

CHAPTER 3 SUBDIVISIONS

(Amended 9/16/1991; 11/1/1993; 4/2/2001;
6/7/2004; 10/2/2006; 7/13/2009; 10/12/2009; 03/02/2015)

ARTICLE I SHORT TITLE

This ordinance SHALL be known and may be cited as the Subdivision Ordinance of Rockingham County, North Carolina.

ARTICLE II PURPOSE

The purpose of subdivision regulations is to create conditions that substantially promote public health, safety and general welfare by providing for the orderly growth and development of Rockingham County.

ARTICLE III AUTHORITY AND JURISDICTION

3-1 Authority

The enactment of this ordinance is authorized under provisions pursuant to Chapter 153A, Article 18, Sec. 330 et seq. of the General Statutes of North Carolina.

3-2 Jurisdiction

This ordinance shall govern the platting and recording of any subdivision of land lying within Rockingham County and outside the validly exercised subdivision-regulation jurisdiction of any municipality. It may also govern the platting and record of any subdivision of land lying within the validly exercised subdivision-regulation jurisdiction of any municipality whose governing body by resolution agrees to such regulations.

ARTICLE IV LEGAL PROVISIONS

4-1 Application of Ordinance

- a) This ordinance is applicable to all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions are created 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.

- b) No lot or plat (except as provided by Section 4-2 below) within Rockingham County's Subdivision jurisdiction shall be transferred, nor shall a plat or record thereof be recorded by the county Register of Deeds until a final plat of the subdivision has been submitted to and approved by the Planning Staff or the Technical Review Committee. Such approval shall be indicated on the face of

the plat signed by an authorized member of the Rockingham County Planning Staff.

- c) The Register of Deeds shall not file a plat or record of subdivisions of land within the county's jurisdiction without the required certification and signature of the Planning Staff.

4-2 Exceptions

- a) The following divisions of land shall not be included nor be subject to the regulations prescribed by this Subdivision Ordinance and are not subject to approval by the Planning Department.
 - 1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its subdivision regulations;
 - 2) The division of land into parcels greater than 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 public transportation system corridors;
 - 4) The division of a tract in single ownership the entire area of which is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved, and where the resultant lots are equal to or exceed the standards of this subdivision ordinance;
 - 5) The division of a lot into a cemetery and grave sites.
 - 6) Conveyances made for the purpose of dividing an estate among the heirs.
- b) Plats not involving a subdivision shall contain a legend on the face of the plat to the effect that the plat is not subject to the provisions of the Subdivision Ordinance.

4-3 Plat Approval Not to Constitute Acceptance of Street or Public Utility

The approval of a plat pursuant to this Ordinance shall not be deemed to constitute or affect the acceptance by the County or the public of the dedication of any street or other ground, public utility line or other public facility shown on the plat.

4-4 Approval Required for Building Permit

No building permit or certificate of occupancy shall be issued for any building on any lot which was created by a subdivision after the effective date of this ordinance (March 18, 1988) and no construction of any public or private improvements shall be commenced, except in conformance with the requirements of this ordinance.

4-5 Variances Due to Site Conditions

Where the subdivider can show that application of these requirements would cause unnecessary hardship, if strictly adhered to due to topographical or other conditions peculiar to the site, the Planning Board may approve a variance when it finds that such variance may be granted without destroying the intent of this ordinance. Any variance thus recommended by the Planning Board shall be noted in the minutes of the meeting at which the variance is granted and such notation shall include the reasons for the variance.

4-6 Appeals, Judicial Review, Penalties, and Remedies

Appeals, judicial review, penalties, and remedies for the Subdivision Ordinance will be handled in accordance with Articles XIV, XV and XVI of the Zoning Ordinance.

4-7 Conflicting Ordinances

Where another applicable regulation, ordinance, or statute imposes more restrictive regulations than those contained in this ordinance, the more restrictive regulation shall govern.

