONS

Section 20 **Definitions**

For the purpose of this ordinance the following terms have been defined:

- 20-1 Abutting: Having a common border with, or being separated from such common border by, an alley or easement
- 20-2 Access: A means of vehicular approach or entry to or exit from property.
- 20-3 Administrator: The person/office authorized by Section 17 who is responsible for administering and enforcing this ordinance.
- 20-4 Alley: A right-of-way intended primarily for motor vehicles, which cuts across a block in order to improve access to adjacent streets or properties.
- 20-5 Appeal: An action requesting reversal or modification of an interpretation or decision made by the Administrator or the Lenoir County Development Review Board in the application of these regulations
- 20-6 Best Management Practices (BMP): A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.
- 20-7 Block: A parcel of land, which is entirely surrounded by public streets, highways, railroad rights-of-way, parks or green strips, rural land or drainage channels, or a combination thereof.
- 20-8 Buffer Strip: An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams and rivers. The widths of buffer areas are established pursuant to the requirements of Section 41.
- 20-9 Building Setback Line: A line establishing the minimum allowable distance between the principal building and the road right-of-way line and/or the property line in which no structure shall be built.
- (1) Setback, Front: Any setback from a street or road.
 - (2) Setback, Interior: A setback from any property line not alongside a street or road.
 - (3) Setback, Rear: A setback from an interior property line lying on the opposite side of the lot from the front street or road setback.
 - (4) Setback, Side: Any interior property line setback other than a rear setback.
 - (5) Setback, Side Corner: A street or road setback on a corner lot other than a front setback. For purposes of this ordinance, the Administrator shall determine which setback is the front setback.

- 20-10 Common Area(s): All areas, including private roads, conveyed to an Home Owners' association within a development, or owned on a proportional undivided basis in a condominium development.
- 20-11 Day: Any reference to days shall mean calendar days unless otherwise specified. A duration of days shall include the first and last days on which an activity is conducted, and all days in between, unless otherwise specified by state law.
- 20-12 Dedication: A gift by a property owner to another being received for the transfer. The dedication is made by written instrument and is completed with a written acceptance.
- 20-13 Development: Any man-made change to improved or unimproved real estate, including, but not limited, to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.
- 20-14 Development Review Board: A technical advisory committee developed to review and comment on the technical aspects of all applications for approval of Major Subdivision Plats.
- 20-15 Drainage: The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water-supply preservation or prevention or alleviation of flooding.
- 20-16 Drainageway: Any natural or man-made channel that carries surface runoff from precipitation.
- 20-17 Developer or Subdivider: Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.
- 20-18 Double or Reverse Frontage Lot: A continuous (through) lot of the same depth as the width of a block and which is accessible from both of the streets upon which it fronts.
- 20-19 Easement: A grant of one or more of the property rights, by the property owner, to, or for use by, the public, a corporation or person of a strip of land for specific purposes.
- (1) Access Easement: An easement which grants the right to cross property. Access easements that are platted as an alternative to access to a public or private street must meet the conditions and design standards delineated in Section 41.
 - (2) Drainage Easement: An easement which grants the right of water drainage to pass in open channels or enclosed structures.
 - (3) Sight Distance Easement: An easement which grants to the entity responsible for road maintenance the right to maintain unobstructed view across property located at a road intersection.
 - (4) Utility Easement: An easement which grants to the Board of Commissioners or other utility providers the right to install and thereafter maintain any and all utilities including, but not limited to, water lines, sewer lines, septic tank drain fields, storm

sewer lines, electrical power lines, telephone lines, natural gas lines and community antenna television systems.

- 20-20 Extraterritorial Jurisdiction (ETJ): That portion of a municipal planning jurisdiction that lies outside of the corporate limits of the municipality.
- 20-21 Financial Guarantee: Any form of security, including a cash deposit, or instrument of credit, in an amount and form approved by Lenoir County for use in place of actual construction of required subdivision improvements. Also referred to as 'surety'.
- 20-22 Flood Prone Areas: Areas indicated on the Flood Insurance Rate Maps of the National Flood Insurance Program to be susceptible to inundation during a 100-year flood. In the absence of 100-year flood data, other flood data may be used if approved by the National Flood Insurance Program. See also Special Flood Hazard Area.
- 20-23 Grade: The slope of a road, street, or other public way specified in percentage terms.
- 20-24 Group Development: A group of two or more principal structures built on a single lot, tract, or parcel of land and designed for occupancy by separate families, firms, businesses, or other enterprises.
- 20-25 Home Owners' Association: An organization of homeowners or property owners owning real property, residing, or operating a business within a particular subdivision or development whose major purpose is to maintain and provide community facilities, services, or land for common use of the residents or property owners of the subdivision or development.
- 20-26 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. In determining the area and dimensions of a lot, no part of the right-of-way of a street or road may be included. The word lot also includes the words "plot" and "parcel".
- (1) Interior Lot: A lot other than a corner lot.
 - (2) Corner Lot: A lot abutting two or more streets at a street intersection.
 - (3) Lot Area: The total area circumscribed by boundaries of a lot except that when the legal instrument creating a lot shows the boundary of the lot extending into a public street or private right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and 30 feet from the center of the traveled portion of the street.
 - (4) Lot Coverage: The portion of a lot covered by building(s) and/or structure(s).
 - (5) Lot Depth: The distance measured along the perpendicular bisector of the smallest possible rectangle enclosing the lot.
 - (6) Lot Frontage: The length of the front lot line measured at the street right-of-way line.
 - (7) Lot of Record: A lot, plot, parcel, or tract recorded in the Office of the Lenoir County Register of Deeds in conformance with the ordinance(s) in effect at the time of recordation or a lot described by metes and bounds, the description of

which has been recorded prior to the adoption of this ordinance.

- (8) Lot Width: The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.
- (9) Existing Lot (Lot of Record): See Lot of Record.
- 20-27 Major Thoroughfare Road: Major thoroughfares consist of interstate, other freeway, expressway, or parkway links, and major roads that provide for the expeditious movement of high volumes of traffic within and through urban areas.
- 20-28 Manufactured Home: A dwelling unit, designed for use as a permanent residence, that is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed for installation or assembly and installation on the building site.
- 20-29 Minor Thoroughfare Road: Minor thoroughfares collect traffic from collector, subcollector, and local roads and carry it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating movement of moderate volumes of traffic within and through urban areas and may also serve abutting property.
- 20-30 Official Map or Plans: Any maps, plans, charts, or texts officially adopted by the County Board of Commissioners for the development of Lenoir County.
- 20-31 Open Space: An area (land and/or water) generally lacking in man-made structures and reserved for enjoyment.
- 20-32 Owner: A holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not.
- 20-33 Parcel: See Lot
- 20-34 Person: An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.
- 20-35 Planned Unit Development (PUD): A permitted use designed to provide developments incorporating a single type or a variety of residential and related uses that are planned and developed as a unit. Such development may consist of individual lots or common building sites. Common open space must be an element of the plan related to affecting the long-term value of the entire development.
- 20-36 Planning Department: The Lenoir County Planning and Inspections Department.
- 20-37 Plat: Includes the map, plan, plat, replat, replot; a map or plan of a tract or parcel of land which is to be, or which has been subdivided.
- 20-38 Plat, Preliminary: A map of proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land.
- 20-39 Plat, Final: A map of a land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications, and acceptances, and with

complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas and other dimensions of land required by this ordinance.

20-40 Plot: See lot

20-41 Private Road: A vehicular travelway not dedicated or offered for dedication as a public street, but resembling a cul-de-sac or a local street by carrying traffic from a series of driveways to the public street system. Private streets must meet the design standards delineated in Section 41. The platting of such streets requires a Subdivision Streets Disclosure Statement in accordance with NCGS 136-102.6.

20-42 Private Sewer: A system which provides for collection and/or treatment of wastewater from a development, or property, and which is not maintained with public funds.

20-43 Private Water: A system which provides for the supply and/or distribution of potable water for use by a development, project, or owner, and which is not operated or maintained by a government organization or utility district.

20-44 Professional Engineer: A person who has been duly registered and licensed as a professional engineer by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors.

20-45 Public Sewer: A system which provides for the collection and treatment of sanitary sewage from more than one property, and is owned and operated by a government organization or sanitary district.

20-46 Public Road: A dedicated public right-of-way for vehicular traffic which 1) has been accepted by NCDOT for maintenance; or 2) is not yet accepted but in which the roadway design and construction have been approved under public standards for vehicular traffic. Alleys are specifically excluded.

20-47 Public Water: A system which provides distribution of potable water for more than one property and is owned and operated by a government organization or utility district.

20-48 Registered Land Surveyor: A person who, by reason of his/her special knowledge of mathematics, surveying principles and methods, and legal requirements which are acquired by education and/or practical experience, is qualified to engage in the practice of land surveying, as attested by his/her registration as a registered land surveyor by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors.

20-49 Right-of-Way: A strip of land occupied or intended to be occupied by a travelway for vehicles and also available, with the consent of the appropriate governmental agency, for traffic control devices, traffic signs, road name signs, historical marker signs, water lines, sanitary sewer lines, storm sewer lines, gas lines, power lines, and communication lines.

20-50 Sight Distance Area, Horizontal: The area formed by extending lines from the point of intersection of intersecting streets along the centerline of such streets for a distance of forty feet and connecting the ends of such lines by a straight line to form the base for a triangle. Each of the two sides of the triangle will be forty feet in length.

