ORDINANCE NO. 91

SUBDIVISION REGULATIONS

PERQUIMANS COUNTY

Adopted by the
Perquimans County Board of Commissioners on
July 1, 1990

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PERQUIMANS COUNTY SUBDIVISION REGULATIONS

ARTICLE I: INTRODUCTORY PROVISIONS

Section 101 Title

This ordinance shall be known and may be cited as the Subdivision Regulations for Perquimans County, North Carolina, and may be referred to as the Subdivision Regulations.

Section 102 Purpose

The purpose of this ordinance is to support and guide the proper subdivision of land within the jurisdiction of Perquimans County in order to promote the public health, safety and general welfare of the citizens of Perquimans County. The ordinance is designed to promote the orderly development of the County of Perquimans; for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways with other public facilities; for the dedication or reservation of right-of-way or easements for street and utility purposes; and for the distribution of population and traffic, which shall avoid congestion and overcrowding and which will create conditions essential to public health, safety and the general welfare. This ordinance is designed to further facilitate adequate provisions for water, sewage, parks, schools and playgrounds, and also to facilitate the further resubdivision of large tracts into smaller parcels of land.

Section 103 Authority

This ordinance is adopted under the authority of Chapter 153A, Article 18, Part 2 of the General Statutes of North Carolina.

Section 104 Jurisdiction

On and after October 4, 1999, as amended, these regulations shall govern each and every subdivision of land within Perquimans County as provided in G.S. 153A, Article 18, except those lands lying within the subdivision regulation jurisdiction of any municipality, unless such municipality shall have by resolution formally requested the County to enforce these regulations within the city's area of jurisdiction.

Section 105 Prerequisite to Plat Recordation

After October 4, 1999, the effective date as amended of this ordinance, each individual subdivision plat of land within the County's jurisdiction shall be approved by the Perquimans County Planning Board or in appropriate cases by the County Subdivision Review Officer.

Section 106 Issuance of Permits

No street shall be recommended for acceptance for maintenance by the State Highway Commission nor shall any permit be issued by any administrative agent of Perquimans County for the construction of any building or other improvements requiring a permit, upon any land concerning which a plat is required to be approved, unless and until the requirements set forth in this ordinance have been complied with and same approved by the Planning Board and Board of Commissioners.

Section 107 Compliance with Other Official County Plans

Proposed subdivisions must comply in all respects with the rules and regulations of the appropriate water system providing the water service and with all other officially adopted plans in effect in the area to be subdivided including the locally adopted Coastal Resources Commission ratified Land Use Plan.

ARTICLE II: LEGAL PROVISIONS

Section 201 General Procedure for Plat Approval

After the effective date of this ordinance, no subdivision plat of land within the subdivision jurisdiction of Perquimans County shall be filed or recorded until it has been submitted to and approved by the Perquimans County Board of Commissioners or by the Subdivision Review Officer as he is authorized as set forth in Section 105 of this ordinance and until this approval is entered in writing on the face of the plat by the Chairman of the Board of Commissioners of Perquimans County, or as appropriate by the Subdivision Review Officer.

Section 201.1 Duty of Register of Deeds

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

Section 201.2 Duty of Tax Supervisor

Perquimans County shall file a copy of this ordinance with the Tax Supervisor of Perquimans County and said Tax Supervisor shall not thereafter approve for recordation with the Perquimans County Register of Deeds any deed or other instrument of conveyance of land contained in a subdivision, unless a plat of the subdivision has been approved by the legislative body of Perquimans County as required in this ordinance.

Section 202 Duty of Subdivider or Authorized Agent

A plat must be prepared, approved, and recorded whenever the subdivision of land takes place, as defined in this ordinance. The owner of land shown on a subdivision plat submitted for recording, or an authorized agent, shall sign a statement on the plat stating whether any land shown thereon is within the subdivision regulation jurisdiction of Perquimans County.

Section 203 Effect of Plat Approval on Dedications

Pursuant to G.S. 153A-333, the approval of a plat does not constitute or effect the acceptance by the County or the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat and shall not be construed to do so. If a public dedication of any street or other ground, public utility line, or other public facility is required; the subdivider must include a statement identifying the party responsible for maintaining the required streets, grounds, utilities or facilities.

Section 204 Penalties for Violation

After the effective date of this ordinance, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this ordinance, thereafter subdivides his land in violation of this ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this ordinance and recorded in the Office of the Perquimans County Register of Deeds, shall be guilty of a 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, through its attorney or other official designated by the Perquimans County Board of Commissioners, may enjoin illegal subdivision, transfer or sale of land by action for injunction. Further, violators of this ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S. 14-4.

Section 204.1 Penalty

The violation of any provision of this ordinance shall subject the offender to a civil penalty in the amount of $100 to be recovered by the County. Violators shall be issued a written citation which must be paid within ten (10) days.

Section 204.2 Continuing Violations

Each day's continuing violation of this ordinance shall be considered a separate and distinct offence.

Section 204.3 Court Action

Notwithstanding the Subsection of this section above, this ordinance may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.

Section 204.4 Other Remedies

Nothing in this section shall be construed to limit the use of remedies available to the County. The County may seek to enforce this ordinance by using any one, all or a combination of remedies.

Section 205 Separability

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

Section 206 Variances

The County Board of Commissioners may, on recommendation from the Planning Board, authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Planning Board 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 County Board of Commissioners finds:

a) 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.

b) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

c) 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

d) 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 207 Amendments

The County Board of Commissioners may from time-to-time amend the terms of this ordinance (but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation. The Planning Board shall have thirty (30) days from the time proposed amendment is submitted to it within which to submit its report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have recommended approval of the amendment).

No amendment shall be adopted by the governing body until they have held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the Perquimans County area at least once a week for two (2) consecutive calendar weeks prior to the hearing. The initial notice shall appear not more than twenty-five (25) nor less than fifteen (15) days prior to the hearing date. In computing the fifteen (15) and twenty-five (25) day periods, the date of publication is not to be counted, but the date of the hearing is.

Section 208 Abrogation

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

Section 209 Re-Enactment and Repeal of Existing Subdivision Ordinance

This ordinance in part carries forward by re-enactment some of the provisions of the Subdivision Ordinance of the County of Perquimans, adopted on October 2, 1978, and it is not the intention to repeal but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced. All provisions of the Subdivision Ordinance which are not re-enacted herein are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of any Subdivision Ordinance heretofore in effect, which are 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 has not been adopted; and any and all violations of the existing ordinance, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this ordinance shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending and/or which may heretofore have been instituted or prosecuted.

Section 210 Effective Date

This ordinance shall take effect and shall be in force from and after April 4, 2011. Duly adopted by the Board of Commissioners of the County of Perquimans, North Carolina, this the 4th day of April, 2011, 2004.

_____, Chairman
Perquimans County Board of Commissioners

Section 211 Administrator

The holder of the Office of Perquimans County Manager is hereby appointed to serve as Subdivision Review Officer.

Section 212 Minimum Standards

Wherever the provisions of any other law, ordinance or regulation impose higher standards than are required by the provisions of this ordinance, the provisions of such law, ordinance or regulation shall govern.

Section 213 Word Interpretation

For the purposes of this ordinance, 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 plural includes the singular.

ARTICLE III:
PROCEDURES FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

Section 301 Plat Shall Be Required on Any Subdivision of Land

Pursuant to G.S. 153A-330, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this ordinance whenever any subdivision of land takes place.

Section 302 Approval Prerequisite to Plat Recordation

No final plat of a subdivision within the subdivision jurisdiction of Perquimans County as established in Section 104 of this ordinance shall be accepted for record by the Register of Deeds of Perquimans County until final approval has been given by the Board of Commissioners of Perquimans County or by the Subdivision Review Officer where he is

authorized to do so in this ordinance. To secure such approval of a final plat, the subdivider shall generally follow the procedures established in this section.

Section 303 Procedure for Abbreviated Plat Review

Section 303.1 Qualification

A) A subdivider may apply to the Subdivision Review Officer appointed by the Perquimans County Board of Commissioners, for one step final plat review, which precludes the submission requirements for a sketch design plan and a preliminary plat. The abbreviated final plat review procedure may be used in such cases where the subdivision:

1) Involves not more than four (4) lots fronting on a state maintained Principal Arterial, Minor Arterial or Major Collector Road or six (6) lots fronting on a state maintained Minor Collector or Local Road; and

2) Does not constitute the enlargement of a previously platted subdivision to more than four (4) or six (6) lots, as noted above; and

3) Does not require extension of public water and sewage lines or the creation of new drainage deeds of easement on adjoining lands; and

4) Does not adversely affect the remainder of the parcel or the adjoining property.

B) In addition, the seller of any lot of less than ten 10 acres must submit to the Subdivision Review Officer a certificate from the Health Department stating whether or not septic systems have been approved for the lot and this certificate shall be made available to the purchaser of the property.

C) The Subdivision Review Officer shall make determinations on eligibility of exemption under exemptions specified in the definition of subdivision (currently Article VII, Section 701).

Section 303.2 Requirements: The use of the abbreviated final plat review is subject to the following requirements:

A. All lots subdivided from a tract since December 31, 1998 shall be included in determining when the four (4) or six (6) lot maximum has been exceeded and when the full review procedure shall be required by a subdivider.

B. On application for abbreviated final plat processing, the subdivider shall pay an inspection fee to Perquimans County in an amount set by the Board of County Commissioners in a separate fee schedule.

C. Four (4) copies of the final plat shall be presented to the Subdivision Review Officer for review under the abbreviated procedure and shall include all Final Plat

Requirements (currently Section 306.3A) through M).

D. The final plat shall be reviewed by the Subdivision Review Officer for qualification under the abbreviated procedure and compliance with subdivision regulations and if the Subdivision Review Officer finds that proposed final plat qualifies for review under the abbreviated procedure and complies with all applicable subdivision regulations, the Subdivision Review Officer shall have the authority to approve the final plat for recordation in the Register of Deeds.

Section 304 Major Subdivision Requirements: If the land to be subdivided contains more than ten (10) acres, or is waterfront property, the subdivider shall submit a sketch plan prior to submitting a preliminary plan. Smaller subdivisions may be submitted in sketch plan form if the subdivider wishes. If the sketch plan is required or the subdivider wishes to submit one to the Planning Board, it must be submitted to the Subdivision Review Officer fifteen (15) business days prior to the Technical Review Committee (TRC) meeting. At the meetings of the TRC and Planning Board, the subdivider or his representative should explain the plan, answer questions and advise the TRC and Planning Board of any variations from the subdivision regulations. Sketch plans shall conform to the following requirements when submitted to the Planning Board for their review.

Section 304.1 Sketch Design Plan Requirements

The Sketch Design Plan shall depict or contain the following information:

1. Boundary of tract and the portion to be subdivided
2. Sketch of proposed street and lot layout
3. Dimensions of street right-of-way
4. Location of other rights-of-way and easements
5. Sites, if any, for schools, churches, parks, beaches, etc.
6. Location of streets and lots of developed or platted properties within 100 feet of property being considered for subdivision
7. Zoning classification(s) of the tract and of adjacent properties if applicable
8. Site data:
   (a) Acreage in tract
   (b) Acreage to be subdivided
   (c) Approximate acreage in parks or other land usage
   (d) Approximate number of lots proposed
9. Sketch Vicinity Map showing the relationship of the proposed subdivision to the surrounding area, the adopted thoroughfare plan, the 100 year floodplain, areas of environmental concern and land classification map. (Note: Information pertaining to the last four items may be obtained from the Tax Supervisor's Office).
10. Number of copies and graphics media: Six (6) copies shall be submitted to the Planning Board. No specific graphics media must be employed.
11. Size of Plan and Scale: No specific size requirements apply to sketch design plans; it is suggested that the requirements applicable to preliminary and final

plats be utilized.