4-8 Separability

Should any section or provision of this ordinance be for any reason held void or invalid, it shall not affect the validity of any other section or provision hereof which is not itself held void or invalid.

4-9 Effective Date

This ordinance shall take effect and be in force from and after March 18, 1988, and as subsequently amended by the Board of Commissioners for Rockingham County, North Carolina.

4-10 Amendment Procedure

This ordinance may be amended or revised from time to time by the Board of Commissioners for Rockingham County as provided by North Carolina General Statutes, Chapter 153A-323, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Rockingham County Planning Board for review and recommendation. If the Planning Board fails to provide a recommendation within 45 days of submission to the board, it shall be deemed to have favorably recommended the amendment.

4-11 State Platting and Disclosure Statement Requirement

All subdividers planning to sell lots not platted and recorded prior to October 1, 1975, are advised to consult N.C. General Statutes 136-102.6, "Compliance of Subdivision Streets with Minimum Standards of the Board of Transportation," which requires that all new streets, whether public or private, and all changes in streets be platted. N.C.G.S. 136-102.6 also requires the subdivider to furnish to each lot purchaser a subdivision streets disclosure statement revealing the status of new streets, whether they are constructed to N.C. Department of Transportation standards, and who will bear maintenance responsibility for the streets. No provision of the Rockingham County Subdivision Ordinance or of any other local ordinance shall exempt a division of land from the provisions of N.C.G.S. 136-102.6.

ARTICLE V PROCEDURE FOR APPROVAL OF PRELIMINARY AND FINAL PLATS FOR SUBDIVISIONS

5-1 Technical Review Committee

A Technical Review Committee is hereby created whose purpose is to review and approve major land subdivisions in Rockingham County and to carry out other functions authorized by ordinance. The Technical Review Committee shall be composed of, but not limited to the following members; staff members from the Planning Department, Health Department, Soil Conservation Department, Fire Marshal's Office, and a member of the Planning Board, a licensed engineer, District Engineer NC DOT, and a licensed surveyor.

The Technical Review Committee shall meet twice a month at designated times. Subdivision plats and other submission shall be presented to the Planning Department 8 days before the Technical Review Committee meeting. Decisions by the Technical Review Committee may be appealed to the Planning Board.

5-2 Preapplication Review: Major Subdivisions

It is recommended that the developers of a major subdivision (any subdivision with six or more lots, or that involves the development or extension of a new public road) present to the Technical Review Committee a sketch plan of the proposed subdivision. This plan should be to scale unless otherwise provided and show the following:

- 1) A vicinity map;
- 2) boundaries of the tract and the portion to be subdivided;
- 3) total acres to be subdivided;
- 4) proposed general street and lot layout;
- 5) location of all existing or proposed lakes, ponds and water courses;
- 6) zoning district classification of zoning tract and all adjacent properties;

- 7) The existence of any farmland preservation districts within one aerial mile of the boundaries of the proposed development. (The portion of the site plan showing the farmland preservation districts does not need to be drawn to scale but shall provide a reasonable illustration of the location of the farmland preservation district in relation to the proposed development.) (Amended 6/7/2004)

Upon review of the sketch plan by Technical Review Committee, the staff shall advise the Subdivider or his authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of preliminary and final plats. One copy of the sketch plan shall be returned to the subdivider and one copy shall remain on file in the Planning Department along with any comments made by the Technical Review Committee concerning the proposed plat. This review shall not in any way be construed as constituting an official action of approval for recording of the subdivision plat.

5-3 Preliminary Plat and Required Plans, Major Subdivisions

Submission Requirements for Preliminary Plats. The developer shall prepare a preliminary plat for a proposed major subdivision. The plat shall be prepared according to specifications in Appendix A.

The developer shall submit the required number of copies of the plat and any other reports or recommendations pertaining to the plat to the Planning Department. The deadline for submission is eight (8) days prior to a regularly scheduled TRC meeting. The Planning Staff shall place the item on the TRC agenda. The TRC shall review the preliminary plat and any other reports or recommendations pertaining to the plat.