- 20-51 Sight Distance Area, Vertical: The area between three feet and ten feet above the horizontal area measured from the level of the point of intersection of the centerlines of the intersecting streets.
- 20-52 Sketch Plan: A rough sketch of a proposed subdivision or site, showing roads, lots, and any other information of sufficient accuracy to be used for discussion of the road system and the proposed development pattern.
- 20-53 Special Flood Hazard Area (SFHA): Areas identified by the Federal Emergency Management Agency (FEMA) or produced under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Hazard Boundary Map (FHBM) or Flood Insurance Study (FIS) and its accompanying flood maps such as the Flood Insurance Rate Map(s) (FIRM) and/or the Flood Boundary Floodway Map(s) (FBFM), for the County of Lenoir dated July 6, 1982, which with accompanying supporting data, and any revision thereto, including Letters of Map Amendment or Revision, are adopted by reference and declared to be a part of this ordinance. The Special Flood Hazard Areas also include those defined through standard engineering analysis for private developments or by government agencies, but which have not yet been incorporated in the FIRM.
- 20-54 Solid Waste: any hazardous or nonhazardous garbage, refuse or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems, and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semisolid or contained gaseous material resulting from industrial, institutional, commercial and agricultural operations, and from community activities. The term does not include:
- (1) Fecal waste from fowls and animals other than humans.
 - (2) Solid or dissolved material in:
 - (a) Domestic sewage and sludges generated by treatment thereof in sanitary sewage collection, treatment and disposal systems which are designed to discharge effluents to the surface waters.
 - (b) Irrigation return flows.
 - (c) Wastewater discharges and the sludges incidental to and generated by treatment which are point sources subject to permits granted under Section 402 of the Water Pollution Control Act, as amended (P.L. 92-500), and permits granted under G.S. 143-215.1 by the Environmental Management Commission. However, any sludges that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this Article.
 - (3) Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the General Statutes. However, any oils or other liquid hydrocarbons that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this Article.
 - (4) Any source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011).

(5) Mining refuse covered by the North Carolina Mining Act, G.S. 74-46 through 74-68 and regulated by the North Carolina Mining Commission (as defined under G.S. 143B-290). However, any specific mining waste that meets the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this Article.

(6) Recovered material.

20-55 Storm Drainage Facilities: The system of inlets, conduits, channels, ditches and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

20-56 Stormwater Runoff: The direct runoff of water resulting from precipitation in any form.

20-57 Streets: A right-of-way for vehicular traffic which is dedicated to public or private use and constructed to acceptable standards. Streets shall be classified as one of the following:

(1) Arterial Streets: Streets and highways of exceptional continuity, designed to route traffic through or around the County.

(2) Primary Streets: A street or highway of considerable continuity, designed primarily as a radial or cross-county traffic artery for intercommunication between various sectors of the county.

(3) Secondary Streets: A street or highway serving as a connecting link between two (2) primary or arterial streets.

(4) Collector Streets: Streets which carry traffic from minor streets to the system of major streets (primary and/or arterial streets). Residential collector roads are further defined by the N. C. Department of Transportation's "Subdivision Roads-Minimum Construction Standards" as amended.

(a) Dead End Roads - These roads are more than 2500 feet in length, open at one end only without special provision for turning around and have collector characteristics.

(b) Connecting Roads - The roads which serve as the connecting road system between other roads within the subdivision and the thoroughfare system.

(c) Loop Roads - A road that has its beginning and ending points on the same route. It is more than one mile in length and has collector characteristics.

(d) Other Roads - These are other roads having a "collector" type function in the thoroughfare system.

(5) Minor Streets: Streets which are used primarily for access to abutting properties. These local residential subdivision roads do not connect thoroughfares or serve major traffic generators and are further defined by the N.C. Department of Transportation's "Subdivision Roads-Minimum Construction Standards" as amended.

- (a) Cul-de-sacs - These are very short roads, open at one end only, with a special provision for turning around at the other end which is permanently closed. They have a "bulb" end design with a specific turning radii and a limited number of lots.
- (b) Dead End Roads - These are roads less than 2500 feet in length, open at one end only without special provisions for turning around and have no collector characteristics.
- (c) Short Connecting Roads - These roads are normally one block long or extend on a block-by-block basis and have no collector characteristics.
- (d) Loop Roads - A road that has its beginning and ending points on the same route. It is less than one mile in length and has no collector characteristics.
- (e) Other Roads - These roads do not connect thoroughfare or serve major traffic generators and do not have "collector" characteristics. These include marginal access streets parallel to or adjacent to Arterial and/or Primary Streets and highways, and provide access to abutting properties and protection from through traffic.

20-58 Subdivision: A "subdivision" shall include 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 this definition nor be subject to the regulations authorized by this ordinance:

- (1) the combination or recombination of portions of previously subdivided lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown in its subdivision ordinance.
- (2) the division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.
- (3) the public acquisition by purchase of strips of land for the widening or opening of streets or for hazard mitigation related to public acquisition of eligible flood buyout parcels.
- (4) the division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the County as shown in its subdivision ordinance.
- (5) The division of land into parcels for the purpose of transferring ownership to members of the owner's immediate family, including spouses, brothers, sisters, sons and daughters, parents, grandparents and grandchildren. All parcels shall have deeded access to be exempt.

20-59 Subdivision, Minor: A minor subdivision is a subdivision

- (1) involving not more than three (3) lots, all of which front on an existing approved street; and
- (2) not involving any new streets or prospectively requiring any new street for access to interior property; and

20-60 Planning Board: body appointed by the Board of County Commissioners for the purpose of review of planning matters and subsequent recommendation to the Board of Commissioners, when applicable. The Planning Board shall hear and decide requests for appeals and variances related to this ordinance.

20-61 Surface Drainage: A drainage system consisting of culverts and open ditches.

20-62 Thoroughfare Plan: A plan adopted by the County Board of Commissioners for the development of existing and proposed major roads that will adequately serve the future travel needs of an area in an efficient and cost effective manner.

20-63 Variance: Official permission from the Planning Board to depart from the requirements of this Ordinance (see Section 60).

20-64 Watershed – The entire land area contributing surface drainage to a specific point (e.g. the water supply intake).

20-65 WS – IV Watershed Areas – Critical Area (WS – IV – CA) – The area adjacent to a water supply intake extending one-half mile upstream from the intake located directly in the river or the ridge line of the watershed (whichever comes first). Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one half mile.

20-66 WS – IV Watershed Areas – Protected Areas (WS – IV – PA) – The area adjoining and upstream of the Critical Area for the Neuse River and Little River watersheds. The boundaries of the protected area are defined as within ten miles upstream and draining to the intake located directly in the river or to the ridgeline of the watershed. Major landmarks may be used to delineate the outer boundary if these landmarks are immediately adjacent to the appropriate outer boundary.

SECTION 21 **Tense and Number**

- (1) The present tense includes the future tense and the future tense includes the present tense.
- (2) The singular number includes the plural number and the plural number includes the singular number.

SECTION 22 **Word Interpretation**

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

- (1) The word "may" is permissive.
- (2) The words "shall" and "will" are mandatory.
- (3) The word "building" includes the word "structure".

- (4) The word "County" shall mean the "County of Lenoir", a county corporation of the State of North Carolina.
- (5) The words "Board of County Commissioners" or "County Commissioners" shall mean the "Lenoir County Board of County Commissioners".
- (6) The words "Register of Deeds" shall mean the "Recorder of Deeds for Lenoir County, North Carolina".
- (7) The words "ordinance" and "regulations" shall mean the "Subdivision Regulations of the County of Lenoir, North Carolina".
- (8) The word "street" includes the words "road" and "highway".

SECTION 23 Minimum Requirements

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, and general welfare and deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION 24 Rounding of Numbers

All calculations that result in a part or fraction of a whole number shall be rounded up to the next highest whole number, except that in calculating density, all calculations that result in a part or fraction of a whole number shall be rounded down to the next lowest whole number.

ARTICLE III: PLAT PREPARATION AND APPROVAL PROCEDURE

SECTION 30 In General

Pursuant to North Carolina General Statutes 153A-331, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this Ordinance whenever any subdivision of land takes place. However, the subdivider may qualify for an exemption to filing a subdivision plat if conditions in Article II, Section 20 are met.

All subdivision plats for land within the subdivision jurisdiction of Lenoir County shall be drawn by a Professional Land Surveyor or Profession Engineer and hereafter prescribe to the procedure contained within the following sections of this article.

SECTION 31 Sketch Plan

31-1: General

Before a subdivider submits a preliminary plat, a sketch plan of the proposed subdivision may be prepared and submitted, along with a completed application, to the Lenoir County Planning Department for a courtesy review. The sketch plan should be drawn at a scale of not more than one hundred (100) feet to one (1) inch.

31-2: Contents of the Sketch Plan

The sketch plan should contain or be accompanied by the following information:

- (1) The proposed name and location of the subdivision.
- (2) The name and address of the owner and the subdivider.
- (3) The total acreage in the tract to be subdivided.
- (4) The tentative street and lot arrangement.
- (5) The approximate rights-of-way, rights-of-way designation (public or private), easements and lot lines.
- (6) The average lot area and approximate number of lots.
- (7) The existing and proposed uses of land throughout the subdivision.
- (8) Surface and subsurface drainage of the subdivision.

31-3: Planning Department Review

The Lenoir County Planning Department shall review the sketch plan for general compliance with the requirements of this ordinance; the subdivider or his representative may discuss plans for development of the proposed subdivision. The Planning Department shall advise the subdivider as to the regulations which pertain to the proposed development and the procedure the subdivider shall follow in preparing and submitting a preliminary subdivision plat.

Section 32 Preliminary Plat

For every subdivision within the territorial jurisdiction established by Article I, Section 12 of this Ordinance, which does not qualify as a minor subdivision as outlined in Article II, Section 20 of this Ordinance, the subdivider shall submit a preliminary plat which shall be reviewed and approved by the Lenoir County Development Review

Board before any construction or installation of improvements may begin. The submitted preliminary plat shall be clearly labeled: **“Preliminary Plat – Not for Recordation, Conveyances, or Sale”**

Preliminary plats shall meet the specifications in Article III, Section 32-2 of this Ordinance.

32-1: The subdivider shall submit ten (10) copies of the preliminary plat, a completed application, and the review fee to the Lenoir County Planning Department.

32-2: Contents of the Preliminary Plat for a Major Subdivision

The preliminary plat shall be drawn to a scale of not more than one hundred (100) feet to one (1) inch and shall be accompanied by the following information.

- (1) Graphic scale, north arrow, and date.
- (2) The proposed name of the subdivision and the zoning designation of the property.
- (3) The name and address of the owner, the subdivider, and the surveyor or engineer preparing the plat.
- (4) A location map showing the relationship between the subdivision and the surrounding area.
- (5) The names, locations, and zoning designation of adjoining subdivisions and streets, the location and ownership of adjoining unsubdivided property, and the location of county and/or municipal limits if falling within or immediately adjoining the tract.
- (6) The boundaries of the tract to be subdivided with all bearings and distances indicated.
- (7) The location of existing buildings, railroads, and bridges.
- (8) The land contour with vertical intervals of not greater than two (2) feet. Land contours shall be in relation to mean sea level datum.
- (9) The location of all wetlands, water, floodplain boundary, water courses, ditches, drainage channels, and sub-surface drainage structures, and the proposed method of disposing of all run-off from the proposed subdivision, and the location and size of all drainage easements and structures relating thereto, whether they are located within or outside of the proposed plat.
- (10) The locations of sanitary sewers (other than septic tanks), easements for electric and gas lines, and other surface and sub-surface structures showing connections to existing systems if applicable, or proposals for developing new water supply, storm drainage, and sewage disposal systems if applicable.
- (11) The rights-of-way of streets, location of streets within the rights of-way, street widths, street names, and street designation public or private, where applicable.

