

SUBDIVISION REGULATIONS

SURRY COUNTY, NORTH CAROLINA

AN ORDINANCE ESTABLISHING COMPREHENSIVE SUBDIVISION REGULATIONS FOR SURRY COUNTY, NORTH CAROLINA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF.

ARTICLE I

TITLE

This Ordinance shall be known and may be cited as the Subdivision Regulations of Surry County, North Carolina.

ARTICLE II

AUTHORITY AND ENACTMENT CLAUSE

The County Commissioners of the County of Surry, pursuant to the authority conferred by Chapter 153A, Article 18, of the General Statutes of the State of North Carolina, do hereby ordain and enact into law these Articles and Sections.

ARTICLE IIIJURISDICTION AND COMPLIANCESection 30 Jurisdiction

On and after the date of adoption, these regulations shall govern each and every subdivision of land within Surry County and outside the subdivision regulation jurisdiction of any incorporated municipality. However, this Ordinance may also regulate territory within the subdivision regulation jurisdiction of any municipality whose governing body by resolution agrees to such regulation provided, however, that any such municipal governing body may, after thirty days' written notice, withdraw its approval of the County Subdivision Regulations, and those regulations shall have no further effect within the municipality's jurisdiction.

Section 31 Compliance

No real property within the jurisdiction of this Ordinance shall be subdivided and offered for sale or a plat thereof recorded until a preliminary and a final plat have been reviewed and approved as provided hereinafter. Approval of the final plat by the Planning Board and the Surry County Board of Commissioners shall be required before issuance of any building permit for a structure to be erected in a subdivision.

ARTICLE IV

PURPOSE

The purpose of these subdivision regulations is to establish procedures and standards for the development and subdivision of land within Surry County to insure accurate legal description, identification, monumentation and recording of real estate boundaries; to promote the orderly layout of land; to provide safe, convenient, and economical circulation of vehicular traffic; to provide suitable building sites which drain properly and are readily accessible to emergency vehicles; to assure the installation of technically adequate streets and utilities; to avoid overcrowding of the land; to conserve and protect the physical and economic resources of Surry County; and to protect the health, safety, and welfare of Surry County's residents.

ARTICLE V

DEFINITIONSSection 50 Subdivision

"Subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building de-

velopment (whether immediate or future) and includes all division of land involving the dedication of a new street or a change in existing streets; however, the following is not included within this definition and is not subject to any regulations enacted pursuant to this Ordinance.

- 50.1 The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of Surry County as shown in its subdivision regulations.
- 50.2 The division of land into parcels greater than ten(10) acres where no street right-of-way dedication is involved.
- 50.3 The public acquisition by purchase of strips of land for the widening or opening of streets.
- 50.4 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, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of Surry County, as shown in this Ordinance.

Section 51 Other Definitions

- 51.1 SUBDIVIDER. Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.
- 51.2 OFFICIAL MAPS OR PLANS. Any maps or plans officially adopted by the Board of County Commissioners as a guide for the development of Surry County.
- 51.3 ALLEY. A minor right-of-way privately or publicly owned, primarily for service access to the back or side of properties.
- 51.4 BUFFER STRIP. A solid fence or wall, or a planted strip at least ten (10) to fifteen (15) feet in width composed of deciduous and/or evergreen trees spaced not more than ten(10) feet apart, or not less than one (1) row of dense shrubs spaced not more than five (5) feet apart, which shall be established and maintained in perpetuity by the owner of property whenever required under the terms and provisions by this Ordinance.
- 51.5 BUILDING SETBACK LINE. Lines parallel to the front, rear, and side property lines behind which buildings may be erected.
- 51.6 DEDICATION. A gift, by the owner, or a right to the use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with a written acceptance.
- 51.7 EASEMENT. A grant by the property owner of a strip of land for a specified purpose and use by the public, a corporation, or private individuals.
- 51.8 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.
- 51.9 LOT OF RECORD. A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Surry County prior to the adoption of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this Ordinance.
- 51.10 CORNER LOT. A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
- 51.11 INTERIOR LOT. A lot other than a corner lot with only one frontage on a street.

