

**AN ORDINANCE AMENDING THE
SUBDIVISION REGULATIONS
OF
SURRY COUNTY, NORTH CAROLINA**

BE IT ORDAINED by the Board of Commissioners of Surry County, North Carolina, that the Subdivision Regulations of Surry County, are hereby amended by rewriting the existing Subdivision Regulations Ordinance in its entirety to read as follows:

**”Subdivision Regulations Ordinance”
Surry County, North Carolina**

ARTICLE I. GENERAL PROVISIONS

Section 1:1 Title

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

Section 1:2 Authority

This Ordinance is adopted under the authority and provisions of the General Statutes of North Carolina Chapter 153A, Article 18, Part 2, Subdivision Regulations.

Section 1:3 Jurisdiction

Surry County shall by ordinance regulate the subdivision of land within its territorial jurisdiction.

Section 1:4 Purpose

The purpose of this Ordinance is to establish procedures and standards for the development and subdivision of real property within the jurisdiction of Surry County, NC, in order to:

1. Provide for the orderly growth and development consistent with the goals, objectives and policies of the Surry County Land Use Plan.
2. Provide for suitable residential and nonresidential subdivisions with adequate streets, utilities, and appropriate building sites.

3. Provide for the distribution of population and traffic in a manner which shall avoid congestion and overcrowding and will create conditions that substantially promote public health, safety and general welfare.
4. Provide for the coordination of transportation networks and utilities within proposed subdivisions with existing or planned streets and highways and with other public facilities.
5. Provide for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easement for street and utility purposes including the dedication of rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11.
6. Provide for the dedication or reservation of adequate spaces for public lands and buildings.
7. Protect and enhance environmental quality.
8. Provide for the dedication or provision of facilities for adequate storm water drainage.
9. Provide proper land records for the protection of the public, and for better identification and permanent location of real property boundaries.

Section 1:5 Subdivision Defined

For the purposes of this Part, "Subdivision" means 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 of sale or building development (whether immediate or future), and includes all divisions of land involving the dedication of a new street or a change in existing streets. This Ordinance shall apply to new and existing subdivisions submitted to the Planning Department, approved by the Planning Board and approved by the Board of County Commissioners. The Subdivision Ordinance shall apply to subdivisions where individual lots are held for sale, lease, rent, whether improved or unimproved. The following is not included within this definition and is not subject to any regulations enacted pursuant to this Part:

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 the county as shown in its subdivision regulations.
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 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, if no street right-of-way dedication is involved, and if the resultant lots are equal to or exceed the standards of the county as shown by its subdivision regulations.
5. The division of land ordered by a court of jurisdiction in the settlement of an estate.

Surry County may provide for expedited review of specified classes of subdivisions.

Section 1:6 Compliance

From and after the adoption of this Ordinance, no real property lying within the jurisdiction of this Ordinance shall be subdivided except in conformance with all applicable provisions of this Ordinance. In addition, after the effective date of this Ordinance, no plat for the subdivision of land within the jurisdiction of this Ordinance shall be filed, accepted for recording or recorded, nor shall the Clerk of Superior Court order the recording of a plat until it has been submitted and approved in accordance with the provisions of this Ordinance with the exception of the exemptions listed in Section 1:5.1-5 and/or G.S. 47-30, as amended.

The provisions of Section 5:8 shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved under the Subdivision Ordinance or recorded with the Register of Deeds, provided the contract does all of the following:

1. Incorporates as an attachment a copy of the preliminary plat referenced in the contract and obligates the owner to deliver to the buyer a copy of the recorded plat prior to closing and conveyance.
2. Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no government body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary and final plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final recorded plat differs in any material respect from the preliminary plat.
3. Provides that if the approved and recorded final plat does not differ in any material respect from the plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than five days after the delivery of a copy of the final recorded plat.

4. Provides that if the approved and recorded final plat differs in any material respect from the preliminary plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than 15 days after the delivery of the final recorded plat, during which 15-day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.

The provisions of Section 5:8 shall not prohibit any owner or its agent from entering into contracts to sell or lease land by reference to an approved preliminary plat for which a final plat has not been properly approved under the Subdivision Ordinance or recorded with the Register of Deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential, commercial, or industrial buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under the Subdivision Ordinance and recorded with the Register of Deeds.

Section 1:7 Local Ordinance Officer

A Subdivision Administrator who shall be appointed by the Board of County Commissioners shall administer this Ordinance. The Subdivision Administrator shall be a full-time employee of the Department of Planning and Development, and shall administer and enforce the provision of this Ordinance, and have such other specific powers and duties as are set forth in this Ordinance. The Director of Planning and Development shall also be appointed by the Board of County Commissioners for the purpose of an appeal process, if a disagreement is reached by the owner-surveyor-developer and the primary Subdivision Administrator. To insure proper Ordinance administration the Subdivision Administrator will employ enforcement assistance from the Surry County Local Ordinance Officer.

Section 1:8 Coordination of Plans

This Ordinance is adopted pursuant to this Part and contains provisions setting forth the procedures to be followed in granting or denying approval of a subdivision plat before its registration.

All plans, plats, and supporting documents to be submitted in connection with the procedures set forth in this Ordinance shall be submitted first to the Subdivision Administrator. The Planning Board shall develop and maintain a set of standards for the Subdivision Administrator to follow and serve as a basis for the type, size, graphic media, number of copies, information to be shown, and other such matters in regard to the maps, and documents required to be submitted in the administration of this Ordinance. Such standards may also include: standards for street, storm drainage, and utility construction plans. A listing of such standards may be appended to this Ordinance and are presumed to be necessary to satisfy the requirements of this Ordinance.

However, it is recognized that each development is unique, and therefore, the Subdivision Administrator may exercise judgment in requiring less or more information, and submittals according to the needs of the particular case.

This Ordinance shall provide that the following agencies be given an opportunity to make recommendations concerning an individual subdivision before the plat is approved:

1. The District Highway Engineer as to proposed State streets, State highways, and related drainage systems.
2. The County Health Director or local public utility, as appropriate, as to proposed water or sewerage systems.
3. The Director, NC Division of Environmental Management as to Development Standards in the Mitchell River Outstanding Resource Water Area for subdivisions proposed for that area.
4. The North Carolina Department of Environment and Natural Resources, Land, and Water Quality Division.
5. The Surry County Fire Marshall.
6. Any other agency or official designated by the Board of Commissioners.

Section 1:9 Administrative Fee

The Board of Commissioners shall set a fee schedule for the administration of this Ordinance. The Subdivision Administrator shall be responsible for collecting such fees. All fees relating to recording of documents shall be borne directly by the Subdivider, and be paid directly to the Register of Deeds.

Section 1:10 General Definitions

Unless specifically defined in this Section, words used in this Subdivision Ordinance shall have their respective customary dictionary definitions. For the purpose of these regulations certain words, terms, or phrases used herein are interpreted and defined as follows:

1. Words used in the “present tense” shall include the “future tense”.
2. Words used in the “singular” shall include the “plural” and words used in the “plural” shall include the “singular”.
3. The words “shall” and “will” always indicate MANDATORY.

