

ARTICLE I

GENERAL

1-1 Title

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

1-2 Purpose

The purpose of these subdivision regulations is to promote the public health, safety and general welfare by providing for the orderly subdivision of land in Stokes County. More specifically, these regulations are deemed necessary to: (1) assure the appropriate layout and use of land; (2) provide safe, convenient and economic circulation of vehicular traffic; (3) provide for dedication or reservation of road rights-of-way, utility easement, and public facility sites; (4) assure the proper installation of roads and utilities; (5) avoid undue concentrations of population; and (6) insure proper legal description, identification, monumentation, and recordation of property boundaries.

1-3 Authority and Jurisdiction

1-3.1 Authority

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

1-3.2. Jurisdiction

These regulations shall govern the platting and recording of any subdivision of land within Stokes County, but outside the jurisdiction of any municipality. It may also regulate subdivision of land within the jurisdiction of any municipality whose governing body, by resolution, agrees to such action.

1-4 Conflicting Ordinances

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

1-5. Separability

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

1-6 Abrogation

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

1-7 Amendment

1-7.1 Procedures

These regulations may be amended or revised from time to time by Stokes County Board of Commissioners. The board shall cause notice of the hearing to be published once a week for two successive calendar weeks. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included. (NCGS 153A-323)

1-7.2 Planning Board Review

No amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Stokes County Planning Board for review and comment. If the Board does not make any recommendation within 45 days of submission, it shall be deemed to have favorably recommended the amendment.

1-8 State Platting and Disclosure Statement Requirement

All subdividers planning to sell lots not platted and recorded prior to October 1, 1975 are advised to consult NC General Statute 136-102.6, "Compliance of Subdivision Roads with Minimum Standards of the Board of Transportation," which requires that all new roads (streets), whether public or private, and all changes in roads (streets) be platted. NC General Statutes 136-102.6 also requires the subdivider to furnish to each lot purchaser a Subdivision Roads Disclosure Statement revealing the status of new roads, whether or not they are constructed to NC Department of Transportation standards, and who will bear maintenance responsibility for the roads. No provision of the Stokes County Subdivision Regulations or of any other local

ordinance shall exempt a division of land from the provisions of NC General Statutes 136-102.6.

1-9 Adoption and Effective Date

This Ordinance was duly adopted by the Stokes County Board of Commissioners on **July 3, 1995** with an effective date of **August 14 th, 1995** of its adoption by the Stokes County Board of Commissioners.

1-10 Pre-Existing Subdivisions

This ordinance shall not apply to subdivision plats or deeds recorded prior to the effective date of these regulations provided the lots met the requirements of the zoning ordinance or any other local or State land regulatory ordinances in effect at the time of recording.

1-11 Word Interpretation

For the purpose of these regulations, certain words shall be interpreted as follows:

- (a) The word "may" is permissive.
- (b) The words "shall" and "will" are mandatory.
- (c) The present tense includes the future tense and the future tense includes the present tense.
- (d) The singular includes the plural and the plural includes the singular.

ARTICLE II

DEFINITIONS

ABC. Aggregate Base Course (11-6-00)

AST. Asphalt Surface Treatment (11-6-00)

Building Setback Line. A line parallel to the front property line in front of which no structure shall be erected.

Dedication. A gift or donation of property by the owner to another party without any consideration being given for the transfer. Since a transfer of property is involved, the dedication is made by written instrument and is completed with an acceptance. The dedication is often for a specific use.

Double Frontage Lot. A continuous (through) lot which is accessible from both roads upon which it fronts.

Dwelling, Townhouse. A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.

Easement. A grant by the property owner of one or more of the property rights to the public, a corporation, entity, or another person. (*see also private easement*)

Exclusive Easement - Grant of unfettered (unrestricted) rights to owner of easement to use that easement for purposes specified in grant to exclusion of all others. This easement essentially constitutes a driveway for the purposes of these regulations. The minimum required width of this easement should be thirty (30) feet.

Flag Lot. A lot in the shape of flag and pole with the pole providing the narrow connection between the lot and a public or private road.

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.

Official Maps or Plans. Any maps or plans officially adopted by the Board of County Commissioners as a guide to the development of Stokes County.

Open Space. An area (land and/or water) generally lacking in man-made structures and reserved for enjoyment in its unaltered state.

Major Subdivision. All other subdivisions not classified as minor. Major subdivisions shall be approved, approved conditionally, or disapproved by the Subdivision Review Committee (SRC) as specified in these regulations.

Minor Subdivision. The subdivision of land into four (4) lots or less, not involving development or extension of a new public or private road, or easement with all lots having access to an existing state maintained road, or the subdivision of a parcel into three (3) lots being served by an exclusive use easement, with the parent tract of land having access to a state maintained road or an approved private road or easement. Minor subdivisions shall be approved, approved conditionally, or disapproved by the Stokes County Planning and Community Development Department as specified in these regulations. (Amended 11-6-00)

NCDOT. North Carolina Department of Transportation (11-6-00)

Phase Development. A large scale project developed over time. To avoid unnecessary hardship to the property owner, a phase or section may be approved for recording before completion of total project.

Planned Unit Development (PUD) An area of a minimum contiguous size, as specified in the zoning ordinance, to be planned and developed as a single entity containing one or more residential clusters with common open space and commercial uses that provide goods and services to the residents of development.

Plat. A map or plan of a parcel of land which is to be, or has been, subdivided.

Private Easement. A right of access, at least 30 feet wide, to six lots or less that do not front directly on a public or private road as applied to these Regulations.

Private Road. Any road or other way of passage that has not been irrevocably dedicated to the public or in which the public has not acquired rights by prescription, without regard to whether it is open for travel.

Public Road. Any road, street, highway, thoroughfare, or other way of passage that has been irrevocably dedicated to the public or in which the public has acquired rights by prescription, without regard to whether it is open for travel. (NC General Statutes 153A-239)

Public or Community Wastewater System. A single system of wastewater collection, treatment and disposal owned and operated by a sanitary district, a metropolitan sewage district, a water and sewer authority, a county or municipality or a public utility.

Public Water Supply. A system for the provision of piped water for human consumption if the system serves 15 or more service connections or which regularly serves 25 or more individuals. Two or more water systems that are adjacent and are owned or operated by the same supplier of water and that together serve 15 or more service connections or 25 or more persons.

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.

Reserve Strip. A strip of land along the outside edge of a subdivision controlled by the developer to prevent the extension of roads from adjoining subdivisions into his development.

Reverse Frontage. Lots where the structure is facing away from the road access side. This type of lot is common on lots facing lakes, rivers, or on mountainsides.

Right-of-way. The legal right of public passage, especially vehicular, over land.

Roads. A dedicated and accepted public right-of-way for vehicular traffic.

Road classifications applicable to Stokes County:

Principal Arterial. A rural road in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel and existing solely to serve traffic. This network would consist of Interstate routes and other routes designated as principal arterials.

Minor Arterial. A rural road in a network joining cities and larger towns and providing interstate and intercounty service at relatively high (55 mph) overall travel speeds with minimum interference to through movement. This network would primarily serve traffic.

Major Collector. A road which serves major intercounty travel corridors and traffic generators and provides access to the arterial system.

Minor Collector. A road which provides service to small local communities and links the locally important traffic generators with their rural hinterland.

Local Road. A local road serves primarily to provide access to adjacent land and for travel over relatively short distances.

Cul-de-sac. A cul-de-sac is a road having but one end open to traffic and the other end being permanently terminated and a vehicular turn around provided.

Frontage Road. A frontage road is a local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

SA. Asphalt concrete surface course, Type F-1 (Sand Asphalt) (11-6-00)

STBC. Soil Type Base Course (11-6-00)

Sketch Development Plan. An initial subdivision proposal prepared by the subdivider and reviewed by the political jurisdiction. No formal action is taken, but the process allows an informal exchange of information between the subdivider and the local reviewing body.

Single-Tier Lot. A lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.

Subdivider. Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

Subdivision. For the purposes of these regulations the term "subdivision" shall mean all divisions of a tract or parcel of land into two or more lots, parcels, or tracts.