12. Administrative Fees: Administrative fees charged in connection with the submission of sketch design plans are set by the Board of County Commissioners in a separate fee schedule.
13. Certificates Required: No certificates must be provided in connection with the submission of sketch design plans.
14. Sketch Design Plan Review Procedure: The Planning Board shall review the sketch design plan for general compliance with the requirements of this regulation. The Planning Board shall advise the subdivider or his authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the preliminary and final plats. This review shall in no way be construed as constituting an official action of approval for recording of the subdivision by the Planning Board or Perquimans County Board of Commissioners as required by this regulation.
15. Disposition of Copies: Three (3) copies shall be retained as part of the minutes of the Planning Board, with the other copy being returned to the subdivider or his authorized agent.

Section 305 Preliminary Plat Review

A. General: The subdivider shall submit eight (8) copies of the preliminary plat and any supplementary material to the Subdivision Review Officer at least twenty days prior to the regularly scheduled Technical Review Committee (TRC) meeting at which said plat is to be considered by the TRC. Upon submission of the preliminary plat for processing, the subdivider shall pay a processing fee to Perquimans County in an amount set by the Board of County Commissioners in a separate fee schedule.

Section 305.1 Preliminary Plat Requirements

The Preliminary Plat shall depict or contain the following information:

1) The preliminary plat shall be at a scale of one hundred feet to one inch or larger and will be drawn in ink on a sheet of drafting film which is 16 ¾" x 20" in size.

2) The location of existing and platted property lines, streets, buildings, water courses, railroads, transmission lines, sewer, bridges, culverts and drain pipes, water mains, city and county lines (if adjoining) and any public utility easements.

3) Boundaries of tract shown with bearings and distances.

4) Wooded areas, marshes, and any other conditions affecting the site.

5) Names of adjoining property owners or subdivisions.

6) Zoning classification, if any, both on the land to be subdivided and on adjoining land.

7) Proposed streets, street names, rights-of-way, roadway widths, and approximate grades.

8) The plans for proposed utility layouts (sewer, water, gas, electricity) showing connections to existing systems or plans for individual water supply, sewage disposal, storm drainage, etc.

9) Other proposed rights-of-way or easements; locations, widths, and purposes.

10) Proposed lot lines, lot and block or section numbers or letters, and approximate dimensions.

11) Proposed minimum building setback lines.

12) Contour lines with elevation intervals of two feet. Contours of less than two feet may be required by the Planning Board. The 100 year flood plain contour shall be labeled and clearly indicated with a bolder thicker line.

13) Proposed parks, school sites, or other public open spaces, if any.

14) Title, date, north point and graphic scale.

15) Name of owner, surveyor or land planner.

16) Site data

    a) Acreage in total tract
    b) Acreage in parks or other land usage
    c) Total number of lots
    d) Lineal feet in streets

17) Sketch vicinity map showing relationship between subdivision and surrounding area, adopted thoroughfare plan, 100 year flood plain, areas of environmental concern, and land classification map. (Note: Information pertaining to the last four items may be obtained from the Tax Supervisor's Office.)

18) Environmental Impact Statement

Pursuant to Chapter 119 of the North Carolina General Statutes, the Planning Board may require the subdivider to submit an environmental impact statement with his preliminary plat if:

a) The development exceeds 10 acres in area, and

b) If the Board deems it necessary due to the nature of the land to be subdivided, or peculiarities in the proposed layout.

Section 305.2 Public Water Service Requirements

All subdivisions (minor or major) that front or abut on a public road or street shall be required to connect to a public water system.

In the case of major subdivisions, the subdivider shall construct a water system and connect it to the system owned and operated by Perquimans County, subject to the following conditions:

1) Construction plans for the proposed system shall be prepared by a registered engineer, materials and construction to be in accordance with the specifications for the Perquimans County Water System as prepared by the County Engineer, and submitted with the preliminary plat for approval by the Planning Board, County Water Supervisor and the appropriate State Agencies.

2) The cost of the construction, connection and approval of the subdivision water system shall be paid by the subdivider.

3) All water mains, laterals, meter box and easement shall be dedicated to the County Water system. Water lines shall be installed on the street right-of-way where possible.

4) All water mains constructed to serve the subdivision will be a minimum of 6" diameter, unless specified otherwise by the County Engineer.

The Perquimans County Planning Board and/or the Perquimans County Board of Commissioners may, in consultation with the County's Engineer and the Technical Review Committee, determine that certain improvements will be required for the County Water System due to the projected consumption of water when all proposed subdivision lots are connected to the Perquimans County Water System. The Perquimans County Board of Commissioners will require the Developers to make and pay for those improvements. The County Engineer will be the selected Engineer for the Construction Project unless otherwise approved by the Board of County Commissioners. The Engineer's Fee will be paid for by the Developer in an amount set by the Board of County Commissioners in a separate fee schedule.

Section 305.3 Preliminary Plat Approval

Unless otherwise provided herein, the Perquimans County Planning Board shall have the sole authority to review and approve or disapprove all plats presented under this ordinance prior to their submission to the Perquimans County Board of Commissioners.

Failure on the part of the Planning Board to act within forty-five (45) days after the preliminary plat is submitted shall be deemed as approved by the Planning Board.

The Board of Commissioners shall approve or disapprove the preliminary plat. If the Board of Commissioners approves the plat, such approval shall be noted on eight copies of the plat. One (1) copy of the plat shall be retained by the Board of Commissioners, five (5) copies shall be retained in the Planning Board records, and two (2) copies shall be given to the subdivider. If the Board of Commissioners shall disapprove the preliminary plat, the subdivider shall be given the reasons in writing and one (1) copy of the plat. The subdivider shall be instructed concerning resubmission of the plat to the Board of Commissioners if deficiencies can be corrected.

Upon approval of the preliminary plat by the Board of Commissioners, the subdivider may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this ordinance. Preliminary plat approval shall in no way be construed as constituting an official action of approval for recording of the subdivision as required by this ordinance.

Section 305.4 Adequate Public Facilities

A preliminary plan of subdivision must not be approved unless the Board of Commissioners determine that the proposed subdivision will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within 2 years after the initial approval of the sketch plan.

Section 306 Final Plat Review

General

Prior to completion of the final plat for review by the Board of County Commissioners, the developer shall have completed the installation of all improvements in accordance with the approved preliminary plat. The only exception may be asphalt street paving and related shoulder/ditch grading and seeding, provided the developer submits an improvement guarantee in accordance with Section 306.5, Improvements Guarantees.

Upon completion of the installation of improvements or an arrangement for the installation of the improvements shown in the approved preliminary plat for the whole or in a portion of the subdivision that is acceptable to the Planning Board and Board of County Commissioners, the applicant shall submit a final plat twenty-eight (28) days prior to the regular meeting of the Planning Board showing the areas covered by such improvements. At the same time the final plat is submitted the developer shall schedule a meeting at the subdivision site with the Subdivision Administrator to inspect the project for conformance with the approved preliminary plat. Should the developer opt to provide an Improvement Guarantee rather than install street paving at final plat submittal, s/he shall have installed and graded the base materials to provide for positive drainage in accordance with the pavement cross section detail. Roadway shoulders and ditches, lot line swales, outfall ditches, etc., shall be graded and grass shall be established in accordance with the approved preliminary plat. Grass shall be mowed so that the Subdivision Administrator can verify construction conforms to the approved preliminary plat.

A final plat for the first phase of subdivision shall be submitted not more than twenty-four (24) months after the date on which the preliminary plat was approved; otherwise preliminary plat approval shall be null and void, unless a written extension of this limit is granted by the Board of County Commissioners on or before the 24th month anniversary of the preliminary plat approval. Subsequent phases shall be submitted not more than 24 months after the date of the final plat approval for the prior phase of development; otherwise preliminary plat approval shall be null and void, unless a written extension of the limit is granted by the Board of County Commissioners on or before the 24th month anniversary of the previous final plat approval.

On application for final plat processing, the subdivider shall pay an inspection fee to Perquimans County in an amount set by the Board of County Commissioners in a separate Fee Schedule.

A) The subdivider shall submit eight (8) copies of the final plat and ten (10) reduced copies 8½ " X 11" in size and one digital file.

B) The final plat shall be reviewed by the Subdivision Administrator for compliance with the approved preliminary plan. The Planning Board may appoint an engineer to

check the final plat against the subdivision's actual layout for correctness; charging the costs to the subdivider if the plat is found to be seriously in error.

(1) If the final plat is found to be in compliance, the Subdivision Administrator shall transmit the final plat together with their recommendations to the County Board of Commissioners for final action; or

(2) If the final plat is found not to be in compliance, or if changes have been made from the approved preliminary plat, the Subdivision Administrator shall notify the subdivider and transmit the final plat to the Planning Board.

Section 306.1 The Planning Board Review of Final Plat

A) If the final plat is in compliance with this ordinance, or the Planning Board approves the changes made from the approved preliminary plat, the Subdivision Administrator shall transmit the final plat, together with the Planning Board's recommendations to the County Board of Commissioners for final action.

B) If the final plat is not in compliance with this ordinance or the Planning Board does not accept the changes from the approved preliminary plat, the subdivider shall be given an opportunity to submit a revised final plat. If a revised final plat is not submitted within 90 days, the Subdivision Administrator shall transmit the final plat together with the Planning Board's recommendations to the Board of County Commissioners for final action. Such recommendations shall specify any unaccepted changes from the endorsed preliminary plat.

Section 306.2 Final Plat Approval by County Board of Commissioners

The final plat and the recommendations of the Subdivision Administrator or Planning Board, as applicable, shall be reviewed by the Board of County Commissioners. The Commissioners shall approve or disapprove the final plat.

A) Upon approval of the final plat the Subdivider shall have authorization to file the plat with the Register of Deeds Office. Approval shall become null and void for any plat not recorded within ninety (90) days.

B) If the Board of County Commissioners should disapprove the final plat, the reasons for such action shall be noted and recommendations made on the basis of which the proposed subdivision would be approved.

C) The action of the Board of County Commissioners shall be noted on two (2) copies of the final plat. One copy shall be returned to the subdivider and one copy shall be retained for the permanent file in the Planning and Zoning Office.

D) A one-time Water System Facility Fee will be charged for each lot and paid before the final plat is recorded in the Register of Deeds' Office in an amount set by the

Board of County Commissioners in a separate fee schedule. The Fee amount for lots approved under the Abbreviated Subdivision process (four lots or less) is generally less than lots approved under the Major Subdivision process. The number of lots is determined by the total number of lots that have been subdivided and recorded from the same tract of land since October 2, 1978.

E) No final plat shall be approved until all improvements are installed or guaranteed with adequate security and the plat meets the requirements set forth in Article III, Sections 306.3 and 306.4 of this ordinance, all required fees have been paid and the certificates required by this ordinance to appear on the final plat have been properly filled out and signed.

Section 306.3 Final Plat Requirements

The final plat shall be at the same scale, same sheet size, graphic media and shall conform substantially to the preliminary plat as approved and shall constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time.

The final plat will show:

A) The lines of all streets and roads.

B) Lot lines and lot number.

C) Minimum building setback lines.

D) Reservations, easements, alleys and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.

E) Sufficient data to determine readily and reproduce on the ground, the location, bearing and length of every street line, lot line, boundary line, block line and building line, whether curved or straight, and including true north point. This should include the radius, center angle, and tangent distance for the center line of curved streets and curved property lines that are not the boundary of curved streets.