- 51.12 THROUGH LOT OR A "DOUBLE FRONTAGE LOT." A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
- 51.13 RESERVE STRIP. A strip of land (usually only a foot or two wide) owned privately, and set aside around a subdivision in order to prevent access to adjacent property by way of subdivision streets. Reserve strips shall be approved or disapproved by the Planning Board on a case-by-case basis.
- 51.14 PLAT. A map or plan of a parcel of land which is to be, or has been, subdivided, and meeting the requirements of G.S. 47.30 as amended.
- 51.15 PRIVATE DRIVEWAY. A roadway serving no more than two (2) lots, building sites, or other divisions of land and not intended for public ingress and egress. Private driveways shall be so designated on the final plat of a subdivision.
- 51.16 PRIVATE STREET. A roadway providing access to three (3) or more lots, building sites, or other divisions of land, and not to be dedicated to the public. Private streets shall be so designated on the final plat of a subdivision. A written disclosure statement is required in accordance with G.S. 136-102.6.
- 51.17. BUILDING INSPECTOR. The Surry County Building Inspector.
- 51.18 PUBLIC SEWAGE DISPOSAL SYSTEM. A system serving two (2) or more dwelling units and approved by the Surry County Health Department or the North Carolina Department of Natural Resources and Community Development.
- 51.19 PUBLIC WATER SYSTEM. A system for the provision to the public of piped water for human consumption if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. Such term includes:

- (i) Any collection, treatment, storage, and distribution facility under control of the operator of such system and used primarily in connection with such system; and
- (ii) Any collection or pre-treatment storage facility not under such control which is used primarily in connection with such system.

A public water system is either a "community water system" or a "non-community water system."

- (i) "Community water system" means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.
- (ii) "Non-community water system" means a public water system which is not a community water system.

Approval by the Sanitary Engineering Division, Division of Health Services, Department of Human Resources is required.

- 51.20 RECREATION AREA OR PARK. An area of land or combination of land and water resources for recreation pursuits with various manmade features that accommodate such activities.
- 51.21 RESERVATION. A reservation of land does not involve any transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period of time.
- 51.22 PUBLIC ROAD. A dedicated and accepted public right-of-way for vehicular traffic. The word "road shall include the word "street."
- 51.22 a. Major Road: A roadway designed to carry heavy volumes of vehicular traffic.
- 51.22 b. Secondary Road: A roadway designed to carry medium volumes of vehicular traffic; to provide access to the major road system and to provide access to abutting properties.
- 51.22 c. Cul-de-sac: A road permanently terminated by a turn-around.
- 51.22 d. Marginal Access Street: A minor (service) street which parallels and is immediately adjacent to a major street or highway; which provides access to the properties abutting it and which separates the abutting properties from high-speed vehicular traffic.

51.23 PLANNED UNIT DEVELOPMENT. The planned unit development is a permitted use designed to provide for developments incorporating a single type or a variety of residential and related uses which are planned and developed as a unit. Such development may consist of individual lots or common building sites. Common land must be an element of the plan related to effecting the long-term value of the entire development.

51.24 Health Director. The Surry County Health Director or his authorized agent.

Section 52. Word Interpretation

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

52.1 The word "County" shall mean Surry County, North Carolina.

52.2 The words "County Co-missioners" shall mean the Board of Commissioners of Surry County, North Carolina.

52.3 The words "Planning Board" shall mean the Planning Board of Surry County, North Carolina.

52.4 The words "Register of Deeds" shall mean the Register of Deeds of Surry County, North Carolina.

52.5 The words "ordinance" and "regulations" shall mean the Subdivision Regulations for Surry County, North Carolina.

52.6 The word "may" is permissive.

52.7 The word "shall" is mandatory.

52.8 The word "lot" includes the words "plot", "parcel", "tract", or "site."

52.9 The word "building" includes the word "structure".

52.10 The word "street" includes the words "road" and "highway".

ARTICLE VI

SUBDIVISION PLAT REQUIREMENTS AND PROCEDURES FOR REVIEW

Section 60 Submission of Sketch Plan

Prior to or concurrent with submission of the preliminary plat, the subdivider shall submit to the Secretary of the Planning Board a sketch plan of the proposed subdivision. Such sketch plan shall be drawn to approximate scale on the appropriate sheet or sheets of Surry County's tax map series, obtainable in the office of the Surry County Tax Supervisor, and shall show the tentative street layout, approximate right-of-way widths, lot arrangements, drainage and utility easements, sites for schools, parks, churches, and other non-residential uses, existing structures, water courses, wooded areas, number of acres devoted to each use, total acreage, approximate number of lots, and existing zoning of the land to be subdivided and the land immediately adjacent to the proposed development. At the first Planning Board meeting at which the proposed subdivision is reviewed, the subdivider shall be asked to discuss the proposed development, including how he proposes to install streets and water and sewer systems. Following the subdivider's presentation, the Planning Board shall approve, disapprove, approve conditionally, or request additional information on the sketch plan. Following approval of the plan, the subdivider may present the preliminary plat.