ARTICLE III

APPLICATION AND ENFORCEMENT

3-1. Application of Subdivision Regulations

- 3-1.1 For the purposes of these regulations, "subdivision" means all division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale and/or conveyance, or building development (whether immediate or future) and includes all division of land involving the dedication of a new road or a change in existing roads;
- 3-1.2 No new lot resulting from a subdivision of land (except as provided by Section 3.2 below) within Stokes County's subdivision jurisdiction shall be transferred, nor shall a plat thereof be recorded by the Stokes County Register of Deeds until a final plat of the subdivision has been submitted to and approved by the Planning and Community Development Department for minor subdivisions (*see Article V, Section 5-7*) or the Subdivision Review Committee (SRC) for major subdivisions (*see Article V, Sections 5-2 through 5-6*). Such approval shall be indicated on the face of the plat and signed by an authorized representative of the Stokes County Planning and Community Development Department. (153A-332)(*See Appendix B, Item B for minor subdivisions and Item K for major ones for certification form*)

3-2. Exceptions

- 3-2.1 The following shall not be subject to these regulations :
- A. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as described herein;
 - B. The division of land into parcels greater than 10 acres where no road right-of-way dedication is involved;
 - C. The public acquisition by purchase of strips of land for the widening or opening of roads;
 - D. The division of a tract in single ownership into not more than three lots, where the entire area is no greater than 2.066 acres; no road right-of-way dedication is involved; and where the resultant lots are equal to or exceed the standards of these subdivision regulations;

E. The division of property among heirs for the sole purpose of settling an estate; and

F. The division of a lot into a cemetery and gravesites.

3-2.2 Plats not subject to the provisions of these regulations may be recorded provided the owner obtains a Certificate of Exemption (*See Appendix B, Item A*) from the Planning and Community Development Department and presents such certificate to the Register of Deeds as proof that one of the conditions or exceptions noted above is present. The property owner shall submit maps, deeds, or other materials in sufficient detail to permit a conclusive determination by the Planning and Community Development Department.

3-2.3 Plats not involving subdivision shall contain a legend on the face of the plat to the effect that the plat is not subject to the provisions of the Subdivision Regulations.

3-3 Approval Prerequisite to Plat Recordation

No final plat of a subdivision within Stokes County planning jurisdiction shall be recorded by the Register of Deeds until it has been approved as provided herein.

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

The approval of a plat pursuant to these regulations shall not constitute or affect the acceptance by Stokes County or the public of the dedication of any road (street) or other ground, public utility line or other public facility shown on the plat. (*NCGS 153A-333*)

3-5. Approval Required for Building Permit

No building permit shall be issued on any lot within a subdivision unless a final plat of the subdivision has been approved as required by these regulations or a certificate of exemption obtained; provided, however, that this shall not apply to any subdivision recorded by the Office of the Register of Deeds before the effective date of these regulations.

3-6. Waivers to Standards

3-6.1 The Stokes County Planning and Community Development Department (for minor plats) the SRC (for major plats) or the Stokes County Board

of Commissioners, on appeal, can issue waivers to the standards specified in these regulations.

3-6.2 Waivers may be granted under the following conditions:

- (a) Where because of the size of the tract to be subdivided, its topography, the conditions or nature of adjoining areas, or the existence of other physical conditions, strict compliance with the provisions of these standards would cause unusual and unnecessary hardship on the subdivider;
- (b) Where a waiver will result in equal or better performance in furtherance of the purposes of these regulations;
- (c) Where through unintentional error by the applicant or his representative, there is a minor violation of a standard in these regulations where such violation is not prejudicial to the value or development potential of the subdivision or adjoining properties;
- (d) In granting waivers, the approval authority may require such conditions that will secure, insofar as possible, the purposes of the standards or requirements wavered.

3-7 Enforcement of Ordinance

3-7.1 General Authority

- (a) *Civil Penalty.* The County may impose fines and penalties for violation of any provision of the Stokes County Subdivision Regulations and may secure injunctions and abatement orders to further insure compliance with the regulations, as provided by N.C. General Statute 153A-123.
- (b) *Criminal Penalty.* Violation of any of the provisions of the subdivision regulations is a misdemeanor as provided by N.C. General Statute 14-4. The offender shall be subject to the maximum fine, term of imprisonment, and infraction penalty as provided in N.C. General Statute 14-4 et seq.

3-7.2 Civil Penalty Procedure

- (a) *Offender.* An offender is any person or entity who violates any provisions of the Subdivision Regulations.
- (b) *Warning Citation.* Prior to issuing a civil citation for violation of the subdivision regulations, the Enforcement Officer shall issue and

serve upon the offender a warning citation which shall provide the following information: (i) nature of the violation; (ii) the ordinance(s) violated; (iii) a reasonable period of time within which the violation(s) shall be cured, which reasonable time shall be deemed to be 30 days unless there is risk to public safety or health, in which case the warning citation can require the violations to be cured immediately, and (iv) shall state that if the violations are not cured within the prescribed time, that subsequent citation(s) shall be issued causing the offender to incur penalties in the amount of \$50.00 per day until the violations are cured; and (v) a time, place and date for a hearing to be held before the Enforcement Officer, which is no more than 30 days from the date of the warning citation.

- (c) *Warning Citation Hearing.* At the hearing notice for the warning citation, the offender and any interested party shall have the right to appear before the Enforcement Officer and give evidence concerning the alleged violations. Rules of evidence applicable in courts of law and equity shall not apply. At the hearing, the Enforcement Officer can rescind, modify, or take no action with respect to the warning citation. If no action is taken, or if the offender fails to attend the hearing, the warning citation shall remain in full force and effect and the violations cited therein must be cured within the time prescribed by the original warning citation.
- (d) *Civil Citation.* If the violations are not cured within the time prescribed by a warning citation, the Enforcement Officer shall issue a civil citation, which shall be served upon the offender requiring the offender to pay the sum of \$50.00 on or before the date that is 15 days after the date of service of the civil citation.
- (e) *Subsequent Civil Citations.* Each day's continuing violation shall be a separate and distinct offense. Provided, however, that once a warning citation has been issued for a continuing violation, subsequent civil citations may be issued to the offender concerning the violations without issuing additional warning citations or without having additional warning citation hearings.
- (f) *Failure to Comply.* If the offender fails to pay the fine assessed in the civil citation within 15 days from the date of service, the County may institute a civil action in the nature of debt, and shall be entitled to collect the fine or fines upon which the suit is brought, plus interests, costs, and attorney's fees.
- (g) *Service.* Warning citations and civil citations shall be served upon

the offenders by any manner allowed under Rule 4 of the North Carolina Rules of Civil Procedure. Additionally, if the identities or whereabouts of any offenders are unknown and cannot be ascertained by the Enforcement Officer after due diligence or if the offenders refuse service, and the Enforcement Officer makes an affidavit to that effect, then service of the warning citation or civil citation may be made by posting the citation in a conspicuous place on the affected property. With respect to the issuance of a warning citation, service must be perfected 10 days prior to the hearing scheduled therein, unless the Enforcement Officer deems the public health, and safety are at risk, in which case service must be perfected 24 hours prior to the time of the hearing.

3-7.3 Injunction and Abatement

- (a) *Appropriate Equitable Remedy.* Any provision of this Ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the General Court of Justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the County for equitable relief that there is an adequate remedy at law.
- (b) *Enforcement by Injunction or Abatement.* Any provision of this Ordinance may be enforced by injunction and order of abatement by a General Court of Justice. When a violation of such a provision occurs, the County may apply to the appropriate division of the General Court of Justice for a mandatory prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.
- (c) *Abatement as Part of a Judgement in the Cause.* In addition to an injunction, the court may enter an order of abatement as a part of the judgement in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished or removed; that fixtures, furniture or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this Ordinance.
- (d) *Failure to Comply.* If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the

County may execute an order of abatement. The County shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction.

3-7.4 Method of Enforcement

These regulations may be enforced by any one, all, or a combination of the remedies authorized and prescribed herein.