F) All dimensions should be to the nearest one-tenth (1/10) of a foot and angles to the nearest second.

G) Accurate location and description of all permanent monuments and stakes.

H) The proposed utility system:
   (1) Water
   (2) Gas
   (3) Sewers
   (4) Storm drainage

(5) Electric utilities

I) The names and locations of adjoining subdivisions, and streets, and the location and ownership of adjoining unsubdivided property.

J) Title, date, name and location of subdivision, graphic scale and north point (indicate if true north, magnetic north or N.C. State Grid System is used).

K) Name of owner, surveyor or land planner.

L) Sketch vicinity map showing relationship between subdivision and surrounding area.

M) Other items to be submitted by the Subdivider with the final plat include the following:

(1) Maintenance Bond and security to guarantee street maintenance until acceptance by the North Carolina Department of Transportation, in accordance with Sections 306.5 and 306.55;

(2) As-Built Plan of the constructed drainage system, certified by a licensed land surveyor, shall document that the drainage improvements outlined in the drainage study and incorporated into the approved preliminary plans are constructed and installed in accordance with said study and plans. The As-Built Drainage Plan must show the following:

(a) The lines of all streets and roads;

(b) Lot lines and lot numbers;

(c) Locations of all ditches (including road and outfall), culverts and related drainage structures;

(d) High and low elevations of ditch inverts (flow arrows shall be shown along ditches);

(e) The inverts of ditches, culverts and swales;

(f) Proposed building pad and grade;

(g) Driveway culvert material, size and inverts;

(h) Locations of all fire hydrants within subdivision with benchmark elevations established on the top nut and denoted;

(3) Driveway Culvert Installation Plan which shows the following:

(a) Percent of slope on all ditches indicated to the nearest one-hundredth of one percent;

(b) Indicate at each lot corner that coexists with road right-of-way the ditch invert (calculated according to ditch slopes); and

(c) Indicate on each lot the minimum driveway culvert size that provides for proper drainage and meets requirements of the North Carolina Department of Transportation.

<u>Section 306.35 Resubdivision Regulations</u>

For any replatting or resubdivision of land, the same procedures, rules and regulations stated in Article II, of this ordinance shall apply as prescribed herein for an original subdivision. Lot size may, however, be varied on the approved plan after recording, provided that:

a) drainage, easements or right-of ways shall not be changed;
b) street alignments and block sizes shall not be changed;
c) the property line between the back of the lots shall not be changed;
d) the rear portion of lots shall not be subdivided from the front parts;
e) the character of the area shall be maintained.

Note: Improvements in the resubdivision petitioning will be considered; but the burden of conclusiveness demonstrating that the resubdivision is an improvement will be on the petitioner. Furthermore all buyers of property in the original subdivision will be contacted and their written consent of the change will be submitted with the petition of resubdivision.

Section 306.4 Preparation of Final Plat and Installation of Improvements

Upon approval of the preliminary plat by the Perquimans County Planning Board, the Subdivider may proceed with the preparation of the final plat in accordance with the approved preliminary plat and the requirements of this ordinance. Prior to approval of a final plat, the subdivider shall have installed the improvements specified in this ordinance or guaranteed the installation as provided herein. The Perquimans County Planning Board or the Perquimans County Board of Commissioners will accept no final plat for review unless accompanied by written notice by the Subdivision Administrator acknowledging compliance with the improvement and guarantee standards of this ordinance. Should the final plat require review by the Planning Board due to discrepancies in the preliminary plat, the Subdivision Administrator shall transmit the final plat together with the Planning Board's recommendations to the Board of County Commissioners for final action. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time; such portion shall conform to all requirements of this ordinance.

Section 306.5 Improvement Guarantees

Agreement and Security Required: In lieu of required completion of asphalt street paving, shoulder/ditch grading, and seeding prior to final plat approval, the County of Perquimans may enter into an agreement with the Subdivider whereby the Subdivider shall agree to complete all asphalt street paving, shoulder/ditch grading and seeding. Once the agreement is signed by both parties and the required security is provided, the final plat may be approved by the Board of County Commissioners, provided all other requirements of this Ordinance are met. To secure this agreement, the Subdivider shall provide, subject to approval of the Board of County Commissioners, any one of the following guarantees:

A) Surety Performance Bond: The Subdivider shall obtain a performance bond from a surety bonding company authorized to do business in the State of North Carolina. The bonds shall be payable to the County of Perquimans and shall be in an amount equal to 1.30 times the entire cost, as estimated by the subdivider and/or certified by a professional engineer and approved by the Perquimans Board of County Commissioners, of installing the asphalt street paving and completion of final shoulder/ditch grading and seeding. The duration of the bond shall be until such time as the improvements are determined by the Board of County Commissioners to be in compliance with the provisions of this ordinance. All improvements must be made within twelve (12) months of the date of authorization of the security bond.

B) Cash or Irrevocable Letters of Credit on forms approved by the County Attorney with a banking institution insured by either FSLIC or FDIC.

The Subdivider shall deposit, an irrevocable letter of credit, or cash, with Perquimans County. The amount of the deposit shall be equal to 1.30 times the entire cost of installing the asphalt street paving and completion of final shoulder/ditch grading and seeding as estimated by the Subdivider and/or certified by a professional engineer and approved by the Perquimans County Board of County Commissioners. All improvements must be made within twelve (12) months of the date of authorization of the security.

The bank used for an irrevocable letter of credit(s) must be chartered by the North Carolina Commissioner of Banks or by the federal government, and the bank must have a branch located in North Carolina.

The Surety Performance Bond or Irrevocable Letter of Credit shall not be released or reduced until the work is completed. If any infrastructure improvements have not been completed at the end of eleven (11) months from the date of final plat approval by the Board of County Commissioners, then the County shall be paid the total amount of security plus interest, which has accrued since the time of final plat approval. The County will proceed to complete the paving and related shoulder/ditching improvements as required by the Subdivision Regulations. Any funds held by the County after the paving has been completed will be returned to the developer.

Section 306.55 Maintenance of Streets Until Acceptance

The Subdivider of any development containing streets intended for public dedication shall post a letter of credit or other sufficient surety in accordance with Section 306.56, to guarantee that such streets will be properly maintained until the offer of dedication is accepted by the North Carolina Department of Transportation or a property owners association that is recognized and approved by the Perquimans County Board of County Commissioners.

The Perquimans County Board of Commissioners shall secure from all Subdividers a letter to guarantee street maintenance and appropriate security being acceptable by the Board of County Commissioners. In the event that the Subdivider fails to maintain the road making required improvements to keep the road within NCDOT Standards for a paved road, the Board of County Commissioners may draw against the Letter of Credit to make such improvements. The road must be maintained by the Subdivider to NCDOT Standards for a paved road until one of the following occurs: The minimum dollar amount of the posted security provided Perquimans County must be equal to 30% of the total cost of street construction when constructed (the Subdivider will submit an Engineer's Certified Cost Estimate) to serve as the basis of the amount of the security. The maintenance guarantee and security must be kept in place until the roads are transferred per the options provided or other acceptable measures are taken and approved by the Board of County Commissioners.

Prior to release of the maintenance guarantee and security, the required street improvements must be accepted for maintenance by the North Carolina Department of Transportation or a property owners association that is recognized and approved by the Perquimans County Board of Commissioners.

Section 306.56 Acceptable Guarantees for Street Maintenance: The amount of the security shall constitute thirty percent (30%) of the cost of all improvements relating to road construction (grading, ditching, culverts, stone base, asphalt, seeding, etc.). The maintenance guarantee shall be payable to the County of Perquimans and shall be in an amount equal to 1.30 times the entire cost, as estimated by the subdivider and/or certified by a professional engineer and approved by the Perquimans Board of County Commissioners. The following types of bonds/guarantees will be acceptable to the Board of County Commissioners for the purpose of satisfying maintenance of streets guarantees prior to final plat approval:

A) Surety Bond: The Subdivider shall obtain a performance bond from a surety bonding company authorized to do business in the State of North Carolina. The bonds shall be payable to the County of Perquimans and shall be in an amount equal to 1.30 times the entire cost, as estimated by the Subdivider and/or certified by a professional engineer and approved by the Perquimans Board of County Commissioners, of installing the asphalt street paving and completion of final shoulder/ditch grading and seeding.

B) Cash or Irrevocable Letters of Credit: on forms approved by the County Attorney with a banking institution insured by either FSLIC or FDIC.

   The Subdivider shall deposit an irrevocable letter of credit, or cash, with Perquimans County. The amount of the deposit shall be equal to 1.30 times the entire cost of installing the asphalt street paving and completion of final shoulder/ditch grading and seeding as estimated by the Subdivider and/or certified by a professional engineer and approved by the Perquimans County Board of County Commissioners.

Section 306.6 Approval of Amended Subdivision Map:

A) Minor changes to a subdivision map which has received plat approval by the Board of County Commissioners are permissible and the Subdivision Administrator may authorize such minor changes. A change is minor if it has no discernible impact of neighboring properties or the general public. Examples of minor changes are reduction in minimum building setbacks which meet or exceed the minimum requirements in this ordinance and in the Zoning Ordinance, slight lot line realignments, and the combination of previously approved lots. This is not intended to be an all-inclusive list.

B) Major changes to a subdivision map which has received final plat approval by the Board of County Commissioners must be resubmitted to the Board of County Commissioners. The Board of County Commissioners shall approve or disapprove the amended map. Examples of major changes are an increase in the number of lots, major shifting of lot lines, and major shifting of streets. This is not intended to be an all-inclusive list.

Section 306.7 Plat Requirement Checklists

INFORMATION REQUIRED	Sketch Plat	Preliminary Plat	Final Plat
The name of the subdivision	X	X	X
A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area at an appropriate scale		X	X
Total acreage of tract to be subdivided with the location of previously subdivided lots within the tract		X	X
A topographic map showing vertical contours every two (2) feet or less (only 25 lots or more)		X	X
Name of township, county and state in which the subdivision is located	X	X	X
Corporate limits, township boundaries, county lines, if on the subdivision tract	X	X	X
The names and addresses, of all owners, registered surveyors, land planners, and professional engineers responsible for the subdivision		X	X
The registration numbers and seals of the professional engineers and registered surveyors			X
Date of survey plat preparation		X	X
Scale denoted both graphically and numerically		X	X
An accurately positioned north arrow tied into the North Carolina Grid System if within 2,000 feet of a monument		X	X
The exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of			

INFORMATION REQUIRED	Sketch Plat	Preliminary Plat	Final Plat
existing boundary lines of adjoining lands			X
The names of adjoining property owners	X	X	X
The boundaries of the tract or portion thereof to be subdivided distinctly and accurately represented with all bearings and distances shown		X	X
The names of any adjoining subdivisions of record or proposed and under review		X	X
Minimum building setback lines		X	X
Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line, and building whether curved or straight. This should include the radius central angle, and tangent distance for the center line of curved streets and curved property lines that are not boundaries of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.			X
The blocks numbered consecutively throughout subdivision and the lots numbered consecutively throughout each block, square feet of each lot so indicated	X	X	X
Wooded areas, wetlands, rock outcrops, ponds or lakes, streams or stream beds and any other natural features affecting the site, including the location of known areas subject to flooding	X	X	X
Proposed roadways, existing and platted streets on adjoining properties and in proposed subdivision, right-of-way, pavement widths, approximate grades, design			