- a) Technical Review Committee Action. The TRC shall recommend, recommend with conditions, or disapprove the preliminary plat. If Modifications may be required by the committee before preliminary plat approval. If the committee attaches conditions to approval or does not approve a preliminary plat, the conditions or reasons for disapproval shall be stated in writing.
- b) Approvals Required Before Grading. After preliminary approval has been granted and before any grading or road construction may begin, evidence from the proper agencies must be provided to the Planning Staff for the following:
 - i. Road construction plans (including driveway permits) approved by NCDOT;
 - ii. Sediment/ erosion control plans and permit from NCDENR;

5-4 Final Plat, Major Subdivisions

- a) Submission Requirements. When the requirements of this Ordinance have been complied with, the subdivider shall submit the required number of copies of the final subdivision plat prepared by a registered surveyor along with any deed restrictions to the Planning Department for TRC approval. The TRC will determine if the final plat conforms to the preliminary plat and other requirements of this Ordinance. The deadline for submission is eight (8) days prior to a regularly scheduled TRC meeting. The Planning Staff may grant Final Plat approval if all of the following conditions have been met:
- i. The final plat conforms to the requirements of this ordinance;
 - ii. Environmental Health Division evaluated the proposed lots at the Preliminary Plat approval stage and no changes or realignments have been made to lot lines since the Preliminary Plat was approved;
 - iii. No realignment, addition or deletion of roads has occurred; and
 - iv. No other significant changes have been made.

If the Planning Staff grants final plat approval, the subdivider shall submit at least two (2) paper copies and a mylar of the final plat. Two paper copies will be retained by the County.

- b) Improvements and Certificates. No final plat shall be approved until all improvements are installed or their execution guaranteed as set forth in Article VII, Section 7-2 of this ordinance and until the applicable certificates and approvals listed in Appendix B, and required by this ordinance and state law, have been properly completed and signed by their issuing agency.
- c) Disagreement. In any case of disagreement between the Technical Review Committee and a developer and/or engineer or surveyor, the aggrieved party may appeal to the Rockingham County Planning Board for relief and/or a decision.
- d) Recordation. The approval of the final plat by the Technical Review Committee or Planning Staff shall be on condition that such plat be recorded in the office of Register of Deeds within 30 days after approval and shall be accompanied by a Certificate Approval for Recording shown on the plat signed by the Planning Department Staff .
- e) Improvements for an approved subdivision shall be completed within 24 months from the date of preliminary plat approval. A

financial guarantee for improvements may be used if not completed in 24 months (See Article VII). If the subdivider fails to complete improvements within the specified period, he shall be required to resubmit plans (as required by the Technical Review Committee) for review and approval by the committee before commencing work on the project. Plans shall be subject to intervening changes and modifications to this ordinance and state regulations unless exceptions are granted by the committee.

5-5 Minor Subdivisions

This section establishes the procedures for the approval of minor subdivisions.

The minor subdivision process shall not be used a second time within three (3) years anywhere within the original property boundaries if the total number of lots would constitute a major subdivision. Major subdivision requirements shall be followed for further subdivision that takes place within three (3) years.

- a) Submission Requirements: Two copies of a plat, prepared according to specifications in Appendix C, shall be presented to the Planning Department for all minor subdivisions.
- b) Review Procedure: The Planning Staff shall review each minor subdivision and shall find that it either does or does not meet the requirements of this ordinance within fourteen (14) days of its submission. The decision of the Planning Staff is subject to appeal by the subdivider to the Planning Board, which must act on any appeal within thirty (30) days.
- c) Certificate of Approval for Recording. If the proposed minor subdivision is approved by the Planning Staff, or by the Planning Board upon appeal, such approval shall be shown by a certificate of approval for recording signed by the Planning Staff on the subdivision plat (Appendix D, Certificate 9) The subdivider shall record the plat with the Register of Deeds within 30 days after approval.
- d) The minor subdivision plat approval procedure shall not be used a second time within 1 year on any property less than 1,500 feet from the original property boundaries by anyone who owned or had any legal interest (or by a successor in interest) in the original subdivision at the time the subdivision received preliminary or final plat approval.

