

COUNTY OF WAYNE

SUBDIVISION REGULATIONS

HISTORY

<i>Ordinance Adopted:</i>	February 19, 1968
<i>Ordinance Revised:</i>	November 7, 1974
<i>Ordinance Amended:</i>	September 16, 1975
<i>Ordinance Amended:</i>	February 21, 1984
<i>Ordinance Amended:</i>	August 24, 1984
<i>Ordinance Amended:</i>	November 6, 1984
<i>Ordinance Amended:</i>	February 24, 1987
<i>Ordinance Revised:</i>	November 1, 1988
<i>Ordinance Revised:</i>	March 6, 1990
<i>Ordinance Amended:</i>	September 3, 1991
<i>Ordinance Amended:</i>	September 17, 1991
<i>Ordinance Amended:</i>	March 16, 1993
<i>Ordinance Amended:</i>	December 17, 1996
<i>Ordinance Amended:</i>	February 3, 1998
<i>Moratorium Adopted:</i>	April 7, 1998
<i>Moratorium Amended:</i>	April 21, 1998
<i>Ordinance Amended and Moratorium lifted:</i>	June 16, 1998
<i>Ordinance Amended:</i>	October 5, 1999
<i>Ordinance Amended:</i>	September 5, 2000
<i>Ordinance Amended:</i>	June 4, 2002
<i>Moratorium Adopted:</i>	December 2, 2003
<i>Ordinance Amended</i>	January 20, 2004
<i>Ordinance Amended</i>	April 18, 2006

Table of Contents

ARTICLE I	INTRODUCTORY PROVISIONS	
Section 101	Title	1
Section 102	Purpose	1
Section 103	Authority	1
Section 104	Jurisdiction	1
Section 105	Prerequisite to Plat Recordation	1
Section 106	Transportation Improvement Plans	1
Section 107	Zoning and Other Plans	1
ARTICLE II	LEGAL PROVISIONS	
Section 201	General Procedure for Plat Approval	2
Section 202	Statement by Owner	2
Section 203	Effect of Plat Approval in Dedications	2
Section 204	Penalties for Violation	2
Section 205	Separability	2
Section 206	Variances	3
Section 207	Amendments	3
Section 208	Abrogation	3
Section 209	Re-Enactment and Repeal of Existing Subdivision Ordinance	3
Section 210	Effective Date	4
Section 211	Adoption	4
Section 212	Administrator	4
ARTICLE III	PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS	
Section 301	Plat Shall Be Required On Any Subdivision of Land	5
Section 301.1	Exemption for Road Frontage Lots	5
Section 302	Approval Prerequisite To Plat Recordation and Permit Applications	5
Section 303	General Procedures For Review of Major and Minor Subdivisions	5
Section 304	Minor Subdivisions	6
Section 304.1	Minor Subdivisions located on a State Maintained Road	6
Section 304.2	Minor Subdivisions served by an Approved Driveway	6
Section 305	Preliminary Plat Submission and Review	6
Section 305.1	Submission Procedure	6
a)	Certificate of Ownership and Intent	6
b)	Certificate of Plat Approval for Construction of Improvements	6
Section 305.2	Review By Other Agencies	6
Section 305.3	Review Procedure	6
a)	Approval	7
b)	Conditional Approval	7

	c)	Disapproval	7
Section 306		Final Plat Submission and Review	8
Section 306.1		Preparation of Final Plat for Minor Subdivision	8
Section 306.2		Submission Procedure for Minor Subdivision Plats	8
Section 306.3		Review Procedure for Minor Subdivision Plats	8
Section 306.4		Preparation of Final Plats for Major Subdivisions	8
Section 306.5		Improvements Guarantees (Major Subdivisions Only)	8
	a)	Agreement and Security Required	8
		1. Cashiers Check (s)	8
		2. Irrevocable Letter of Credit	9
	b)	Default	9
	c)	Release of Guarantee Security	9
	d)	Defects Guarantee	9
Section 306.6		Submission Procedure	9
	a)	Certificate of Ownership and Dedication	10
	b)	Certificate of Survey and Accuracy	10
	c)	Deleted	
	d)	Deleted	
	e)	Certificate of the Wayne County Health Department	10
	f)	Certificate of Approval of the Design of Streets	11
	g)	Certificate of Approval for Recording	11
Section 306.7		Review Procedure	11
	a)	Approval	12
	b)	Conditional Approval	12
	c)	Disapproval	13
Section 307		Information To Be Contained In Or Depicted On Preliminary And Final Plats	13
Section 308		Re-combination of Land	15
Section 309		Re-Subdivision Procedures	15
ARTICLE IV		REQUIRED IMPROVEMENTS, DEDICATION, RESERVATION, MINIMUM STANDARDS OF DESIGN	
Section 401		General	16
Section 402		Suitability of Land	16
Section 403		Name Duplication	16
Section 404		Subdivision Design	16
Section 404.1		Blocks	16
Section 404.2		Lots	17
Section 404.3		Setbacks	18
Section 404.4		Easements	18
	a)	Utility Easements	18