- (12) A typical roadway cross-section showing proposed street construction within the proposed right-of-way to include drainage design, where applicable.
- (13) The lot lines, lot and block numbers, and minimum building setback lines along street rights-of-way.
- (14) Areas to be used for purposes other than residential, if any, with the purpose, location, and dimensions of each indicated.
- (15) The total acreage in the tract, acreage in public or other land usage, average lot size, and total number of lots.
- (16) The proposed location of planned thoroughfares as shown on the Lenoir County Thoroughfare Plan.
- (17) A landscaping plan, if applicable.
- (18) Fire Hydrants - The location and specifications for fire hydrants and fire access easements, if required, under Section 52-6.
- (19) The approximate delineation of Corps of Engineers Section 404 and Section 10 Wetlands if available.
- (20) The sedimentation and erosion control plan as required by the state.
- (21) If the property is located in a Special Flood Hazard Area as defined in this Ordinance, the exact delineation of the floodplain boundary as indicated on the official Lenoir County Flood Insurance Rate Map must be present.
- (22) If the property is located in a Watershed Area as defined in this Ordinance, the exact delineation of the Watershed Boundary as indicated on the Official Watershed Protection Map of Lenoir County must be present.
- (23) Certificate of Ownership and Intent, signed.
- (24) Certificate of Plat Approval for Construction of Improvements, signed.
- (25) Any other Information considered by the subdivider, the Planning Department, or the Development Review Board to be pertinent to the review of the plat.

32-3: Preliminary Plat Approval

- (1) Technical Review: Upon the receipt of a properly submitted plan, the Planning Department shall obtain the necessary comments and recommendations from the North Carolina D.O.T., the County Health Department, the Board of Education Chair or designee, and other agencies and offices as may be deemed necessary or desirable. The Planning Department Staff, the County Manager or designee and other agencies as deemed appropriate along with the applicant, if he so desires, shall meet to review the plans and comments. Meetings shall be scheduled every two weeks as necessary. The technical review shall be completed within thirty (30) calendar days of submission of a complete and accurate preliminary plat.
- (2) Development Review Board Action: Upon completion of the preliminary plat technical review, the Development Review Board shall approve or disapprove

the plat. The Development Review Board shall have forty (40) calendar days to take action on the preliminary plat.

- (a) Approval: If the preliminary plat is approved, approval shall be noted on copies of the plat. One copy of the plat shall be transmitted to the subdivider and the other copy shall be retained by the Planning Department.
- (b) Conditional Approval: If the Development Review Board recommends conditional approval of the preliminary plat with modification to bring the plat into compliance, it shall retain one (1) copy of the plat for its records and return its written recommendations and one (1) copy of the plat to the subdivider. The subdivider shall have sixty (60) days in which to make the changes needed to bring the plat into compliance. The subdivider shall submit a revised plat to the Planning Department who will review it to ensure that the recommended changes have been completed. If the subdivider fails to resubmit the plats within the sixty (60) day period, then the resubmitted preliminary plat must be reviewed again by the Development Review Board before approval can be given.
- (c) Disapproval: When a preliminary plat is disapproved, the Planning Department shall specify the reasons for such action in writing within five (5) working days of the action. One copy of such reasons and the other copy of the plat shall be retained by the Planning Department and a print of the plat with the reasons for disapproval shall be given to the subdivider. If the preliminary plat is disapproved, the subdivider may make the recommended changes and submit a revised preliminary plat.

If the Development Review Board recommends disapproval of the preliminary plat, the subdivider may submit a revised plat to be considered before the second regularly scheduled meeting of the Board from the date the plat was disapproved. The subdivider shall submit the plat to be reconsidered, with corrections, to the Planning Department at least one (1) week prior to the regular meeting of the Development Review Board at which it is to be considered.

If the Development Review Board disapproves the revised plat, or if the subdivider does not submit a revised plat for consideration at least one (1) week before the second regularly scheduled Development Review Board meeting after the plat was disapproved, the original disapproval shall stand.

Subdivision plats resubmitted after being disapproved by the Development Review Board as outlined above shall be treated as a newly submitted plat. The subdivision application procedure must be completed by the subdivider, as well as payment of all applicable fees.

- (d) Decisions of the Development Review Board may be appealed to the Planning Board, at which time they may affirm, modify, or remand the decision of the Development Review Board. Such appeals must be submitted in writing to the Planning Department within twenty (20) working days of the Development Review Board action. An appeal from the decision of the Planning Board may be made to the Superior Court.

32-4: Building Permits May Be Issued After Preliminary Plat Approval

Building permits may be issued after approval of the preliminary plat. Such preliminary approval shall in no way alter the requirements that the final plat be re-

corded in the office of the Register of Deeds prior to the sale or lease of land or buildings within the subdivision. No building permit shall be issued prior to the assignment of addresses by the County.

Section 33: **Final Plat, Major Subdivision**

- (1) The subdivider shall submit a completed application, the review fee, one original print (draw in ink on reproducible film at 18 x 24 inches), and three (3) additional copies of the final plat to the Planning Department.
- (2) The subdivider shall submit a final plat for all or part of the approved preliminary plat within 24 months of the preliminary approval date. If a final plat or section thereof is not submitted within this 24-month time limit, or if there is a lapse of more than 24 months in the submittal of any subsequent section, the plat must be resubmitted as a preliminary plat in accordance with this Ordinance. Otherwise, the preliminary plan approval shall become void unless an extension of time is applied for prior to the expiration of 24 months.
- (3) The final plat shall conform substantially to the preliminary plat as it was approved, and shall comply specifically with the provisions of Section 47-30 of the North Carolina General Statutes and with the policies of Lenoir County in regard to mapping. The final plat shall be prepared by a professional land surveyor and/or engineer, and shall be drawn at a scale of not more than one hundred (100) feet to one (1) inch.

33-1: Contents of the Final Plat

The final plat shall contain the following information:

- (1) The exact boundary lines of the tract to be subdivided fully dimensioned by bearings and distances, and the location of boundary lines of adjoining lands, with adjacent subdivisions identified by official names and zoning designations.
- (2) The accurate location and descriptions of all monuments, markers, and control points.
- (3) Sufficient surveying 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 dimensions, bearings or deflection angles, radii, chords, central angles, and tangent distances for the center line of curved streets and curved property lines, to an appropriate accuracy and in conformance with good surveying practice.
- (4) The width, names and designations (public or private) of all proposed streets and the width, purpose and designation of other rights-of-way or easements which shall be properly located.
- (5) The location, purpose, dimensions of areas to be used for purposes other than residential.
- (6) The blocks numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each block.
- (7) The name of the subdivision, the zoning designation, the owner, and the surveyor and/or engineer preparing the final plat.

- (8) The date of the survey and plat preparation, a north arrow, and graphic scale.
- (9) Any other information considered by either the subdivider or the Planning Department to be pertinent to the review of the final plat.
- (10) The following certificates, as applicable, shall appear on the final plat:
 - (a) Certificate of Ownership, Dedication, and Jurisdiction, signed.
 - (b) Certificate of Accuracy and Mapping, signed.
 - (c) Certificate of Proposed Subdivision Road Construction Standards signed by the District Engineer, NCDOT, Division of Highways when roads are to be dedicated for public use.
 - (d) Certificate of Disclosure - Lenoir County Flood Plain Management signed by the owner(s) of the property if any portion of the property is located within the 100-year.
 - (e) Certificate of Disclosure for Private Developments signed by the owner(s) of the property if the subdivision includes any privately owned right-of-ways or easements.
 - (f) Certificate of Disclosure - Home Owner's Association, completed
 - (g) Environmental Health Septic Tank Suitability Certificate, signed
 - (h) Certificate of Review Officer, unsigned.
 - (i) Certificate of Registration by the Register of Deeds, unsigned.
 - (j) Certificate for Major Subdivisions, unsigned.
 - (k) Flood Statement, completed by a Professional Land Surveyor or Engineer. If the subdivision is located Special Flood Hazard Area as defined in this Ordinance, the exact delineation of the floodplain boundary shall be present on the final plat.
 - (l) Certificate of Approval for Recording by the Watershed Administrator, if applicable, signed. If the subdivision is located in a Watershed as defined by this Ordinance, the exact delineation of the Watershed Boundary line shall be present on the final plat.

33-3: Planning Department Action

Prior to approval of a final plat, the subdivider shall have installed the improvements specified in this Ordinance, or guaranteed their installation through a financial guarantee. The final plat shall be submitted to the Planning Department for its approval. The Planning Department shall review the final plat for compliance with the requirements of this ordinance, and any other specifications which were agreed upon at the time of the review of the preliminary plat. Approval shall be indicated in writing on the original tracing. If the final plat is disapproved, the reasons for disapproval shall be stated in writing within five (5) working days of the final submittal . Decisions of the Planning Department may be appealed to the Planning Board. An appeal from the decision of the Planning Board may be appealed to the Superior Court.

33-4: Recording of Plat

After the affixing of all required signatures (except the Certificate of Review Officer and the Certificate of Registration by the Register of Deeds) the final plat shall be returned to the subdivider. The subdivider shall file the approved final plat with the Register of Deeds of Lenoir County for recording within ninety (90) days of the date of its approval by the County Planning Department or such approval shall be void unless an extension of time is granted by the County Planning Department Staff. The subdivider shall provide a copy of the recorded plat to the Planning Department within two (2) working days of recordation.

Section 34: **Minor Subdivisions**

A minor subdivision is a subdivision involving not more than three (3) lots, all of which front on an existing approved street and not involving any new streets or prospectively requiring any new street for access to interior property. Minor subdivisions may be approved or disapproved by the Lenoir County Planning Department. Within three (3) working days of its receipt of the plat, a completed application, and the review fee, the Planning Department shall either approve the minor subdivision, or notify the subdivider that the plat fails to conform to the definition of a minor subdivision.