4. The words "should" and "may" always indicate OPTIONAL.
5. The word "Lot" includes the words "plot", "tract" and/or "parcel".
6. The word "building" includes the word "structure".
7. The word "person" includes a "firm", "association", "organization", "partnership", "trust", "company", "corporation", and/or "individual".
8. The word "use" includes the terms "arranged", "designed", and/or "intended" for a use, activity, and/or purpose.
9. The term "Board of Commissioners" shall always indicate the BOARD OF COMMISSIONERS OF SURRY COUNTY, NORTH CAROLINA.
10. The term "County Manager" shall always indicate the COUNTY MANAGER OF SURRY COUNTY, NORTH CAROLINA.
11. The term "Planning Board" shall always indicate the SURRY COUNTY PLANNING BOARD OF SURRY COUNTY, NORTH CAROLINA.
12. The term "Board of Adjustment" shall always indicate the SURRY COUNTY BOARD OF ADJUSTMENT.
13. Community Facilities – Facilities provided either by government or non-government agencies for the benefit of, and use of, the community (such as recycling, open space, etc.)
14. 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.
15. Easement: grant of one or more of the property rights by the property owner of a portion of land for a specified purpose and use by the public, a corporation, or other entities.
16. Flag Lot: A lot with less lot width than a conventional lot and composed of a narrow "flagpole" strip extending from the street and a much wider "flag" section usually lying behind a conventional lot.
17. Family – One or more persons related by blood, adoption, or marriage, and their foster parents, or children, or stepparents, or stepchildren, living together in a single dwelling unit; or a number of persons eighteen years or older, not exceeding four and their children

or stepchildren under eighteen years of age, living together in a single dwelling unit, though not all related by blood, adoption, or marriage; and such domestic servants as are employed on the same premises. A family may include five or fewer foster children placed in a family foster home licensed by the State of North Carolina. The term *family* shall not be construed to include any group of persons living together as a fraternal, sororal, social, honorary, or professional organization.

For the purpose of this definition, the following persons shall be considered related by blood: (A) any relative of the head of household or of the spouse (whether living or dead) of the head of household to the third degree of collateral consanguinity, or to any degree of lineal consanguinity, as defined in State law; and (B) a parent or child by adoption, marriage, or legitimization of any person (including the head of household or spouse of the head of household) described in (A) above; and (C) a dependent, as defined in State law, of any person described in (A) or (B) above.

18. Family Subdivision Option – A subdivision in which the owner of the parent tract is conveying property to a family member, and the parcel(s) shall have access to a state maintained road by way of a 45-foot right-of-way.
19. Lot: A separate and distinct unit of land described by either a metes and bounds description and/or subdivision plat of record and/or probated will. Lot includes a portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership or for development or both.
20. Open Space Subdivision Design Option: A open space subdivision design option is “a land development project comprehensively planned as an entity via a unitary site plan which permits flexibility in building siting, mixtures of housing types and land uses, usable open spaces, and the preservation of significant natural features.”
21. Private Sewage Disposal System: Any non-public wastewater system approved by the Health Department or other appropriate governmental agency.
22. Public Sewage Disposal System: A system of wastewater collection treatment, and disposal owned and operated by a sanitary district, a metropolitan sewage district, a water and sewer authority, a municipality or public utility, constructed and operated in compliance with applicable requirements of the NCDNR.
23. Public Water System: A system for the provision to the public of piped water for human consumption if such systems 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.
- 24. Reserve Strip: A strip of land (usually only a few feet wide) owned privately, and set aside around a subdivision in order to prevent access to adjacent property by way of subdivision streets.
 - 25. Storm, Ten (10) Year: The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten (10) years and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.
 - 26. Storm, Twenty-five (25) Year: The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in twenty-five (25) years and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.
 - 27. Storm, One-Hundred (100) Year: The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in one hundred (100) years and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.
 - 28. Subdivider: A person engaging in the act of subdividing property.
 - 29. Subdivision: See Section 1:5.
 - 30. Street, Private: A vehicular travelway, with direct access off a public street, not dedicated as a public street.
 - 31. Street, Public: A public right-of-way for vehicular travel which has been constructed and then dedicated to and accepted by the North Carolina Department of Transportation for

public use or which has been otherwise obtained by such agency for such use, or which is proposed to be constructed and then dedicated to and accepted by such agency as a public right-of-way for vehicular traffic for public use pursuant to this Ordinance. Street classifications are as follows:

32. Arterial Street: A Federal and/or State highway designed primarily for the movement of large volumes of vehicular traffic from one area to another; a thoroughfare.
33. Collector Street: A public way designed primarily to connect residential streets with arterial streets and/or to provide direct connection between two or more arterial streets, and which may be designed to carry significant volumes of vehicular traffic having neither origin nor destination on the street.
34. Commercial/Industrial Street: A public way designed primarily to connect minor commercial/industrial streets with arterial streets and/or to provide direct connection between having neither origin nor destination on the street.
35. Minor Street: A public way used primarily for providing direct access to abutting properties, and which does not have collector street characteristics. Minor Streets are further classified as:
 - a. Residential: Those streets whose primary function is to provide direct access to residential property.
 - b. Commercial-Industrial: Those streets whose primary function is to provide direct access to commercial- industrial property.
 - c. Cul-de-Sac: A short minor street having one end open to traffic and the other end permanently terminated with a vehicular turnaround.
 - d. Street, Half: A proposed vehicular travelway intended to be developed by constructing one-half of a required width of a street with the remainder to be provided at some future date.
36. Thoroughfare Plan: Any officially adopted Thoroughfare Plan.
37. Transportation Network – Networks of transportation links, services, and facilities which collectively are of statewide importance though these individual corridors, facilities or services which make up the network may be of only local or regional significance. Examples include highways, rail, public transportation, aviation and bicycle systems.

ARTICLE II. SUBDIVISION REVIEW PROCEDURE

Section 2:1 Approval Levels

The Subdivision review procedure shall consist of two levels of required approval:

Preliminary Plan (Tentative Final - including required Construction Plans); and, Final Plat.

Preliminary Plan approval shall be a prerequisite to Final Plat approval. Where required, Construction Plans must be approved prior to the submission of the Final Plat.

Section 2:2 Subdivision Types

The subdivision review procedure shall consist of two types of subdivisions, Minor Subdivisions, and Major Subdivisions; which are defined as follows:

Minor Subdivisions: A minor subdivision is a subdivision which contains eight or fewer lots, each lot fronting with access on a State maintained street or road.

Major Subdivisions: Any subdivision that is not a minor subdivision, as defined above.

Section 2:3 Approval Authority

The approval authority for the levels and types of subdivision approvals shall be as follows:

1. Minor Subdivisions:

The Subdivision Administrator shall review and approve all minor subdivisions.

(If the Subdivision Administrator and/or the owner-developer-surveyor cannot resolve all issues, any final plat shall be taken to the Director of Planning and Development for review and approval or disapproval.) (See Section 2:5 Appeals)

Minor Subdivisions: May be submitted at any time. The Subdivision Administrator shall approve, approve conditionally, or deny the approval of the preliminary plans within fifteen (15) days of receipt. Approval, conditional approval, or denial shall be in written and/or drawn form, and dated.

2. Minor Subdivision: 30-foot Easement Exemption: Any minor subdivision utilizing Section 3:3 10 (b) (3) of this Ordinance. The Subdivision Administrator shall approve, approve conditionally, or deny the approval of the preliminary plans within fifteen (15) days of receipt. Approval, conditional approval, or denial shall be in written and/or

drawn form, and dated.

3. Major Subdivisions:

Plans and plats, in the proper form, may be submitted to the Subdivision Administrator for review and consideration of approval, or submission to the Planning Board, according to the following schedule: (Note: The Subdivision Administrator may refuse to accept the submission of any plans, plats, or supporting documents which in their opinion do not meet the standards for such submittals as contained in this Ordinance.)

Preliminary Plans: May be submitted at any time provided, however, in order to be eligible to be placed on an agenda of a Planning Board meeting, such submittal shall have been filed by noon with the Subdivision Administrator at least fifteen (15) calendar days, or by noon of the previous business day (if the date falls on a weekend or holiday) prior to that meeting. The Planning Board shall recommend approval, approval with conditions, or denial of the preliminary plan within sixty (60) days of its first consideration. The recommendation shall be in written and/or drawn form, and dated.

Final Plats: Shall be submitted within one year (12 months) of the Preliminary plan approval. The Planning Board shall recommend approval, approval with conditions, or denial of the final plan within sixty (60) days of its first consideration of the final plat. The recommendation shall be in written and/or drawn form, and dated. After all improvements are complete, upon recommendation of the Planning Board, the final plat/plan shall be submitted to the Board of County Commissioners for their approval, approval with conditions, or denial at their next regular meeting.

Section 2:4 Plan and Plat Requirements

Plans, plats, supporting documents, and material for the levels of subdivision approval shall be submitted in the form as provided for by GS 47-30, as amended, and this Ordinance.