	b)	Drainage Easements	18
	Section 404.5	Buffer Strips	19
	Section 404.6	Swine Farm Setbacks	19
	Section 404.7	Cluster Subdivisions	19
	Section 404.8	Open Space	20
Section 405		Streets and Driveways	22
	Section 405.1	Type of Street Required	22
	Section 405.2	Public Dedication of Streets	22
	Section 405.3	Access to Adjacent Properties	22
	Section 405.4	Nonresidential Streets	22
	Section 405.5	Other Street Design Standards	22
	a)	Intersections	22
	b)	Culs-de-sac	22
	Section 405.6	Driveways	23
	Section 405.6a	Public Access Easements	23
	Section 405.7	Other Requirements	23
	a)	Street Names	23
	b)	Street Name Signs	23
	c)	Permits for Connection to State Roads	23
Section 406		Utilities	24
	Section 406.1	Water and Sanitary Sewer Systems	24
	Section 406.2	Storm Water Drainage System	24
	Section 406.3	Maintenance of Drainage Facilities	25
	Section 406.4	Street Lights	25
	Section 406.5	Underground Wiring	25
Section 407		Other Requirements	25
	Section 407.1	Placement of Monuments	25
	Section 407.2	Construction Procedures	25
Section 408		Buffering Requirements	26
ARTICLE V		DEFINITIONS	
	Section 501	Subdivision Defined	26
	Section 502	Other Definitions	26
	Section 503	Word Interpretation	28

**Wayne County Subdivision Ordinance
Article I**

Introductory Provisions

Section 101. Title

This ordinance shall be known and may be cited as the **Subdivision Regulations of County of Wayne, North Carolina**, and may be referred to as the **Subdivision Regulations**.

Section 102. Purpose

The purpose of this Ordinance is to establish procedures and standards for the development and subdivision of land within the territorial jurisdiction of Wayne County. It is further designed to provide for the orderly growth and development of the County; for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways, and with other public facilities; to insure proper legal description and proper monumenting of subdivided land; to secure safety from fire, panic and other dangers; for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare. This Ordinance is designed to further facilitate adequate provision of water, sewerage, general services, parks, schools, and playgrounds, and also to facilitate the further re-subdivision of larger tracts into smaller parcels of land.

Section 103. Authority

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

Section 104. Jurisdiction

The regulations contained herein, as provided in N.C. G. S. Chapter 153A, Article 18, Part 2, shall govern each and every subdivision of land within Wayne County outside of the jurisdiction of any incorporated municipality.

Section 105. Prerequisite to Plat Recordation

After the effective date of this Ordinance, each individual subdivision of land or subdivision plat of land within the County's jurisdiction shall be approved by the Wayne County Planning Board or the County Planning Department, pursuant to the procedures outlined in this Ordinance.

Section 106. Transportation Improvement Plans

If the North Carolina Department of Transportation has determined the specific location and size of any road or right-of-way improvements necessitating the reservation of land, and this information appears in its officially adopted Transportation Improvement Program, the Wayne County Planning Board shall immediately notify the Department of Transportation whenever a preliminary plat for a subdivision is submitted which includes all or part of a road improvement area to be reserved. If the Department of Transportation does not wish to reserve the site, it shall notify the Planning Board. If the Department of Transportation does wish to reserve the site, the subdivision shall not be approved without such reservation. The Department of Transportation shall then have eighteen months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by initiating condemnation proceedings. If the Department of Transportation has not purchased or begun proceedings to condemn the site within eighteen (18) months, the subdivider may treat the land as freed of the reservation.

Section 107. Zoning and Other Plans

Any proposed subdivision must comply in all respects with the requirements of the Zoning Ordinance in effect in the area to be subdivided.