Section 61 Preliminary Plat Requirements

The preliminary plat shall be at a scale of sufficient size to accurately and clearly show all required information and will be drawn on a sheet not less than 14 inches by 18 inches. The preliminary plat shall be prepared by a registered surveyor and shall show the following information:

61.1 The location of existing and platted property lines, streets, buildings, water courses, railroads, transmission lines, sewers, bridges, culverts, and drainpipes, water mains, town limit lines and utility easements.

- 61.2 Boundaries of tract shown with bearings and distances.
- 61.3 Wooded areas, marshes, streams, and any other features which should be considered in development of the site.
- 61.4 Names of the owners of adjoining property or subdivisions.
- 61.5 Zoning classification, if any, both on the land to be subdivided and on adjoining lands.
- 61.6 Proposed streets, street names, rights-of-way, pavement widths and approximate grades.
- 61.7 The location of proposed utilities (sewer, water, gas, electricity) showing connections to existing systems or plans for individual or public water supply, sewage disposal, and storm drainage.
- 61.8 Other proposed rights-of-way easements; locations, widths and purposes.
- 61.9 Proposed lot lines, lot and block numbers, and approximate dimensions.
- 61.10 Proposed minimum building setback lines.
- 61.11 Proposed parks, school sites, or other public open spaces, if any.
- 61.12 Title, date, north point, and graphic scale.
- 61.13 Name of owner, engineer or registered surveyor and land planner.
- 61.14 Site data:
 - 61.14 a. Acreage in total
 - 61.14 b. Acreage in park or other land usage
 - 61.14 c. Total number of lots
 - 61.14 d. Lineal feet in streets
- 61.15 Vicinity map showing relationship between subdivision and surrounding area.

Section 62 Submission of Preliminary Plat

The purpose of reviewing and approving a preliminary plat is to assist the subdivider in complying with the requirements of this Ordinance, and to provide assurance to the subdivider that his final plat will be approved following the installation of improvements. The procedure for obtaining preliminary plat approval is as follows:

- 62.1 By the first business day of the month in which he is seeking preliminary plat review, the subdivider shall submit to the Secretary of the Planning Board twelve (12) black or blue line prints of the proposed subdivision prepared in accordance with the requirements of Article VII of this Ordinance. Additional prints may be required when deemed necessary.

The Secretary shall distribute these copies as follows:

Planning Board members	9 copies
Planning Board official files	1 copy
Building Inspector	1 copy
Tax Supervisor	1 copy

- 62.2 Before asking the Planning Board to act on a preliminary plat, the subdivider shall provide the following information:
 - 62.2 a. Copies of any protective covenants, deed restrictions, owner association articles, or other regulatory instruments which the subdivider proposes to apply to the subdivision.
 - 62.2 b. A letter from the District Engineer, N.C. Division of Highways, evaluating the qualifications of any proposed streets for addition to the state secondary road system.
 - 62.2 c. A letter from the Surry County Health Director regarding the subdivider's plan for water and sewer services.
 - 62.2 d. Reports from other agencies which are in a position to evaluate the proposed subdivision's impact upon land use and the public health, safety, and welfare.

62.3 The Planning Board may approve, disapprove, or approve conditionally the preliminary plat at its first review meeting. The Planning Board shall approve, disapprove, or approve conditionally the preliminary plat no later than the next regularly scheduled meeting following introduction of the plat. If the Planning Board fails to act on the proposed subdivision at the second meeting following submission of the preliminary plat, the subdivider may seek approval of the preliminary plat at the next regularly scheduled meeting of the Board of County Commissioners.

If the Planning Board disapproves or approves conditionally the preliminary plat, the reasons for such action shall be noted in the Board's Minutes and the subdivider shall be notified of the specific sections of the ordinance with which the preliminary plat does not comply. The subdivider may resubmit his plat after taking corrective action as required by the Planning Board.