This Ordinance shall require that a plat be prepared, approved, and recorded pursuant to the provisions of the Ordinance whenever any subdivision of land takes place. This Ordinance may include requirements that the final plat 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.

Although not required, it is recommended that the subdivider hold a pre-submittal conference with the Subdivision Administrator in order to determine the subdivision approval track and supporting document requirements for the particular case.

Section 2:5 Appeals

An aggrieved person may appeal any decision of the Subdivision Administrator to the Director of Planning and Development by filing written notice with the Planning Director within thirty (30) days of the Subdivision Administrator's action, or the Administrator's failure to act, if the Administrator failed to act within the allotted time. If said person is unsatisfied with the decision of the Director of Planning and Development, the appeal shall be taken to the Board of Adjustment at their next regularly scheduled meeting, and shall have the same authority as the Subdivision Administrator in regard to the subject level of subdivision review and approval.

Section 2:6 Effects of Approvals: Prerequisites

Section 2:6.1 Preliminary Plan

This approval shall constitute tentative approval of the subdivision plat/plan if the final subdivision plat/plan is in substantive agreement with the preliminary plat/plan, and shall entitle the subdivider to proceed to prepare street, storm drainage, flood control, erosion control, and utility construction plans, if applicable, and/or to proceed to prepare the final plat/plan. Approval of construction plans shall entitle the subdivider to proceed with construction of subdivision improvements for the preliminary plat/plan. Preliminary plats/plans for proposed subdivisions that will utilize public water and/or sewer shall include detailed construction plans from a certified engineer.

Section 2:6.2 Final Plat

This approval shall entitle the subdivider to record the final subdivision plat. A final subdivision plat must be recorded in the Office of the Register of Deeds within fourteen (14) working days of its approval by the Board of County Commissioners. Three (3) recorded copies, must be submitted to the Planning Department by the owner, developer, surveyor, or representative, before any building permits are issued. No final subdivision plat shall be regarded as finally approved until such plat has been signed, dated by the Subdivision Administrator or Chairman of the Board of County Commissioners, and the plat meets the requirements for recording as defined in G.S. 47-30, as amended. The subdivider shall pay all recording costs.

No final subdivision plat shall be approved for recording until all required subdivision improvements have been installed, inspected and approved by the Subdivision Administrator and the Local Ordinance Officer. In addition, no final subdivision plat shall be approved for recording unless such plat is in substantial agreement, as determined by the Subdivision Administrator, with the approved preliminary plan. Final subdivision plats not in substantial agreement shall be resubmitted as preliminary plans as provided for herein.

After the final subdivision plat is recorded and recorded copies returned to the Surry County Planning Department, lots, as shown on the plat, may be sold or otherwise conveyed by reference

to the recorded plat.

Approval and recording of the final subdivision plat shall constitute dedication by the subdivider of the right-of-way of each public street, and utility and drainage easement shown on such plat. Such dedication, however, does not constitute acceptance by the public of such right-of-way, nor does it constitute acceptance for maintenance, or for other purposes of the improvements within such rights-of-way and easements such as pavements, sidewalk, drainage facilities and other utility lines. In addition, land designated on an approved and recorded final plat as public open space and similar public purposes shall be considered to be offered for dedication until Surry County has by resolution accepted such dedication, and such land is deeded to Surry County. Until such dedication has been accepted, land so offered may be used for open space purposes by its owner or their designees, and Surry County shall be held harmless of any liability involving such land. Land so offered for dedication shall not be used for any purpose inconsistent with the proposed public use without the express approval of the Board of Commissioners of Surry County.

ARTICLE III. SUBDIVISION DESIGN STANDARDS

Section 3:1 General

All proposed subdivisions subject to the regulation of this Ordinance shall comply with this Article and shall be so planned as to facilitate the most advantageous development of the entire community, and shall bear a reasonable relationship to the Land Use Plan and any applicable Thoroughfare Plan. The Board of Commissioners may deny approval of any subdivision, which the Board finds, does not meet one or more of the stated purposes of this Ordinance as set forth in Section 1.4.

The general design of the subdivision shall take advantage of and be adjusted to the contour of the land so as to produce usable building sites and streets of reasonable gradients. Subdivision plans shall be drawn in consideration of the suitability of the land and its capability to support and maintain the proposed development. Due consideration shall be given to such factors as water supply watershed requirements, outstanding resource waters, topography, rock outcrops, flood damage prevention, erosion control, wetland preservation, storm water management, solar energy, tree preservation, noise and pollution control, habitat for endangered species, areas of historical, archaeological or architectural significance, (including cemeteries as referenced in GS 14-148, 14-149, 70-27, 70-29, 70-30 and other such statutes that may relate as amended) and land use relationships in addition to other factors including those prescribed by this Ordinance.

The subdivider shall be required to reference the North Carolina State Environmental Policy Act, found in the North Carolina Administrative Codes through the Department of Administration for any development which deals with an environmental analysis. This document can be referenced through the Office of the North Carolina Department of Environmental and Natural Resources (NCDENR) when the development pertains to land use, water quality, waste-water disposal,

and/or any other environmental issues as dealt with through this state agency.

North Carolina General Statutes 136-102.6 "Compliance of Subdivision Streets With Minimum Standards of the Board of Transportation Required of Developers" requires that new public streets outside of city limits be in accordance with the Minimum Right-Of-Way and Construction Standards established by the Board of Transportation for acceptance on the State highway system. It is the intent of the Subdivision Ordinance to complement, and not to conflict with the requirements of NCDOT as stated in NCGS 136-102.6. In all cases the most restrictive limitation or requirement, or the requirement causing the highest standard of improvement shall govern.

This Ordinance may provide that a developer provide funds to the County whereby the County may acquire recreational land or areas to serve the development or subdivision, including the purchase of land that may be used to serve more than one subdivision or development within the immediate area.

This Ordinance may provide for the more orderly development of subdivisions by requiring the construction of community service facilities in accordance with county plans, policies, and standards.

Section 3:2 Subdivision Names, Street Names, and Addressing

In no case shall the name of a proposed subdivision duplicate or be phonetically similar to an existing subdivision name within the jurisdiction unless the proposed subdivision lies adjacent to or is in close proximity to the existing subdivision.

Proposed streets, which are obviously in alignment with others already existing or proposed and named shall bear the names of the existing or proposed ones. In no case shall the names of proposed streets duplicate or be phonetically similar to other existing street names in the jurisdiction irrespective of the addition of a prefix, suffix or word such as street, avenue, place, drive or court. Private streets or drives shall use the suffixes of lane, way, or trail. All proposed street names shall be reviewed and approved by the designated County official. Road/street signs costs shall be the responsibility of the Subdivider who must contact the Surry County Public Works Department on road/street sign issues. Installation of road signs shall be the responsibility of the Surry County Publics Works Department.

Upon receiving a building permit the subdivision lot number and future E-911 addressing number shall be posted and visible in accordance with the Surry County Addressing Ordinance.

Section 3:3 Streets

The proposed street system shall extend existing and projected streets at not less than the required minimum width and shall be in conformance with the following criteria:

1. Conformance with Thoroughfare and Transportation Plans: The location and design of streets shall be in conformance with any applicable Thoroughfare or Transportation Plans. Where conditions warrant, right-of-way width and pavement width in excess of the minimum street standards may be required. In any case where any part of a subdivision lies within the corridor of a Thoroughfare shown on a NCDOT Roadway Corridor Official Map adopted pursuant to North Carolina General Statutes Chapter 136, Article 2E, no subdivision approval shall be granted with respect to the property in the Roadway Corridor. Provided, however, no subdivision plat approval shall be delayed by the provision of the Roadway Corridor Official Map procedure for more than three (3) years from the date of its original submittal.
2. Street Classification: The final determination of the classification of streets in a proposed subdivision shall be made by the NCDOT. All streets shall be planned, designed and dedicated as public streets unless otherwise specifically provided for in this Ordinance.
3. Conformance with Adjoining Street System: The planned street layout of a proposed subdivision shall be compatible with existing or proposed streets and their classifications on adjoining or nearby tracts.
4. Reserve Strips, and Half Streets: Reserve strips adjoining street rights-of-way for the purpose of preventing access to or from adjacent property (except those required to prevent access to major thoroughfares), and half-streets shall not be permitted under any condition.
5. Intersections: Streets shall be designed so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle of less than seventy-five (75) degrees. Streets crossing natural areas or streams shall cross at or near to right angles as possible within limits of topographic conditions. Offset intersections must be avoided.
6. Cul-de-sacs:
 - a. Cul-de-sacs shall be provided with a turn-around meeting NCDOT standards. Cul-de-sacs may be designed to utilize circular, T, L, and Y-shapes by following the diagrams in the Appendix or to meet NCDOT standards. A temporary cul-de-sac may be installed within eighteen (18) months as part of the plat approval if the Subdivider intends to phase the development.
 - b. Cul-de-sacs should not be used to avoid connection with an existing street, to avoid the extension of a thoroughfare or collector street, or to avoid connection to adjoining property.