**ARTICLE IV
ADMINISTRATIVE ORGANIZATION**

4-1 Planning and Community Development Department

4-1.1 The Stokes County Planning and Community Development Department shall approve, approve with conditions, or disapprove all minor subdivisions as defined in these regulations.

4-1.2 Minor subdivision plats shall be submitted to the Planning and Community Development Department and be acted upon within 30 days. Any applicant may appeal the decision of the Stokes County Planning and Community Development Department to the Stokes County Board of Commissioners.

4-2 Subdivision Review Committee (SRC)

4-2.1 The Subdivision Review Committee (SRC) is hereby created for the purpose of reviewing and approving major land subdivisions in Stokes County; and carrying out other functions authorized by these regulations. The SRC shall be composed of one representative each from the Stokes County Planning and Community Development Department, Stokes County Health Department, (specifically the Environmental Health Specialist), Fire Marshal's Department, and Mapping Department.

4-2.2 The Subdivision Review Committee shall meet at designated times as determined by the Planning Director. Subdivision plats and other submissions shall be presented by the Planning and Community Development Department at least 15 working days prior to the scheduled meeting date. All major subdivision plats shall be reviewed by the Subdivision Review Committee at a public meeting, where all interested persons may attend. Any applicant may appeal the decision of the SRC to the Stokes County Board of Commissioners.

ARTICLE V

PROCEDURE FOR APPROVAL OF PRELIMINARY AND FINAL PLATS FOR SUBDIVISIONS

PHASE I

5-1. Preapplication; Sketch Plan, Major Subdivisions

5-1.1 Purpose

The sketch plan review is an informal process that allows an exchange of information between the developer and the regulating body. Normally, it is an informal discussion between the developer and the Planning and Community Development Department. However, the developer may want to present his proposal directly to the Subdivision Review Committee. The process is simply an opportunity for the developer and representatives from the Planning and Community Development Department to review the project in light of the County's development practices and requirements. This is a volunteer procedure, for all subdivisions containing 50 lots or less. For subdivisions containing more than 50 lots, a sketch plan shall be mandatory.

5-1.2 Application and Fees

No formal application or fee is required. *(see separate fee schedule)*

5-1.3 Sketch Plan Criteria

(a) Size and Scale:

None specified, however, it is suggested that plans should be on the same size paper and scale as required for preliminary and final plats.

(b) Contents:

1. a sketch vicinity map showing the location of the subdivision in relation to neighboring tracts and roads;
2. boundaries of the tract and portion to be subdivided with specific references to the tax map(s) where the project is located;
3. total acres to be subdivided;

4. proposed general road and lot layout;
5. zoning classification of tract and adjacent properties; and
6. name, address and telephone number of owner *and/or his agent*.

5-1.4 Review Process

The Planning and Community Development Department shall review the sketch plan and recommend changes, if necessary, prior to the development of a preliminary plat. One copy of the sketch plan shall be returned to the subdivider and one copy shall remain on file in the Planning Office.

5-1.5 No Official Action

It is important to remember that this review shall not in any way be construed as constituting an official action of approval for recording of the subdivision plat.

PHASE II

5-2 Preliminary Plat-Major Subdivisions

5-2.1 Submission of information to other agencies

- (a) Before submission to the Planning and Community Development Department and review by the SRC, the developer or his agent shall submit a copy of the plat to the County Health Department, Environmental Health Section for review and comment (only the environmental health specialist with the Stokes County Health Department or a qualified soil scientist shall submit an approval certificate for individual lots for septic tanks at the preliminary plat phase).
- (b) After approval of the preliminary plat, but before the final plat is submitted, comments from the following agencies shall be forwarded to the Planning and Community Development Department:
 1. NC Department of Transportation (NCDOT) District Engineer in Winston-Salem;
 2. NC Department of Environment, Health and Natural

Resources, Land Quality Section, Winston-Salem Regional Office, when the development involves one acre or more of land disturbing activities (*See also Section 6-15 Stormwater Management*); and

3. Applicable utilities company (if lines are to be extended to the proposed subdivision)

5-2.2 Submission to Planning and Community Development Department

A preliminary plat of major subdivisions shall be prepared by the developer or his agent and submitted to the Planning and Community Development Department for review and action by the Subdivision Review Committee.

5-2.3 Review Procedure

The subdivider or his authorized agent shall submit 6 copies of the preliminary plat along with the county health department's approval, to the Planning and Community Development Department at least 15 working days prior to a regular meeting of the SRC.

5-2.4 SRC Action

Following a review of the preliminary plat and other submitted materials and if necessary, a conference with the subdivider regarding changes deemed advisable and the kind and extent of improvements to be made by him, the SRC shall approve, conditionally approve, or disapprove the plat within 45 days after first consideration. If approved, the subdivider may begin the project. If conditionally approved, the subdivider shall make changes and resubmit a revised plat to the SRC before any construction activities begin. However, when the subdivider refuses to make changes within 45 days the plat shall be denied. If final plat is denied, the reasons shall be in writing. The subdivider may appeal as specified in subsection 5-2.5 below.

5-2.5 Appeal

If denied approval the subdivider may revise and resubmit his plat to the SRC within 45 days. If he considers the changes unnecessary or if the SRC has not acted within the prescribed 45 days, the developer may appeal to the Planning Board, and ultimately to the Courts. Any plat denied by the Planning Board may be revised and resubmitted within 6 months without any additional costs to the subdivider.

5-2.6 Number of Copies and Graphic Media

Six black or blue line prints of the proposed subdivision shall be submitted to the Planning and Community Development Department.

5-2.7 Authorized Preparer of Plats

The preliminary plan shall be prepared by a registered architect, landscape architect, engineer, land surveyor or land use planner. *(no registration or licensing is required for the land use planner)*

5-2.8 Administrative Fees

At the time of submission of the preliminary plat, the subdivider shall pay to Stokes County a filing fee as established by the Board of Commissioners.

5-2.9 Certification Required

No certification shall be required on the preliminary plat.

5-2.10 Criteria for Preliminary Plats

The preliminary plat shall depict or contain the information specified in the Appendix A. (Plats not illustrating or containing the information required shall be returned to the subdivider or his authorized agent for completion and resubmission.)

5-2.11 Disposition of Copies

If the preliminary plat is approved or approved conditionally, approval and conditions shall be noted on at least two copies of the plat by the Planning and Community Development Department. One copy shall be retained by the subdivider and one copy shall be retained by the Planning and Community Development Department. *When a plat is approved with conditions, the subdivider shall indicate those conditions on the plat and resubmit copies of the revised plat to the SRC before any construction activities are begun.* If the preliminary plat is disapproved, the SRC shall specify the reasons for such actions in writing. One copy of such reasons shall be returned to the subdivider and one copy retained by the Planning and Community Development Department.

Phase III

5-3 Installation of Subdivision Improvements

5-3.1 All required improvements shall be installed or guaranteed before a

final plat shall be submitted for final plat approval and recording.

- 5-3.2 None of the improvements shall be constructed until construction plans for such improvements have been reviewed and approved by the appropriate agency. Copies of any comments from approving agencies shall be forwarded to the SRC.

5-4 Homeowner's Association

5-4.1 Creation

A homeowner's association shall be formed when necessary to fulfill the requirements of the North Carolina Condominium Act or to accept conveyance and maintenance of all common areas and facilities within a development containing common areas.

5-4.2 Conveyance

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

5-4.3 Subdivision of Conveyance of Common Area

Common areas shall not be subsequently subdivided or conveyed by the homeowner's association, unless a revised preliminary plat and a revised final plat showing such subdivision or conveyance have been submitted and approved.