Plat for Recording

- (1) The subdivider shall submit a completed application, the review fee, one (1) original print (draw in ink on reproducible film at 18 x 24 inches) and three (3) additional copies of the minor subdivision plat to the Planning Department.
- (2) The minor subdivision plat shall comply specifically with the provisions of Section 47-30 of the North Carolina General Statutes and with the policies of Lenoir County in regard to mapping. The plat shall be prepared by a professional land surveyor and/or engineer, and shall be drawn at a scale of not more than one hundred (100) feet to one (1) inch.

34-1: Contents of the Minor Subdivision

The minor subdivision plat shall contain the following information:

- (1) The exact boundary lines of the tract to be subdivided fully dimensioned by bearings and distances, and the location of boundary lines of adjoining lands, with adjacent subdivisions identified by official names and zoning designations.
- (2) The accurate location and descriptions of all monuments, markers, and control points.
- (3) Sufficient surveying 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 dimensions, bearings or deflection angles, radii, chords, central angles, and tangent distances for the center line of curved streets and curved property lines, to an appropriate accuracy and in conformance with good surveying practice.
- (4) The location, purpose, dimensions of areas to be used for purposes other than residential.

- (5) The name of the subdivision, the zoning designation, the owner, and the surveyor and/or engineer preparing the plat.
- (6) The date of the survey and plat preparation, a north arrow, and graphic scale.
- (7) Any other information considered by either the subdivider or the Planning Department to be pertinent to the review of the final plat.
- (8) The following certificates, as applicable, shall appear on the final plat:
 - (a) Certificate of Ownership, Dedication, and Jurisdiction, signed.
 - (b) Certificate of Accuracy and Mapping, signed.
 - (c) Certificate of Disclosure - Lenoir County Flood Plain Management signed by the owner of the property if any portion of the property is located in the 100-year or 500-year Floodplain.
 - (d) Certificate of Disclosure for Private Developments signed by the owner of the property if there are any privately owned easements, no private roads may be considered for a Minor Subdivision.
 - (f) Environmental Health Septic Tank Suitability Certificate, signed
 - (g) Certificate of Approval (for Minor Subdivision), unsigned
 - (h) Certificate of Review Officer, unsigned.
 - (i) Certificate of Registration by the Register of Deeds, unsigned.
 - (j) Flood Statement, completed by a Professional Land Surveyor or Engineer. If the subdivision is located in a Special Flood Hazard Area as defined in this Ordinance, the exact delineation of the floodplain boundary shall be present on the final plat.
 - (k) Certificate of Approval for Recording by the Watershed Administrator, if applicable, signed. If the subdivision is located in a Watershed as defined by this Ordinance, the exact delineation of the Watershed Boundary line shall be present on the final plat.

34-3: Planning Department Action

The final plat shall be submitted to the Planning Department for its approval. The Planning Department shall review the final plat for compliance with the requirements of this ordinance, and any other specifications which were agreed upon at the time of the review of the preliminary plat. Approval shall be indicated in writing on the original tracing. If the final plat is disapproved, the reasons for disapproval shall be stated in writing within five (5) working days of the final submittal. Decisions of the Planning Department may be appealed to the Planning Board. An appeal from the decision of the Planning Board may be appealed to the Superior Court.

34-4: Recording of Plat

After the affixing of all required signatures (except the Certificate of Review Officer and the Certificate of Registration by the Register of Deeds) the minor subdivision plat shall be returned to the subdivider. The subdivider shall file the approved final

plat with the Register of Deeds of Lenoir County for recording within ninety (90) days of the date of its approval by the County Planning Department or such approval shall be void unless an extension of time is granted by the County Planning Department Staff. The subdivider shall provide a copy of the recorded plat to the Planning Department within two (2) working days of recordation.

SECTION 35: Erosion and Sedimentation Plan and Water Supply Watershed

All subdivisions which require an erosion and sedimentation plan must be reviewed by the North Carolina Division of Water Quality for compliance with the Water Supply Watershed Protection Rules (15A NCAC 2B.0200). All subdivisions located within WS-IV-CA (Critical Area) or WS-IV-PA (Protected Area) as described in the Lenoir County Watershed Protection Ordinance shall comply with all of the regulations of the Watershed Protection Ordinance along with the regulations of this Ordinance.

SECTION 36 Dedication and Acceptance

36-1 Rights-of-Way and Easements

- (A) 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 County Commissioners of Lenoir County;
 - (2) Express action by an administrative officer designated by the Board of County Commissioners of Lenoir County; 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 homeowners' association. Land so offered for dedication shall not be used for any purpose inconsistent with the proposed public use.
- (C) Maintenance. The developer shall be responsible for the maintenance of all facilities and improvements until an offer of dedication is accepted.

SECTION 37 Exemption 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 Administrator maps, deeds, or other materials in sufficient detail to permit a conclusive determination by the Administrator. An owner of land who wishes to record a plat of such a division of land shall submit the plat, a completed application, and the review fee to the Administrator. The plat shall have a Certificate of Accuracy and Mapping

(signed), Certificate of Exemption, Certificate of Review Officer, and a Certificate of Registration by Register of Deeds.

ARTICLE IV: DESIGN STANDARDS

SECTION 40 **General Provisions**

The design standards in this Article shall be minimum requirements; where other official engineering and public works standards and specifications are more stringent, such higher standards shall be used. Each subdivision shall contain the improvements specified in this Article, which shall be installed in accordance with the requirements of this Ordinance and paid for by the subdivider, unless other means of financing is specifically stated in this Ordinance.

40-1 Design

All proposed subdivisions 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. The design of all utility, stormwater, street, recreation and park improvements shall be reviewed and approved by the County staff, NCDOT or the applicable service provider.

40-2 Development Name

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

40-3 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.

40-4 Suitability of Land

All subdivision proposals shall be consistent with the need to minimize flood damage. Any subdivision proposal located within the Special Flood Hazard Boundary as defined in this Ordinance shall conform with the regulations of the Lenoir County Flood Damage Prevention Ordinance.

SECTION 41 **Specific Requirements**

(1) Alleys: Design standards for alleys that are permitted shall be approved by the North Carolina Department of Transportation, Division of Highways.

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

(a) Block lengths shall not exceed one thousand four hundred (1,400) feet or be less than four hundred (400) feet.

(b) Blocks shall have a sufficient width to allow two (2) tiers of lots of minimum depth. Blocks may consist of single tier lots where such are required to separate residential development from through vehicular traffic or nonresidential uses or where necessitated by the configuration of the tract.

(3) Buffer Strips: A buffer strip as much as fifty (50) feet in depth but of at least twenty-five (25) feet in depth, in addition to the normal lot depth, shall be required in residential subdivisions adjacent to railroads, limited access highways, blue line streams in accordance with NC Division of Water Quality Neuse River buffer rules and commercial or industrial developments. The strip shall be part of the platted lots, but shall have the following restriction lettered on the face of the plat: "This strip reserved for screen planting by the owner; the building of structures hereon is prohibited." Any plantings within the buffer area specified above shall be located so as not to create a visual obstruction at street intersections or at driveways.

(4) Easements: Utility and other easements shall be provided as follows:

(a) The minimum required drainage easement width for an open drainage way shall be the width across the top of the bank of the drainage way in five (5) foot increments with an additional ten (10) foot maintenance area on one side of the open drainage way. The easement, including the maintenance area, will be uniform in width as set by the maximum depth and flattest side slope for that section and subject to approval by the Planning Department . Shallow swale easements along the perimeter of lots may be less than thirty (30) feet provided they are approved by the Planning Department .

The minimum required drainage easement width for closed (piped) drainage ways will be two (2) times the depth of the pipe or conduit in five (5) foot increments with an additional ten (10) foot maintenance areas on one side of the drainage way. The easement, including the maintenance area, will be uniform in width as set by a maximum depth of the invert for that section and subject to approval by the Planning Department .

(b) Easements up to thirty (30) feet or more in width will be required for gravity sewer lines and not less than fifteen (15) feet for water lines, other underground and above ground public utilities, or for piped drainage facilities. Where practical, subdivisions shall be designed in such a manner that lots may be served from the rear utility easements.

(c) 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. Subdividers are encouraged to place all electrical, telephone and cable television lines underground.

(d) 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.

(e) 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 streets may be required in connection therewith.

(5) Lots: Lots shall be laid out as follows:

- (a) Lot sizes, shapes and locations shall be made with due regard to topographic conditions, contemplated use, and the surrounding area. Every residential lot shall front a public or private street for a distance of at least 40 feet. Lots shall be sized to comply with the requirements of on-site waste disposal and water supply facilities. Every lot shall have sufficient lot area, lot dimensions, and building setbacks to permit a principal building to be erected thereon in compliance with the requirements delineated in the tables below. Lots not served by public water and/or sewer service shall comply with the specifications and standards of the Lenoir County Environmental Health Department, but in no case shall the lot size be less than the minimum lot size required in the table below.

MINIMUM LOT AREA AND LOT DIMENSIONS

IMPROVEMENTS	LOT AREA (sq. ft.)	MINIMUM LOT DEPTH (ft)	LOT WIDTH	
			(ft.) ON CUL-DE-SAC BULB	LOT FRONTAGE (ft.)
Public water & sewer	7,000	100	40	40
Public water & no public sewer	10,000	120	50	40
No public water nor public sewer	15,000	150	60	40

- (b) Corner lots shall have width sufficient to permit adequate building setback from side streets.
- (c) Double frontage or reverse frontage lots shall be avoided except where necessary to separate residential development from through traffic or nonresidential uses.
- (d) Side lot lines shall be substantially at right angles or radial to street lines.
- (e) In no instance shall the area for nitrification lines (septic tank drain field and repair area) for a residential lot be less than the size determined to be adequate by the Lenoir County Environmental Health Department after investigation of soil conditions, proposed individual disposal system, and depth of ground water.
- (f) Lot Line Configuration: Sidelines of lots should be at or near right angles or radial to street lines. No intersecting lot lines shall have an angle of less than 60 degrees.
- (g) 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.
- (h) Access Requirements
- 1) General Access Requirements and Alternative Means of Access: All lots shall abut and have direct access to a publicly maintained street, except as provided for in this section. It is the intention of this section that newly created lots and parcels have access to a public street to ensure

- (i) legal ingress and egress for the owner/user of the lot, emergency vehicles, and public service vehicles;
- (ii) adequate provision of an allweather travel surface; and
- (iii) sufficient means for the longterm maintenance of the roadway.