7. Marginal Access Streets: Where a tract of land to be subdivided adjoins a thoroughfare, the subdivider may be required to provide a marginal access street parallel to the thoroughfare, or provide for through lots on a local street for the lots to be developed adjacent to the thoroughfare. Where through lots are established, such lots may be prevented from having direct access to the thoroughfare by driveways.
8. Utilities, Street Lights and Storm Drainage: Street utilities, street lights, sidewalks, storm drainage, and other such facilities are to be placed within the street right-of-way and shall be placed in accordance with NCDOT Standards for Construction in public rights-of-way. This section is also applicable to private streets.
9. Pavement, Curb and Gutter Pavement: Curb and gutter to be placed in public streets shall be placed in accordance with NCDOT Standards for Construction in public rights-of-way. This section is also applicable to private streets.
10. Street Design Criteria: All street designs and construction, whether public or private, shall conform to the following standards:
 - a. All roads declared public or private shall conform to the minimum standards set forth in the most recent edition of “Minimum Construction Standards for Subdivision Roads”, as published by the NC Department of Transportation, Division of Highways.
 - b. As an option, private roads may be constructed meeting the design and construction criteria as follows:
 - (1) Private Driveway – A private drive serving one (1) lot only, with a deeded 45-foot right-of-way, which will be maintained by the property owner, and not intended for public ingress and egress. Each private driveway shall have access to a state maintained road. Only one private driveway is allowed per subdivision. A lot created off of a parent tract utilizing this road option, is limited to one every two (2) years.
 - (2) Family Subdivision Option (Minor Subdivision) – Subdivisions in which the owner of the parent tract is conveying property to a family member (father, mother, brother, sister, son, daughter, grandfather, grandmother, grandson, granddaughter, nephew, niece), the parcel(s) shall have access to a state maintained road by way of a 45-foot right-of-way. A notarized statement provided by the Department of Planning and Development shall be submitted by the subdivider, with the final plat of the subdivision, to the Planning Board, to ensure family lineage as stated above. Should a lot created under this exemption be

conveyed to persons outside the family, as defined by this Ordinance, the right-of-way shall then conform to current minimum NCDOT standards for a subdivision street.

- (3) Thirty-Foot (30) Easement Option – All subdivisions classified as Family Subdivisions shall be allowed to utilize a new or existing minimum 30-foot easement if it serves no more than (3) three total parcels. All other subdivisions either for sale or conveyance to a non-family member shall be allowed to utilize a new or existing minimum 30-foot easement if it serves no more than two (2) total parcels. This exemption is subject to the following provisions:

- a. The parent tract of a subdivision, in which the proposed or existing easement lies across the parent tract, shall be considered a tract using the proposed easement; and
- b. Proposed or new easements shall not extend to the rear property line of the final and furthest parcel utilizing the proposed easement.

- (4) A minimum of twenty (20) feet shall be required for all easements serving private, family cemeteries that do not front along a state maintained road.

11. Water and Sewer Design Criteria: All public systems shall be approved for construction by the appropriate agency of the State of North Carolina. The Subdivision Administrator shall coordinate review with the Water & Sewer Projects Coordinator.

Section 3:4 Lots

The size, shape and orientation of lots shall be appropriate for the location of the proposed subdivision, for the type development contemplated, and in consideration of the method of providing water and sewer facilities to the lots.

The configuration of lots in subdivisions designed for non- residential purposes may be omitted on plans and plats. The final lot sizes may be determined and platted on a lot by lot basis provided each meet the minimum requirements. Every lot shall have sufficient area, dimensions, and shape to permit a principal building to be constructed thereon in conformance with the applicable provisions. Such buildable area shall comply with Article 20 “Flood Hazard Areas” of the Surry County Zoning Ordinance. Lots shall be designed so as to provide positive drainage away from building sites. Lot boundaries shall be made to coincide with natural and pre-existing man-made drainage-ways to the extent practicable to avoid the creation of lots that can be built upon only by altering such drainage-ways. Lotting arrangements shall be made with due

consideration given to not disturbing wetlands, rock outcrops, and other such natural features. Sidelines of lots should be at or near right angles or radial to street lines. All lots must have public street access and frontage meeting the requirements set forth in Article 12 “Dimensional Requirements Table” of the Surry County Zoning Ordinance. Parcels created through the subdivision process which are not intended for building purposes shall be so designated and perpetually bound as "non-buildable" unless subsequently released through the subdivision process. Lots shall only be labeled as “non-buildable” if so designated by the Environmental Health Department.

Section 3:5 Minimum Dimensional Requirements for Lots

1. All required minimum yard setbacks and dimensional requirements shall comply with Article 12 of the Surry County Zoning Ordinance.
2. All building lots within a designated watershed area shall comply with the requirements of Article 24 “Water Supply Watershed Protection” of the Zoning Ordinance.
3. No lot or building area in an Outstanding Resource Water Watershed (ORW) shall be less than the minimum required lot size or built-upon area for the watershed.
4. Lots shall have a minimum area as required by Article 12 “Dimensional Requirements Table” of the Surry County Zoning Ordinance or as required by Health Department regulations. Where residential lots are prepared according to Section 3:1 Open Space Subdivision Design Option, lots may have a minimum of 10,000 square feet with a 30,000 square feet overall density, provided that proper septic system and water supply maintenance plans is are feasible. Accessory buildings and dwellings located on the same lot requiring water and sewage disposal, shall also meet the minimum lot requirements.

<u>Minimum Lot Area</u> (See Article 12 of the Surry County Zoning Ordinance) None	<u>Requirements</u> Private and/or Family Cemetery
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<u>Open Space Subdivision Design Option</u> <u>Minimum Lot Area</u> 10,000 square feet, overall density of 30,000 square feet 8,000 square feet, overall density of 20,000 square feet	<u>Requirements</u> Septic, Well Municipal water and sewer
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5. Zero Lot Line Developments are permitted as provided in Article 14, Section 4, Zero Lot Lines, of the Surry County Zoning Ordinance.
6. Flag lots are permitted subject to the following conditions:

- a. The minimum flagpole width shall be twenty-five (25) feet, and the maximum depth of the flagpole shall be three hundred (300) feet.
 - b. The lot area, lot width, setbacks, and other dimensional requirements of the lot shall be met by the flag portion of the lot.
 - c. No more than two (2) flag lots will be allowed per subdivision. Additional lots may be approved if no acceptable alternative is available.
 - d. Where the two (2) flag lots are contiguous a private forty-five- (45) foot recorded easement and road shall be shared by each lot. The private street shall be built according to the standards of Section 3:3. A driveway permit shall be obtained from the NCDOT and submitted as documentation.
7. In the Open Space Subdivision Design Option the density of dwelling units per acre shall not exceed the density of lots per acre that would otherwise be permitted above.

Section 3:6 Easements

To provide for electric, telephone, gas service, community antenna television distribution systems, water and sewer lines, and other such facilities within the subdivision, appropriate utility easements not to exceed thirty (30) feet shall be provided on the final plat. In addition, storm drainage easements may be required in order to carry out the storm drainage improvements as required in Section 4:2.