ARTICLE VI **REQUIREMENTS FOR SUBDIVISION OF LAND**

This section sets forth the requirements on which decisions to approve or deny subdivision plats shall be based.

6-1 General

Land shall be subdivided in accordance with good land planning practices, including adequate consideration of the natural topography and drainage features and the type of development proposed and in compliance with the Rockingham County Unified Development Ordinance (UDO) and other pertinent official development plans and ordinances.

6-2 Plat Requirements

In addition to the other requirements listed in this chapter of the UDO, plats shall show sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines to an appropriate accuracy and in conformity with good surveying practice.

6-3 Road Frontage

All lots of the subdivision must front on a public paved road, a private road specifically provided for in Sec. 5 of this Article, or an Exclusive Use Easement specifically provided for in the second paragraph of section 3 of this Article. Lots shall have a minimum road frontage of 50 feet except cul-de-sac lots which only require 35 feet of frontage. There shall be no reserve strips controlling access to streets except where cause can be shown that such control would best serve the purpose of this Ordinance.

Upon approval of the Planning Department an Exclusive Use Easement may be recorded to serve as access to a single parcel in lieu of public or private right-of-way dedication, provided the easement will serve no more than one residence, the easement directly abuts an existing public accepted and maintained road, the easement is a minimum of 20 feet in width, there is not another Exclusive Use Easement within 150 feet of the proposed access easement, and the access is maintained in a condition which assures easy and adequate access for emergency vehicles. The actual driveway access road shall be constructed and approved by the Staff prior to a Certificate of Occupancy being issued. The surveyor shall note on the plat for recording that the easement is for the EXCLUSIVE USE of the platted parcel only.

6-4 Streets and Roads

- a) The design of all public streets and roads within Rockingham County shall conform to the minimum standards set forth in the most recent edition of "Minimum Construction Standards for

Subdivision Roads" as published by the N.C. Department of Transportation, Division of Highways.

- b) Disclosure and approval by the Division of Highways shall comply with G.S. 136-102.6.
- c) The layout of new and extended streets and roads shall be coordinated with existing road systems so as to provide reasonable traffic and travel patterns.
- d) All streets shall be named. The County will erect road name signs, at the developer's expense, at intersections of all public and private roads. Such signs for private roads shall bear the designation "PR" and the road name and shall be of design and construction as approved by the Planning Director. New streets which are obviously in alignment with others already existing and named shall bear the names of the existing streets. In no case shall the names of new streets phonetically resemble existing street names.
- e) Subdivision Names. All subdivisions requiring the development of new public roads must be named. Signage clearly indicating the name of the subdivision may be posted at each entrance to the subdivision. There shall be a limit of one (1) double-faced sign or two (2) single-faced signs for each road entrance to the development named on the sign. The combined square footage of the signs may not exceed 32 square feet per face (64 square feet total) and not exceed six (6) feet in height. Signs shall comply with the UDO sign provisions and with N.C. Department of Transportation setback and location guidelines.
- f) Access to Adjoining Property. Means of access among and to adjoining properties within the subdivision shall be provided.
- g) Cul-de-sacs. Cul-de-sacs or other dead end streets designed to be permanently closed shall be provided at the closed end with sufficient right-of-way for vehicular turnarounds. Cul-de-sac streets shall not exceed 1,500 feet in length except where necessitated by topography or design considerations and approved by the Technical Review Committee. Circular rights-of-way at the closed end shall have a minimum radius of fifty (50) feet and the surfacing shall have a minimum radius of thirty-five (35) feet.
- h) Road construction in critical and buffer areas. When possible roads shall be located outside of the critical and buffer areas. Roads constructed within either of these areas shall be designed and constructed so as to minimize their impacts on water quality.