5-4.4 Homeowner's Association Not Required in Special Situations

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

5-4.5 Submission of Homeowner's Association Declaration

Prior to or concurrently with the submission of the Final Plat for review and approval, the subdivider shall submit a copy of a declaration of

proposed by-laws of the homeowner's association containing covenants and restraints governing the association and common areas. The declaration shall include, but not limited to provisions for the following:

- (a) The homeowner's association shall be incorporated and a copy of the association charter and by-laws shall be recorded in the Stokes County Office of the Register of Deeds prior to to the conveyance, lease-option, or other long-term transfer of control of any unit or lot in the development;
- (b) Membership in the association shall be mandatory for each original purchaser and each successive owner of a lot or unit. Provisions shall be made for the inclusion of owners in subsequent sections of the development;
- (c) Owner's Association Declaration shall contain these elements:
 - 1. The declaration shall state that the association is responsible for the payment of premiums for liability insurance and local taxes, maintenance of recreational and/or other facilities on the common areas, and payment of assessments for public and private improvements made to or for the benefit of the common areas;
 - 2. The association shall be empowered to levy assessments against the owners of lots or units within the development. Any assessment not paid shall constitute a lien on the lot of the owner;
 - 3. Easements over the common area for access, ingress, and egress from and to public streets and walkways and easements of the common area, and for parking, shall be granted to each lot owner; and
 - 4. Provisions for common area maintenance and restoration in the event of destruction or damage shall be established.

5-5 Guarantee of Improvements

5-5.1 The Subdivision Review Committee (major plat) or Planning and Community Development Department (minor plat) shall approve subdivisions where a guarantee is accepted in lieu of improvements.

5-5.2 Approval by Board of Commissioners/County Manager

All estimates shall be approved by the Stokes County Board of

Commissioners or the county manager, if directed by the Board. As part of the approval process the county shall insure that any guarantees do not expire before the completion of the project. All records concerning guarantees of improvements shall be located in the county manager's office.

5-5.3 Methods of Guarantee

Where required improvements have not been completed, the subdivider shall guarantee the installation of such improvements by one of the following methods:

- (a) letter of credit from a bank or lending institution, the form of which is subject to approval by the County Manager;
- (b) performance bond executed by a company licensed to do business in North Carolina; or
- (c) proof of establishment of an escrow account and escrow agreement, the form of which is subject to approval by the County Manager.

5-5.4 Estimates of Guarantee

The amount of the developer's guarantee shall be based upon written estimates by a licensed consulting engineer, the NC Department of Transportation, or other qualified persons as to the dollar amount necessary to secure to the county the satisfactory construction, installation, and dedication (if required) of any uncompleted improvements.

5-5.5 Compliance with Statutory Requirements

All guarantees of improvements shall comply with applicable statutory requirements and shall be satisfactory to the county attorney as to form, sufficiency (i.e. factors for inflation, and rising construction costs), and manner of execution. In no case shall a guarantee exceed 150% of the estimated cost of the improvement. As the improvements are installed, the guarantees may be reduced proportionally. The period in which required improvements must be completed shall be specified by the SRC (major plats) or Planning and Community Development Department (minor plats) before approval of the final subdivision plat and shall not in any event exceed 2 years from date of final approval. The Stokes County Board of Commissioners may, upon proof of difficulty, grant extension of completion date set forth in its

approval for a maximum period of one additional year.

Phase IV

5-6 Final Plat, Major Subdivisions

5-6.1 Preparation of Final Plat

The final plat shall be prepared as specified in Appendix A by a registered land surveyor.

5-6.2 Phase Development

The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to be recorded and developed at that time. Such portions shall conform to all requirements of these regulations.

5-6.3 Submission Requirements

When the requirements of these regulations have been met, the subdivider shall submit the copies of the final subdivision plat and any deed restrictions to the Planning and Community Development Department for review by the SRC to determine whether or not the final plat conforms to the preliminary plat and other requirements of these regulations. Submission shall be at least 15 working days prior to the regularly scheduled meeting of the SRC. The final plat shall be submitted not more than 12 months after the date of approval of the preliminary plat. However, the Planning and Community Development Department may grant an extension if the developer applies for an extension on or before the one-year anniversary date of approval.

5-6.4 Number of Copies and Graphic Media

Six copies of the final plat shall be submitted. Two of these shall be on mylar or archival materials suitable for reproduction.

5-6.5 Authorized Preparer of Plats

The final plat shall be prepared by a registered land surveyor licensed and registered in the State of North Carolina by the NC State Board of Registration for professional engineers and land surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. 47-30.

5-6.6 Administrative Fees

At the time of submission of the final plat, the subdivider shall pay to Stokes County a filing fee as established by the Board of Commissioners. *(see separate fee schedule)*

5-6.7 Improvements and Certificates

No final plat shall be approved until all improvements are installed or guaranteed as set forth in these regulations and all certificates required for final plat approval have been properly completed and signed. (see Appendix B Certifications)

5-6.8 Criteria for Final Plats

The final plat shall depict or contain the information specified in Appendix A. Plats not illustrating or containing the information required shall be returned to the subdivider or his authorized agent for completion and resubmission. The final plat shall conform to the preliminary plat as it was approved. Any significant changes between the preliminary and final plat shall be approved by the SRC.

5-6.9 Disposition of Copies

If the final plat is approved or approved conditionally, approval and conditions shall be noted on at least two copies of the plat by the Planning and Community Development Department. One copy shall be retained by the subdivider and one copy shall be retained by the Planning and Community Development Department. If the plat is disapproved, the SRC shall specify the reasons for such actions in writing. One copy of such reasons shall be returned to the subdivider and one copy retained by the Planning and Community Development Department. When a final plat is disapproved, the subdivider may make the recommended changes and submit a revised plat to the Planning and Community Development Department within 6 months.

5-6.10 Disagreement

In any case of disagreement between the SRC and a developer and/or the professional staff employed by the developer, the aggrieved party may appeal to the Stokes County Planning Board for relief and/or a decision within 45 days after the initial decision was given.

5-6.11 Recordation

The approval of the final plat shall be on condition that such plat be recorded in the Office of Register of Deeds after approval and shall be

accompanied by a certificate of approval for recording shown on the plat signed by the Planning and Community Development Department. *(See Appendix B, Item K)*. The final plat shall be recorded by the Planning and Community Development Department within one working day after approval by the SRC. All recording costs shall be paid by the subdivider.

5-7 Minor Subdivisions

The developer of a minor subdivision *(See definition in Article II)* may apply for final approval of any minor subdivision through the procedures set forth in this section.

5-7.1 Submission Requirements

- (a) Two copies of a final plat, prepared according to specifications in Appendix A, shall be submitted to the Planning and Community Development Department for all minor subdivisions.
- (b) Plats for minor subdivisions must be accompanied by a certificate of survey and accuracy as specified in Appendix B, Item E by a registered land surveyor licensed and registered to practice in North Carolina.

5-7.2 Review Procedure

The Planning and Community Development Department shall review each minor subdivision and, based on these findings shall approve, approve conditionally, or disapprove the proposed minor subdivision within 30 days of its submission. The decision of the Planning and Community Development Department is subject to appeal by the subdivider to the SRC, then to the Planning Board and, ultimately, to the Courts.

5-7.3 Certificate of Approval for Recording

If the proposed minor subdivision is approved by the Planning and Community Development Department, or by SRC or Planning Board upon appeal, such approval shall be shown by a certificate of approval for recording. *(See Appendix B, Item B)*

- 5-7.4 A representative of the Planning and Community Development Department shall record the final plat in the Office of the Stokes County Register of Deeds. All recording costs shall be paid by the subdivider.

ARTICLE VI

GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN

6-1 Land Suitability

Land shall be subdivided in accordance with good land planning practices, including adequate consideration of the natural topography and drainage features and the type of development proposed.

6-2 Compliance with Official Plans and Ordinances

Land shall be subdivided in compliance with the Stokes County Zoning Ordinance and other pertinent official development plans and ordinances.

6-3 Subdivision Names

When a subdivision identification sign is installed it shall be constructed of such materials as masonry, steel, or treated lumber. In addition these signs shall comply with the sign regulations in the Stokes County Zoning Ordinance and the NC Department of Transportation setback and location guidelines. **(Subdivision signs are not mandatory)**

6-4 Addressing

All house numbers shall be posted and visible in accordance with the Stokes County Addressing Ordinance.