As an alternative, access may be permitted from a private street meeting the standards delineated in Section 41. If, after thoroughly investigating the feasibility of utilizing a public or private street for access and evaluating the site features and characteristics which make their use infeasible, the subdivider may propose an alternative means of access authorized in this section. The Development Review Board may approve such alternative means of access if, in its opinion, the alternative means of access proposed will sufficiently meet the intention of this section and comply with the conditions delineated herein.

- (A) Lots and units located in developments with Homeowners' Associations or in group housing developments in which permanent access is guaranteed by means of approved private streets and/or drives designed in accordance with the requirements of Section 41 may be approved by the Development Review Board as an alternative means of access to a public street.
- (B) Lots served by an access easement may be approved by the Development Review Board as an alternative means of access provided that the following requirements are met:
 - (1) An access easement shall serve no more than 3 residential parcels;
 - (2) The minimum easement width shall be 45 feet;
 - (3) A minimum travelway of 12 feet in width with a minimum height clearance of 14 feet shall be provided;
 - (4) The travelway shall have an all-weather surface;
 - (5) The access easement shall intersect with an approved public street;
 - (6) The creation of lots on an access easement shall be limited to a one-time occurrence for any one parcel or tract existing at the time of the adoption of this Section.
 - (8) No resubdivision of lots located on an access easement shall be permitted unless access can be upgraded to a private street or public street. A notation shall be placed on the face of the plat that states: 'No additional lots, including the resubdivision of the lots served by the access easement, shall be permitted unless the access easement is upgraded by the property owner(s) to a private street or public street that meets or exceeds the standards of Lenoir County or the NCDOT, whichever is applicable';
 - (9) A disclosure statement (see Article VII) stating that maintenance of the access easement is the responsibility of the property owner(s) shall be placed on the plat;

- (10) A recorded maintenance agreement shall be required in cases where more than one lot is served by the access easement;
 - (11) The location of the easement must be recorded on a plat; and
 - (12) The access easement shall permit ingress, egress, and regress and necessary utilities required to serve the lot(s).
- (i) Special Access Requirements for Subdivisions Located Adjacent To Thoroughfares with Capacity Deficiencies and for Nonresidential Subdivisions
- (1) Major and minor 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 Development Review Board, capacity deficiencies that warrant the prohibition of the platting of lots with direct vehicular access.
 - (2) Whenever a proposed major or minor subdivision abuts any principal arterial, minor arterial, major collector, or minor collector (as delineated on the latest adopted Thoroughfare Plan), the Development Review Board, or the Administrator in the case of a minor subdivision, may prohibit the platting of lots with direct vehicular access to such roads. The Development Review Board's or Administrator's decision to require suitable 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.
 - (3) In order to reduce traffic congestion, commercial and industrial subdivisions may be required to provide a frontage road or other suitable means of access along major thoroughfares, as shown on the adopted thoroughfare plan, unless the Development Review Board determines that no practicable alternative for access exists. Where a frontage road is required, intersections with public streets shall be spaced no closer than 800 feet. Frontage roads may be permitted within the rights-of-way of existing streets subject to the approval of the NCDOT.
- (6) Streets: All Subdivision Streets (Public or Private) shall be constructed in accordance with the latest edition of the Subdivision Roads Minimum Construction Standards, issued by the division of Highways, North Carolina Department of Transportation (NCDOT). Paving requirements are included as one of NCDOT's requirements.
- (a) Minor streets shall be laid out so that their use by unwanted through traffic will be discouraged.
 - (b) All streets shall be designated to be either public or private in accordance with N. C. General Statute 136-102.6 by the subdivider who shall then comply with the requirements of said General Statute and shall submit concurrently with the final plat all disclosure statements required by said General Statute.
 - (1) Public streets: If the streets in the subdivision are public, the streets shall be constructed in accordance with the minimum requirements of the North Carolina Department of Transportation.
 - (A) Public Street Design Criteria: Public roads shall be designed in accordance with the North Carolina Department of Transportation (NCDOT) Subdivision Roads;

Minimum Construction Standards. In the case where 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.

- (2) Private Streets: If the streets in the subdivision are private, the streets need not be built prior to approval of the subdivision provided that the applicable Homeowners Association shall construct stub streets prior to offering any connecting streets for acceptance and maintenance by the North Carolina Department of Transportation.

(A) Private Street Design Criteria:

- (1) Private streets shall be permitted in developments with Homeowners' Associations.
- (2) The minimum design standards for all private streets will be equivalent to the minimum standards and specifications of the North Carolina Department of Transportation (NCDOT) for subdivision roads. The roads will not be reviewed or approved by the North Carolina Department of Transportation (NCDOT), but will be required to obtain an approved driveway connection permit from NCDOT. It will be the responsibility of the subdivider to verify that the private roads are designed and built to the NCDOT Subdivision Roads Minimum Construction Standards as verified by a licensed Professional Engineer.

Prior to approving the final subdivision, the County will require a written certification, signed and sealed by a licensed Professional Engineer that the roads meet the NCDOT Subdivision Roads Minimum Construction Standards. In the case of an improvements guarantee or other financial guarantee, a written certification, signed and sealed by a licensed Professional Engineer that the roads meet the NCDOT Subdivision Roads Minimum Construction Standards is required before the guarantee is released. This will also involve submitting as-built road plans to the County. In order to obtain this certification it is encouraged that the Professional Engineer be involved with the subdivision project from the onset which may include the road design phase. This may involve a Professional Engineer to be on-site before any construction begins. It may also require periodic inspection by a Professional Engineer during construction. I.E., before pavement is constructed, the Professional Engineer may need to inspect the stone base, etc. If a Professional Engineer's first inspection is after the pavement is in place, then he/she may not be able to verify the completed road. The County may do periodic inspection as well, but does not certify construction standards.

- (3) A Homeowners' Association is required to own and maintain all private streets allowed under this ordinance. All private streets will be indicated as such on the plat.
- (4) No through street in a residential area connecting two public streets can be designated as a private street, unless approved by the Development Review Board.
- (5) All private streets, connecting with state-maintained streets, require an approved driveway application from the NCDOT.

- (6) In the event sidewalks are constructed, the minimum width shall be 4 feet.
- (7) 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 street (see Article VII).
- (c) When a planned subdivision is adjacent to an arterial or primary street, a marginal access street may be required to provide access for lots fronting on the arterial or primary street.
- (d) Proposed streets which are obviously in alignment with other existing and named streets shall bear the assigned name of the existing streets. In no case shall the name for proposed streets duplicate or be phonetically similar to existing street names in this or other subdivision in Lenoir County.
- (e) The street pattern shall be such as to cause no hardship in the subdividing of adjacent properties. The dedication of a street right-of-way may be required in order to facilitate the development of adjoining properties. Reserve strips which control access to adjacent property shall not be permitted.
- (f) Intersections: Street intersections shall be laid out as follows:
1. Streets shall intersect as nearly as possible at right angle and no street shall intersect at less than seventy-five (75) degrees.
 2. Intersections with a major street shall be at least eight hundred (800) feet apart measured from centerline to centerline.
 3. Where a public or private street intersects a U.S. or N.C. numbered highway, or a N.C. secondary road, the intersection design shall be in accordance with the standards of the N. C. Department of Transportation, Division of Highways.
 4. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.
- (g) Cul-de-sacs shall not exceed one thousand feet in length, measured from the centerlines of the intersecting streets to the centerpoint of the turnaround radius.
- (h) Stub Streets: When a stub street to the property lines of a subdivision is required, the stub street shall be improved as follows:
1. Public streets: If the streets in the subdivision are public, stub streets shall be constructed in accordance with the minimum requirements of the North Carolina Department of Transportation.
 - (A) Public Street Design Criteria: Public roads shall be designed in accordance with the North Carolina Department of Transportation (NCDOT) Subdivision Roads; Minimum Construction Standards. In the case where 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.

2. Private Streets: If the streets in the subdivision are private, stub streets need not be built prior to approval of the subdivision provided that the applicable Homeowners Association shall construct stub streets prior to offering any connecting streets for acceptance and maintenance by the North Carolina Department of Transportation.

(A) Private Street Design Criteria:

- (1) Private streets shall be permitted in developments with Homeowners' Associations.
- (2) The minimum design standards for all private streets will be equivalent to the minimum standards and specifications of the North Carolina Department of Transportation (NCDOT) for subdivision roads. The roads will not be reviewed or approved by the North Carolina Department of Transportation (NCDOT), but will be required to obtain an approved driveway connection permit from NCDOT. It will be the responsibility of the subdivider to verify that the private roads are designed and built to the NCDOT Subdivision Roads Minimum Construction Standards as verified by a licensed Professional Engineer.

Prior to approving the final subdivision, the County will require a written certification, signed and sealed by a licensed Professional Engineer that the roads meet the NCDOT Subdivision Roads Minimum Construction Standards. In the case of an improvements guarantee or other financial guarantee, a written certification, signed and sealed by a licensed Professional Engineer that the roads meet the NCDOT Subdivision Roads Minimum Construction Standards is required before the guarantee is released. This will also involve submitting as-built road plans to the County. In order to obtain this certification it is encouraged that the Professional Engineer be involved with the subdivision project from the onset which may include the road design phase. This may involve a Professional Engineer to be on-site before any construction begins. It may also require periodic inspection by a Professional Engineer during construction. I.E., before pavement is constructed, the Professional Engineer may need to inspect the stone base, etc. If a Professional Engineer's first inspection is after the pavement is in place, then he/she may not be able to verify the completed road. The County may do periodic inspection as well, but does not certify construction standards.

- (3) A Homeowners' Association is required to own and maintain all private streets allowed under this ordinance. All private streets will be indicated as such on the plat.
- (4) No through street in a residential area connecting two public streets can be designated as a private street, unless approved by the Development Review Board.
- (5) All private streets, connecting with state-maintained streets, require an approved driveway application from the NCDOT.
- (6) In the event sidewalks are constructed, the minimum width shall be 4 feet.
- (7) 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 street (see Article VII).