6-5 Private Roads

- a) Private roads or drives shall be permitted only in the following circumstances:
 - (1) Developments which by the nature of their design could not occur if required to meet DOT subdivision standards, as for example residential developments under unified or homeowner's association control (attached housing, PUD's, etc.) and commercial or industrial development under unified control. Private roads in these developments shall be designed and constructed, including paving, to standard acceptable engineering design and criteria and shall be certified that they are designed and built to such standards by a licensed engineer or surveyor. The subdivider shall demonstrate to the reasonable satisfaction of the Technical Review Committee that the private roads will be maintained.
 - (2) In subdivisions in which a new street provides access to three (3) or fewer lots provided that the new street connects directly to a public street currently accepted and maintained by the NC DOT.
 - (3) Private roads shall meet all applicable standards and have a graveled travelway of at least twelve (12) feet and contain at least four (4) inches of stabilized material.
- (b) The following additional standards shall apply to private roads in subdivisions with less than four (4) lots.
 - (1) All private roads shall have a minimum of 50 foot right-of-way.
 - (2) All private roads shall be designed and constructed to incorporate standard engineering design criteria and principles.
 - (3) All developers who incorporate private roads in to their subdivisions are required to present their design and road construction plans to the Planning Department for review and approval.
 - (4) All private roads must be inspected and approved by the Planning Department.

- (5) Excessive grades shall be avoided except in unusual topographical conditions.
 - (6) Shoulders shall be at least four feet and be established with seeding, sodding or mulch to prevent erosion. All areas disturbed by road construction shall be seeded with permanent vegetation to stabilize the soil and prevent erosion prior to final inspection.
 - (7) Roadway drainage shall be constructed to provide drainage from the road and adjacent areas. The ditches shall be built with sufficient depth to carry the expected volume of water. Where roads cross streams, minor water courses or drainage areas, adequate culverts shall be installed to prevent ponding and washouts of the roads.
 - (8) Vehicle turnaround areas shall be provided at the end of all dead-end roads, and shall be built in a manner as to provide an adequate turning radius for emergency vehicles, with a minimum radius of 35 foot and a minimum right-of-way of 50 feet.
 - (9) Curves shall be constructed with a minimum centerline radius of 125 feet. The right-of-way must be designed with bends that will provide sufficient width to construct the road to this minimum radius.
 - (10) The developer shall sign a certificate (Appendix D, Cert. 5) attesting to the fact that an instrument will be recorded with the final plat which guarantees:
 - a right of access by all lots served by the private road
 - a full disclosure of the status of the road and specific road maintenance responsibilities (as required by GS 136-102.6) and that these listed items shall run with the land.
- d) A disclosure statement shall be recorded with all deeds transferring property along a private road. Such disclosure statement shall explain how the road will be maintained and make the buyer fully aware that the road is a private road and that access may or may not be considered acceptable by lending institutions in the future.
 - e) Future resubdivision of lots served by private roads in subdivisions approved after March 17, 1988 into smaller tracts shall not be

permitted unless plans for upgrading to the required public or private road are approved by the Technical Review Committee and the NC DOT (public roads). Final approval shall not be granted until said roads are built according to approved plans or proper assurance of completion is accepted by the Technical Review Committee.

- f) In the interest of safety and sound transportation planning, the Technical Review Committee or Planning Staff may require that a developer proposing a new subdivision road upgrade a nearby existing private road to DOT standards and connect the proposed road to the upgraded private road.

6-6 Blocks

Blocks shall be laid out with due consideration given to traffic circulation patterns and contemplated use.

- a) Length. Blocks shall be not less than 400 or more than 1,600 feet in length, except as considered necessary to secure efficient use of land or desired features of street pattern by the Technical Review Committee. In blocks over 800 feet in length one or more crosswalks not less than ten (10) feet in width extending entirely across the block are permitted at locations deemed necessary by the developer.
- b) Widths. Blocks shall be wide enough to allow two tiers of lots of minimum depth, (reference Table of Area and Yard Requirements, Zoning Ordinance), except where fronting on major streets or prevented by topographic conditions, in which case a single tier of lots may be approved.