6-5 Roads and Streets

6-5.1 Roads (streets) Accessible to All Lots

All lots in a subdivision shall front on a public or private road. However, three lots or less shall access a public road by means of a private easement at least 30 feet wide. The easement shall be described by a metes and bounds description. (Amended 11-6-00)

6-5.2 Road Signs

All roads within a subdivision shall have a sign clearly identifying each road. The size, color, shape of road signs shall comply with the Stokes County road sign standards. Road signs shall be posted at intersections showing the name of every road. New roads which are obviously in alignment with others already existing and named shall

bear the names of the existing roads. In no case shall the names of new roads phonetically resemble or duplicate existing road names. Subdividers shall be responsible for the cost of the signs and installation. *All road signs shall be approved by the Planning and Community Development Department prior to their installation within a subdivision.*

6-5.3 Coordination and Continuation of Roads

The proposed road layout within a subdivision shall be coordinated with the existing road system of the surrounding area.

6-5.4 Reserve Strips

There shall be no reserve strips controlling access to roads except where cause can be shown that such control would best serve the purpose of these regulations.

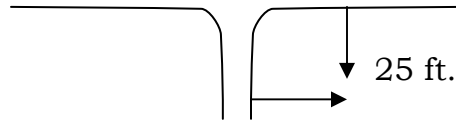
6-5.5 Cul-de-sacs

Cul-de-sacs or other dead end roads (*See appendix C for illustrations of these types of roads*) shall be designed to be permanently closed with sufficient rights-of-way for vehicular turnarounds. Circular rights-of-way at the closed end shall have a minimum radius of 45 feet and the surfacing shall have *minimum radius of 35 feet*. Cul-de-sacs shall be no less than 200 feet nor more than 2,654 feet (1/2 mile) in length. However, the reviewing body may modify these requirements based on existing topography, size and number of parcels, and the projected traffic count.

6-5.6 Intersections

- (a) Roads shall be laid out so as to intersect as nearly as possible at right angles, and no road shall intersect any other road at an angle less than 60 degrees.
- (b) Where a road intersects a highway, the design standards of the NC DOT, Division of Highways, shall be followed.
- (c) Off-set intersections are to be avoided unless exception is granted by the SRC. Intersections which cannot be aligned should be separated by a minimum length of 200 feet between survey center lines.
- (d) Intersections with major or minor thoroughfares shall be at least 400 feet apart measured from centerline to centerline. (11-6-00)

- (e) Private or Public roads that intersect with a road that is maintained by the NC DOT shall have a minimum twenty-five (25) foot radius of surface area at the right-of-way/easement where the new road/easement intersects with the existing road. (11-6-00)



6-5.7 Grades at Intersections

The grade on stop roads approaching an intersection shall not be less than 1/2 % or exceed 5% for a distance of not less than 100 feet from the centerline of the intersection, unless approved by the regional DOT engineer.

6-5.8 Sight Distance Easements

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

6-5.9 Temporary Turnarounds

Roads stubbed to adjoining property or phase development lines may be required to have temporary turnarounds at the end of the road which will provide sufficient space to permit emergency vehicles and other large trucks to turn around. ("T" type turnarounds shall be comply with NCDOT standards)

6-5.10 Curb and Gutter

Curb and gutter shall not be required on roads in any new subdivision.

6-5.11 Roads and Streets Construction Standards

All roads in a subdivision shall be identified as either public or private.

Classes of Roads

The standards and specifications for roads depends on the number of lots served by the road as follows: (11-6-00)

<u>Class or Road</u>	<u>Number of Lots Served</u>
A - Public	7 or more
B - Private	1-6
C - Private	1-3

Class A

Public Roads

All roads declared public with the intent to dedicate to the NC DOT for future maintenance shall conform to the minimum standards set forth in the most recent edition of "Minimum Construction Standards for Subdivision Road" as published by the NC Department of Transportation, Division of Highways. (11-6-00)

Class B

Private Roads

Private roads and easements, which will be maintained by the property owners, shall comply with the following construction standards. (11-6-00)

Additional private roads shall not be allowed when more than one (1) private road is constructed within a development.

All pipe culverts and storm sewers shall be constructed in such a manner as to alleviate accumulation of debris and silt build up and shall be structurally and hydraulically sound and functioning in anticipated discharges to accommodate a ten (10) year storm. All ditches used for storm water shall be constructed to NC DOT standards, as amended. These ditches shall be seeded and covered with straw until established with vegetation.

An erosion control plan must be submitted to and approved by the NC Department of Environment and Natural Resources, if more than one (1) acre is cleared or disturbed.

The Planning and Community Development Department shall receive, for all Class B Roads, a statement of compliance

that the standards established in this Ordinance have been met from an engineer registered in the state of North Carolina. Certification is required prior to final plat approvals.

All standards are minimum. The certifying engineer may require higher standards based on site conditions and accepted engineering and construction practices.

A Private Roadway Disclosure and Maintenance Declaration is required. A developer may use the Private Roadway Disclosure and Maintenance Declaration provided or they may develop their own agreement, which must be approved by the County Attorney.

Pavement Design (11-6-00)

<u>Base Course</u>	<u>Pavement Surface</u>
8" ABC or STBC, Type B	AST, 1" SA

Class B roads shall meet the design requirements of an Asphalt Treatment Road as approved by the North Carolina Department of Transportation for subdivision roads, with the following exceptions:

Design Widths (11-6-00)

Right-of-way	45'
Travel way	15'
Shoulder	6'
Ditch	4'
Outside Ditch to Outside Ditch	35'
Utilities	4'
Maximum Cut or Fill Slope	2:1
Maximum Grade	9%
Cul-de-Sac Radius	45'
Cul-de-Sac Surface Area	35'
Maximum Sight Distance (Curves)	110'

Private roads - serving a manufactured home or commercial industrial park should have a fifteen (15)-ft.-paved roadway with at least six (6)-inches compacted ABC stone with a turn around sufficient to allow emergency vehicles to navigate. (Certification shall include but is not limited to receipts showing the amount of stone placed on the road as well as engineering and surveying data, when necessary). The Stokes County Planning & Community Development Department shall determine if the roads are in compliance with the applicable standards. The developer or park owner shall sign a Road Maintenance Agreement, which must be approved by the county attorney. (11-6-00)

In subdivisions over (6) lots where NCDOT standards cannot be met, the developer may request from the Stokes County Planning Board and Board of County Commissioners an exception. This exception would be for the development of a private road on land where due to topographical problems; i.e. (slope, grade etc.) will not meet all applicable NCDOT standards for a public road. This would not alleviate the need to comply with remaining NCDOT construction requirements. All private roads serving more than (6) lots must be paved. All private roads must have a road maintenance agreement. A developer may use the Private Roadway Disclosure and Maintenance Declaration provided or they may develop their own agreement, which must be approved by the County Attorney. All private roads must certify that the above standards have been met. (11-6-00)

The Stokes County Planning & Community Development Department shall determine if the roads are in compliance with the applicable standards. (Certification shall include but is not limited to receipts showing the amount of stone placed on the road as well as engineering and surveying data, when necessary). (11-6-00)

Existing private roads and existing easements shall allow up to a maximum of six (6) additional lots without having to upgrade the road or easement. This shall apply only to private roads and easements that existed prior to the adoption of the Stokes County Subdivision Regulations (August 14, 1995) and have not already utilized any previous exceptions, and have a right of way or easement width of at least thirty (30) feet. This development shall take place on the existing easement road; no additional easement road shall be created or extended to allow additional lots. (This is not intended to be used with roads or easements created after the date of adoption of this amendment.) (Amended 11-6-00)

Private roads in existence prior to the adoption of these subdivision regulations with at least a 20 - ft. access easement or right of way shall be allowed four (4) additional lots. Any additional development shall require the entire road to be upgraded to the appropriate standard. In no case shall the easement be extended unless the road is upgraded to the appropriate standard.