Section 63 Final Plat Requirements

The final plat shall be drawn with India ink at the same scale and on the same sheet size as the preliminary plat and shall conform substantially to the preliminary plat as approved. The final plat shall constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of this Ordinance. The final plat shall be prepared by a registered land surveyor in accordance with G.S. 47-30, as amended, and the "Standards of Practice of Land Surveying in North Carolina," and shall show the following information:

- 63.1 The right-of-way lines of all roads.
- 63.2 Lot lines and lot numbers.
- 63.3 Minimum building setback lines.
- 63.4 Reservations, easements, alleys and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.
- 63.5 Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every road line, lot line, boundary line, block line, and building line, whether curved or straight, and including true north point. This should include the radius, central angle, point of tangent, tangent distance and arcs and chords of all curved roads and curved property lines.
- 63.6 All dimensions to the nearest one-tenth (1/10) of a foot and angles to the nearest minute.
- 63.7 Accurate location and description of all monuments and markers.
- 63.8 The names and locations of adjoining subdivisions and roads, and the location and ownership of adjoining unsubdivided property.
- 63.9 Title, date, name and location of subdivision, and graphic scale.
- 63.10 Name of subdivider, engineer or registered surveyor, and land planner.
- 63.11 Utility layouts:
 - 63.11 a. Water
 - 63.11 b. Gas
 - 63.11 c. Sanitary sewer
 - 63.11 d. Storm drainage
- 63.12 Certificates with wording substantially similar to the following shall be lettered, stamped, or affixed on the final plat in such manner as to insure that said certificates will be legible on any prints made therefrom:
 - 63.12 a. Certificate of Ownership and Dedication
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 (our) free consent, establish minimum building lines, and dedicate all roads, alleys, walks, parks, and other sites to public or private use as noted.

Date	Owner (s) or Authorized Agent
63.12 b. <u>Certificate of Accuracy</u>	
(The surveyor shall include a certificate in such form as meets the	

63.12 c. Approval of Sewer System

Individual lots must be approved for a septic tank system by the Health Department before a County Building Permit is issued.

Date

County Health Officer

63.12 d. Approval by North Carolina Division of Highways

I hereby certify that the streets as indicated hereon are approved by the North Carolina Division of Highways and will be accepted as a part of the State system at such time as meeting all State requirements.

Date

District Engineer

63.12 e. Approval by Surry County Planning Board

I, _____, Chairman of the Surry County Planning Board, certify that said Board duly approved this final plat on the _____ day of _____, 19____.

Chairman

64 Submission of the Final Plat

The procedure for obtaining final plat approval is as follows:

- 64.1 Unless a final plat is submitted to the Planning Board within one (1) year from the date upon which the preliminary plat was approved, such action on the preliminary plat shall become void and of no effect.
- 64.2 By the first business day of the month in which he is seeking final plat review, the subdivider shall submit the following to the Secretary of the Planning Board:
 - 64.2 a. Two (2) reproducible copies of the final plat with all required signatures except for the signatures of the Planning Board Chairman and the Chairman of the Board of County Commissioners.
 - 64.2 b. Thirteen (13) black or blue line prints of the final plat.
 - 64.2 c. A copy of the Erosion Control Plan, if required by the "North Carolina Sedimentation Pollution Control Act of 1973," and any locally adopted sediment control ordinances.
 - 64.2 d. A copy of the Subdivision Drainage Plan.
 - 64.2 e. A copy of the design and as-built plans for water and/or sewerage systems, if applicable.
- 64.3 The Secretary shall distribute these copies as follows:

Planning Board members	9 copies
Planning Board official files	1 copy
Tax Supervisor's Office	3 copies
- 64.4 The Tax Supervisor's staff shall assign and pencil in the County property map parcel numbers on three copies of the plat, and shall return two (2) copies to the Secretary of the Planning Board
- 64.5 Before acting on the final plat, the Planning Board shall assure itself to the best of its ability that all improvements are in place or guaranteed as provided in this Ordinance.
- 64.6 The Planning Board may approve, disapprove, or approve conditionally the final plat at its first review meeting. The Planning Board shall approve, disapprove, or approve conditionally the final plat no later than its next regularly scheduled meeting following introduction of the final plat. If the Planning Board fails to act on the final plat at the second review meeting, the subdivider may seek action at the next regularly scheduled meeting of the Board of County Commissioners.
- 64.7 If the Planning Board disapproves or approves conditionally the final plat, the reasons for such action shall be noted in the Board's Minutes and the subdivider shall be notified of the specific section of the Ordinance with which the plat does not comply.
- 64.8 After approval of the final plat by the Planning Board, the developer shall receive one (1) paper copy of the plat containing the parcel identifier numbers, to be added to the final plat before submitting the plat to the County Commissioners. The Tax Department shall verify the accuracy of the parcel numbers prior to final approval by the County Commissioners.