- (j) **Dead-End Streets:** All dead-end streets, excluding stub streets as specified in Section 41(6)(h)(1) & (2) above, shall be constructed with a cul-de-sac with a minimum radius of 40 feet (31 foot pavement radius) or other paved turnaround as approved by NCDOT. If the dead-end street abuts undeveloped property and access to that parcel is needed to facilitate its development, the turnaround shall be platted so that a road connection to the adjoining property can be made. The cul-de-sac or turnaround may be removed once the street is extended to adjacent property.
- (k) **Conformance with Thoroughfare Plans:** The location and design of streets and 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 street standards may be required.
- (k) **Conformance with Adjoining Road Systems:** The planned street layout of a proposed subdivision shall be compatible with existing or proposed streets and their classifications on adjoining or nearby tracts.
- (l) **Access to Adjoining Property:** Where, in the opinion of the Development Review Board, or the Administrator in the case of a minor subdivision, it is desirable to provide for street access to adjoining property, proposed streets shall be extended, dedicated, and, where appropriate, constructed to the boundary of such property. It is the intention of this section to promote the orderly development of a local street system that provides interconnection between developed or developing properties. Factors that should be evaluated when considering requiring the extension of streets or street rights-of-way to adjoining property include (i) the development potential of the adjoining land; (ii) the physiographical and man-made characteristics of the adjoining property, and (iii) the existing and proposed local street system and traffic flow of the entire area surrounding the subdivided tract and adjoining properties. Generally, 'stub streets' shall be required (i) where the zoning and/or land use on the adjoining property are compatible with the proposed subdivision, (ii) where there are no natural or man-made barriers that make the street extension impracticable, (iii) where the street extension will result in desirable traffic flows and patterns and where inappropriate levels of through traffic are avoided, and (iv) where the street extension will promote the overall orderly development of the area. All stub streets shall be designed and, where required to be built, constructed in accordance with the appropriate standards as delineated in these subdivision regulations.
- (m) **Reserve Strips:** Reserve strips adjoining streets rights-of-way for the purposes of preventing access to adjacent property shall not be permitted under any condition.
- (n) **Street Classification:** The final determination of the classification of streets in a proposed subdivision shall be made by the County.
- (o) **Minimum Street Offset:**
 - (1) Where streets are offset, the centerlines shall be offset no less than 150 feet.
 - (2) Except where no other alternative is practicable or legally possible, no two streets may intersect with any other street on the same side at a distance of less than 400 feet measured from centerline to centerline of the intersecting street. When the

intersecting street is a major thoroughfare, the distance between intersecting streets shall be at least 1,000 feet.

(p) Curb and Gutter:

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

(2) As provided in NCGS 136-44.14, whenever curb and gutter construction is used on public streets, wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with published standards of the NCDOT.

(q) Temporary Turnarounds:

Streets stubbed to adjoining property or phase lines may be required to have a temporary turnaround at the end of the street that will be sufficient to permit service vehicles to turn around. The radius of the temporary turn around shall be a minimum of 40 feet.

(r) Grades at Intersections:

The grade on stop streets approaching an intersection shall not exceed 5 percent for a distance of not less than 100 feet from the centerline of the intersection

(s) Sight Distance Easements:

Triangular sight distance easements, if required by the Administrator or the Development Review Board, shall be shown in dashed lines at all street 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 in conformance with the NCDOT requirements for public roads.

(t) Street Construction Plans:

Construction plans for all subdivision streets that are proposed for state maintenance shall be submitted to the NCDOT following preliminary plat approval. No public street improvements shall be constructed until street construction plans have been reviewed and approved by the NCDOT.

(u) Street Inspection:

Work performed pursuant to approved street construction plans shall be inspected and approved by the NCDOT.

(7) Street Trees: If street trees are planted they shall be planted inside the property lines where they are less subject to injury, decrease the chance of accidents, and enjoy more favorable conditions for growth. Trees in islands within dedicated rights-of-way are excepted.

(8) Subdivision Names: In no case shall the name for a proposed subdivision duplicate or be phonetically similar to existing subdivisions in Lenoir County.

(9) Bridges: All bridges shall be constructed in accordance with the standards and specifications of the NCDOT, except that bridges on roads that will not be publicly dedicated may be approved if designed by a registered, professional engineer.

(10) Water and Sewage Disposal: Every lot in a subdivision 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 and/or the County of Lenoir's specifications and standards for water and sewer facilities.

(11) Utilities and Stormwater Management:

- (a) **Utility Construction Plans**: Construction plans for all water and sanitary sewer facilities shall be submitted to the County or other appropriate utility provider following preliminary plat approval. For each subdivision section, the 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. No utility improvements shall be constructed until the utility construction plans have been reviewed and approved by the applicable utility provider.
- (b) **Utility Improvements Inspection**: Work performed pursuant to approved utility construction plans shall be inspected and approved by the applicable utility provider.
- (c) **Public Water and Sewer Construction Requirements**:
 - (1) Water and sewer lines, connections, and equipment shall be constructed in accordance with state and local regulations and policies and to the specifications and standards of the applicable utility provider.
 - (2) In the interest of adequately providing service to adjacent properties, the County may require the installation of certain oversized utility improvements or the extension of utility improvements to adjacent properties.
- (d) **Water and Wastewater Disposal Connection**:
 - (1) Connection of each lot to public water and sewer utilities shall be required if the proposed subdivision is within the minimum distance of the nearest adequate lines of a public system specified in the following table, provided that no geographic or topographic factors would make such connection infeasible or that a specific variance of this requirement is granted by the Development Review Board in cases where it is not legally possible to obtain necessary easements for extending the utility lines:

DWELLING UNITS	DISTANCE TO PUBLIC SYSTEM
0 TO 10	200'
11 TO 20	300'
21 TO 50	600'
51 TO 100	1,000'
101 OR MORE	1,500'

If the tract to be subdivided is proposed to contain the number of dwelling units indicated in the left hand column of the above table or with a nonresidential use that places a comparable demand on the water and/or sewer system, then the distance within which the tract must be connected is indicated in the right hand

column of the table. In determining the number of dwelling units proposed for the tract, all phases of the proposed subdivision shall be considered.

- (2) Water and sewer lines shall be constructed in conformance with the design criteria of the County or to the standards and specifications of another water and sewer service provider if applicable.
- (3) Where public water is not available, wells and/or other private water systems shall be constructed in accordance with the standards and specifications of the Lenoir County Environmental Health Department, applicable County ordinances, and applicable State of North Carolina regulations.

(12) Stormwater Management: All Major Subdivisions consisting of 15 lots or more shall submit engineering plans for the subdivision's Storm Water Management.

- (a) An adequate surface water 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. The surface water drainage system plan shall be designed in accordance with the Sedimentation Pollution Control Act, the North Carolina Stormwater Run-off Regulations, the Handbook for the Design of Highway Surface Drainage Structures, and the specifications and standards of the NCDOT.
- (b) 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. The 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.
- (c) No surface water shall be channeled into a sanitary sewer.
- (d) Where feasible, the subdivider shall connect the new subdivision's storm drainage system to an existing storm drainage system. Where an existing storm drainage system cannot feasibly be extended to the new subdivision, a drainage system shall be designed to protect the proposed development from water damage. Ten-year storm drainage data shall be used as a minimum standard for storm drainage system design.

(13) Electric Power: Every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of the uses anticipated within the subdivision.

(14) Telephone Service: Every lot within a subdivision shall have available to it a telephone service cable adequate to accommodate the reasonable needs of the uses anticipated within the subdivision.

(15) Sidewalks:

- (a) If sidewalks are provided, they shall be a minimum of four feet in width and shall be a minimum of four inches in depth.
- (b) As provided in NCGS 136-44.14, whenever curb and gutter construction is used on public streets, wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and

depressed curbs shall be constructed in accordance with published standards of the NCDOT.

(16) Placement of Monuments: The *Standards of Practice for Land Surveying in North Carolina*, as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, shall apply when installing monuments. All subdivisions shall be tied to the state coordinate system (State Plane, NAD 1983).

(17) Coordination with State and Federal Requirements: All lots, structures, utilities, land disturbing activities, and filling activities shall comply with all applicable state and federal regulations, including but not limited to, Section 404 of the Clean Water Act, Code of Federal Regulations; and the Sedimentation Pollution Control Act of 1973. Whenever there is a conflict between requirements, the more restrictive shall apply.

ARTICLE V: IMPROVEMENTS

Section 50 In General

50-1: Subdivisions may be developed by sections. Each section shall be submitted as a final plat to be recorded in the office of the Register of Deeds.

50-2: Improvements shall be installed in accordance with the requirements and standards set forth in this ordinance and other specifications and policies of Lenoir County. The Planning Department shall review the improvements to verify general conformity to the approved preliminary plans. The developer shall inform the various County inspection officials as to the progress of field work so that timely Planning may be made.

Section 51 Guarantees of Improvements

51-1: Final plats of a subdivision shall be approved by the Planning Department after the subdivider has complied with one (1) or a combination of the following requirements not exceeding 1.25 times the entire cost of improvements as provided herein:

- (1) All required improvements have been installed in accordance with the requirements of this ordinance, or
- (2) A bond or certified check from a bank or other qualified financial institution authorized to do business in North Carolina has been posted, which shall be payable to Lenoir County and shall be in an amount equal to 1.25 times the entire cost, as estimated by the subdivider and approved by the Development Review Board, of installing all required improvements or
- (3) An irrevocable letter of credit issued by a bank or other qualified financial institution authorized to do business in North Carolina in a form approved by the County Attorney. The irrevocable letter of credit shall be payable to Lenoir County and shall be in an amount equal to 1.25 times the entire cost, as estimated by the subdivider and approved by the Development Review Board, of installing all required improvements.

51-2: No surety or portion thereof, as provided for in this section, shall be released by the Planning Department until all improvements have been installed, inspected and approved, and until all required certification of such approval has been presented to the County.

51-3: Default: Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as spelled out in this Ordinance, then the financial institution that issued the bond, certified check, or irrevocable letter of credit shall, if requested by the Planning Department, pay all or any portion of the amount needed to complete the improvements based on engineering estimates. Upon payment, the Planning Department, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The County shall return to the subdivider any funds not spent in completing the improvements.

Section 52 Required Improvements

52-1: Permanent Monuments:

Permanent monuments shall be in compliance with North Carolina General Statute 47-30. The location of all monuments shall be shown the final plat.