Section 3:7 Phasing

Subdivisions may be constructed, planned, and platted in phases; Provided, however, that the Planning Board shall not approve a phasing plan when such phasing will not provide for adequate public facilities to support any such phase or phases independent of the overall subdivision plan. In approving phases, the Planning Board shall require that additional streets, water and sewer facilities, or other required public facilities be platted and sized as part of the phase or phases in order to ensure that sufficient public facilities will be in place to support such phase or phases independent of any future subdivision development.

Section 3:8 Subdivision Entrance Markers And Landscaped Medians

Subdivision entrance markers and landscaped medians shall be subject to the approval of NCDOT. Subdivision entrance markers are subject to the requirements of Article 19 of the Surry County Zoning Ordinance.

Section 3:9 Connection to State Streets

An approved NCDOT driveway permit is required to connect to any state maintained street.

Section 3:10 Residential Subdivisions Skirting Requirements

In Subdivisions, which are to be developed for residential use, all dwelling units shall conform to the following foundation and/or skirting requirements:

1. Site-built, Modular, and Class “A” Manufactured Homes shall be skirted with a permanent enclosed brick, stone, or masonry block (with a stucco finish); and
2. Class “B” Manufactured Homes shall be skirted with a permanent enclosed brick, stone, masonry block (with a stucco finish), or masonry curtain wall (with a minimum thickness of 3/8 of an inch).

Any type of permitted skirting material shall be constructed in accordance with NC Building Code. Any dwelling unit which is permitted and approved for occupancy, and which is subsequently moved off site, shall be subject to all moving permits, which are enforced by Surry County, and failure to secure moving permits shall be a violation of this Ordinance.

Section 3:11 Open Space Subdivision Design Option

The Open Space Subdivision Design Option, shall be developed in accordance with the following provisions:

1. Open Space Subdivision Design Option Procedures. The developer may elect to proceed with their subdivision development under the Open Space Subdivision Design option. Written notice of intent to proceed under the Open Space Subdivision Design option shall be directed to the Subdivision Administrator on a preprinted form provided by the Surry County Planning & Development Department indicating the developer’s willingness to meet those objectives and to abide by other ordinance requirements set forth herein. The completed form together with any supporting documentation and the developer’s application shall be delivered to the secretary of the Subdivision Administrator. The application document shall clearly indicate developer’s intention to proceed under the Open Space Subdivision Design option. Developer’s detailed development plan must be consistent with the objectives outlined in this ordinance.
2. The Open Space Subdivision Design Option Objectives. The Open Space Subdivision Design Option designs are methods of preserving the rural community character sometimes lost in conventional development approaches. To accomplish this goal, greater flexibility and creativity in the design of such development is required. Specific objectives of cluster development and open space preservation are as follows:

- a. To preserve areas of the County with productive soils for continued agricultural and forestry;
 - b. To minimize site disturbance and erosion through retention of existing vegetation and avoiding development on steep slopes;
 - c. To preserve open land, including those areas containing unique and sensitive features such as natural areas and wildlife habitats, steep slopes, streams, wetlands, and floodplains;
 - d. To preserve scenic views and elements of the County's rural character, and to minimize perceived density by minimizing views of new development from existing roads and existing development;
 - e. To provide for the active and passive recreational needs of the developments residents;
 - f. To provide greater efficiency in the siting of services and infrastructure by reducing road length, utility extensions, and the amount of impervious surface for development; and
 - g. To create compact neighborhoods accessible to open space amenities and with a strong identity.
3. For the Open Space Subdivision Design Option septic system and repair areas, and water systems may be located in common areas, provided that appropriate measurements are taken to ensure maintenance through a Homeowners Association. System designs must be obtained, and approved from the Surry County Environmental Health Department.
 4. The Open Space Subdivision Design Option shall be exempt from the minimum lot size requirements of Subsection 3:4.1, not to be less than 10,000 square feet, provided that the overall density of dwelling units is 30,000 square feet. If public water and sewer is used then dwelling units can be 20,000 square feet provided that 25 percent of total project remains in open space. Lots in a Open Space Subdivision Design Option shall either front upon a public street or a private street as described and conditioned in (1) above or common open space, which adjoins either, a public or private street as provided for above. The Open Space Subdivision Design Option shall also be exempt from the side property line setback as contained in Article 12 of the Surry County Zoning Ordinance provided that buildings are attached on a common property line. The Open Space Subdivision Design Option shall be subject to the provisions and declarations of the North Carolina Unit Ownership Act, and such documents shall be submitted as part of the plan review process.

5. Open Space Subdivision Design Option Minimum Area Requirements. Each development shall be developed on a tract not less than five (5) acres in size.
6. Open Space Subdivision Design Option Lot and Density Requirements. Clustering shall be permitted upon submission of an acceptable open space preservation plan as physically indicated on the plan.

Notwithstanding the development standards set out in this Ordinance, the cluster development shall be exempt from the minimum lot size requirements of Section 3:5 and 3:10, except for those within a Watershed Area and Outstanding Resource Watershed Area, and the developmental standards and other requirements herein are met.

7. The Open Space Subdivision Design Option Lot Requirements. Each lot or space shall consist of no less than 10,000 square feet per building lot with an overall density of 30,000 square feet. The following criteria shall be used to determine the location of each lot.
 - a. Development should be buffered from direct view by a vegetative buffer or an earth berm constructed to reflect the topography of the surrounding area, or located out of sight on slopes below existing ridge lines;
 - b. Each lot shall be located so as to minimize the visual impact of the development;
 - c. Each lot shall not include wetlands, transition areas, and flood plains;
 - d. Each lot shall not include areas with excessive slopes of greater than > twenty (20) percent;
 - e. Roadways shall follow existing contours to minimize the extent of cuts and fills; and
 - f. The minimum common open space shall be contiguous, with allowed breaks at roads/streets.
8. On-Site Inspection. Prior to the submission of the preliminary plan, the developer shall schedule a mutually convenient time to walk the property with the Subdivision Administrator, Local Ordinance Officer, and Health Department Representative. The purpose of this visit is to familiarize staff with the property's special features, and to provide them an informal opportunity to offer guidance to the applicant regarding the tentative location of the building lots, open space areas, buffering requirements, and street locations.

Prior to scheduling the on-site visit, the applicant shall have prepared a preliminary site

or sketch plan that shall show the basic concept of meeting the clustering and open space preservation section and other requirements set forth herein.

Section 3:12 Required Dedication of Lands

Dedication of lands shall be required in the following situations:

1. In coordination with the Surry County Greenway Master Plan, all streams and rivers located within a designated greenway corridor shall be required to dedicate a 50-foot area along both sides of streams and a 100-foot area along both sides of rivers that shall be dedicated as common use area for the development of greenway corridors for use by the general public.
2. The County may require the reservation of school sites in accordance with comprehensive land use plans approved by the Board of Commissioners. For the authorization to reserve school sites to be effective, the Board of Commissioners, before approving a comprehensive land use plan, shall determine jointly with the Board of Education with jurisdiction over the area the specific location and size of each school site to be reserved, and this information shall appear in the Plan. Whenever a subdivision that includes part or all of a school site to be reserved under the plan is submitted for approval, the Planning Board shall immediately notify the Board of Education. The Board of Education shall promptly decide whether it still wishes the site to be reserved and shall notify the Board of Commissioners or Planning Board of its decision. If the Board of Education does not wish the site to be reserved, no site may be reserved. If the Board of Education does wish a site to be reserved, the subdivision may not be approved without the reservation. The Board of Education must acquire the site within 18 months after the date the site is reserved, either by purchase or by exercise of the power of eminent domain. If the Board of Education has not purchased the site or begun proceedings to condemn the site within the 18 months, the subdivider may treat the land as freed from reservation.