INFORMATION REQUIRED	Sketch Plat	Preliminary Plat	Final Plat
and engineering data for all corners and curves and typical street cross sections		X	X
Street names		X	X
The location and dimensions of all rights-of-way, utility or other easements		X	X
The plans for utility layouts including sanitary sewers, storm sewers, water distribution lines, natural gas, telephone and electric service or plans for individual water supply systems and sewerage disposal systems		X	X
Provide maintenance of street guarantees until acceptance by NCDOT			X
Bench mark elevation established on the top of all fire hydrants within the subdivision and noted on the drainage plan.			X
Payment for plat application fees		X	X
Letter of tentative approval of water supply and sewage disposal plans by appropriate county and state authorities		X	
Improvement Certificate of approval for water and sewage systems by appropriate county and state authorities			X
Letter of applicability of a Storm Water Drainage Plan from the Division of Environmental Management		X	
Certificate of approval from the Department of Transportation as to proposed roadway alignment and construction		X	
Certificate of approval from the Department of Transportation stating			

INFORMATION REQUIRED	Sketch Plat	Preliminary Plat	Final Plat
whether the new roadway is constructed to appropriate state standards			X
A copy of any deed restrictions or similar covenants, including, but not limited to, road maintenance requirements		X	X
The accurate locations and descriptions of all monuments, markers, and control points			X
Any other information considered by either the subdivider, Subdivision Review Officer, Planning Board or Board of Commissioners to be pertinent to the review of the plat		X	X
Letter from the Land Quality Section, Division of Land Resources approving the Sedimentation and Erosion Control Plan if required by state law		X	X

Section 307 Technical Review Committee

There is hereby created a Technical Review Committee (TRC) consisting of the County Planner, County GIS Coordinator, County Building Inspection representative, County Manager, County Health Department representative, County Water Department Superintendent, County Emergency Management Director, County Schools Superintendent or representative, Natural Resources Conservation Service representative, and Planning Board representative. Depending upon the specific aspects of a development proposal, additional members of the TRC may include representatives of the following agencies:

1) The District Highway Engineer as to proposed streets, highways, and drainage systems;

2) Such other agencies and officials as the County Planning Board and/or County Board of Commissioners may deem, from time to time, necessary or desirable;

3) The Land Quality Section, Division of Land Resources as to sedimentation and erosion control for review and recommendation;

4) The Division of Coastal Management as to locations of any Areas of Environmental Concern that may be located on the proposed subdivision property;

5) The Division of Environmental Management as to applicable storm water drainage;

6) The US Post Office for any subdivision plat with five lots or more for possible inclusion in the Community Mail Box Program;

7) The County Emergency Medical Services representative;

8) The Fire Chief of the Volunteer Fire Department responsible for servicing the proposed subdivision shall review the plat for possible locations of dry fire hydrants, where applicable.

The County Planner or his designee shall serve as the chairman of the TRC. The TRC shall appoint a secretary.

The TRC shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conforming with the review procedures delineated in this Ordinance.

The TRC may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this Ordinance.

Section 308 Certificates

Section 308.1 Certificates to be Applied to the Face of Plat

A) Certificate of Ownership and Dedication

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon which was conveyed to me (us) by deed recorded in Book ___, Page ____, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building lines, and dedicate all streets, alleys, walks, parks and other open spaces to public use unless otherwise noted. Further, I (we) certify that the land as shown hereon is within the subdivision regulations jurisdiction of the County Board of Commissioners of Perquimans County.

_____ _____

Date Owner/Corporate Seal

_____

Owner/Corporate Seal

B) Certificate of Accuracy

I, _____ certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book ___, Page ___, Book ___, Page ___, etc.); that the error of closure as calculated by latitudes and departures is 1:___; that boundaries not surveyed are shown as broken lines plotted from information found in Book ____, Page ____; that this map was prepared in accordance with G.S. 47-30 as amended.

Witness my hand and Seal this ____ day of _____, 20____.

_____
Engineer or Land Surveyor

_____
Registration Number

C) Certificate of Approval of Sewage System

This subdivision, entitled _____, has been designed for the construction of individual sewage systems and meets the criteria and requirements of the Albemarle Regional Health Services (ARHS) based on existing conditions and regulations. The ARHS reserves the right to require additional improvements to these properties and to limit the number of bedrooms and size of structure based on site conditions upon issuance of the final site improvements permits. This certification does not constitute a warranty and is issued based on this subdivision being serviced by _____ Water System.
(Indicate Individual or Public)

_____
Date

_____
Albemarle Regional Health Services
Director or Authorized Representative

D) Certificate of Approval of Artificial Drainage Improvements

In the subdivision entitled _____, artificial drainage has been installed according to plans and specifications prepared by _____, and based upon the requirement of the Albemarle Regional Health Services (ARHS) to keep the seasonal high water table a minimum of twelve inches (12") below the septic tank nitrification lines. Proper landscaping and maintenance of these drainage facilities are the responsibility of the property owners to insure that septic tank malfunctions do not occur. The ARHS assumes no responsibility for the design, maintenance, or the guaranteed performance of the artificial drainage measures and their effects.

_____ _____

Certifier of Drainage Facilities Date

E) Certificate of Approval and Acceptance of Dedications

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for Perquimans County, with the exception of such variances, if any as are noted in the minutes of the County Board of Commissioners meeting held this date, and that it has been approved for recording in the office of the Register of Deeds, and that these streets as installed or as designed and guaranteed to be installed are in accordance with the minimum design criteria presently required by the N.C. Department of Transportation, Division of Highways for acceptance of subdivision streets into the state system for maintenance, and the dedication of the easements, rights-of-way and public park shown thereon were accepted by the County, but it assumes no responsibility to open or maintain the same until, in the opinion of the governing body of Perquimans County, it is in the public interest to do so.

_____

Date

_____

Chairman, County Commissioners

Attest: _____

Clerk

F) Certificate of Approval of Storm Water Drainage Improvements

In the subdivision entitled _____, storm water drainage improvements have been installed (1) according to plans and specifications prepared by _____, or (2) according to the as-built plan submitted by _____, and approved by the Perquimans County Board of Commissioners. The Perquimans County Board of Commissioners assumes no responsibility for the design, maintenance, or the guaranteed performance of the storm water drainage improvements and their effects.

_____

Registered Land Surveyor/Civil Engineer

_____

Date

_____

Registration Number

G) Certificate of Approval by the Planning Board

I, _____, Chairman of the Perquimans County Planning Board, do hereby certify that said Planning Board approve the final plat of the subdivision entitled _____ on the ____ day of _____, 20___.

_____, Chairman
Perquimans County Planning Board

H) Certificate of District Highway Engineer

I hereby certify that these streets as installed or as designed and guaranteed are in accordance with the minimum design criteria presently required by the N.C. Department of Transportation, Division of Highways, for the acceptance of streets on to the state system for maintenance.

_____ Date

_____
District Engineer
N.C. Department of Transportation,
Division of Highways

I) Certificate of Subdivision Review Officer

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of Perquimans County.

_____ Date

_____
Perquimans County Subdivision Review Officer

Section 308.2 Certificate of Elevation to be Provided at the Building Construction Stage

A) Certificate of Elevation for Culvert Installation: The developer or property owner, upon the development of a subdivision lot, shall obtain from a Registered Land Surveyor a Certificate of Elevation for Culvert Installation on a form provided or approved by the Subdivision Administrator; said Certificate shall then be presented to the Building Inspector prior to the issuance of a Certificate of Occupancy. A suggested sample Certificate is as follows:

CERTIFICATE of ELEVATION for CULVERT INSTALLATION

In accordance with ditch grades and culvert inverts indicated on the certified drainage plan for _____ Subdivision, an _____-inch diameter entrance culvert, constructed of CMP material, has been installed on Lot No. ___ at Address:_____ (Tax Parcel No. _____).

- Culvert to be sized by the surveyor, minimum _____-inch diameter.
- Culvert material to be either corrugated metal or reinforced concrete.

Date: _____

Owner/Contractor:_____

Calculated Invert "In"	Actual Invert "In"
_____	_____
Calculated Invert "In"	Actual Invert "In"
_____	_____

I hereby certify that the information on this certificate is accurate and represents my best efforts to interpret the Certified Drainage Plan noted above. I understand that the intent of this certificate is to provide for proper storm water drainage.

_____ _____ _____

Professional Land Surveyor License Number Date .

_____

Address City State Zip .

B) Reserved

ARTICLE IV: MINIMUM DESIGN STANDARDS

Section 401 Suitability of Land

Land subject to flooding, improper drainage, erosion, or that is for topographical or other reasons unsuitable for residential use as determined by the Planning Board, shall not be platted for residential use nor for any other uses that will continue or increase the danger to health, safety, or property unless the hazards can be and are corrected.

Section 401.1 Prevention of Flood Damage

All development must comply with the requirements of the Perquimans County Flood Hazard Ordinance.

Section 401.2 Fill Areas

Areas that have been used for the disposal of solid waste shall not be subdivided into commercial or residential building sites. This shall include those areas that have been used for the disposal of trash, demolition waste, and other waste materials.

Section 402 Improvement Design Standards

The following shall be considered the minimum requirements for all new subdivisions.

A) Streets

All streets shall be constructed to meet North Carolina Department of Transportation Standards regarding paved roads.

In any new subdivision, the street layout shall conform to the arrangement, width and location indicated on any official plans or maps for Perquimans County. In

areas for which such plans have not been completed, the streets shall be designed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, and to the proposed use of land to be served by such streets.

The proposed street layout shall be made according to good land planning practice for the type of development proposed, and shall be coordinated with the street system of the surrounding areas. All streets must provide for the continuation of appropriate projection of principal streets in surrounding area and provide reasonable means of ingress and egress for surrounding acreage tracts.

Any tract of land containing in total five acres or more may leave at least one 45 ft right-of-way in the center of the lots platted. Depending on the configuration of the property, the developer may be required by the Planning Board to plat and/or construct two 45 ft right of ways at points to be determined by the board prior to recording of lots.

(1) Minimum Street Right-of-Way Width
   (a) Minimum street right-of-way width shall be as required by the Department of Transportation, Division of Highway Standards.
   (b) For all subdivisions of 5 or more lots fronting on an existing State maintained road from single tract of land, the developer shall designate a right-of-way acceptable to the Planning Board to provide access to any remaining land behind the road front lots. In any case, the width of the right-of-way shall not be less than 45 feet.

(2) Pavement Width
   Pavement width shall be constructed as required by the Department of Transportation, Division of Highway Standards.

(3) Street Grades
   Unless necessitated by exceptional topography and subject to the approval of the Planning Board, the grades shall meet the requirements of the Department of Transportation, Division of Highway Standards.

(4) Radii of Curvature
   When a continuous street centerline deflects at any point by more than 10 degrees, such centerline shall follow the arc of a circle having a radius as follows:

(a) Major Streets	300 feet
(b) Collector Streets	200 feet
(c) Minor Streets	100 feet

(5) Tangents
   A tangent at least 100 feet long shall be provided between reverse curves on all streets.

(6) Intersections
   (a) Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than 60 degrees.
   (b) Street jogs with centerlines offsets of less than 125 feet shall be avoided.

(c) Intersections with a major street or highway shall be at least 1000 feet apart.

(d) Property lines at street intersections shall be rounded with a minimum radius of 20 feet or of a greater radius when required by the Planning Board.

(7) Cul-de-sacs

Permanent dead end streets or cul-de-sacs shall be no longer than 1,000 feet in length and shall be provided at the closed end with a turn-around which meets the requirements of the Department of Transportation, Division of Highway Standards.

(8) Street Names and Street Signs

Street names for all subdivision plats shall be subject to approval of the Planning Board. New street names shall not duplicate or be similar to existing street names and existing street names shall be projected wherever possible.

It shall be the responsibility of the developer to install street signs at the intersection of streets within his development. All signs shall be in accordance with the specifications as provided by the Perquimans County Board of Commissioners.