Article II

LEGAL PROVISIONS

Section 201. General Procedure for Plat Approval

The subdivision of land within the jurisdiction of this Ordinance is prohibited except as authorized herein.

The Register of Deeds shall not file or record a plat of a subdivision of land located within the territorial jurisdiction of the 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. The filing or recording of a subdivision of land or a subdivision plat of land without the approval of the subdivision as required by this Ordinance, shall be null and void.

Section 202. Statement by Owner

The owner of land shown in a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the subdivision regulation jurisdiction of Wayne County.

Section 203. Effect of Plat Approval in Dedications

Pursuant to N.C.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.

Section 204. Penalties for Violation

204.1 Pursuant to N.C.G.S. 153A-334, 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 subdivided 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 Wayne 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 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 and provided by N.C.G.S. 14-4.

204.2 The violation of any provision of this Ordinance shall subject the offender to a civil penalty in the amount of \$50.00 to be recovered by Wayne County. Violators shall be issued a written citation which must be paid within ten (10) days.

204.3 Each day's continuing violation of this Ordinance shall be a separate and distinct offense.

204.4 Notwithstanding subsection 204.2 above, this Ordinance may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.

204.5 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 effect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 206. Variances

The Planning Board may 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 Planning Board finds:

Where because of topographical or other conditions *peculiar to the site*, strict adherence to the provisions of the regulations of this Ordinance would cause an unnecessary hardship; the Planning Board may authorize a variance, if such variance can be made without destroying the intent of this Ordinance. Any variance thus authorized is required to be entered in writing in the Minutes of the Planning Board, and the reasoning on which the departure was justified shall be set forth.

Section 207. Amendments

The Board of Commissioners of Wayne County 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 the 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 it has held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the Wayne County area at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall appear not more than twenty five (25) nor less than ten (10) days prior to the hearing date. In computing the ten (10) day period, 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 Wayne County, adopted on November 1, 1988, 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 had not been adopted; and any and all violations of the existing Ordinance, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Ordinance shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending and/or which may heretofore have been instituted or prosecuted.

Section 210. Effective Date

This Ordinance shall take effect and be in force from and after the Fifteenth day of March 1990.

Section 211. Adoption

Duly adopted by the Board of Commissioners of Wayne County, North Carolina, this Sixth day of March, 1990.

Chairman, Wayne County Board of Commissioners

Clerk

Section 212. Administrator

The holder of the Office of Planning Director, or his agent, is hereby appointed to serve as Subdivision Administrator.

ARTICLE III

PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

Section 301. Plat Shall Be Required On Any Subdivision of Land

Pursuant to N.C.G.S. 153A-331, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this Ordinance whenever any subdivision of land takes place. However, the subdivider may qualify for an exemption to filing a subdivision plat if the conditions in subsections 301.1 are met, provided that the exemption outlined below shall ***not*** be self executing.

301.1 Exemption for Road Frontage Lots

The said recorded plat shall not be required for a landowner who wishes to subdivide a parcel that meets **all** of the following requirements:

- a) the proposed subdivision shall abut a state maintained secondary road; ***and***
- b) the proposed subdivision shall create only two new parcels of land; ***and***
- c) the minimum dimensions of all resulting new parcels shall be no less than twenty thousand (20,000) square feet in area and shall have no less than one hundred feet (100') of frontage abutting a state maintained road.

Section 302. Approval Prerequisite To Plat Recordation and Permit Applications

Pursuant to N.C.G.S. 153A-332, no subdivision of land, nor a final plat of a subdivision of land within the territorial jurisdiction of Wayne County, as established in Section 104 of this Ordinance, shall be recorded by the Register of Deeds of Wayne County until it has been approved by the Wayne County Planning Board and/or the Planning Department, as provided herein. To secure such approval, the subdivider shall follow the procedures established in this Article.

The filing or recording of a subdivision of land or a subdivision plat of land in the Office of the Register of Deeds of Wayne County without the approval of the subdivision as required by the provisions of this Ordinance shall be null and void.

Section 303. General Procedures For Review of Major and Minor Subdivisions

All subdivisions shall be considered major subdivisions except those defined as minor subdivisions in this Ordinance. Submitted plats shall be reviewed in accordance with the procedures in Sections 305, 306, 307 of this Ordinance.

An *Application for the Subdivision of Land* shall be completed by the subdivider and submitted to the Planning Department for any parcel of land that is intended to be subdivided. The application form can be obtained at the Planning Department and must be submitted prior to the review of the proposed subdivision.