(It is recommended that all private roads comply with NCDOT standards as close as possible in order they may be upgraded to NCDOT standards at a later date if the property owners want to transfer ownership to the NC Department of Transportation)

CLASS C

Minor subdivision on Exclusive easement: A maximum of three (3) lots may be served by an exclusive easement of at least thirty (30) feet in width for the purpose of ingress, egress, and regress and will qualify as a minor subdivision as long as the subdivision meets all other applicable standards for a minor subdivision. Any further subdivision that intends to utilize the easement will require the new subdivision to comply with the guidelines as set forth in the Stokes County Subdivision Regulations. (11-6-00)

Design Widths

Right-of-way 30'

6-5.12 Disclosure and DOT Approval

Disclosure and approval by the NCDOT, Division of Highways shall comply with G. S. 136-102.6. Where private roads are provided, a Certificate of Disclosure shall be included on the final plat *(See Appendix B, Item C)*

6-5.13 Criteria for Approval of Private Roads (Streets)

Private roads (streets) may be allowed in the following situations:

- (a) Roads are in unified development projects such as mobile home parks, apartment complexes, attached housing, PUDs, and commercial or industrial parks;
- (b) Roads that serve residential subdivisions that comply with the construction standards specified in 6-5.11 above;

- (c) Roads which are unpaved but are maintained by the NC Department of Transportation, Division of Highways;
- (d) Roads which cannot be built to NCDOT standards without violating local, state, or federal laws (related to wetlands and marshes); and
- (e) Roads serve areas where NCDOT standards can not be met because of steep slopes.

6-5.14 Private Roads (streets) Maintenance Responsibility

The developer shall sign a certificate attesting to the fact that an instrument shall be recorded with the final plat which guarantees:

- (a) A homeowners association has been formed that requires mandatory membership of all property owners, or a maintenance agreement involving all the lots served by the private road has been implemented;
- (b) A right of access by all lots served by the private road; and
- (c) A full disclosure of the status of the road and specific maintenance responsibilities (as required by G. S. 136-102.6) and that these listed items shall run with the land.

6-5.15 Roads Constructed in Critical Areas and Watershed Buffer Areas

Where possible, roads should be located outside of critical areas and watershed buffer areas. Roads constructed within these areas shall be designed and constructed so as to minimize their impact on water quality.

6-6 Blocks

6-6.1 Design Consideration

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

6-6.2 Lengths

Blocks shall be not less than 400 feet nor more than 1,600 feet in length, except as considered necessary to secure efficient use of land or

desired features of road pattern by the Subdivision Review Committee (SRC).

6-6.3. Widths

Blocks shall be wide enough to allow two tiers of lots of minimum depth.

6-7 Lots

6-7.1 General Design Criteria

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

6-7.2 Marginal Land

Land subject to flooding as specified in the Stokes County Flood Damage Prevention Ordinance or land which may aggravate the flood hazard or increase danger to life or property if developed, and land uninhabitable for other reasons, may be used in determining the minimum lot area or maximum lot depth. However, development shall be discouraged in these areas.

6-7.3 Double and Reverse Frontage

- (a) Double frontage lots (lots fronting on two roads) shall be avoided where possible.
- (b) Reverse frontage lots (where the front of the structure is facing away from the street access) shall also be avoided where possible except where the dwelling is facing a stream, lake or river or on the side of a mountain.

6-7.4 Side Lot Lines

Side lot lines shall be substantially at right angles to straight roads lines or radial to curved road lines.

6-7.5 Lot sizes

Lot sizes shall be determined by the Stokes County Zoning Ordinance. Where private sewage systems are used, the Stokes County

Environmental Health Specialist may require a larger lot. In Designated water supply watersheds, lots shall comply with the Stokes County Water Supply Watershed Ordinance. Non-residential lots which are smaller than the minimum required for residential lots in a drinking supply watershed shall be identified on the plat as, "NOT FOR RESIDENTIAL PURPOSES." Where conflicts exist among standards, the most restrictive shall govern.

6-7.6 Flag lots

Flag lots are discouraged, but may be considered on a project-by-project basis when no acceptable alternative is available.

6-7.7 Lot Access

Lots shall have driveway access from one public or private road. On corner lots driveway access may be allowed from both roads adjacent to the lot. Through driveways shall not be permitted.

6-8 Utilities

6-8.1 Water and Sewer

Water mains and sanitary sewers may be installed by the subdivider. If such installation is made, the subdivider shall comply with all rules and regulations prescribed for private and/or community water supply and waste disposal by the North Carolina Department of Environment, Health and Natural Resources and the Stokes County Health Department; and with all regulations and construction specifications of any municipality to whose utility system such water mains and/or sanitary sewers may eventually be connected. *(See Appendix D)*. In all subdivisions with an impoundment (i.e. lake, pond, etc) dry hydrants shall be installed and a 30 foot wide easement with a roadway adequate to accommodate fire trucks shall be provided.

6-8.2 Electrical Utilities and Communication Lines

Electrical utilities and communication lines shall be installed with arrangements made by the subdivider with the utility company or cooperative authorized to serve the area of the subdivision. Installation shall be in keeping with the latest accepted design standards and procedures along lot lines.

6-8.3 Utilities Encroachment

Utilities which encroach upon the state highway system shall

require an encroachment contract, if necessary, executed by the person or firm responsible for maintenance. (*i.e. King, Walnut Cove, or Danbury*)

6-8.4 Building Lines

All structures shall comply with the building setback lines specified in the Stokes County Zoning Ordinance. On lake front lots (other than those located in designated Water Critical Areas surrounding water supply lakes) there shall be a lake building line consisting of a line located across the lot parallel to, and 25 feet from the official lake level measured along the natural ground surface and in no case shall a building be located below a contour line which shall be 3 feet above normal lake level.

6-9 Easements

To provide for public service poles, wires, conduits, storm or sanitary sewers, storm drainage channels, surface overflow, gas or water mains, or other utilities, easements, not less than 20 feet wide (10 feet on either side) along all rear lot lines, and 10 feet wide (5 feet on either side) of all side lot lines, or across lots where necessary shall be provided. In all cases a 10 foot wide utility easement along the front property line shall be provided.

6-10 Recreation Areas and Sites for Public Facilities

Where a school site is shown on a publicly approved plan, such site shall either be dedicated for the public purposes at the option of the property owner or reserved for acquisition by the appropriate public body for a period not exceeding 18 months from the date of approval of the preliminary subdivisions plat.

6-11 Water Courses

If there is any water course or dry branch of any type running through or within 150 feet of the property proposed for subdivision, the prospective subdivider shall furnish reasonable evidence to the reviewing body (SRC for major plats; Planning and Community Development Department for minor plats) that residential lots within the subdivision will not be flooded. Data sources shall include, but not limited to, FEMA (Federal Emergency Management Agency), US Department of Agriculture Soil Conservation Service, engineering studies or historical data. Any water bodies shall be maintained through a homeowner's association.

6-12 Buffer Strips - Streams

6-12.1 Stream Buffer

A subdivision including within its boundaries a perennial stream shall provide for a 30 foot buffer of vegetation on both sides of the stream to retard rapid water runoff and soil erosion. *(Perennial streams are identified as the solid blue lines on United State Geological Survey Maps 1:24,000 (7.5 minute scale.)* In designated drinking water supply watersheds any development that exceeds the low density option as defined in the NC Drinking Water Supply Watershed Regulations shall provide a 100 feet wide vegetative buffer on both sides of any perennial stream.

6-12.2 Uses in Buffer

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

6-12.3 Buffer Measured

The 30 foot buffer shall be measured on a horizontal plane from the bank of the stream. The buffer zone may be included in calculating the lot size.

6-13 Reservation of Lake Frontage through the Provision of Lake Access lots and Areas in lake From Subdivisions

Within any lake subdivision, access to the lake shall be provided equal to a minimum of 10% of the road frontage of lots without direct water access, or of the road frontage of unsubdivided areas without direct water access. The minimum lake access shall be 20 feet wide and in no case shall be more than 25% of the lake frontage within any lake front subdivision. This access is for the exclusive use of property owners, both now and in the future, within the particular subdivision. These provisions may be modified with the approval of the Subdivision Review Committee (major plats) or Planning and Community Development Department (minor plats) to comply with the setback requirements of the Stokes County watershed regulations where the lake front lots are located within a designated Water Critical Area abutting a water supply source.