(9) Access Roads

Where a tract of land to be subdivided adjoins a federal or state highway, the subdivider may be required to provide a marginal access street parallel to the highway or reverse frontage on an interior street for the lots to be developed adjacent to the highway. If reverse frontage is required, then the subdivider shall be required to provide a ten-foot (10') easement parallel and adjacent to the right-of-way of the highway. Such easement shall be restricted to the planting of trees or shrubs for screening purpose and shall be in addition to all other easements required by this ordinance.

B) Lots

Lot sizes, shapes and locations shall be made with due regard to topographic conditions, contemplated use, and the surrounding area. Land subject to flooding and land deemed by the Planning Board to be uninhabitable for other reasons shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard; but such land may be set aside for such uses as will not be endangered by periodic or occasional flooding, or will not produce unsatisfactory living conditions.

(1) Every lot shall front or abut on a public or private street. Each lot shall have a minimum width and depth as established by the Perquimans County Zoning Ordinance, Article VII, Dimensional Requirements.

(2) Lots fronting on the turnaround portion of a cul-de-sac (dead-end) road may have a reduced lot width of no less than fifty (50) feet as measured at the front property line/road right-of-way as long as the standard lot width is provided at the actual building line, as applicable to the zoning district, including ninety (90) feet in the RA-15 Zone, one hundred twenty-five (125) feet in the RA-25, RA-43 and RA Zones, etc.

(3) Residential lots served by a community water system but lacking service by a community sewer system shall be at least 43,000 square feet.

(4) The subdivider, at his own expense, shall have the site investigated under the supervision of the Albemarle Regional Health Services and shall present proof in their Application for Subdivision that appropriate soil tests have been conducted and that each lot in the subdivision not served by a public sewage disposal systems has been approved by the Albemarle Regional Health Services for individual sewage disposal systems.

(5) All residential lots must be graded to allow for proper drainage. At a minimum, each residential lot must be properly graded to provide for adequate drainage of water away from the lot; each lot having a gradual slope of one (1) inch of increase in height for each ten (10 feet) and part thereof when measuring the lot from both side lot lines to the center point of the lot. The results of this requirement will be to create a contoured lot. Each lot must also be provided a 4':1' slope at the property lines; this will provide for adequate drainage of water away from the residential lot.

(6) Double frontage and reverse frontage lots shall be avoided, except where required to separate residential development from through traffic.

(7) Side Lot lines shall be substantially at right angles or radial to street lines.

(8) All lots shall conform to the minimum standards or dimensions noted herein and those contained in an applicable zoning ordinance, building codes, and other official regulation.

(9) Flag Lots shall be approved only where the configuration of the parcel or site features warrant such a lot design. Authorizing a flag lot design is intended to accommodate a particular extenuating circumstance which makes conventional lot design infeasible. Therefore, flag lots should be judiciously approved. Requests for the creation of more than one flag lot from the same parcel shall be reviewed by the Planning Board using the Major Subdivision review procedures. Flag lots requirements are as follows:

   (a) Access shall be provided from the public road or an approved private road to the flag lot by means of an easement with a minimum width of 25 feet along the "pole."

   (b) The area inside the "Flag" portion of the lot must satisfy the minimum lot area requirements for a conventional development within the underlying zoning district." The area considered the "Flag Pole" consists of that area from the road right-of-way to the "Flag" portion of the lot and shall not exceed 1,000 feet.

   (c) Use of a single driveway to serve a flag lot and an adjoining conventional lot is permitted provided that a Shared Access Agreement is recorded in the Register of Deeds Office on the plat or in a separate document, in order to acknowledge the conditions under which the shared access will operate. The preferred location for the driveway is in the flagpole easement, with the Flag Lot granted an access easement over the flagpole.

   (d) The flag portion of the flag lot must satisfy the minimum yard requirements of the applicable zoning district. The "building setback line" for the Front Yard runs parallel to the street and is measured from within the "Flag" part of the lot, not the "pole" part.

(e) Where applicable, a Driveway Permit shall be required from the North Carolina Department of Transportation (NCDOT). Failure to obtain a driveway permit shall result in denial of the flag lot.

(f) The minimum separation between the flagpole portion of the lot and that of another flag lot shall be guided by the minimum design standards governing lots.

C) Blocks

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

D) Easements

Easements centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least 10 feet wide.

(1) Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

(2) Lakes, ponds, creeks, and similar areas will be accepted for maintenance only if sufficient land is dedicated as a public recreation area or park or if such area constitutes a necessary part of the drainage control system. The acceptance of such dedicated area must be endorsed by the Planning Board before the Board of Commissioners will consider accepting it.

E) Buffer Strips

A buffer strip of at least twenty (20) feet in width may be required by the Planning Board adjacent to a major street, railroad, farm, or a commercial or industrial development. This strip shall be in addition to the normally required lot dimension and shall be part of the platted lot. As directed by the Planning Board, this buffer strip shall be utilized by the subdivider for the planting of vegetative screening or shall be reserved to the lot purchased for such purpose. The construction of buildings of any type within the buffer strip is prohibited.

F) Utilities

Easements for underground utilities shall be provided where necessary across lots or preferably centered on rear or side lot lines and shall be at least ten (10) feet in width; or if located inside the street right-of-way shall meet the standards established by the N.C. Department of Transportation, Division of Highways.

G) Fire Hydrants

Fire hydrants are to be installed every 1,000 feet apart, or no further than 500 feet from any lot within the subdivision.

H) Monuments

Permanent monuments and other control points shall be installed in conformance with the North Carolina General Statutes and the Manual of Practice of Land Surveyors of North Carolina, State Board of Registration for Professional Engineers and Land Surveyors.

I) Drainage *(formerly Subsection 402(18)*: Currently, Article V, Stormwater and Drainage Management Standards, Plan Requirements and Wetland Specifications.

J) Erosion
Cut and fill shall be limited to affecting no more than fifty percent (50%) of the site. No cut or fill shall encroach closer than ten (10) feet to any exterior property line, or two (2) feet if part of an engineered Storm Water Management Plan. Fill shall not encroach on natural water courses, their floodplains or constructed channels in a manner so as to adversely affect water bodies or adjacent property owners. Sediment traps, basins and other control measures for limiting erosion will be installed per a state approved Erosion and Sedimentation Control Plan and will be reviewed and inspected by County Technical Staff members.

K) Access Management:

1) Rural Road System Classification: The Rural Road System Classification is established to help guide long range land use and planning decisions in order to recognize areas with future growth potential and to provide a framework for application of land development regulations. See Roadway Functional Classifications in Appendix A). (See Case No. TXT-12-01SR).
2) Traffic service and land access are necessary but conflicting functions of a highway system. Although minor collectors (such as secondary state roads) must provide both traffic service and land access, access is a secondary function and should be controlled to avoid jeopardizing the primary traffic service function. The following provisions are an attempt to lessen congestion, increase safety, promote quality development, and improve drainage by achieving access control. The provisions of this subsection do not apply to single-family residential dwellings on lots approved prior to December 3, 2012 or abbreviated plat review subdivisions of 4 four (4) lots or less on Principal Arterial, Minor Arterial and Major Collector Roads, and six (6) lots or less on Minor Collector and Local Roads.

   (a) The term "access control" refers to all techniques intended to minimize the traffic interference associated with driveway access, whether the use is commercial, industrial, or residential.
   (b) To separate basic conflict areas and gain some semblance of access control, techniques which will allow the reduction of driveway numbers or directly increase the spacing between driveways or between driveways and intersections will be required to the extent reasonably practicable to achieve the following limitations for driveway access in relation to highway frontage:

Number of Driveways	Frontages
1	For frontages less than 500 feet
2	For frontages between 500 feet and 1,000 feet
3	For frontages greater than 1,000 feet

(c) Where highway speed is 55 mph, driveway spacing should be at 300 foot intervals or greater. Where highway speed is 45 mph or less, spacing should be at 230 feet or greater. All other driveway installation details (i.e. width, curve radius, etc.) shall be in accordance with NCDOT standards.

Section 403 Construction Procedures

A) No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved and all plans and specifications have been approved by the appropriate authorities.

B) No building, or other permit shall be issued for the erection of a structure on any lot not of record at the time of adoption of this ordinance until all the requirements of this ordinance have been met.

C) The subdivider shall conduct all grading, excavations, open cuts, side slopes, and other land surface disturbances in a manner that minimizes any erosion and sedimentation pollution of streams, springs, flat-water bodies, or other drainage networks. In such cases where the Planning Board finds it necessary because of topography, scale, or location of development, the Planning Board may require the subdivider to provide either or both temporary or permanent erosion control measures aimed at protecting the natural environment from siltation and sedimentation attributable to land disturbing activities carried on within such subdivision.

ARTICLE V: STORMWATER AND DRAINAGE MANAGEMENT STANDARDS, PLAN REQUIREMENTS AND WETLAND SPECIFICATIONS

Section 501 General Requirements

A) All development not classified as a minor subdivision shall be required to control and treat the stormwater runoff generated by a 1.5-inch rain event, and comply with Article V, Article VIII, and Article VIII Appendices.

B) A draft sketch of proposed stormwater and drainage management systems shall be submitted to the Perquimans County Soil and Water Conservation District Technician and Subdivision Administrator for review prior to a site visit.

C) A project site visit shall be scheduled with the Perquimans County Soil and Water Conservation District Technician and Subdivision Administrator to review and discuss the proposed stormwater and drainage management systems. The recommended and agreed upon stormwater and drainage management systems shall

be designed using the criteria listed below. Development projects that do not require engineered stormwater and drainage management structures designed by registered professionals must have, at a minimum, a stormwater and drainage management plan approved by the Perquimans County Soil and Water Conservation District Technician and Subdivision Administrator.

D) Structural stormwater and drainage management controls must meet the following criteria:

(1)Stormwater and drainage management plans shall include an analysis of tailwater concerns i.e., down-stream flow capacities that result in upstream ponding and flooding. Building pads and finished floor elevations shall be based on this analysis. Plans shall also include an analysis of upstream and downstream drainage to identify the most limiting factor for bank-full flow, which may be a ditch, culvert or structure. If a culvert or a structure is not the limiting factor in the upstream or downstream analysis, then approximately 1000 feet of existing channel shall be used. The upstream analysis shall also consider the drainage capacities of the existing upstream drainage system. All drainage components within the proposed development that transport upstream flow must equal or exceed the upstream drainage capacity.

(2)The ten-year frequency storm shall be used as design criteria for all components of the proposed development. Ditches or canals through proposed developments must carry the existing upstream flow at bank-full, or 10-year storm, whichever is greater.

A 100-year frequency storm event shall be used to predict out-of-bank water surface elevations. Building pads and finished floor elevations must be based on this analysis. The building pad of all buildings must be above the 100 year storm elevation.

(3)Post development run-off rates must be equal to or less than pre-development run-off rates. The drainage analysis shall include predictions of surface water elevations for out-of-bank flow for the watershed that includes the proposed development site. This requires using cross sections, which may exceed the boundaries of the proposed development.

(4)For wet detention ponds draw down the treatment volume no faster than 48 hours, but no slower than 120 hours.

(5)Meet the General Engineering Design Criteria set forth in 15A NCAC 02H.1008(c).

(6)Prohibit new points of stormwater discharge to SA waters or expansion (increase in the volume of stormwater flow through conveyances or increase in capacity of conveyances) of existing stormwater conveyance systems that drain to SA waters. Any modification or redesign of a stormwater conveyance system within the contributing drainage basin must not increase the net amount or rate of stormwater discharge through existing outfalls to SA waters. Diffuse flow of stormwater at a non-erosive velocity to a vegetated buffer or other natural area capable of providing effective infiltration of the runoff from the 1-year, 24-hour

storm shall not be considered a direct point of stormwater discharge. Consideration shall be given to soil type, slope, vegetation, and existing hydrology when evaluating infiltration effectiveness.