A *Subdivision Improvement Agreement*, the content and requirements of which having previously been approved by the Board of Commissioners, shall be signed by the subdivider and filed with the Planning Department prior to the consideration of any final plat for a major subdivision. The agreement form can be obtained at the Planning Department and must be submitted prior to the review of the proposed subdivision.

A **Filing Fee**, in accordance with the County’s fee schedule, shall accompany the submitted subdivision application.

The Planning Department shall collect all applicable fees for recording final plats at the Register of Deeds office at the time of final plat submission.

Section 304. Minor Subdivision

The intent of the minor subdivision provision of this Ordinance is to provide an abbreviated plat submission procedure where a developer may progress directly to a final plat for a development where no major improvements are proposed that would necessitate a preliminary plat for construction purposes.

304.1 Minor Subdivisions located on a State Maintained Road

Is defined as one involving no new public or private streets or roads, with all resulting lots fronting on a State maintained road, where ten (10) or fewer lots result after the subdivision is completed.

304.2 Minor Subdivision served by a Public Access Easement¹

Is defined as one involving no new public or private streets or roads, with all resulting lots fronting on an approved public access easement as outlined in Section 405.6a of this Ordinance, where three (3) or fewer lots result after the subdivision is completed. An 18” by 24” final plat as outlined in Sections 306 and 307 of this Ordinance shall be completed for all subdivisions that are to be accessed by an approved public access easement. Such lots shall be addressed according to the County’s addressing system, if applicable.

No developer who has established a minor subdivision served by a public access easement under this ordinance or served by an approved driveway under previous ordinances shall have a subsequent minor subdivision approved for the same tract under the Section 304.2 unless the centerline of the public access easement or the centerline of the approved driveway is at least 450 feet from the centerline of any other public access easement or approved driveway.

Submission of the final plat shall be accompanied by the following information:

- 1) Surveyor’s Certificate
- 2) Wayne County Health Department Certificate
- 3) All applicable information as outlined in Section 307 of this Ordinance
- 4) Any other pertinent information considered necessary by the Planning Board

Section 305. Preliminary Plat Submission and Review

305.1 Submission Procedure

For every subdivision within the territorial jurisdiction established by Section 104 of this Ordinance, which does not qualify for the abbreviated minor subdivision procedure outlined in Section 304, the subdivider shall submit a preliminary plat which shall be reviewed and approved by the Planning Board before any construction

¹ Amended January 20, 2004

or installation of improvements may begin. The submitted preliminary plat shall be clearly labeled: ***“Preliminary Plat – Not for Recordation, Conveyances, of Sale.”***

Six (6) black or blue line paper prints of the preliminary plat shall be submitted to the Planning Department at least twenty five (25) days prior to Planning Board meeting at which the subdivider desires the Planning Board to review the preliminary plat.

Preliminary plats shall meet the specifications in Section 307 of this Ordinance.

Submission of the preliminary plat shall be accompanied by the following:

- 1) a filing fee in accordance with the County’s fee schedule
- 2) a completed Application for Subdivision of Land.

The following signed certificates shall appear on all copies of the preliminary plat:

a) Certificate of Ownership and Intent

I (We) hereby certify that I (we) am (are) the owner(s) of the property shown and described hereon, which is located in the subdivision jurisdiction of Wayne County, and that I (we) hereby adopt this plan of subdivision with my (our) free consent and establish my (our) intent to install and construct all improvements in this subdivision as to the County’s minimum design requirements, as noted.

Owner

Date

b) Certificate of Plat Approval for Construction of Improvements

I hereby certify that the preliminary subdivision plat shown hereon has been found to comply with the requirements of the Subdivision Regulations of Wayne County, North Carolina and that this plat has been approved by the Planning Board of Wayne County to authorize the construction of the required improvements as noted.

Chairman, Wayne County Planning Board

Date

305.2 Review By Other Agencies

After having received the preliminary plat from the subdivider, the Planning Department shall submit copies of the preliminary plat and any accompanying material to other officials and agencies concerned with new development including, where applicable, but not limited to: the Wayne County Health Department; the District Engineer of the North Carolina Department of Transportation; and the North Carolina Department of Environment, Health and Natural Resources, Division of Land Resources, Land Quality Section for review and recommendation.