6-14 Plats and Subdivision Mapping Requirements

All subdivision plats shall comply with G.S. 47-30, *as amended*, and the map requirements of the Stokes County Register of Deeds Office.

6-15 Stormwater Management

6-15.1 The subdivider shall mulch, seed, sod, or otherwise protect all grading, excavations, open cuts, side slopes and other land surface disturbances. These activities shall be maintained throughout the entire construction cycle.

6-15.2 No surface water shall be channeled into a sanitary sewer.

6-15.3 Where feasible, the subdivider shall connect to an existing storm drainage system.

6-15.4 Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to protect the proposed development from water damage. The ten-year storm 24-hour data should be used as a minimum basis for storm drainage design. *The property owner shall be responsible for maintenance of the drainage easement.*

6-15.5 It is also the subdivider's responsibility to comply with the North Carolina Sedimentation and Pollution Control Act. The Planning and Community Development Department will advise the developer to contact the NC Department of Natural Resources and Community Development, Land Quality Section, which provides technical assistance and enforcement of the Sedimentation and Pollution Control Act. The subdivider shall provide a written statement that a sedimentation plan if required has been submitted and approved to the appropriate reviewing agency.

6-15.6 Within designated drinking supply watersheds all stormwater drainage systems shall divert stormwater runoff from surface waters and incorporates best management practices to minimize water quality impacts.

6-15.7 Any drainage easement installed as part of the stormwater management program shall be maintained by the property owner.

6-16 Drinking Supply Watershed Regulations

In addition to specific requirements stated in these regulations, the

subdivider shall comply fully with the Stokes County Drinking Water Supply Watershed Protection Program.

6-17 Removal of Rubbish.

The subdivider shall be responsible for the disposal of all cut or fallen trees, stumps, or rubbish from the subdivision. Any subdivider who plans to have a burial site, under 2 acres in size, shall submit a Land Clearing and Inert Debris Landfill Notification, or, if over 2 acres in size, obtain a demolition landfill permit from the NC Department of Environment, Health, and Natural Resources, Division of Solid Waste Management. *(This applies to either on-site or off-site disposal areas.)* No construction shall be allowed over a burial site. *All burial sites shall be shown on the final plat*

6-18 Planned Unit Developments

6-18.1 Modification of Standards

The foregoing requirements of the Article applicable to conventional subdivisions may be modified in the case of planned unit developments (PUDs) and planned business developments. Requirements and the review process for PUDs and planned business developments are specified in the conditional use permit provisions of the Stokes County Zoning Ordinance. The conditional use permit procedure may be combined with the preliminary plat process required by these regulations. A developer planning either of these types of development may therefore prepare all information and plans as required by the Zoning Ordinance along with any deed restrictions and present 6 copies of the information to the Planning and Community Development Department at least 15 working days before the planning board meetings at which the conditional use request is to be heard. The developer shall submit to the planning board before the hearing on the conditional use the same documents that normally are submitting for a preliminary plat to the SRC. When a conditional use permit is granted the preliminary plat requirements of these regulations shall have been satisfied.

6-18.2 Final Plat Recordation Requirements

When improvements have been completed in conformance with these regulations and the conditional use requirements, the developer shall submit 6 copies of the final plat and any deed restrictions to the Planning and Community Development Department for review and recordation of a final plat as specified in these regulations. All applicable certifications shall be required.

APPENDIX A

		Preliminary	Final
1	Map shall not be larger than 24" x 36" (maps may be drawn on more than one sheet with appropriate match lines)	X	
2	Plats to be recorded shall be 18" x 24" sheets with 1 and 1/2" border on left side and 1/2" borders on all other sides		X
3	Final Plat to be recorded in the Office of the Register of Deeds shall (be drawn on drafting film matte both sides with a thickness of 0.003 to 0.004 mil)(<i>or shall be original ink on mylar or reproduced drawing transparent and archival</i>)		X
4	Title Block containing:		
	A. Name of subdivision (title)	X	X
	B. Owner's name and address	X	X
	C. Developer's name and address	X	
	D. Location (township, county, and state)	X	X
	E. Date map prepared or revised	X	X
5	Original signature and seal of registered land surveyor		X
6	North Arrow and orientation (North area shall not be oriented towards the bottom of map)	X	X
7	Vicinity map showing location of site relative to surrounding area	X	X
8	Plat book or deed book reference		X
9	Corporate limits, County lines, and other jurisdiction lines, if any on the tract (approximate location)	X	X
10	Zoning districts within the property and adjoining properties	X	
	Man-made Features:		
11	Name and location of any property or building on the National Register of Historic Places or locally designated historic district, if known	X	X
12	Name of adjoining property owners (or subdivision or developments of record with plat and deed book reference)		X
13	Property boundaries with bearings and distances		X
14	Existing property lines or tract to be subdivided. If existing property lines are to change, label as "old property lines" and show as dashed lines	X	X
15	Railroad lines, including rights -of-way, if recorded	X	X

16	Electric Utility (high voltage) Transmission lines, including rights-of-way	X	X
17	Water Supply Watershed Boundaries	X	X
18	All rubbish burial sites, if known		X
	Natural Features		
19	Water courses, ponds, lakes or streams	X	X
20	Marshes, swamp and other wetlands	X	X
21	Areas to be dedicated or reserved for the public	X	X
22	Areas designed as common area or open space under control of an Owner's Association	X	X
23	Location of flood hazard areas from FEMA maps . Base flood elevation data for subdivisions which contain at least 5 lots or at least 50 acres, whichever is less, if applicable (indicate map panel number)	X	X
24	Existing and proposed topography of tract and 100' beyond property showing existing contours intervals of no greater than 10 '(5' where available) and labeling at least 2 contours per map and all other at 20' intervals from sea level	X	
25	Proposed lot lines and dimensions	X	
26	Actual lot lines and dimensions		X
27	Lots numbered consecutively	X	X
28	Square footage of all proposed lots and/or acreage for all lots over one acre in size.	X	
29	Site Calculations:		
	A. Acreage in total tract	X	X
	B. Number of lots	X	X
	C. Area in roads when in WS II Watersheds	X	
	D. Area in public use sites	X	X
30	Roads		
	A. Road identified on plat: public or private	X	X
	B. Existing and proposed rights of way lines within and adjacent to property with dimensions	X	X
	C. Pavement width	X	X
	D. Approximate grade	X	
	E. Cul de sac pavement radius	X	
	F. Existing and proposed road names	X	X
	G. If private road, copy of road maintenance agreement		X
31	Location, dimension and type of all easements	X	X

32	Utility layout plan for connection to the following types of utility lines: A. Sanitary sewer B. Water distribution	X X	
33	Utility Easements	X	X
34	Accurate location and description of all monuments, markers and control corners		X
35	Certificates and Endorsement:		
	A. Certificate of Exemption		X
	B. Certificate of Approval for Recording, Minor Subdivision		X
	C. Certificate of Disclosure, Private Roads		X
	D. Certificate of Ownership and Dedication (signed by owner)		X
	E. Certificate of Survey Accuracy (signed by surveyor and attestee by notary public)		X
	F. Certificate of Approval of Sewage System	X	X
	G. Certificate of approval by Division of Highways of the North Carolina Department of Transportation		X
	H. Certificate of Approval of Roads and Utilities		X
	I. Certificate stating that no approval is required by the Division of Highways of the NC Department of Transportation		
	J. Certificate of Approval, Major Subdivision		X
	K. Parcel to be Combined with Adjoining Parcel		X
	L. Substandard Lot		X
	M. Certification of Purpose for Plat as required by NCGS 47-30		X

Appendix B

REQUIRED CERTIFICATIONS

**A. CERTIFICATE OF EXEMPTION
(Subdivision not Subject to Regulations of this Ordinance)**

This plat is an exemption to the Stokes County Subdivision Regulations.