- 64.9 Upon approval of the final plat, the Planning Board shall submit, with recommendations, said plat to the Board of County Commissioners. Said Board shall approve or disapprove the final plat within thirty (30) days after submission by the Planning Board.

Section 65 Recording of the Final Plat

Within six months after the final plat is approved by the Board of County Commissioners, it shall have been recorded with the Register of Deeds of Surry County. Should the six months time limit expire before the plat is recorded, it must be resubmitted to the Planning Board for reprocessing. Upon adoption of this Ordinance the Register of Deeds shall not thereafter file or record a plat of a subdivision located within the territorial jurisdiction of Surry County until said plat has been approved by the Board of County Commissioners. Without the approval of the County Commissioners, the filing or recording of a subdivision plat shall be null and void. The Clerk of Superior Court of Surry County shall not order or direct the recording of a plat where such recording would be in conflict with this Ordinance.

ARTICLE VII

GENERAL REQUIREMENTS AND MINIMUM STANDARDS FOR SUBDIVISIONS

Section 70 General Requirements

- 70.1 Zoning and other Laws. All subdivisions and lots created under this Ordinance must comply with all applicable local and state laws, including any zoning ordinance which may apply to the area to be subdivided.
- 70.2 Suitability of Land for Development. Land known to be in a flood plain of subject to flooding shall be developed only in accordance with the requirements of the Flood Damage Prevention Ordinance of Surry County, North Carolina.
- 70.3 Conformity to Existing Maps or Plans. The location and width of all proposed roads shall be in conformity with official plans or maps of Surry County and North Carolina.
- 70.4 Continuation of Existing Roads. The proposed road layout shall be coordinated with the existing road system of the surrounding area and, where possible, existing principal roads shall be extended.
- 70.5 Access to the Proposed Subdivision. Every subdivision shall have permanent access to a state-system road. Where it is necessary to cross the lands of private property owners in order to provide access, the subdivider shall provide documentation satisfactory to the Planning Board that he has obtained from the property owners a permanent right-of-way from the state-system road to his subdivision. The right-of-way shall be of sufficient width that it could be developed as a state-system street. Full disclosure concerning rights-of-way shall be made on the final plat prior to recording.
- 70.6 Access to Adjacent Properties. All property and improvements proposed for development shall be shown on the sketch plan. If the owner of a proposed subdivision owns additional land contiguous to the proposed subdivision, he may be required to show a plan for future road connections to the proposed subdivision. Rights-of-way and streets proposed for future development or for other access to adjacent property must be shown on the preliminary and final plats. All proposed streets and rights-of-way must have sufficient width that they can be developed for addition to the State system. Such proposed streets and rights-of-way need not be cleared, graded, or improved until the property which they serve has been subdivided, except that rights-of-way or proposed streets which pass through the interior of a subdivision shall be kept in a presentable condition by the owner. If the owner of the proposed street or right-of-way intends it to be used for more than occasional access, the Planning Board may, at its option, reclassify the right-of-way as a platted subdivision street, and following such reclassification, it shall become subject to the streets improvements requirements of this Ordinance.

Where, in the opinion of the Planning Board, it is desirable to provide street

access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and temporary turn-arounds shall be provided.

All proposed rights-of-way or future streets shall be clearly identified on the plat prior to recording.

- 70.7 Large Tracts. Where land is subdivided into larger parcels than ordinary building lots, such parcels should be arranged to allow for the opening of future streets and logical further subdivision.
- 70.8 Subdivision Name. The name of a subdivision shall not duplicate nor closely approximate the name of an existing subdivision within the County.
- 70.9 Street Names. Proposed streets which are in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided. Street names shall be subject to Planning Board approval.
- 70.10 Contour Map. If, in the opinion of the Planning Board or other County officials or agencies, the topographic or drainage characteristics of the land to be subdivided warrant special consideration, the subdivider shall submit to the Planning Board, upon request, a contour map of the specified interval.
- 70.11 Buffer Strips. It is recommended that a buffer strip of at least twenty (20) to thirty (30) feet in addition to the normal lot depth be provided adjacent to a railroad, a limited access highway, and a commercial or industrial development. Said strip shall be a part of the platted lots, but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees or shrubs by the owners; the building of structures hereon prohibited."
- 70.12 Natural Features. In any subdivision, due consideration will be given to preserving natural features such as trees, ponds, streams, rivers, and lakes which are of value not only to the subdivision but to Surry County as a whole.
- 70.13 Sedimentation Pollution Control. In order to prevent soil erosion and sedimentation pollution of streams, springs, flat water bodies, or other drainage networks, the subdivider shall comply with all requirements of the "North Carolina Sedimentation Pollution Control Act of 1973" and any locally adopted sediment control ordinances.
- 70.14 Storm Water Drainage. The subdivider shall provide an adequate drainage system for the proper drainage of all surface water.