305.3 Review Procedure

The Planning Department shall review the submitted plat within fifteen (15) days after plat submission. If the Planning Department discovers any plat discrepancies, potential violation of any existing government regulations that may apply, or other concerns regarding the proposed development, a written opinion shall be provided to the developer outlining the actions needed to bring the submitted plat into conformance with the Wayne County subdivision regulations, or other applicable laws.

After the initial submission of a plat to the Planning Department the subdivider may request a delay placing the plat on the Planning Boards agenda. Subdivision plats submitted to the Planning Department for review must be placed on the Boards agenda within sixty (60) days from the date of initial submission. During the sixty (60) days the subdivider may withdraw the plat and receive a partial refund of application and recording fees. The

refund shall be the entire recording fee and fifty (50) percent of the application fee. After the sixty (60) day period all fees are forfeited and the plat review process must begin again.¹

After the initial review by the Planning Department, the developer shall submit the original plat, a reproducible copy (sepia), and nine (9) black or blue line paper prints, *complete with all necessary corrections*, to the Planning Department at least eight (8) days prior to the regular meeting of the Planning Board at which it is to be considered.

The Planning Board shall review the preliminary plat at or before its next regularly scheduled meeting which follows at least twenty five (25) days after the Planning Department initially receives the preliminary plat, and after comments are received from the appropriate agencies.

The Planning Board shall recommend approval, conditional approval with recommended changes to bring the plat into compliance, or disapproval with reasons, within sixty (60) days of its first consideration of the plat. Failure of the Planning Board to make a written finding by the second regularly scheduled meeting after their first consideration of a plat shall constitute approval by the Planning Board.

a) Approval

If the Planning Board approves the preliminary plat, such approval shall be noted on the plat. The reproducible copy of the plat shall be retained by the Planning Department and the original tracing shall be returned to the subdivider.

b) Conditional Approval

If the Planning Board recommends conditional approval of the preliminary plat with modifications to bring the plat into compliance, it shall retain one (1) print of the plat for its minutes, return its written recommendations, the original tracing, and the reproducible copy of the plat to the subdivider. The subdivider shall have sixty (60) days in which to make the changes needed to bring the plat into compliance. The subdivider shall submit the original plat and the reproducible copy to the Planning Department who will review it to ensure that the recommended changes have been completed. If the subdivider fails to resubmit the plats within the sixty (60) day period, then the submitted preliminary plat must be reviewed again by the Planning Board before approval can be given.

c) Disapproval

If the preliminary plat is disapproved by the Planning Board, the reasons for such disapproval shall be stated in writing, specifying the provisions of this Ordinance with which the preliminary plat does not comply. One (1) copy of such reasons and one (1) paper print of the plat shall be retained by the Planning Board as part of its proceedings; one (1) copy of the reasons, the original tracing, and the reproducible copy of the plat shall be transmitted to the subdivider.

If the Planning Board recommends disapproval of the preliminary plat, the subdivider may submit a revised plat to be considered before the second regularly scheduled meeting of the Board from the date the plat was disapproved. The developer shall submit the plat to be reconsidered, with corrections, to the Planning Department at least eight (8) days prior to the regular meeting of the Planning Board at which it is to be considered.

If the Planning Board disapproves the revised plat, or if the developer does not submit a revised plat for consideration at least eight (8) days before the second regularly scheduled Planning Board meeting after the plat was disapproved, the original disapproval shall stand.

¹ Adopted September 3, 1991

Subdivision plats resubmitted after being disapproved by the Planning Board as outlined above shall be treated as a newly submitted plat. The subdivision application procedure must be completed by the Developer, as well as payment of all applicable fees.

Section 306. Final Plat Submission and Review

306.1 Preparation of Final Plat for Minor Subdivision

The Developer may proceed directly to the preparation of a final plat for consideration by the Planning Board if the proposed development falls within the definition of a Minor Subdivision outlined in Section 304 of this Ordinance. Only the requirements of this section that are applicable to a minor subdivision (as noted) shall be required.

306.2 Submission Procedure for Minor Subdivision Plats

The submission procedure is the same as the submission procedure for final plats of major subdivisions outlined in section 306.6 of this Ordinance.

306.3 Review Procedure for Minor Subdivision Plats

The review procedure is the same as the review procedure for final plats of major subdivisions outlined in section 306.7 of this Ordinance.

306.4 Preparation of Final Plats for Major Subdivisions

Upon approval of the preliminary plat by the Planning Board, the subdivider may proceed with the preparation of the final plat, and the installation of required improvements in accordance with 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 their installation as provided herein. The first final plat shall be submitted within eighteen (18) months and the last final plat within sixty (60) months after the date on which the preliminary plat was approved; otherwise, they shall become null and void unless an extension of time is applied for and granted by the Planning Board before the date on which they would become null and void.