52-2: Lot Corners:

All lot corners, other than those marked by permanent monuments as herein described, shall be marked by metal stakes not less than three-quarter (3/4) inches in diameter, no less than two and one-half (2 1/2) feet in length.

52-3: Sewage Disposal and Water Supply:

The subdivider shall submit to the Planning Department along with the final plat a letter of approval of water supply and sewage disposal system signed by the appropriate authority. The subdivider shall install these facilities in accordance with the approved plans.

52-4: Streets:

All streets, shall be constructed, inspected and approved in accordance with the following requirements.

- (1) Construction: Each street segment public or private, shall be classified and constructed in accordance with the N. C. Department of Transportation's "Subdivision Roads-Minimum Construction Standards" as amended. These standards which include drainage, bridge and pavement design are available for review at the Lenoir County Planning Department and at the Division Office of the N. C. Department of Transportation. Exceptions to these standards, however, are as follows:
 - (a) The classification and, as a result, the construction standards for a public or private street segment may be upgraded to a higher classification if that street segment will eventually be required to provide access to or collect traffic from future development on adjacent properties.
 - (b) If access is by an easement and will serve no more than three (3) lots, no design requirements for right-of-way or pavement width are specified. The only requirement is that the structures shall be provided access acceptable to the County.
 - (c) Permanent drainage easements may be required as needed.
- (2) Inspection and approval:
 - (a) All public streets shall be inspected and approved by the District Engineer, N. C. Department of Transportation, Division of Highways.
 - (b) All private streets shall be approved by Lenoir County upon inspection and recommendation by the Planning Department. All materials shall meet the requirements of the "North Carolina Standard Specifications for Roads and Structures".
- (3) Private Streets: Streets designated as private may be allowed in subdivisions when in the opinion of the Development Review Board, they provide adequate ingress and egress onto collector streets, and sufficient assurance is provided through legally established Home Owner's Associations, that the street shall be properly maintained. All such streets shall be designated as "Private Street" on

the preliminary plans and final plats and meet all design requirements of Section 41 of this Ordinance. Whenever a private street intersects a U.S. or N.C. highway or N.C. Secondary Road, a statement of approval for the intersection, signed by the District Engineer, North Carolina Department of Transportation, Division of Highways for Lenoir County, shall be submitted concurrent with the final plat.

- (a) All streets designated for private use shall meet the minimum paving and right-of-way requirements set forth by the N.C. Department of Transportation, as amended. Paving for private streets having low traffic volume may be limited to aggregate base or other soil stabilization suitable to ensure safe passage for emergency vehicles.
- (b) Certain minor streets designated for private use may be excepted from established state geometric standards for minimum centerline radii. Acceptable street alignment centerline radii may be approved by the Development Review Board after consideration of such conditions including but not limited to: topography, tree preservation, reduction of speed to safe levels, and the total number of anticipated trips per day.

52-5: Surface Water Drainage:

All drainage construction within the area of the proposed subdivision shall be reviewed by the Planning Department for conformance with applicable minimum standards required by the state. Sufficient calculations shall be included with the preliminary plan to review hydraulic computations. These shall include as a minimum a scale map showing the limits of on-site and off-site drainage areas, acreage of each drainage area, storm runoff calculations, pipe or ditch dimensions, and pipe materials. The subdivider shall do all grading and install all drainage structures shown on the preliminary plan for the area specified by the final plat.

Wetlands, natural depressions and areas of good draining soils may be used in the development of drainage plans if they exist.

Discharge of runoff from impervious surfaces directly into natural water bodies shall not be allowed. Runoff shall be routed along vegetated swales, through filter media of vegetation, gravel, sand, or other media, or to detention ponds for the purpose of increasing percolation and settling and filtering out non-point pollutants.

52-6 Fire Hydrants:

The subdivider shall be responsible for providing adequate fire protection for the subdivision through the provision of fire hydrants. These fire hydrants shall be constructed to specifications established by the county Fire Marshall, based on NFPA standards. Hydrants shall be required as follows:

- (1) Subdivision with central water system: for any major subdivision served by central water system meeting State requirements (Section .2101 Title 10 - Chapter 10D NCAC) for fire hydrants, the subdivider shall be required to install a fire hydrant at the entrance to the subdivision and additional hydrants equal either to the total linear feet of roadway divided by 1000 or the total number of lots/units divided by 40, whichever is greater. These additional hydrants shall be spaced evenly through the subdivision in order to provide maximum fire protection coverage, as determined by the county Fire Marshall. The spacing requirement for

attached housing projects shall be 300 feet unless the Fire Marshal approves otherwise.

- (a) All hydrants shall have NSFT (National Standard Fire Thread).
 - (b) All hydrants shall open counter-clockwise.
 - (c) All hydrants shall be self-draining.
- (2) Subdivision with surface water bodies: for any major subdivision without an adequate central water system, but either including or adjacent to an adequate permanent surface water body, the subdivider shall be required to do one of the following:
- (a) Install a dry fire hydrant as to the water source as possible with the adequacy of the water source and the location of the dry fire hydrant to be determined by the County Fire Marshall; or
 - (b) Establish an easement or road to the water source providing permanent all-weather access that is adequate for fire-fighting equipment and vehicles as determined by the County Fire Marshall.

Section 53 Home Owner's Association

A homeowner's association shall be established in accordance with NC General Statute 47F for each subdivision containing private streets and drainage systems. The final plat for each subdivision shall contain a certificate indicating the book and page number of the Home Owner's Association covenants, conditions and restrictions. The covenants, conditions and restrictions shall specify lot owners' responsibilities for maintenance of private streets and drainage systems, and shall provide for assessments to finance all maintenance activities. (Additional covenants shall provide that the Home Owner's Association will construct stub streets prior to offering any connecting streets for acceptance by NCDOT. Final plats for subdivisions containing private streets and drainage improvements will not be approved until the subdivider's Home Owner's Association documents have been submitted and approved by the Planning Department.

53-1 Establishment of Home Owners' Association:

- (1) Creation. An Home 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.
- (2) Conveyance. Where developments have common areas for facilities serving more than one dwelling unit, these areas shall be conveyed to the Home 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 Home Owners' Association.
- (3) Subdivision or Conveyance of Common Area. Common areas shall not be subsequently subdivided or conveyed by the Home Owners' Association unless a revised preliminary plat and a revised final plat showing such subdivision or conveyance have been submitted and approved.

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

53-2

Submission of Home Owners' Association Declaration: Prior 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 Home 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 Planning Commission as to their sufficiency. The restrictions shall include provisions for the following:

- (1) Existence Before Any Conveyance. The Home 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.
- (2) Membership. Membership in the Home 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.
- (3) Home Owners' Association Declaration:
 - (a) Responsibilities of Home Owners' Association. The Home Owners' Association declaration shall state that the association is responsible for:
 - (1) The payment of premiums for liability insurance and local taxes;
 - (2) Maintenance of recreational and/or other facilities located on the common areas; and
 - (3) Payment of assessments for public and private improvements made to or for the benefit of the common areas.
 - (b) Default of Home Owners' Association: Upon default by the Home 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.
 - (c) Powers of the Association. The Home 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 Home 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.

- (d) Easements. Easements over the common areas for access, ingress, and egress from and to public streets and walkways and easements for enjoyment of the common areas, and for parking, shall be granted to each lot owner.
- (e) Maintenance and Restoration. Provisions for common area maintenance of and restoration in the event of destruction or damage shall be established.

ARTICLE VI: ADMINISTRATION

Section 60 **Variances and Exceptions**

The Planning Board may approve subdivision plats which vary from the requirements of design, but not of procedure or improvement. Such a variance may be granted only where topographic or other existing physical conditions are such that compliance with the requirements of this ordinance would cause an unusual and unnecessary hardship on the subdivider above and beyond what other subdividers would meet, and provided that such variations will not have the effect of nullifying the interest and purpose of these regulations.

Section 61 **Planned Unit Development**

The standards and requirements of this ordinance may be modified by the Development Review Board in the case of a plan and program for a group, cluster, or planned unit development, which, in the judgement of the Development Review Board provides adequate public spaces and improvements for circulation, recreation, light, air, and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the Land Development Plan.

Section 62 **Procedure for Variances and Exceptions**

- (1) The subdivider must submit a written request stating the reasons for each modification. The Planning Board may require such conditions as will, in its judgement, preserve the spirit and intent of these regulations. These conditions may include but shall not be limited to: surety, performance, or maintenance bonds, affidavits, covenants, or other legal instruments, as will assure conformity to and achievement of the plan.
- (2) Any modifications thus authorized are required to be entered in writing in the minutes of the Planning Board and the reasons on which the departure was justified set forth. The Board of Commissioners shall then be notified in writing of the variance or exception granted.

Section 63 **Amendments and Appeals**

Amendments: The Lenoir County Commissioners may from time to time amend these regulations, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendations. The Planning Board shall have forty (40) days within which to submit a report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have approved the amendment.

Appeals: If there is an appeal from the decision of the Lenoir County Development Review Board or the Administrator taken to the Lenoir County Planning Board, then the person filing the appeal may not file a revised preliminary plan for the portion of the subject site affected by the appeal until the completion of the appeal to the Planning Board or any final judicial determination. The Lenoir County Development Review Board may approve a preliminary plan for that portion of the property not affected by the action of the appeal.

If there is an appeal from the decision of the Administrator, concerning a final plat, then the person filing the appeal may not file a revised final plat for the portion of the

subject site affected by the appeal until the completion of the appeal to the Lenoir County Planning Board or any final judicial determination. The Administrator may approve a final plat for that portion of the property not affected by the action of the appeal.

Section 64 Separability

Should any section or provision of this ordinance be declared by the courts to be invalid for any reason, such declaration shall not affect the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 65 Conflict

When the requirements of this ordinance conflict with the requirements of other lawfully adopted rules, regulations, or ordinances of the County of Lenoir, or deed restrictions imposed by the developer, the more stringent or higher requirements shall govern.

Section 66 Public Sites and Open Spaces

66-1: Planned Thoroughfares

(1) Reservations when subdivision served by planned thoroughfare.

When any portion of a major or minor thoroughfare shown on the Lenoir County Thoroughfare Plan runs through and provides direct access to the tract of land to be subdivided, the Development Review Board or the Board of County Commissioners may require the subdivider to reserve the required right-of-way for such thoroughfare. No structures or buildings shall be placed on said reserved land. Reservations of land under this section shall not remain in effect longer than 12 months from the date of final plat recording.