Section 71 Design Standards for Streets

- 71.1 Public Streets. All streets and related storm drainage facilities intended for public dedication shall be constructed to "North Carolina Division of Highways Minimum Construction Standards for Subdivision Roads." The subdivider shall provide the Planning Board with acceptable assurances that he has complied with this provision.
- 71.2 Private Streets. Private streets may be constructed in subdivisions provided that the subdivider prepares and places on the public record a full disclosure statement in accordance with G.S. 136-102.6, and designates the street as "private," and further designates that neither the State nor Surry County has any responsibility for maintaining the street.

Private streets shall be constructed to "North Carolina Division of Highways Minimum Construction Standards for Subdivision Roads," including pavement installation. Exceptions and variances to these standards may be granted by the Board of County Commissioners upon recommendation of the Planning Board under Article IX of this Ordinance.

The Planning Board may recommend the approval of private streets which do not meet State standards, including pavement installation, for the following:

- 1) Recreational Subdivisions. Subdivisions which are specifically designed and marketed for recreational or seasonal homes. Such subdivisions are characterized by being in rural areas, isolated from conventional dwellings and subdivisions; they may be designed for log houses, or other rustic dwellings.
- 2) Homeowners' Association Subdivisions. Subdivisions which are to be held in single ownership or are to be governed by property owners' associations. Such subdivisions may be characterized by strictly controlled access or unique design features that make it necessary to deviate from State standards for streets.
- 3) Large Lot Subdivisions. Subdivisions in which all lots are five (5) acres and above.

In all cases where a private road is allowed to deviate from State standards, the developer shall furnish the following information to the Planning Board:

- 1) A letter specifying why he should be permitted to install a road which will not meet State standards and how the street is to be maintained.
- 2) A letter stating an opinion of the Chief of the fire department serving the area stating whether the street system will be adequate for his department to provide fire protection service.
- 3) A street construction plan, prepared by a registered engineer or surveyor.
- 4) Letters from conventional lending institutions, Farmers Home Administration, and other agencies which may be expected to provide financing for subdivision development stating whether the proposed streets are adequate to meet their loan commitment standards.
- 5) A "subdivision streets disclosure statement" form which, in accordance with G.S. 136-102.6, shall become a document to be signed by buyer and seller prior to entering any agreement or any conveyance with respect to property in the subject subdivision.

This information, and other information which the Planning Board may require, will become the basis for the developer's disclosure statement which will be referenced on the final plat and in the minutes of the Planning Board.

- 6) The final plat shall contain a summary disclosure statement as specified by the Planning Board.

- 71.3 Alleys. An alley shall be provided to the rear of all business lots and shall not be provided in any residential block unless approved by the Planning Board. All alleys shall have a turn-around with a diameter of not less than eighty (80) feet. All alleys shall have a compacted base of at least two inches of crushed stone, gravel, or equivalent material.

Section 72 Water and Sewerage Systems

- 72.1 Private water and sewerage systems shall meet the requirements of the North Carolina Division of Health Services and the Surry County Board of Health. Where municipal or county governmental water and/or sewer systems are reasonably accessible, the subdivider shall connect with the municipal or county governmental system and provide connections to each lot.
- 72.2 Where the proposed subdivision will not be served by private or public water and sewerage systems, the subdivider shall state on the final plat that each lot shall have an individual water supply and sewage disposal system subject to approval by the Surry County Health Department.

Section 73 Design Standards for Blocks

The maximum and minimum length and width of blocks shall be as follows:

- 73.1 Length: Block lengths shall not exceed fourteen hundred (1400) feet nor be less than four hundred (400) feet. Where deemed necessary by the Planning Board, a pedestrian cross-walk of at least eight (8) feet in width may be required.
- 73.2 Width. Blocks shall have sufficient width to allow two tiers of lots of minimum depth except where single-tier lots are required to separate residential development from through, vehicular traffic or a non-residential use.