ARTICLE IV. REQUIRED IMPROVEMENTS

The subdivider shall install the following improvements and such improvements shall be at no cost to Surry County. No improvements shall be installed until construction plans have been approved by such agency as may be appropriate or as required by law. The subdivider shall furnish to the Subdivision Administrator a written statement certifying that all required improvements have been installed, and have been inspected and approved by the appropriate agency prior to final plat approval. The Subdivision Administrator shall not approve any final plat for recording without receiving the written certificate from the subdivider. Written statements from the appropriate regulatory agency, or a certification from the subdivider's engineer or professional land surveyor, as appropriate, may serve as the written certification of required improvements.

Section 4:1 Street Improvements

All subdivision streets to be developed under this Subdivision Ordinance shall meet NCDOT standards for subdivision streets so that they may be accepted into the State's street system when all conditions of acceptance have been met. Until such time that the State accepts a subdivision street, the maintenance of the street shall be the responsibility of the property owners or the developers, and shall not be the responsibility of Surry County. Streets shall be maintained as provided herein or be subject to penalties set forth in Section 5:8.

All proposed streets shall be cleared and developed to the full width of the right-of-way, and improved with a pavement width and side ditch section as required for the particular classification of street in accordance with NCDOT standards. All grading and pavement (curb and gutter, if provided), shall be designed and installed in accordance with NCDOT standards and the approved construction plan referenced in the North Carolina Department of Transportation Division of Highways Subdivision Roads: Minimum Construction Standards, as amended.

In addition, street paving, in accordance with the above conditions, shall be installed in the following situations:

1. Any existing street segment that has not been accepted for maintenance by the NCDOT, and that is to serve as the required frontage for one or more lots created pursuant to this Ordinance, shall be improved and dedicated to the public, as provided for above, in such a way that the street segment meets the standards of this Ordinance for the particular classification of street, including right-of-way width. Such street segment shall be directly connected to the existing public street system by way of at least one public street maintained by the NCDOT. No subdivision shall be permitted on any street that is isolated by not being connected directly to the public street system.
2. The NCDOT or the County may require pavement and widening for turning lanes along any existing or proposed street that forms a significant entrance to a proposed subdivision, where in the opinion of the Board such improvements are necessary in order for safe vehicular movement into and out of the proposed subdivision.
3. In cases where a street is stubbed into adjoining property for future extension and such street serves as the frontage for one or more lots which are not corner lots, the Board of Commissioners may require the pavement of a temporary turn-around in a form similar to a Cul-de-Sac or L, Y, and T-intersection turn-around on such street where in their opinion such turn-around is necessary for the public convenience, safety and service. Temporary easements for such purposes may be required.
4. The subdivision developer, and the NCDOT shall submit a joint notarized statement to the Planning Board through the Subdivision Administrator, stating the road meets

required construction compliance as stated in this Ordinance, in compliance with Subdivision Roads: Minimum Construction Standards, as amended.

Section 4:2 Storm Drainage Improvements: A comprehensive storm drainage system shall be planned and implemented for each subdivision. The general storm drainage plan shall be shown on the preliminary plan. Detail plans where required shall be submitted as part of the construction plan requirement. Where easements are required, they shall be noted on the Final Plat.

Storm drainage plans shall be considered on an individual basis depending upon the situation within a given subdivision. The requirements of Article 20 “Flood Hazard Areas” within the Zoning Ordinance shall apply to storm drainage design where applicable. Generally the following standards shall apply:

1. Types of drainage ways requiring treatment
 - a. Those draining one (1) acre of land or more.
 - b. Those carrying storm water runoff from public streets wither existing or proposed.
 - c. Those carrying storm water runoff from large impervious surfaces other than streets.
2. Design Storms
 - a. Open drainage channel - 25 year storm
 - b. Enclosed systems - 10-year storm for collectors and 25 year storm for street crossing conduits and immediate downstream areas.
 - c. 100 year storm where required by Flood Damage Prevention Ordinance.
3. Types of Treatment
 - a. Enclosed subsurface drains
 - b. Open, unimproved channel
 - c. Open, improved channel
4. Easements
 - a. Maintenance easements may be required depending upon the size of the drainage

way and the maintenance responsibility.

Section 4:3 Drinking Water Improvements: In any case where a public drinking water system and/or supply system is proposed to be installed in a subdivision as part of the plan approval process, such system shall be considered to be a "Required Improvement" within the context of this Ordinance, and such system shall be required to be installed by the subdivider. This requirement includes both facilities within the subdivision and off-site facilities, which are essential to providing the service to the property.

Section 4:4 Sanitary Sewerage Improvement: In any case where a public sanitary sewerage system and/or treatment system is proposed to be installed in a subdivision as part of the plan approval process, such system shall be considered to be a "Required Improvement" within the context of this Ordinance, and such system shall be installed by the subdivider. This requirement includes both facilities within the subdivision and off-site facilities, which are essential to providing the service to the property.

Section 4:5 Septic Tank System: In any case where septic tanks are proposed to be installed in a subdivision as part of the plan approval process, such system shall be considered to be a "Required Improvement" within the context of this Article. Permits must be submitted as a portion of the construction improvement plan before final plat approval can occur.

Section 4:6 Utilities: Electric power, telephone, cable television, natural gas lines, and other utilities which are proposed to be installed in the subdivision, and which are required to be shown on construction plans are not "Required Improvements" within the context of this Article. Since the installation of such improvements are by agreement between the subdivider and the appropriate utility company, the execution of such agreements between the subdivider and the utility companies are deemed to satisfy the construction and installation requirements of this Ordinance as long as they are installed in the public right-of-way or easement in accordance with NCDOT standards for such installations.

Section 4:7 Street Name Signs: The subdivider shall purchase street name signs from the Surry County Public Works Department. The County will install the signs at appropriate locations in accordance with the standards and specifications of Surry County and the NCDOT. The subdivider may, however, with the approval of the Subdivision Administrator of design and material, install a different street name sign type at no cost to the County. In such case, the subdivider or his successors or assignees shall be responsible for replacing such signs in instances of loss, damage or deterioration; otherwise, the County will replace such signs with its standard sign.

Section 4:8 Traffic Control Signs and Markings: The subdivider shall install traffic control signs and pavement markings in accordance with the standards and specifications of the North Carolina Department of Transportation.

Section 4:9 Monuments: The subdivider shall install such monuments and other property markers as are required by North Carolina General Statutes Chapter 39, Article 5A and as are specified by the "Standards of Practice for Land Surveying" in North Carolina.

ARTICLE V. LEGAL PROVISIONS

Section 5:1 Interpretation, Purpose, Conflict In Interpreting and Applying the Provisions of this Ordinance

Provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction or imposes higher standards than those required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern so that, in all cases, the most restrictive limitation or requirement, or the requirement causing the highest standard of improvement, shall govern.

Section 5:2 Repeal and Reenactment of Existing Subdivision Ordinance

The rewriting of this Ordinance in part carries forth by reenactment some of the provisions of the existing Subdivision Ordinance of Surry County and it is not intended to repeal but rather to reenact and continue in force such existing provisions so that all rights and liabilities that have been accrued are preserved and may be enforced. All provisions of the Subdivision Ordinance, adopted on November 1, 1999, as amended, which are not reenacted herein, are hereby repealed.

All suits at law or in equity and/or all prosecutions resulting from the violation of the Subdivision Ordinance 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 been instituted, may be 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 have been instituted or prosecuted.

Section 5:3 Effect Upon Outstanding Preliminary and Final Plats

Nothing herein contained shall require any change in any preliminary plan which has received approval by Surry County prior to the time of the adoption of this Ordinance provided that such preliminary plat has been prosecuted to completion and a final plat recorded in the Office of the Register of Deed within the twelve (12) months allow for recording after the plat has received final approval from the County Board of Commissioners after the time of the adoption of this Ordinance.

If the final plat of all or part of the area shown on any previously approved preliminary plat is not recorded in the Office of the Register of Deeds within the 14 days allowed for recording after the plat has received final approval from the County Board of Commissioners after the time of the adoption of this Ordinance, such non-recorded area shall be subject to all the provisions of this Ordinance.

After the effective date of this Ordinance, any final plat to be recorded based upon any outstanding preliminary plat shall follow the final plat approval procedures of this Ordinance.