(7)The following order of preference shall be considered in the approval of designed on-site stormwater and drainage management systems:

(a) Constructed wetlands
(b) Open vegetated swales and natural depressions
(c) Infiltration
(d) Retention (no permanent pool) structures
(e) Detention (permanent pool) structures.

The order of preference shall be modified where necessary, to accommodate requirements of the State of North Carolina for controlling stormwater quality.

(8)A constructed wetland shall complement, and in some cases may totally replace, traditional ditch-drainage systems required for residential and commercial development on flat landscapes. This BMP improves water storage and water management associated with residential and commercial development. This BMP also creates better biodiversity for mosquito control, and eliminates the need for protective measures (fencing) associated with traditional retention and detention ponds and structures. (SEE WETLAND SPECIFICATIONS IN SECTION 5.03).

(9)Constructed wetlands or swales (minimum 6:1 side slopes) are preferred over traditional ditches. Maintenance easements shall be the width of the constructed wetland or swale. All major drainage ditches or canals that are not converted to wetlands or swales shall require a 30 foot maintenance area. A sufficient and approved easement shall be required for the 30 foot maintenance area and the entire width of the ditch or canal.

Although the use of natural wetlands for storing and purifying water is encouraged, care must be taken not to overload their capacity, thereby harming the wetlands and transitional vegetation. Natural wetlands shall not be damaged by the construction of detention ponds. Developers shall acquire applicable permits from the state and federal agencies.

(10)Detention ponds shall be used to detain increased and accelerated runoff caused by development or redevelopment if the runoff is discharged to a water body, watercourse or wetland. Water shall be released from detention ponds into water bodies, watercourses or wetlands at a rate and in a manner approximating the natural flow that would have occurred before development.

(11)Where detention and retention structures are used, designs that consolidate these facilities into a large number of small structures shall be considered over designs that utilize a limited number of large structures.

(12)Artificial watercourses shall be designed, considering soil type, so that the velocity of flow is low enough to prevent, or minimize to the maximum extent practicable, erosion.

(13)Vegetated buffer strips shall be created or, where practicable, retained in their natural state along the stormwater control measures. The width of the buffer shall be sufficient to prevent erosion and trap the sediment in overland runoff.

(14)Intermittent watercourses, such as swales, shall be vegetated.

(15)Setbacks for impervious surfaces from receiving waters shall be as follows:

All impervious surfaces, except for roads, paths, and water-dependent structures, shall be located at least 30 feet landward of all perennial and intermittent surface waters.

(16)Stormwater management plans shall be certified by a North Carolina registered stormwater professional to be in conformity with the latest edition of the North Carolina Stormwater Best Management Practices Manual and the requirements of this Section. Stormwater management plans shall contain the information required in Article VIII, Section 6.0 for stormwater management plans.

(17)A stormwater management and drainage maintenance plan shall be submitted for review to the Perquimans County Soil & Water Conservation District prior to approval of any preliminary plat. The Perquimans County Soil & Water Conservation District shall certify to the Subdivision Administrator that the proposed plan for development will not:

(a) Unreasonably burden adjacent properties with surface waters as a result of such development;

(b) Impede the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties; and

(c) Result in surface waters from such development being unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties.

(18)A stormwater and drainage management and maintenance plan shall be submitted to the Perquimans County Soil and Water Conservation District Technician and Subdivision Administrator prior to the approval of a preliminary subdivision plat. The plan shall identify the party or entity responsible for ownership and maintenance activities. Plans for the operation and maintenance of stormwater control and drainage management structures shall comply with the requirements of Article V, Section 502 (Stormwater Drainage and Management Plans). Recorded deed restrictions including easements dedicated on the final plat shall be required to ensure management and maintenance consistent with approved stormwater and drainage management plans. The maintenance of stormwater control and drainage management structures shall be guaranteed by the subdivider in restrictions or covenants approved by the County Subdivision Administrator and consistent with the requirements of Article III, Section 306.6B (Maintenance Guarantee).

(19)All engineered stormwater control structures shall be designed by a North Carolina registered professional with qualifications appropriate for the type of system required; these registered professionals are defined as professional engineers, landscape architects, to the extent that the General Statutes, Chapter 89A allow, and land surveyors, to the extent that the design represents incidental drainage within a subdivision, as provided in General Statutes Chapter 89 C-3(7).

(20)All new stormwater control structures shall be conditioned on the posting, in accordance with provisions of Article III, Section 306.6B (Maintenance Guarantee), of adequate financial assurance for the purpose of maintenance, repairs or reconstruction necessary for adequate performance of the stormwater control structures.

(21)The storm drainage system shall follow existing topography as nearly as practical, shall divert stormwater away from surface waters, and shall incorporate stormwater Best Management Practices to minimize adverse water quality impacts. The banks of ditches shall be immediately seeded upon grading and installation of utilities and the ditch itself shall be improved with appropriate vegetative cover to retard erosion.

(22)No surface water shall be channeled into a sanitary sewer.

(23)Fill shall be placed so as not to cause water to be diverted to an adjacent property. The maximum amount of fill at any location shall be limited to an average of two (2) feet across the area filled, unless the applicant submits a professionally designed stormwater management plan.

(24)Incidental filling on previously developed residential lots may exceed the two (2) feet limitation without submitting a professionally designed stormwater management plan, provided the incidental filling does not cause water to be diverted to adjacent property.

(25)Pipe culverts shall be installed under driveways with proper design practices to allow passage of water. In subdivisions, the invert of all proposed culverts must be installed in accordance with the planned ditch profiles and certified as to elevation in accordance with Article III no later than the building permit process, prior to issuance of a Certificate of Occupancy. For individual lots that impact existing drainage ditches, all proposed culverts must be installed at the elevation of the existing upstream and downstream culverts. If culverts are not present immediately upstream and downstream, culvert installation shall be at the average upstream and downstream elevation of the existing ditch.

(26)Land that has been cleared for development and upon which construction has not commenced shall be protected from erosion by appropriate techniques designed to revegetate the area within thirty (30) days (seeding, etc.).

(27)Any person desiring to pave, stabilize or otherwise make impervious any area adjacent to or draining over any public right-of-way shall obtain a permit from the appropriate governing authority. The grading, drainage and material used adjacent to the public right-of-way shall be approved by the appropriate governing authority.

(28)If a development changes ownership or engineering firms prior to or during construction, and the new owners or engineers change the approved stormwater and drainage management plan for the development, then the new owners and/or engineers must submit a new stormwater and drainage management plan to the Perquimans County Soil and Water Conservation District Technician and the Subdivision Administrator for review (see step number one above, at Section 501A).

(29)Stormwater and drainage management and maintenance plans must be submitted to the Perquimans County Soil and Water Conservation District Technician and the Subdivision Administrator County for review 30 days prior to a Planning Board meeting.

Section 502 Stormwater and Drainage Management Plans

A) Information Required with Stormwater and Drainage Management Plans. Stormwater and drainage management plans shall include the following information:

(1)Applicant information (Name, legal address, and telephone number)
(2)Common address and legal description of the property
(3)Vicinity map
(4)Existing conditions and proposed site layout (recommended scale of 1"=50') including at a minimum the following:
(a) Existing topography (recommended minimum of 1-foot contours)
(b) Perennial and intermittent streams
(c) Mapping of predominant soils from USDA soil surveys
(d) Boundaries of existing predominant vegetation and proposed limits of clearing and grading
(e) Location and boundaries of all resource protection areas (e.g. floodplains, riparian buffers, wetlands)
(f) Location of floodplain/floodway limits and relationship of site to upstream and downstream properties and drainages
(g) Location of existing and proposed roads, buildings, parking lots, and other impervious surfaces
(h) Location of existing and proposed utilities (e.g. water, wastewater, gas, electric) and easements
(i) Location of existing and proposed stormwater conveyance systems such as grass channels, swales, and storm drains
(j) Location of proposed channel modifications, such as bridge or culvert crossings
(k) Sediment and erosion control features
(l) Location, size, maintenance access, and limits of disturbance of proposed stormwater management practices

B) Signature and stamp of registered engineer, landscape architect, or other certified professional and designer/owner certification

C) Hydrologic and hydraulic analysis including:
(1) Hydrologic analysis for existing conditions including runoff rates, volumes, and velocities showing methodologies used and supporting calculations (the analysis must use accepted engineering coefficients representative of the soils and conditions on the proposed site)
(2) Hydrologic analysis for proposed (post-development) conditions including runoff rates, volumes and velocities showing the methodologies used and supporting calculations (the analysis must use accepted engineering coefficients representative of the soils and conditions on the proposed site)
(3) Hydrologic and hydraulic analysis of the stormwater and drainage management systems based on the following storm events:
(a) The ten-year frequency storm shall be used as design criteria for all components of the proposed development. Ditches or canals through proposed

developments must carry the existing upstream flow at bank-full, or 10-year storm, whichever is greater.

(b) A 100-year frequency storm event shall be used to predict out-of-bank water surface elevations. Building pads and finished floor elevations must be based on this analysis. The building pad of all buildings must be above the 100 year storm elevation.

(4) Final sizing calculations for structural stormwater controls including contributing drainage area, storage, and outlet configuration

(5) Stage-discharge or outlet rating curves and inflow and outflow hydrographs for storage facilities

(6) Final analysis of potential downstream impact and effects of project, where necessary

(7) Dam safety and breach analysis, where necessary

D) Representative cross-section and profile drawings and details of structural stormwater controls and conveyances which include:

(1) Existing and proposed structural elevations (e.g., invert of pipes, manholes, etc.)

(2) Design water surface elevations

(3) Structural details of structural control designs, outlet structures, embankments, spillways, grade control structures, conveyance channels, etc.

(4) Stormwater and drainage management plans shall include an analysis of tailwater concerns i.e., down-stream flow capacities that result in upstream ponding and flooding. Building pads and finished floor elevations shall be based on this analysis. Plans shall also include an analysis of upstream and downstream drainage to identify the most limiting factor for bank-full flow, which may be a ditch, culvert or structure. If a culvert or a structure is not the limiting factor in the upstream or downstream analysis, then approximately 1000 feet of existing channel shall be used. The upstream analysis shall also consider the drainage capacities of the existing upstream drainage system. All drainage components within the proposed development that transport upstream flow must equal or exceed the upstream drainage capacity.

(5) Post development run-off rates must be equal to or less than pre-development run-off rates. The drainage analysis shall include predictions of surface water elevations for out-of-bank flow for the watershed that includes the proposed development site. This requires using cross sections, which may exceed the boundaries of the proposed development.

E) Applicable construction specifications

F) Landscaping plans for structural stormwater controls and any site reforestation or revegetation

G) Evidence of acquisition of all applicable local and non-local permits

H) Evidence of acquisition of all necessary legal agreements (e.g., easements, covenants, land trusts, etc.)

I) Operation and Maintenance of Stormwater Control Structures. The Stormwater and Drainage Operation and Maintenance Plan shall include the following information:

(1)Name, legal address and phone number of responsible parties for maintenance activities
(2)Description and schedule of maintenance tasks
(3)Description of applicable easements
(4)Description of funding source
(5)Review of access and safety issues

J) Stormwater and drainage management and maintenance plans must be submitted to the Perquimans County Soil and Water Conservation District Technician and the Subdivision Administrator County for review 30 days prior to a Planning Board meeting.