Section 74 Design Standards for Lots,

The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

- 74.1 Residential Lot Area. Lots served by municipal or county governmental public water and sewer systems shall have an area of at least ten thousand (10,000) square feet. All other lots shall have an area of at least thirty thousand (30,000) square feet. This requirement may be increased on the recommendation of the County Health Department,

Width: All lots shall have a minimum width at the building line of seventy-five (75) feet and a minimum width at the street line of thirty-five (35) feet. Corner lots shall have an extra width of ten (10) feet to permit adequate setback from side streets,

Depth: All lots shall have a minimum mean depth of not less than one hundred and ten (110) feet.

Orientation of Lot Lines: Side lot lines shall be substantially at right angles to street lines.

Building Setback Lines: The minimum setback from property lines shall be as follows:

- a. From the front property line - - - - - 30 feet
- b. From the side property line - - - - - 8 feet
- c. From the rear property line - - - - - 25 feet
- d. From the side property line which abuts a street - - - - - 20 feet

The Planning Board may approve panhandle lots in exceptional cases where it is impractical to serve an isolated lot by a state road, The frontage of the panhandle lot shall have a minimum width of twenty-five (25) feet providing a private drive between two regular lots to the isolated building site. The area of such strip shall be excluded in computing the lot area and width, and the length of said strip shall not exceed three-hundred (300) feet.

Section 75 Design Standards for Easements

Easements shall be provided as follows:

- 75.1 Utility Easements. Easements for underground or above ground utilities shall be provided where necessary across lots or preferably centered on rear or side lot lines and shall be at least ten (10) feet in width,
- 75.2 Drainage Easements: Where a subdivision is traversed by a stream or drainage way, an easement shall be provided conforming with the lines of such stream and of sufficient width as will be adequate for the purpose as determined by official flood insurance maps,
- 75.3 Buffer Strips. A buffer strip at least ten (10) to fifteen (15) feet in width may be required by the Planning Board adjacent to a major street or a commercial or industrial development. This strip shall be in addition to the normally required lot dimensions, shall be part of the platted lot, and shall be reserved for the planting of trees and shrubs by the owners.

ARTICLE VIII

INSTALLATION OF PERMANENT REFERENCE POINTS AND SUBDIVISION IMPROVEMENTSSection 80 Permanent Reference Points

Prior to the approval of the final plat permanent reference points shall have been placed in accordance with the following requirements:

- 80.1 Subdivision Corner Tie. At least one corner of the subdivision shall be designated by course and distance (tie) from a readily discernible reference marker. If a corner is within two thousand (2000) feet of a U.S. Coast and Geodetic Station of N.C. Grid System coordinated monument, or such other coordinated system, then this corner shall be marked with a monument so designated by computed x and y coordinates which shall appear on the map with a statement identifying this Station or Monument and to an accuracy of 1:10000. When such Monument or Station is not available, the tie shall be made to some pertinent and readily recognizable land mark or identifiable point, physical object or structure.
- 80.2 Monuments: Within each block of a subdivision at least two (2) Monuments designated as Control Corners shall be installed. The Surveyor shall employ additional Monuments when necessary. Monuments shall be constructed of concrete and shall be at least four (4) inches in diameter or square and not less than three (3) feet in length. Each monument shall have imbedded in its top or attached by a suitable means a metal plate of noncorrosive materials and marked plainly with the point, the Surveyor's registration number, the month and the year it was installed, and the word "Monument" or "Control Corner". A Monument shall be set at least thirty (30) inches in the ground with at least six (6) inches exposed above the ground unless this requirement is impractical because of vehicular traffic or other factors.
- 80.3 Property Markers. A steel or wrought iron pipe or equivalent not less than three-fourths (3/4) inches in diameter and at least thirty (30) inches in length shall be set at all corners, except those located by Monuments. A marker shall also be set at a point of curve, point of intersection, property corner, point of tangency, reference point and tangent unless a Monument has already been placed at these points. Additional Markers shall be placed at other points of importance.
- 80.4 Accuracy. Land surveys, except subdivision corner ties, beyond the subdivision jurisdiction of any municipality shall be as follows:
- a. Angular error closure shall not exceed thirty (30) seconds times the square root of the number of angles turned.
 - b. Linear error of closure shall not exceed one (1) foot per five thousand (5000) feet of perimeter of the lot of land (1:5000).

Section 81 Installation of Streets and Storm Drainage Facilities

All streets and storm drainage facilities intended for public dedication shall be constructed to "North Carolina Division of Highways Minimum Construction Standards for Subdivision Roads." The subdivider shall provide the Planning Board with acceptable assurances that he has complied with this provision.