(2) Disclosure of planned thoroughfare.

When any portion of a proposed major or minor thoroughfare shown on the Lenoir County Thoroughfare Plan runs through the tract of land to be subdivided, both the preliminary plan and final plat for the subdivision shall disclose the presence of the planned thoroughfare. Disclosure shall be provided as follows:

- (a) A note on the plat stating: "This subdivision crosses a proposed thoroughfare right-of-way; present status should be confirmed with N.C. Department of Transportation."

66-2: Reservation of Sites for Public Facilities

To insure orderly development of the County in accordance with the general principles set forth in the Lenoir County Development Plan, it is recommended that the subdivider reserve open spaces for such public purpose as parks, playgrounds, schools, and fire stations, and to provide the County an opportunity to buy this land at the fair market value for a period of six (6) months from the date of submission of the preliminary plat.

Section 67 Duty of Register of Deeds

The County Commissioners of Lenoir County shall file a copy of this ordinance with the Register of Deeds of Lenoir County. The Register of Deeds shall not thereafter file or record a plat of a subdivision located within the territorial jurisdiction of Lenoir County without the approval of the Administrator or the Development Review Board as required in this ordinance. The landowner shown on a subdivision plat submitted for recording or his authorized agent, shall sign a statement on the plat as to whether or not any land shown thereon is within the territorial jurisdiction of Lenoir County as defined herein. The filing or recording of a plat of a subdivision without

the approval of the Administrator or the Development Review Board as required by this ordinance shall be null and void. The Clerk of Superior Court of Lenoir County shall not order or direct the recording of a plat where such recording would be in conflict with this section.

Section 68 Enforcement of Ordinance

This ordinance may be enforced by any one or more of the remedies authorized by G.S. 153A-123, including but not limited to the following:

- (1) Violation of this ordinance subjects the offender to a civil penalty of one hundred dollars (\$100.00) for a first time offense, three hundred dollars (\$300.00) for a second offense, and five hundred dollars (\$500.00) for a third subsequent offense to be recovered by the County in a civil action in the nature of debt if the offender does not pay the penalty to the County Finance Office within ten (10) calendar days after the offender has been cited for a violation. Violation of this ordinance shall result only in civil penalties and/or civil action set forth herein and shall not entail criminal sanctions.
- (2) This ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.
- (3) This ordinance may be enforced by injunction, order of abatement, or both, as provided in G.S. 153A-123 (e).
- (4) Each day's continuing violation of this ordinance is a separate and distinct offense.

SECTION 69 Development Review Board

69.1 Establishment: There is hereby created a technical advisory committee known as the Development Review Board (DRB) consisting of the County Planner, County GIS Coordinator, County Building Inspection representative, County Manager, County Health Department representative, and Planning Board Representative. Depending upon the specific aspects of a development proposal, additional members of the DRB may include representatives, as designated by the director of each agency, of the following agencies: the Lenoir County School Board, NC Department of Transportation, and Lenoir County Emergency Management Department.

69.2 Duties of the Development Review Board: The DRB shall have the following duties:

- (1) To review and comment on the technical aspects of all applications for approval of subdivision plats and any Ordinance amendments.
- (2) To provide the County Planner, for transmission to the Planning Board or Board of Commissioners and other appropriate boards and agencies, with reports and recommendations regarding requests for approval before such bodies.
- (3) To perform any other related duties that this Ordinance may authorize or that the Board of Commissioners may direct.

69.3 Officers: The County Planner or his designee shall serve as the chairman of the DRB. The DRB shall appoint a Secretary.

69.4 Meetings:

- (1) The DRB shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conforming with the review procedures delineated in this Ordinance.
- (2) The DRB may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this Ordinance.

SECTION 70 Re-Enactment and Repeal of Existing Subdivision Ordinance

This Ordinance in part carries forward by re-enactment some of the provisions of the Subdivision Ordinance of Lenoir County and its amendments, originally adopted on re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced. All provisions of the Subdivision Ordinance, which are not re-enacted herein are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of any Subdivision Ordinance heretofore in effect, which are now pending in any of the courts of this State or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance, but shall be prosecuted to their finality the same as if this Ordinance had not been adopted; and any and all violations of the existing Ordinance, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Ordinance shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending and/or which may heretofore have been instituted or prosecuted.

ARTICLE VII: CERTIFICATES

The certificates herein shall appear on final plats, if applicable.

a) Certificate of Ownership. Dedication and Jurisdiction

MAJOR SUBDIVISIONS

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (We) hereby adopt this plan of subdivision with my own free consent and dedicate all streets, alleys, walks, parks, conservation space and other areas to public or private use as noted. I (we) will maintain all such areas until the offer of dedication is accepted by the appropriate public authority. All property shown on this plat as dedicated for a public use shall be deemed to be dedicated for any other public use authorized by law when such other use is approved by the Board of County Commissioners of Lenoir County in the public interest. Further, I certify that the land as shown hereon is located within the subdivision jurisdiction of Lenoir County.

Date

Signature of Owner

MINOR SUBDIVISIONS

I (We) hereby certify that I am (we are) the owner(s) of the property described hereon, which property is within the subdivision regulation jurisdiction of Lenoir County, and that I (we) freely adopt this plan of subdivision.

Date

Signature of Owner

CERTIFICATE OF OWNERSHIP AND INTENT (For Preliminary Plats)

I (we) hereby certify that I (we) am the owner(s) of the property shown and described hereon, which is located in the subdivision jurisdiction of Lenoir County, and that I (we) _____ hereby adopt this plan of subdivision with my (our) free consent and establish my (our) intent to install and construct all improvements in this subdivision as to the County's minimum design requirements, as noted.

Date

Signature of Owner

b) Certificate of Accuracy and Mapping

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision, description recorded in Book _____, Page _____; 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 _____; that this map was prepared in accordance with G.S. 47-30 as amended.

Witness my hand and seal this _____ day of A.D., 20__

Seal

Surveyor, registration number

c) Certificate of Proposed Subdivision Road Construction Standards

Department of Transportation
Division of Highways
Proposed Subdivision Road

Construction Standards Certification approved _____
District Engineer

Date

d) Certificate of Disclosure - Lenoir County Flood Plain Management

I hereby certify that prior to entering into any agreement or any conveyance with a prospective buyer, I shall prepare and sign, and the buyer of the subject real estate shall receive and sign, a statement which fully and accurately discloses that the subject real estate, or a portion of the subject real estate, is located within a flood hazard area and that the buyer must satisfy the requirements of the Lenoir County Flood Plain Management Regulations prior to the issuance of construction permits.

Date

Signature of Owner

e) Certificate of Disclosure for Private Developments

I acknowledge that neither the State nor the County shall be responsible for maintenance of any streets, drainage, open space or other areas which are designated for private use. I acknowledge that prior to contracting with a prospective buyer, I shall give the buyer a written statement which discloses the existence and location of such private areas and specifies the maintenance responsibilities for same. When applicable, the statement shall disclose that the street(s) will not be constructed to minimum standards sufficient to allow their inclusion on the State highway system for maintenance.

Date

Signature of Owner

f) Certificate of Disclosure for Homeowner's Association Covenants, Conditions and Restrictions.

North Carolina

Lenoir County

Home Owner's Association Covenants, Conditions and Restrictions filed for registration on the _____ day of _____ at _____ (a.m./p.m.) and duly recorded in Deed Book _____, at Page _____.

Register of Deeds

g) Environmental Health Septic Tank Suitability Certificate

The following statement shall be placed on all subdivision plats that include building lots that do not have public sewer service available to them:

Applications for Improvement Permits for septic tank wastewater systems for lots _____ in this subdivision were received by Lenoir County Environmental Health (LCHD) on _____ and prepared by _____. LCHD conducted soil evaluations and issued Improvement Permits pursuant to N.C. General Statutes 130A-336 and 15A NCAC 18A.1900 et seq. An Improvement Permit may be revoked in some circumstances. Issuance of an improvement permit for a lot does not guarantee issuance of a construction authorization and/or operations permit for the lot. Results of the evaluation are _____.

Environmental Health Officer

Date

h) Certificate of Review Officer

North Carolina

Lenoir County

I, _____, Review Officer of Lenoir County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer

i) Certificate of Registration by Register of Deeds

North Carolina

Lenoir County

Filed for Registration on the _____ day of _____ (a.m./p.m.) and duly recorded in Plat Cabinet _____, Page _____.

Register of Deeds

j) Certificate of Approval

CERTIFICATE OF PLAT APPROVAL FOR CONSTRUCTION OF IMPROVEMENTS
(For Preliminary Plats)

I hereby certify that the preliminary subdivision plat shown hereon has been found to comply with the requirements of the Subdivision Regulations of Lenoir County, North Carolina and that this plat has been approved by the Development Review Board of Lenoir County to authorize the construction of the required improvements as noted.

DEVELOPMENT REVIEW BOARD OFFICER

DATE

MAJOR SUBDIVISION

I hereby certify that the Major Subdivision shown on this plat is in all respects in compliance with the Subdivision Regulations of Lenoir County, and that therefore this plat has been approved by the Lenoir County Development Review Board, subject to its being recorded in the Lenoir County Registry within ninety days of the date below.

DEVELOPMENT REVIEW BOARD OFFICER

DATE

MINOR SUBDIVISION

I hereby certify that the minor subdivision shown on this plat does not involve the creation of new public streets or any change in existing public streets, that the subdivision shown is in all respects in Compliance with the Subdivision Regulations of Lenoir County, and that therefore this plat has been approved by the Subdivision Administrator, subject to its being recorded in the Lenoir County Registry within ninety days of the date below.

Administrator

Date

EXEMPTION APPROVAL STATEMENT

This property is exempt from the Lenoir County Subdivision Ordinance per Section 20-58-(____) thereof.

Administrator

Date

CERTIFICATE OF APPROVAL FOR RECORDING

(For proposals within a designated Watershed Boundary Area)

I certify that the plat shown hereon complies with the Watershed Protection Ordinance and is approved by the Watershed Review Board for recording in the Register of Deeds office.

Date

Watershed Administrator

k) **Flood Statement**

This property is located in zone_____, and is/is not within a Special Flood Hazard Areas, As determined by NIFP Rate Map Dated _____, _____: Community Panel Number _____.