Section 503 Stormwater Wetland Design

The following considerations shall be used for designing constructed wetlands associated with and as part of the drainage system.

A) Drainage
(1)To ensure that a constructed wetland does not negatively impact storm flow, upstream and downstream drainage must be analyzed to identify the most limiting flow factor under bank-full flow, which may be a ditch, culvert or structure. If a culvert or a structure is not the limiting factor, then approximatley1000 feet of existing channel shall be used for the analysis.
(2)To predict surface water elevations for out-of-bank flow for given stormwater events, drainage evaluations must be performed using cross sections that span the entire watershed area impacted by the predicted out-of-bank flow.
(3) To ensure adequate storm flow in a densely planted wetland (assuming 100% plant coverage), the design shall use a roughness coefficient $\geq$ 0.1 (Manning's *(n)*).
(4) Water control structures must be maintenance free and not require adjustments to handle stormwater flow. Semi-pervious rock weirs are desired and shall be designed for maximum bank-full flow as a channel restriction or submerged weir.

B) Water Quality
(1)Recommended to exceed minimum state requirements for storing and retaining 1 inch of water for 2-5 days.
(2)Must maintain a permanent pool level of 6-18 inches.
(3)Must be designed to handle approximately 1 foot of sedimentation without impeding stormwater flow from upstream sources.

C) Aesthetics
(1)Should have 6:1 slopes and shaped to blend into the surrounding landscapes.

(2)Should be meandering, following old drain ways or depressions that served as natural drainage prior to development.

D) Vegetation Requirements
(1)Plant at a 3x3 spacing with indigenous wetland species such as spatterdock, bulrush, bur reed, cattail, swamp smartweed, pickerel weed, water lilies, green ash, swamp chestnut oak, cypress, and black gum.
(2)Wetland plants shall be planted at water depths that are found under natural conditions. For example, spatterdock shall be planted in areas where permanent water depths range from 12-18 inches.

E) Maintenance Requirements
(1)Replanting shall be required if less than 50% of the area is covered with wetland plants after the first year.
(2)Sediment removal is required only under extreme conditions where sedimentation has exceeded the designed holding level and changes the predicted upstream in-bank water profiles more than 0.5 ft.

ARTICLE VI: WATER FRONT SUBDIVISIONS

Section 601 Waterfront Subdivisions

Where a subdivision, which adjoins the waterfront, contains interior lots, parcels, or tracts of land which do not adjoin the waters edge but any part of which is within 500 feet of the waters edge, one or more lots, which adjoin the waters edge, shall be reserved to provide water access for the owners of interior properties. Such lots shall be hereafter called Water Access Lots.

If property, which is in the same ownership, adjoins said subdivision, this property shall be construed as being part of the subdivision for the purposes of determining requirements of Water Access Lots.

The Water Access Lots shall equal in area not less than 10% of the area (exclusive of streets) of all interior property, which lies within 500 feet of the waters edge. Where the 10% area requirement is less than 2000 square feet, the subdivider shall not be required to provide any access lots. All Water Access Lots shall have a minimum frontage at the waters edge of at least 100 feet.

The Water Access Lots shall either be dedicated to Perquimans County (but only if the County Board of Commissioners agree to accept such dedication) or shall be transferred in fee simple title to common ownership of all lot owners of the subdivision.

Before approval of the final plat can be given, the subdivider shall submit to the Planning Board a covenant stating either: (1) that he will dedicate the required amount of Water Access Lots to Perquimans County, or (2) that he will convey title to Water Access Lots to the purchasers of each lot in the subdivision, said purchasers to have common

ownership of the Water Access Lots with undivided fee simple interest and shall be equally responsible for the maintenance of Water Access Lots.

If the subdivider chooses to dedicate the Water Access Lots to the County, the County Board of Commissioners must have agreed to accept the responsibility of maintaining the lots at the time of the preliminary plat approval and the final plat must show the dedication. If the title is transferred to the lot owners, the preliminary plat and final plat shall designate the following: (1) the lot or lots that are to serve as Water Access Lots, and (2) the lots designated to be served by the specific Water Access Lot the owners of which shall have common title to. (Example: Owners of lots 1,2,3,4, etc., shall have Undivided Fee Simple Title to these Water Access Lots.)

ARTICLE VII: DEFINITIONS

Section 701 Definition of a Subdivision

All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) as pertaining to Abbreviated (Minor) or Major Subdivisions and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition nor be subject to the regulations prescribed by this ordinance:

A) The combination or re-combination 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 shown by the regulations prescribed by this ordinance.

B) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.

C) The public acquisition by purchase of strips of land for the widening or opening of streets.

D) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved, and where the resultant lots are equal to or exceed the standards of the County, as shown by the subdivision regulations contained in this ordinance.

E) The gift by a property owner of a single lot to his or her child or grandchild or to each of his or her children or grandchildren where no new road is involved, provided that only one such gift per child or grandchild be made during a ten year period and where the resultant lot is equal to or exceeds the standards of the County as shown in these subdivision regulations and provided that the following restrictions are placed in the Deed of Gift to the child or grandchild:

> "But this conveyance is made subject to the following restrictions which shall run with the land:

That prior to the sale or transfer of the aforesaid lot and right-of-way to anyone other than the Grantors or either of them or to a child or grandchild of the Grantors, the aforesaid lot shall be brought into compliance with the Subdivision Regulations of Perquimans County in effect at the time of the recording of the present Deed of Gift, including, but not limited to, regulations that require the construction of a paved access road to the lot and the installation of required utilities. However, these restrictions will not apply to any transfer made to secure a loan or to any sale or transfer of the property as part of a foreclosure proceeding or to any subsequent sale or transfer by a Mortgagee who or which has purchased the property at a foreclosure sale."

F) The combination, recombination or reconfiguration of previously subdivided and recorded lots if the total number of lots is not increased, the nonconforming sizes of the resultant lots are equal to the original nonconforming lot sizes, and no other new conformities of any kind are created. (Example: Lot A is 10,000 square feet and Lot B is 12,000 square feet. These lots may be reconfigured such that Lot A is now 12,000 square feet and Lot B is 10,000 square feet. However, a reconfiguration that results in Lot A being, say, 8,000 square feet and Lot B being 14,000 square feet would not be allowed as the resultant lot sizes are not equal to the original lot sizes. Similarly, an otherwise permitted reconfiguration that caused an existing structure to violate current setback requirements or other regulations would not be permitted as the reconfiguration created a new nonconformity).

G) The combination or reconfiguration of previously subdivided and recorded lots if the total number of lots is decreased and the size of the resultant lot(s) are equal to or greater than the originally recorded lots size and no other new nonconformities of any kind are created. Example: two nonconforming lots of 5,000 square feet are combined into 1 lot of 10,000 square feet.

Any combination, recombination or reconfiguration requested under Subsections F and G shall use Deed of Combination Forms as provided by the County and completed by the Applicant's attorney. In addition, requests made pursuant to Subsections F and G may be referred, at the discretion of the Subdivision Review Officer, to the Planning Board and/or Board of County Commissioners for review and action where concerns regarding the public health, safety or general welfare are in question or where conditional approval is deemed necessary.

The burden shall be on any conveyor of land to provide proof why their conveyance does not constitute a subdivision. This proof must be presented to the Subdivision Review Officer.

Section 702 General Definition of Terms

A) This Article contains most of the definitions for use with the Subdivision Regulations. Other definitions, however, may be located elsewhere in these regulations and should

be used as indicated. For the purpose of this ordinance, certain terms and words used herein shall be used, interpreted and defined as follows:

1) Alley: A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

2) Authorized Agent: One who is acting as representative for, or by the authority of the subdivider.

3) AADT: As defined by the North Carolina Department of Transportation, an AADT is an Annual Average Daily Traffic volume for all lanes in both directions passing a point on the highway system. It represents the average of all days during the year with typical traffic conditions. An AADT estimate is generated using procedures that comply with the standards specified in the Traffic Monitoring Guide published by the Federal Highway Administration.

3) Block: A piece of land bounded on one or more sides by streets or roads.

4) Board of Commissioners: The Board of Commissioners; County Board of Commissioners; the governing body of the County of Perquimans, North Carolina.

5) Buffer Strip: An area of land that shall not be developed, required to separate land uses deemed incompatible front yard setbacks and side yards are examples of buffers. In some cases, additional screening, landscaped or otherwise may be required.

6) Building Setback Line: A line parallel to the front property line, which establishes the minimum allowable distance between nearest portions of any buildings, steps, eaves, gutters, and similar fixtures, and the street right-of-way line when measured perpendicularly thereto.

7) CAMA: The Coastal Area Management Act of 1974.

8) Corner Lot: A lot, which occupies the interior angle at the intersection of two (2) street lines. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal; in which case, the owner shall be required to specify which is the front when requesting a building permit.

9) Cul-de-sac: A short street having one end open to traffic and the other end being permanently terminated and a vehicular turn-around provided.

10) Dedication: A gift, by the owner, or a right to 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 an acceptance. All dedications must be recorded in the Register of Deeds Office at the expense of the developer.

11) Disclosure Statement: A statement prepared and signed by the subdivider and the buyer of the subject real estate, fully and completely disclosing the status (whether public or private) of the street upon which the lot fronts. The statement shall also include an explanation of the consequences and responsibility as to maintenance and construction of proposed roadways.

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

13) Easement: A grant by the property owner for use by the public or others of a strip of land for specified purposes.

14) Flag Lot: A lot having frontage on a street via a narrow strip of land or "flagpole" having a minimum width of twenty-five (25) feet as measured at the road and along its entire length. Flag lots shall comply with the requirements of Article IV, Section 402.

15) Interior Lot: A lot other than a corner lot with only one frontage on a street.

16) 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. The word "lot" includes the word "parcel" or "plot".

17) Lot of Record: A lot which is a part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Perquimans County prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

18) Official Maps or Plan: (Land Development Plan or Comprehensive Plan) – Any maps or plans officially adopted by the County Board of Commissioners as a guide for the development of the County.

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

20) Planned Unit Development: A land development project comprehensively planned as an entity via a unitary site plan which permits flexibility in building siting, mixtures of building types and land uses, recreational areas and useable open spaces and the preservation of significant natural features. Included within this definition shall be planned unit residential developments and planned unit non-residential developments or combination thereof.

21) Planning Board: The Planning Board of Perquimans County which is appointed by the Perquimans County Board of Commissioners to 3 year staggered terms.

22) Plat: A map or plan delineating a tract or parcel of land to be subdivided, land to be dedicated for public use, or right-of-way for street or utility purposes. The word plat shall include the terms "map", "plot", and "plan".

23) Plat, Final: A map of land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications, acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets, public areas, and other dimensions of land, as prescribed by this ordinance.

24) Plat, Preliminary: A map of proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land, as prescribed by this ordinance.

25) Private Driveway: A roadway serving a single building site not intended for public use.

26) Public Sewage Disposal System: A system serving two (2) or more dwelling units and approved by the Albemarle Regional Health Services (ARHS) and the North Carolina Department of Natural and Economic Resources and owned and maintained by a local governmental entity or a state approved sanitation district.

27) Recreation Area or Park: An area of land or combination of land and water resources that is developed for active and/or passive recreation pursuits with various man-made features that accommodate such activities.

28) Reservation: A reservation of land not involving the transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period of time.

29) Reversed Frontage Lot: A lot on which the frontage is at right angles or approximately right angles (interior angles less than one hundred thirty-five [135] degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot, an interior lot or a through lot.

30) Rural Roadway Classifications:

a) Arterial: A part of the roadway system serving as a principal network for through traffic flow:

(1) Principal Arterial: A rural link in a highway system serving travel, and having 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 (>/=5,000 AADT).