Private street (streets which are not dedicated to public use) shall be constructed to "North Carolina Division of Highways Minimum Construction Standards for Subdivision Roads," including pavement installation, except as otherwise provided in this Ordinance.

Section 82 Installation of Water and Sewerage Systems

Private and public water and sewerage systems shall meet the requirements of the North Carolina Division of Health Services and the Surry County Board of Health. Where county or municipal governmental public water and/or sewer systems are reasonably accessible, the subdivider shall connect with the public system and shall provide connections to each lot.

Section 83 Improvement Guarantees

In lieu of prior construction of the improvements required by this Ordinance, Surry County may, for purpose of approving a final plat, accept a guarantee from the subdivider that such improvements shall be carried out at his expense within six months after approval of the final plat. Such guarantee may be in the form of a surety, performance bond made by a surety company licensed to do business in North Carolina, or by letter from a qualified lending or banking institution in Surry County guaranteeing payment, or by certified check drawn in favor of Surry County, or by cash deposited with Surry County. Such guarantee shall be in an amount of not less than 100% of the estimated cost of the construction of the required improvements. Performance guarantees shall run for a period of six months and may be renewed once for a period of six months upon written recommendation of the Planning Board and written approval by the Surry County Board of Commissioners. If a subdivider elects to exercise this performance guarantee provision the same shall be noted on the final plat.

ARTICLE IX

MISCELLANEOUS LEGAL PROVISIONSSection 90 Prerequisite to Plat Recordation

After the effective date of this Ordinance, no subdivision plat of land within the jurisdiction of Surry County shall be filed or recorded until it has been submitted to and approved by the Board of County Commissioners on recommendation of the Planning Board, and until this approval is entered in writing on the face of the plat by the Chairman, Board of County Commissioners.

The Register of Deeds shall not file or record a plat of a subdivision of land located within the territorial jurisdiction of Surry County that has not been approved in accordance with these provisions, nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with this section.

Section 91 Effect of Plat Approval on Dedications and Public Services

Pursuant to G.S. 153A-333, the approval of a plat does not constitute or effect the acceptance by Surry County or the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat and shall not be construed to do so.

No construction permits shall be issued, nor shall water, sewer, or other county facilities or services be extended to or connected with any subdivision for which a plat is required to be approved unless and until such final plat has been approved by Surry County.

Section 92 Penalties for Violation

After the effective date of this Ordinance, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this Ordinance, thereafter subdivides his land in violation of this Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this Ordinance and recorded in the office of the Surry County Register of Deeds, shall be guilty of a misdemeanor. The descriptions by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. Surry County, through its attorney or other official designated by the Board of County Commissioner, may enjoin illegal subdivision, transfer, or sale of land by action for injunction. Further, violator of this Ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S. 14.4.

Section 93 Severability

Should any section or provision of this Ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 94 Exceptions and Variances

Where, because of severe topographical or other conditions peculiar to the site, strict adherence to the provisions of this Ordinance would cause an unnecessary hardship, the Board of County Commissioners may, on recommendation of the Planning Board, authorize a variance to the terms of this Ordinance only to the extent that is absolutely necessary and not to an extent which would violate the intent of the Ordinance. Any variance thus authorized shall be entered in the Minutes of the Board of County Commissioners and the reason for the variance shall be specified.

The standards and requirements of the Ordinance may be modified by the Board of County Commissioners upon recommendation of the Surry County Planning Board in the case of a plan and program for a planned unit development which in the judgment of the Planning Board provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the area when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan. Exceptions may be granted allowing the installation of private streets.

Section 95 Amendments

The Board of County Commissioners may from time to time amend the terms of this Ordinance, 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 recommendation. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have approved the amendment.

Section 96 Abrogation

It is not intended that this Ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, the provisions of the Ordinance shall govern.

Section 97 Re-enactment and Repeal of Existing Subdivision Ordinance

This Ordinance carries forward by re-enactment some of the provisions of the subdivision ordinance of Surry County adopted on June 3, 1963, and it is not the intention to repeal but rather to 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 not pending in any of the courts or 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.

This Ordinance shall take effect and be in force from and after September 19, 1983.

By vote: For 4
Against 1

SURRY COUNTY BOARD OF COMMISSIONERS

/s/ W. Fletcher Harris
W. Fletcher Harris, Chairman

ATTEST:

/s/ W.E. Bondurant
Acting Clerk to the Board