In addition, nothing herein contained shall require any change in any final plat which has received approval by Surry County prior to the time of the adoption of this Ordinance provided that such final plat is prosecuted to completion in accordance with the terms of approval. In the event of default or the failure of the subdivider to perform in accordance with the conditions as approved, Surry County may, at its option, take lawful action pursuant to the Subdivision Ordinance in existence at the time of the final plat approval or this Ordinance.

Section 5:4 Effect Upon New Territory Added to Jurisdiction

At any time when new territory is added to the Jurisdiction of this Ordinance, such new territory shall immediately become subject to the provisions of this Ordinance. Any proposed subdivision or any subdivision in progress within such new territory shall proceed only in accordance with the following:

1. Any subdivision for which a final plat has been recorded in the Register of Deeds Office pursuant to the approval of another local government, but which is subject to an outstanding guarantee to such local government for the installation of subdivision improvements, shall remain under the subdivision control of such local government until such time as such subdivision shall have been prosecuted to completion.
2. All other subdivisions shall meet all of the requirements of this Ordinance and it shall be the responsibility of the subdivider of any proposed subdivision or subdivision in progress to receive approval as provided for in this Ordinance before proceeding with any development. The subdivider shall arrange a conference with the Subdivision Administrator who shall determine the level and type of approval required and provides the Subdivider with an approval track for the particular case.

Section 5:5 Modifications

The Planning Board may modify the requirements of this Ordinance where, because of the size or shape of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Ordinance would cause an unusual and unnecessary hardship on the subdivider, or where in the opinion of the Planning Board, a modification will result in equal or better performance. In

granting modifications, the Board may require such conditions as will secure, insofar as practicable, the objectives or requirements modified. In no case however, shall the Board, acting pursuant to this Section, modify the terms or requirements of the Zoning Ordinance, or any other ordinance. Violation of any condition shall constitute a violation of this Ordinance. A modification granted as part of a plan approval is to be reviewed annually to ensure that the conditions are being met. Each condition goes with the land.

Section 5:6 Amendment

The Surry County Board of Commissioners may from time to time amend the terms of this Ordinance after a public hearing has been held and notice given as required by North Carolina General Statutes 153A-323. However, any proposed amendment shall be submitted to the Planning Board for review and recommendation prior to Board of Commissioners action. The Planning Board shall have sixty (60) days from the date such amendment is first submitted for review to the Board to make its recommendation. If the Planning Board fails to make its recommendation within the specified time, it shall be submitted to the Board of County Commissioners for review.

Section 5:7 Variance

The Board of Adjustment may authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Board of Adjustment shall make the findings required below, taking into account the nature of the proposed subdivision, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Board of Adjustment finds:

1. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land,
2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner,
3. That the circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this Ordinance, and
4. That the granting of the variance will not be detrimental to the public health, safety, and welfare, or injurious to other property in the territory in which said property is situated.

Section 5:8 Violations; Penalties

From the effective date of this Ordinance that is adopted by the County, no subdivision plat of land within the County's jurisdiction shall be filed or recorded until it has been submitted to and approved by the appropriate board, administrator, or agency, as specified in the Subdivision Regulations Ordinance, and until this approval is entered in writing on the face of the plat by an authorized representative of the county.

The Review Officer, pursuant to G.S. 47-30.2, shall not certify a plat of a subdivision of land located within the territorial jurisdiction of the County of Surry that has not been approved in accordance with these provisions, and the Clerk of Superior Court may not order or direct the recording of a plat if the recording would be in conflict with this Section.

If a person who is the owner or agent of the owner of any land within the territorial jurisdiction of Surry County subdivides their 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 this Ordinance and recorded in the Office of the Register of Deeds, this person is guilty of a Class 1 misdemeanor. The description 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.

The County may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the Subdivision Ordinance. Building permits required pursuant to G.S. 153A-357 shall be denied for lots that have been illegally subdivided. In addition to other remedies, the County may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.

Any person, firm or corporation who violates any provisions of this Ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined not exceeding fifty (\$50) dollars or imprisoned not exceeding thirty (30) days. Each day that a violation continues to exist shall be considered to be a separate offense, provided the violation is not corrected within thirty (30) days after notice of the violation has been given, as provided by G.S. 14-4.

Additionally, violation of this Ordinance subjects offenders to a civil penalty that may be enforced through the issuance of citations by the Surry County Local Ordinance Officer. The County may recover this penalty in a civil action in the nature of a debt if the offender does not pay the penalty within seventy-two (72) hours after being cited for a violation. In addition, failure to pay the civil penalty within seventy-two (72) hours may subject the offender to criminal charges.

The following civil penalties are established for violations under this section:

Warning citation	Correct violation within ten (10)
days	<u>(10)days</u>
First citation	\$25.00
Second citation for same offense	\$50.00
Third and sequential citations for same offense	\$50.00

These civil penalties are in addition to any other penalties, which may be imposed by a court of law from violation of the provisions of this ordinance.

All monetary civil penalties must be paid to the Surry County Planning and Development Department through the Subdivision Administrator, and forwarded to the Surry County Finance Department.

Section 5:9 Validity

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Commissioners hereby declares that it would have passed this Ordinance and each section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 5:10 Effective Date

This Ordinance shall become effective upon its adoption by the Board of Commissioners of Surry County, North Carolina."

ADOPTED this the 17th day of December, 2007, by the Board of Commissioners of Surry County, North Carolina.

ATTEST

Clerk to the Board

Chairman, Board of Commissioners

APPENDIX

MAPPING STANDARDS Surry County Subdivision Ordinance

The following are the Standards of Maps to be submitted as part of the subdivision process for both preliminary/final plat/plan requirements, and construction plans where applicable. These standards are intended to be general and the subdivider may be required to file fewer or more maps, or provide less or more information depending upon the circumstances of the particular case. As a general rule, the requirements for the preliminary plan can be considered to be more general in application whereas those for the final plat can be considered more specific in application.

A. Number and Type of Maps to be Submitted

PLANNING BOARD & BOARD OF COMMISSIONERS
INITIAL REVIEW
COUNTY FILE

Plat/Plans Review

<u>Minor:</u>	4 prints (Subd. Administrator)
<u>Major:</u>	
<u>Preliminary Plats/Plans</u>	14 prints (Planning Board)
<u>Final Plats/Plans:</u>	14 prints (Planning Board) 13 prints (BOCC)

All maps shall be drawn to scale. Prints may be blue-line or black-line and map size shall be dimension of 18" X 24". All plats/plans shall be pursuant to the requirements set forth in G.S. 47-30, as amended.

Construction Plans: 1 set to Surry County, see NCDOT, and other approval agency as to number required.

All plans shall be drawn to scale. The scale shall be not less than 1" = 200'. Construction plans shall be at a scale of not less than 1" = 50'. Prints may be blue-line or black-line and map size shall be dimension of 24" X 36". The final plat prints for County file shall be copies of the final plat as presented for recording.

(Consult Surry County Register of Deeds for Record Map requirements.)

B. Construction Plans (Submit to NCDOT and other appropriate agency with copy to Surry County.):

1. Plan and profile showing streets with complete design showing all horizontal curve data, vertical curve data, super elevation, etc., and DOT approvals such as driveway permits, etc.
2. Storm drainage design and calculations with size, material, grade, length, and cove on all pipes, size, type, and location of all catch basins.
3. Location of all flood boundaries, temporary and permanent erosion control methods, and proposed fill.
4. Utility system plan and profile to show size, material, cover, and grade on all mains; size, depth and type of all manholes, location of all hydrants and cleanouts, location of all services and meter boxes, and location of easements.
5. Distribution systems of electric, telephone, natural gas, cable antenna television, and other services in right-of-way.
6. A copy of the approved State Erosion Control Plan, and approval letter prior to beginning construction.