6-7 Lots

Lots shall be designed in shape, size and location with due regard to topographic conditions, features of the surrounding area, contemplated use, and official plans and ordinances.

- a) Marginal Land. Land subject to flooding or land which may aggravate the flood hazard or increase danger to life or property if developed, and land within dedicated right-of-way for the purpose of ingress and egress shall not be considered in determining the minimum lot area or maximum lot depth.
- b) Frontage on a Public Street. Every lot shall front or abut on a public street (except where private roads are permitted, with a 50 ft. minimum road frontage). Lots shall have a minimum width of 100 feet at the building line, except that cul-de-sac lots may have less

than 100 feet. Corner lots may have access limited to subdivision roads/streets.

- c) Double Frontage. Double frontage lots and lots with frontage at right angles to the general pattern in the area shall be avoided, except where required in unusual circumstances specifically approved by the Technical Review Committee.
- d) Building Lines. On residential lots the minimum depth of the front building line from the front property line shall be 35 feet. This depth shall be increased on recommendation of the County Health Department, if necessary for the installation of an individual sewage disposal system on the front of a lot. On double frontage lots, the minimum depth of the rear building line from the rear property lines shall be 35 feet. On corner lots, the minimum depth of building lines from the side property line of the side street shall be 20 feet. On lake front lots (other than those located in designated Water Critical Areas surrounding water supply lakes) there shall be a lake building line consisting of a line located across the lot parallel to, and 50 feet from the normal pool elevation measured in a horizontal distance from the normal pool level and in no case shall a building be located below a contour line which shall be three (3) feet above normal pond level.
- e) Side Lot Lines. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.
- f) Area and Dimensions of Lots. All lots shall conform to the minimal dimensional requirements for each zoning district as prescribed in the Table of Area and Yard Requirements of the Rockingham County Zoning Ordinance or the Watershed Overlay Districts, whichever is the more restrictive. Any lots smaller than the minimal required for residential development within a Watershed Overlay District shall be identified on the plat, "NOT FOR RESIDENTIAL DEVELOPMENT PURPOSES."

6-8 Water and Sewer Facilities Serving Lots

- a) Water supply systems are regulated under NCGS 130A, Article 10 "North Carolina Drinking Water Act". Wastewater treatment systems are regulated under NCGS 130A, Article 11 "Wastewater Systems".
- b) Where individual or community septic tank systems are planned minimum lot sizes specified in this ordinance may need to be increased as required by the results of soil and site evaluations.

- c) Permits for water supply and sewage facilities shall comply with applicable federal, state and local laws and regulations.
- d) Whenever a subdivision is to be served by the extension of water or sewer lines from a municipal or private utility system, the developer shall provide a written statement from the municipality or private utility as to the extension and maintenance of lines.

6-9 Easements

Public service poles, wires, conduits, storm or sanitary sewers, storm drainage channels, surface overflow, gas, water or heat mains, or other utilities easements shall be shown.

6-10 Recreation Areas and Sites for Public Facilities

Where a public recreation area, school or private facility site is shown on a publicly approved plan, which plan shall have been recorded with the Register of Deeds, and requested by the local Board of Education or other public board or commission, such site shall either be dedicated for the public purposes at the option of the property owner or reserved for acquisition by the appropriate public body for a period not exceeding 18 months from the date of approval of the preliminary subdivision plan.

6-11 Flood Damage Prevention

- a) If there is any water course or dry branch of any type running through or within 150 feet of the property proposed for subdivision, the prospective subdivider shall furnish reasonable evidence to the planning board that residential lots within the subdivision will not be flooded.

Lots located in flood plains shall not be sold for residential purposes.