(2) Minor Arterial: A rural roadway joining cities and larger towns and providing intrastate and intercounty service at relatively high overall travel speeds with minimum interference to through traffic. This network would primarily serve traffic (2,500 to 4,999 AADT).

b) Collector Road: A road which serves as the connecting road system between local residential roads and the arterial system.

(1) Major Collector: A part of the roadway system serving as a principal network for through traffic flow. The routes connect areas of principal traffic generators (see Roadway Functional Classifications in Appendix A). A road which serves major intra-county travel corridors and traffic generators and provides access to the arterial system (1,001 to 2,499 AADT).

(2) Minor Collector: A distributor and collector roadway servicing traffic between Major Collectors and Local Roads (see Roadway Functional Classifications in Appendix A). In addition, roadways serving as major entrances to residential or commercial developments will be classified as Minor Collectors when the traffic volume is projected to exceed two thousand (2,000) vehicles per day (VPD) at build out. A road which provides service to small local communities and locally important traffic generators and provides access to the major collector system (101 to 1,001 AADT).

c) Local Road: Any link not part of a higher-order system, which serves over relatively short distances primarily to provide direct access to adjacent or abutting land and access to higher systems,. A local Roadway used primarily for direct access to Residential Driveways, Commercial Driveways, or other abutting roads. Some typical local roads may include but are not limited to cul-de-sacs, loop streets less than 2,500 feet in length, or streets less than one mile in length that do not connect collector roads, do not serve major traffic generators, and do not collect traffic from more than 100 dwelling units (</=100 AADT).

31) Roadways, Private:

a) A street or road constructed in accordance with the County's Subdivision Regulations which is located within a right-of-way or access easement, owned by a property owners' association, private individuals or any entity other than Perquimans County, the State of North Carolina, or another local government. Ownership of Private Roadways serving residential development shall be vested jointly by all abutting land owners or in a property owners' association whose voting members include such abutting land owners. A developer

retaining ownership of private roadways after construction and approval shall grant a recorded easement to all abutting properties which will provide for the use of the private roadways by all future lot owners, their guests, invitees, successors and assigns. The grant of easement may be accomplished by recorded plat; or

b) An undedicated private right-of-way which affords access to abutting properties pursuant to a State-mandated exception and which requires a subdivision streets disclosure statement in accordance with G.S. 136-102.6.

32) Roadway, Public: A street or road within a right-of-way owned by the North Carolina Department of Transportation or a local government entity. The roadway must have been dedicated or deed to, and accepted by, the governmental entity.

33) Shall: The word "shall" is always mandatory and not merely directory.

34) 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.

35) Streets: A right-of-way dedicated to the public for vehicular traffic.

36) Frontage Road: A street that is parallel to a fully or partially access controlled street which functions to provide controlled access to adjacent land.

37) Half Street: A street whose center line coincides with a subdivision plat boundary, with one-half (½) the street right-of-way width being contained within the subdivision plat. Also, any existing street to which the parcel of land to be subdivided abuts on only one side.

38) Residential Collector Road: A local access road, which serves as a connector road between local residential streets and the thoroughfare system. Residential collector roads typically collect traffic from 100 to 400 dwelling units.

39) Minor Road: A street or road whose primary function is to provide access to abutting properties and is designed to discourage use by through traffic. Minor roads may also be referred to as "neighborhood" roads.

40) Structure: Anything constructed or erected, the use of which requires more or less permanent location on the ground of which is attached to something having more or less permanent location on the ground.

41) Subdivision: All divisions of a tract or parcel of land that does not qualify as an exempt subdivision according to Article ~~VI~~ VII: Definitions.

42) Subdivision, Abbreviated: A subdivision involving four or less lots (or one lot or more lots previous to a fifth lot from any given parent tract) fronting on an existing approved public street(s), not requiring any new public or private street(s) nor easements for access to interior property, not requiring extension of a public sewer or water line, and not requiring a waiver or variance from any requirement of this Ordinance. The term "Abbreviated Subdivision" is interchangeable with the term "Minor Subdivision."

43) Subdivision, Major: A subdivision involving more than four lots (or one or more lots subsequent to a fourth lot from any given parent tract) or requiring an access easement(s), or requiring a new public or private street(s) for access to interior property, or requiring extension of a public sewer or water line, or requiring a waiver or variance from any requirement of this Ordinance.

44) Subdivision, Minor: See definition of "Abbreviated Subdivision." The term "Minor Subdivision" is interchangeable with the term "Abbreviated Subdivision."

45) Subdivider/Developer: Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as defined in this ordinance.

46) Subdivision Review Officer or Subdivision Administrator: That person appointed by the County Commissioners to administer the provisions of this ordinance.

47) Through Lot or a "Double Frontage Lot": A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lot.

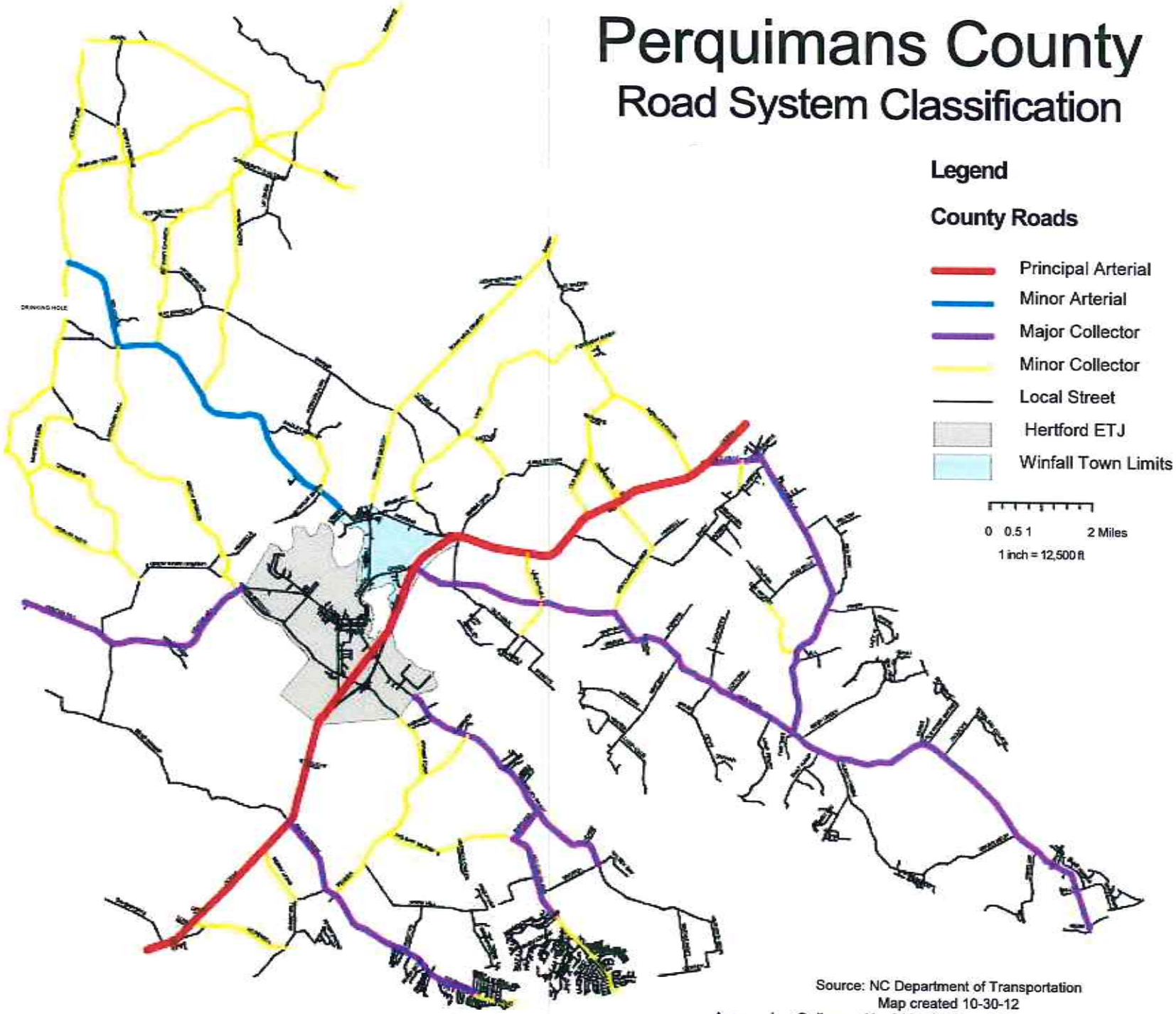
B) Reserved

APPENDIX A – EXHIBIT 1: ROADWAY FUNCTIONAL CLASSIFICATIONS

Principal Arterials:	**Ocean Highway North (U.S. Highway 17 North)** **Ocean Highway South (U.S. Highway 17 South)**
Minor Arterials:	**N.C. Highway 37 North (Belvidere Road)** **N.C. Highway 37 South (unnamed)**
Major Collectors:	**Center Hill Road (SR 1110)** **Old U.S. 17 Road (SR 1367)** **Woodville Road (SR 1329)** **New Hope Road (SR 1300)** **Harvey Point Road (SR 1336)** **Burgess Road (SR 1348)** **Holiday Island Road – between Burgess & Mathews Roads (SR 1347)** **Snug Harbor Road – north of Hemlock Road? (SR 1340)**
Minor Collectors:	**Joppa Road (SR 1203)** **Poplar Neck Road (SR 1115)** **Chinquapin Road (SR 1114)** **Hunters Fork Road (SR 1116)** **Beech Springs Road – east of Goodwin Mill Road (SR 1111)** **Goodwin Mill Road (SR 1111)** **County Line Road (SR 1002)** **Hickory Cross Road (SR 1205)** **Perrys Bridge Road (SR 1202)** **Bethany Church Road (SR 1200)** **Ridge Road (SR 1211)** **Sandy Cross Road (SR 1204)** **Turnpike Road (SR 1001)** **Bagley Swamp Road – between Fowler Fork & Belvidere Roads (SR 1215)** **Two Mile Desert Road (SR 1218)** **Four Mile Desert Road (SR 1223)** **Lake Road (SR 1221)** **Foreman Bundy Road (SR 1221)** **Swing Gate Road – between Lake & Hurdletown Roads (SR 1228)** **Old Hickory Road (SR 1226)** **Chapanoke Road (SR 1225)** **Weight Station Road (SR 1224)** **Body Road – easternmost segment (SR 1305)** **Hog Neck Road – southernmost segment (SR 1334)** **Woodland Church Road (SR 1303)** **Union Hall Road (SR 1302)** **Olde Neck Road – easternmost segment (SR 1302)** **Wynne Fork Road (SR 1338)** **Pender Road (SR 1339)** **Holiday Island Road – west of Burgess Road (SR 1347)** **Holiday Lane – south of Mathews Road (SR 1429)** **Perry Long Road (SR 1342)** **Hopewell Road – between Ocean Hwy. South & Burnt Mill Roads (SR 1343)** **Snug Harbor Road – south of Hemlock Road? (SR 1340)**

Table created 11-26-12. Note: "Minor Collectors" and "Local Roads" may be reclassified based upon the AADT (Annual Average Daily Traffic) maps as published by the NCDOT, subject to AADT numbers supporting such reclassification in conjunction with road types as defined elsewhere in these Subdivision Regulations. Reclassification of other road types will require public hearing and approval by the Planning Board and Board of County Commissioners."

Perquimans County
Road System Classification



Source: NC Department of Transportation
Map created 10-30-12
Approved as Ordinance No. 84 by the Board of Commissioners on 12-3-12

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