Stokes County Planning Department

Date

B. CERTIFICATE OF APPROVAL FOR RECORDING, MINOR SUBDIVISION

I hereby certify that the subdivision plat shown heron has been found to comply with the Subdivision Regulations for Stokes County, North Carolina, and that such plat has been approved according to the procedures for approval of a minor subdivision.

Date

Stokes County Planning Department

C. CERTIFICATE OF DISCLOSURE, PRIVATE ROADS

I (we), the developer(s) of _____ Subdivision hereby state that the subdivision roads, in _____ Subdivision, are private roads, Ownership and maintenance of these private roads are the responsibility of _____. Right of access to private roads within said subdivision is guaranteed to all lots served by such roads. I (we), as the developer(s) further state that all ownership and maintenance agreements for the private roads have been approved by the Stokes County Attorney and the SRC.

Developer

Date

Attest: _____
Stokes County Planning Department

D. CERTIFICATE OF OWNERSHIP AND DEDICATION

I hereby certify that I (we) am (are) the owner(s) of the property shown and described hereon, which is located in the subdivision jurisdiction of Stokes County and that I hereby adopt this plan of subdivision with my (our) free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted.

_____ Date _____ Owner(s)

North Carolina
_____ County

E. CERTIFICATE OF ACCURACY

"I, _____ certify that this plat 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 shown as broken lines plotted from information found in Book ____ page____ etc.) (other); ; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this ____ day of _____ A.D., 19_____

Seal or Stamp _____ Surveyor

Registration Number

F. CERTIFICATE OF APPROVAL OF SEWAGE SYSTEM

I hereby certify that the subsurface sewage disposal system installed, or proposed for installation on (each lot/lot(s) ____) of the subdivision entitled _____ will meet the requirements of the undersigned agency.

_____ Stokes County Health Officer _____ Date _____

G. CERTIFICATION OF APPROVAL OF N. C. DIVISION OF HIGHWAYS

I, _____, the Division Highway Engineer, do certify that the public roads as indicated hereon, are approved by the NC Department of Transportation, Division of Highways and will be accepted to the State of North Carolina highway system at such time as density warrants.

_____ Division of
Highway Engineer Date

H. CERTIFICATION OF THE APPROVAL OF ROAD AND UTILITIES

I hereby certify that (1) improvements have been installed in an acceptable manner and according to the county specifications for subdivision or (2) some type of guarantee has been given to the County to assure completion of all required improvements in case of default.

_____ Date
Stokes County Planning Department

I. CERTIFICATE STATING THAT NO APPROVAL IS REQUIRED BY THE DIVISION OF HIGHWAYS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.

J. CERTIFICATE OF APPROVAL, MAJOR SUBDIVISION

This subdivision plat has been found to comply with the provisions of the Subdivision Regulations of Stokes County and provided that it is recorded in the Office of the Register of Deeds within 30 days of final approval by the SRC.

_____ Date
Stokes County Planning Department

K. PARCEL TO BE COMBINED WITH ADJOINING PARCEL

Tract ____ is to be combined with the property of _____ in DB ____ PG ____ and may not be conveyed separately without a recorded easement to a public road in conformity with the Stokes County Subdivision Regulations.

L. SUBSTANDARD LOT

The above described lot is a substandard lot and does not comply with the minimum lot size requirements of the Stokes County Zoning Ordinance or minimum standards of the Stokes County Subdivision Regulations. This lot is being combined with an adjoining tract of land described in Deed Book ____ Page ____ owned by the Grantee, and henceforth shall be considered a part of said tract.

M. CERTIFICATION OF PURPOSE FOR PLAT AS REQUIRED BY NCGS 47-30.

N. SOIL EVALUATION BY LICENSED SOIL SCIENTIST

The land shown on this plat has been evaluated and found generally suitable for individual septic systems as of _____; however, individual lots must be approved for septic installation by the Stokes County Health Department before a building permit can be issued.

Appendix D

APPROVAL OF WATER SUPPLY AND WASTE TREATMENT SYSTEMS

I. Water Supply Systems

- A. Water supply systems planned to serve 15 or more connections or at least 25 permanent residents are classified as community public water supplies by the state of North Carolina. Plans and specifications for such systems must be prepared by a professional engineer registered in North Carolina and submitted for approval to the Public Water Supply Branch, (Regional Office) NC Department of Environment, Health and Natural Resources.
- B. Water supply systems planned to serve 14 or fewer connections or less than 25 permanent residents are regulated by the Stokes County Health Department. Plans and specifications should be submitted to the County Health Department for approval.
- C. Individual water supplies (wells) are regulated by the Stokes County Health Department and should be located, constructed and operated in accordance with county and state regulations administered through the county Health Department.

II. Waste Treatment

A. Individual Sewage Disposal Systems

Individual nondischarging sewage disposal systems shall be approved by the County Health Department. Any discharging system shall be approved by the NC Department of Environment, Health, and Natural Resources, Division of Environmental Management.

B. Sewer lines Connecting to Existing Public Sewage System

Plans for connecting sewer lines to an existing public sewer system requires prior approval from the NC Department of Environment, Health, and Natural Resources, Division of Environmental Management.

C. Sewer Systems Require State Permit

Plans for private sewage treatment systems constructed for subdivisions which will result in new discharges of effluent into surface waters require an application permit issued by the NC

Department of Environment, Health, and Natural Resources,
Division of Environmental Management. Permit applications must
be filed at least 180 days in advance of the planned discharge.

APPENDIX E

STATE OF NORTH CAROLINA	PRIVATE ROADWAY DISCLOSURE
	& ROAD MAINTENANCE
COUNTY OF STOKES	DECLARATION

THIS PRIVATE ROADWAY DISCLOSURE AND ROAD MAINTENANCE
DECLARATION IS MADE THIS _____ DAY OF _____, 20__

BY: _____

HEREINAFTER REFERRED TO AS "DECLARANTS".

WITNESSETH

WHEREAS, Declarants have subdivided the real property being more particularly described in Plat Book _____, Page _____, Stokes County Registry;

AND WHEREAS, Declarants have dedicated a private road easement across said real property as shown on said plat for ingress, egress and regress and for utilities access;

AND WHEREAS, Declarants desire to provide for the permanent and perpetual maintenance of a private road on said private road easement;

NOW THEREFORE, the Declarants hereby declare that henceforth, the owners of the above described lots shall maintain a private road, within that certain aforementioned private road easement, in good all weather condition, with proper ditching and drainage, sufficient to allow comfortable passage with a passenger motor vehicle for the entire length of the easement.

All lot owners shall meet at least annually and decide by majority vote the maintenance needs of the road. Each lot owner shall pay his prorata share of the maintenance expense based on the total number of lots served by the road. Any judgment obtained shall be a lien against the lot owned by the judgment debtor.

No representation is made that construction of the above described roadway is sufficient to be included in the State secondary roadway system, or that the State of North Carolina would eventually assume maintenance of this roadway.

This disclosure is given in accordance with North Carolina General Statutes Section 136-102.6

IN TESTIMONY WHEREOF, the Declarants have set their hands and seals the day and year set out above.

DECLARANTS:

_____ (SEAL)

_____ (SEAL)

_____ (SEAL)

_____ (SEAL)

NORTH CAROLINA, STOKES COUNTY

I, _____, a Notary Public of the County of _____,
And State of North Carolina, do hereby certify that _____
Personally appeared before me on this day and acknowledged the execution of
the forgoing Road Maintenance Declaration.

Witness my hand and official seal or stamp, this the _____ day of _____.

Notary Public _____

My Commission Expires: _____

NORTH CAROLINA, STOKES COUNTY

The forgoing certificate of _____, a Notary
Public of
_____ County, North Carolina is certified to be correct.

This the _____ day of _____.

Register of Deeds

By: _____
Deputy / Assistant

SUBDIVISION REVISIONS - LATEST VERSIONS

Revisions: 9-14-98

Updated 2-11-05

Revisions: 2-2-99

Revisions: 6-21-99

Revisions: 7-5-00

STOKES COUNTY

SUBDIVISION REGULATIONS



ADOPTED 8-14-95