- b) No proposed building lot shown that is wholly subject to flooding shall be approved.
- c) Where only a portion of a proposed building lot is subject to flooding, such lot may be approved only if there will be available for building, a usable building area of not less than minimum lot size. The usable building area shall be determined by deducting from the total lot area the area of the lot lying below the building restriction flood line.
- d) The Rockingham County Flood Damage Prevention Ordinance shall be complied with in all phases of subdivision and construction.

- e) Base Flood Elevation data shall be provided by the developer when required by the Planning Director.
- f) During the construction, preparation, arrangement and installation of subdivision improvements, and facilities in subdivisions located at or along a stream bed, the developer shall maintain the stream bed of each stream, creek or backwash channel contiguous to the subdivision in an unobstructed state. The developer shall also remove from the channel and banks of the stream all debris, logs, timber, junk and other accumulations of a nature that would, in time of flood, clog or dam the passage of waters in their downstream course.

Installation of appropriately sized stormwater drains, sedimentation and erosion control devices, culverts or bridges shall not be construed as obstructions in the streams.

6-12 Buffer Strips - Streams, Lakes and Ponds

A subdivision including within its boundaries a perennial stream, lake, or pond shall provide for a 50 foot buffer of vegetation on both sides of or surrounding the stream, lake, or pond to retard rapid water runoff and soil erosion. Perennial streams are identified as the solid blue lines on Unites States Geological Survey Maps. Where a perennial stream is piped on site (with all required approvals from any federal, state or local agencies), then the 50 foot buffer will not be required.

Streets, roadways, railroads, and driveways are permitted in the buffer area but shall be constructed to cross the buffer as near to perpendicular as possible. Utility lines, greenways and greenway type recreation facilities are permitted within the buffer but shall be designed to have minimal impact. If the vegetative cover must be removed or disturbed, it shall be restored as soon as possible.

The 50 foot buffer shall be measured on a horizontal plane from the bank of the stream, lake, or pond. The buffer zone may be included in calculating the lot size.

6-13 Stormwater Drainage Facilities

The preliminary plat shall be accompanied by a description of the proposed method of providing stormwater drainage. The subdivider shall provide a drainage system that diverts stormwater runoff from surface waters and incorporates Best Management Practices to minimize water quality impacts.

6-14 Erosion and Sedimentation Control

The preliminary plat shall, where required, be accompanied by a written statement that an erosion/sedimentation control plan has been submitted to and

approved by the N.C. Division of Land Quality. A copy of said plan shall be filed in the Planning Department.

6-15 Fire Protection

Where public water facilities, ponds, lakes, and/or streams are located within the boundaries of a proposed subdivision, the developer may be required to install and provide for perpetual access to and maintenance of a hydrant facility. Said hydrant facility shall be designed and constructed to standards established by the Fire Marshal's Office.

ARTICLE VII IMPROVEMENTS REQUIRED PRIOR TO FINAL APPROVAL OF SUBDIVISIONS

7-1 Installation of Improvements

No subdivision plats shall be granted final approval until the required improvements have been made in accordance with the provisions of this ordinance or until the subdivider has guaranteed improvements as provided in Sec. 2 below. Where a guarantee is accepted in lieu of improvements, the guarantee as well as final subdivision approval shall be granted by action of the Technical Review Committee.

7-2 Guarantee of Improvements

- a) Where required improvements have not been completed, the approval of said plat shall be subject to the subdivider's guaranteeing the installation of said improvements by means of a letter of credit from a bank or lending institution, a performance bond executed by a company duly licensed to do business in North Carolina, or by profit of establishment of an escrow account.
- b) The developer's guarantee shall be based upon written estimates by a licensed consulting engineer or the Department of Transportation as to the dollar amount necessary to secure to the County the satisfactory construction, installation, and dedication of the incomplete portion of road and street improvements earlier approved by the Technical Review Committee. If there are incomplete lot improvements on the individual lots of the subdivision the owner shall also provide written estimates by a licensed architect or engineer or licensed contractor under contract to the developer as to the amount necessary to complete such lot improvements.
- c) Such guarantee of improvements shall comply with applicable statutory requirements and shall be satisfactory to the County Attorney as to form, sufficiency (i.e., factors for inflation and rising construction costs), and manner of execution. The period in which

required improvements must be completed shall be specified by the Technical Review Committee in approving the final subdivision plat and in no case shall exceed two (2) years from the date of final approval. The Technical Review Committee, upon proof of difficulty, may grant an extension for a period not to exceed one (1) additional year.