C. Map Information (if applicable):

<u>Information:</u> <u>Plan</u>	<u>Preliminary/Final Plat</u>	<u>Construction</u>
<u>Title Block:</u>		
Name of development	X	X
Name of map or plan (sketch plan, preliminary plan, etc.)	X	X
Owner's name with address and daytime phone #	X	X
Location (including address, city,		

township, county, & state)	X	X
Date(s) map(s) prepared or revised	X	X
Scale of drawing in feet per inch (drawing shall not be at scale of not less than 1" equal to 200')	X	X
Bar Graph Scale	X	X
Name, address, & telephone # of preparer of map	X	X
Developer's name, address, and daytime phone number (if different from owner's)	X	X
Zoning district(s), and water supply & watershed within the property & adjacent properties	X	X
Plat book & page, or deed book & page references	X	
Names of adjoining property owners (or sub-divisions or developments of record with plat book & page, and/or deed book & page reference)	X	
Tax map, block & parcel(s) #	X	X
Vicinity map showing location of site relative to surrounding area.	X	X
Corporate limits, county lines, and other jurisdiction lines, if any, on the tract	X	X
North arrow & orientation	X	X
Floodway and floodway fringe field survey boundaries		X

Dedication of greenway corridors	X	X
Boundaries of the tract to be subdivided or developed:	X	X
Distinctly and accurately represented & showing all distances; as required in G.S. 47-30, as amended..	X	
Tie at least one corner to NC grid and provide grid coordinates where at least one of two control monuments needed are within 2000' feet of the boundary or tie to nearest street intersections.	X	
Showing locations of intersecting boundary lines of adjoining properties	X	X
Location and descriptions of all monuments, markers and control corners	X	
Existing property lines on tract to be sub-divided. If existing property lines are to be changed, label as "old property lines" and show as dashed lines	X	X
Dimensions, location and distance from buildings to closest property lines; buildings to remain on final.	X	X
The name and location of any property or building on the National Register of Historic Places or locally designated historic property	X	X
Railroad lines and rights-of-way	X	X
Water courses, ponds, lakes or streams	X	X
Marshes, swamps and other wetlands	X	X
Areas to be dedicated or reserved for		

the public or a local jurisdiction	X	X
Areas designated as common area or open space under control of an Owners Assoc.	X	X
Location of floodway & floodway fringe from Flood Hazard Boundary Maps and cross-section elevations		X
Existing and proposed topography of tract and 100 feet beyond property showing existing contour intervals of no greater than 10 feet and labeling at least two contours per map and all others at 10 foot intervals from sea level		X
Proposed lot lines & dimensions; show bearings and distances on final	X	X
Acreage for all lots.	X	X
Non-buildable notation, if applicable	X	X
<u>Site Calculations Including:</u>		
Acreage in total tract	X	X
Acreage in public greenways and other open space	X	X
Total number of lots proposed	X	X
Linear feet in streets	X	X
Area in newly dedicated right-of-way	X	X
Lots sequenced or numbered consecutively	X	X
<u>Street Data Illustrating:</u>		
Existing and proposed rights-of-way within and adjacent to property showing:	X	X

R/W Lines	X	X
Total R/W width dimension	X	X
R/W width dimension from centerline of existing public streets	X	X
Cul-de-sac R/W radius from centerpoint	X	X

Existing and Proposed Streets Showing:

Pavement or curb lines	X	X
Pavement width dimensions (face-to-face)(or EP to EP)	X	X
Cul-de-sac pavement radius from centerpoint	X	X
Existing & proposed street names: (Must label public or private)	X	X
Location, dimension & type of all easements (Existing and proposed)	X	X

Utility Layout Plan: Showing connections to existing systems, utility company's name, line sizes, material of lines, location of fire hydrants, blowoffs, valves, manholes, catch basins, force mains, etc. for the following types of utility lines: (not to substitute for constructions plans)

Sanitary sewer		X
Water distribution		X
Storm sewer		X
Natural gas, electric, cable TV (Show right-of-way for Utility		

easements only in land subdivisions) X

Plan for providing water and sewer service graphic or narrative form X

D. Certifications, Notes and Approval Blocks

The following certificates, notes, and approval blocks shall appear on the appropriate plans and plats in substantially the following formats:

1. **Minor Subdivision:**

Certificate of Subdivision Administrator Approval

Approved for recording by Surry County, N.C. Subdivision Administrator on this the _____ day of _____, _____ pursuant to authority of Article _____ of the Subdivision Ordinance. Must be recorded within fourteen (14) days of this date.

Subdivision Administrator

Date

2. **Major Subdivision (Final Plat/Plan):**

Certificate of Survey and Accuracy

I, _____, certify that this map was drawn under my supervision) from an actual survey made under my supervision (deed description recorded in Book _____, page _____, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, page _____; that the ratio of precision as calculated is 1:_____; that this map was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration and seal this _____ day of _____, A.D., _____.

Seal or Stamp _____
Surveyor

Registration # (maximum allowable error: 1:10,000)

NCDOT Construction Standards Certification

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

Or

This subdivision plat has been reviewed and is along existing rural paved road S.R.

_____ in Surry County, not requiring any work.

Date

District Engineer

Or

NOTE: NCDOT Engineer has authority to review all subdivision that will front an existing state road. For subdivision private drive ways, the NCDOT requires review, and a driveway permit.

Or

Street Disclosure Statement

The streets shown hereon are dedicated to the private use of purchasers of lots within the subdivision. There is no intention by recordation of the subdivision plat to dedicate the streets and roadways therein to public use. The responsibility for improvements and maintenance of such streets and roadways shall be the of the abutting lot owners and their successors in interest. There is not commitment by the North Carolina Department of Transportation, Surry County, or any other governmental body to assume responsibility for maintenance.

It is hereby disclosed that Surry County school buses are not permitted to travel on private streets.

Or

The proposed easement(s) shown on this plat has been constructed to meet NCDOT standards, however it is to remain labeled as a private road(s) until such a time NCDOT approves the easement(s) for state maintenance. I hereby certify that this road is constructed to NCDOT standards.

Civil Engineer

Date

Or

The following statement shall be required on all approved plats that utilize the Thirty-Foot Easement Exemption found in Section 3:3:10(b) #3:

DISCLAIMER: The 30-foot easement shown on this plat does not conform with the North Carolina Department of Transportation's Division of Highways Minimum Construction Standards for Subdivision Roads.

Onsite Water and/or Sewer Note: (Where appropriate)

Note: (ALL the LOTS) or (LOTS # _____) as shown on this plat are proposed to be served with on-site water and/or sewer systems. The lots as shown meet the minimum size prescribed by the Surry County Health Department for such system(s).

Or

Individual lots have been evaluated and the Health Department has issued improvement permits.

No signature required.

Special Flood Hazard Area Note: (Word to represent actual situation)

Reference: Floodway Panel # _____

Flood Zone: _____

Date: _____ (of Panel)

(If part of the property is in a Special Flood Hazard Area it shall be scaled, and shown graphically on the Plat.)

G.S. 47-30 f (11) a-e Certification

I certify that this survey creates a subdivision of land within Surry County, which has an ordinance regulating parcels of land. [GS 47-30(f)(11) a-e]

Date

Surveyor

NOTE: If survey is other than GS 47-30 (f)(11) a-e the provision must be included. Interpretation of this provision is from the Institute of Government.

Approving Authority Signature

I, _____, Chairman of the Surry County Board of Commissioners, hereby certify that the said Board duly approved the final plat of the subdivision shown hereon, on the _____ day of _____, _____.

Chairman, Surry County Board of Commissioners

NOTE: If plat is from any other governmental agency other than the Surry County's jurisdiction such as a municipality, the plat must have the signature of the agency designated to review plats and contain any statement that is required by that particular governmental body. This must be completed before a Review Officer can approve the plat for recording.

Review Officer Certification G.S. 47-30

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

Date

Review Officer

Certificate of Approval for Watershed Areas

I certify that the plat shown hereon complies with Article 24 "Water Supply Watershed Protection", of the Surry County Zoning Ordinance and is approved by the Planning Board for recording in the Register of Deeds office.

Date

Subdivision Administrator

NOTE: The above is not all the required certifications, however they are the most typically used as defined in the Subdivision Regulations and G.S. 47-30 Review Officer.