7-3 Required Improvements

The following improvement requirements shall be fulfilled or guaranteed before a final plat shall be approved by the Technical Review Committee or the Planning Staff for recording:

- a) **Public Streets.** Streets and all associated improvements, to include storm drains, grading, base, paving, and seeding of banks shall be installed by the subdivider in accordance with the specifications and standards of the N.C. Department of Transportation, Division of Highways and shall be approved by the District Highway Engineer. The developer shall maintain such streets or roads until acceptance by the State. [Appendix D; Certificate 5; Certificate 7 (or NC DOT certificate)].
- b) **Private Streets.** Private streets or drives shall be permitted only in the situations described in Article VI, Sec. 5. The word PRIVATE shall be clearly stamped on the final plat and this shall be recorded for all conveyances. (Appendix D, Certificate 5). Private streets shall be installed as approved for construction and the Planning Staff shall sign the plat indicating approval.
- c) **Monuments.** The subdivision survey and placement of monuments shall be completed by a registered surveyor or in compliance with Standards of Practice for Land Surveying in North Carolina.
- d) **Utilities.** Water mains and sanitary sewer may be installed by the subdivider. If such installation is made, the subdivider shall comply with all rules and regulations prescribed for private and/or community water supply and waste disposal by the North Carolina Department of Human Resources, the North Carolina Department of Environment, Health, and Natural Resources, and the Rockingham County Health Department; and with all regulations and construction specifications of any municipality or county to whose utility system such water mains and/or sanitary sewers may eventually be connected. (Appendix D; Certificate 6) NOTE: Electrical utilities and communication lines shall be installed with arrangements made by the subdivider with the utility company or cooperative authorized to serve the area of the subdivision.

Installation shall be in keeping with the latest accepted design standards and procedures along lot lines.

Utilities which encroach upon the state highway system shall require an encroachment contract executed by the person or firm responsible for maintenance.

- e) Water Supply and Sewage Disposal on Individual Lots (used in conjunction with "major subdivision" plats). The Environmental Health Division of the Rockingham County Health Department shall evaluate each lot in accordance with 15A NCAC 18A.1900 rules regarding On-Site Sewage Treatment and Disposal Systems. The Environmental Health Division shall provide a letter to the Planning Department with a lot by lot summary of the results of those evaluations. Specifications for each individual lot will be available in the Environmental Health office. Appropriate statements found in Appendix D regarding the types of evaluations conducted on the site shall be placed on the plat
- f) Sedimentation and Erosion Control. It is the subdivider's responsibility to comply with the North Carolina Sedimentation and Pollution Control Act. The County Planning Department will advise the developer to contact the N.C. Department of Environment, Health, and Natural Resources, Land Quality Section, which agency provides technical assistance and enforcement of the Sedimentation and Pollution Control Act. Thereafter, the subdivider shall submit to the Planning Department evidence of a state approved sedimentation and erosion control plan and a copy of said plan before any grading or construction commences. (See Article V).

As soon as grading for the project is completed, the subdivider shall seed in permanent vegetation all grading, open cuts, ditch banks and other land surface disturbances in order to stabilize the soil and prevent erosion. Seeding shall be done immediately after grading.

- g) Removal of Rubbish. The subdivider shall remove and properly dispose of all cut or fallen trees, stumps and solid waste from the subdivision. These materials must be disposed of in a manner consistent with county and state regulations.