All final plats submitted for consideration shall conform substantially to the preliminary plat upon which they are based

306.5 Improvements Guarantees (Major Subdivisions Only)

a) Agreement and Security Required

A Subdivision Improvement Agreement, the content and requirements of which having previously been approved by the Board of Commissioners, shall be signed by the subdivider and filed with the Planning Department prior to the consideration of any plat. In addition, Wayne County may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements not yet installed at the time of final plat consideration by the Planning Board, provided that the subdivider submit the appropriate guarantees as listed below, and all other requirements of this Ordinance are met. To secure this agreement, the subdivider shall provide, subject to the approval of the Planning Board, either one (1), or a combination of the following guarantees, not exceeding 1.25 times the entire cost of improvement as provided herein:

1. Cashiers Check(s)

The subdivider shall obtain a cashiers check(s) from a bank or other qualified financial institution authorized to do business in North Carolina. The check(s) shall be payable to Wayne County and shall be in an amount equal to 1.25 times the entire cost, as estimated by the subdivider and approved by the Planning Board, of installing all required improvements.

2. Irrevocable Letter of Credit

The subdivider shall obtain an irrevocable letter of credit from a bank or other qualified financial institution authorized to do business in North Carolina. The amount of authorized credit shall be equal to 1.25 times the cost, as estimated by the subdivider and approved by the Planning Board, of installing all required improvements. The wording and language of the irrevocable letter of credit shall be approved by the Planning Board. The duration of the letter of credit shall be until such time as the improvements are accepted by the Planning Board.

b) Default

Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as spelled out in the Subdivision Improvement Agreement and/or by this Ordinance, then the financial institution that issued the cashiers check and/or the irrevocable letter of credit shall, if requested by the Planning Board pay all or any portion of the amount needed to complete the improvements based on an engineering estimate. Upon payment, the Planning Board, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The County shall return to the subdivider any funds not spent in completing the improvements.

c) Release of Guarantee Security

The Planning Board of Wayne County may release a portion of any security posted as the improvements are completed and recommended for approval by the Planning Department. Within forty-five (45) days after receiving the Planning Department's recommendation, the Planning Board of Wayne County shall approve or disapprove said improvements. If the Planning Board of Wayne County approves said improvements, then it shall immediately release any security posted on that portion.

d) Defects Guarantee

The Planning Board may require a suitable guarantee from the subdivider as outlined in subsection 306.2 (a) above insuring proper performance of streets, curbs, gutters, sidewalks, seeding and grading or road shoulders, drainage facilities, water and sewer lines, utility taps, and other improvements for one (1) year. The one (1) year shall begin from the date of approval of final plat or approval of improvements by the Planning Board.

The guarantee required shall not exceed the amount of ten percent (10%) of the total cost of the above mentioned improvements. Release of guarantee security shall be in the manner outlined in subsection 306.2 (c) above.

306.6 Submission Procedure

The subdivider shall submit six (6) black or blue line copies of the original final plat to the Planning Department not less than twenty-five (25) days prior to the Planning Board meeting at which it will be reviewed. The final plat shall be prepared by a Registered Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. 47-30 and the **Standards of Practice for Land Surveying in North Carolina.**

The dimensions of the final plat shall be eighteen inches (18") by twenty-four (24") and shall be at a scale of not less than one inch (1") equals one hundred feet (100'). Maps may be placed on more than one (1) sheet with appropriate match lines. The original final plat shall be recorded with the Register of Deeds by the Planning Department once appropriate approval has been obtained.

Submission of the final plat shall be accompanied by the following:

- 1) a filing fee in accordance with the County's fee schedule,
- 2) the appropriate fee for recording with the Register of Deeds,

3) a Subdivision Improvement Agreement, if required by this Ordinance.

The final plat shall meet the specifications in Section 307 of this Ordinance. The following signed certificates shall appear on all copies of the final 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. Further, I (we) certify that the land as shown hereon is within the subdivision regulations jurisdiction of Wayne County.

Owner Date

b) Certificate of Survey and Accuracy

In accordance with G.S. 47-30: There shall appear on each plat a certification by the person under whose supervision such survey or such plat was made, stating the origin of the information shown on the plat, including recorded deed and plat references shown thereon. The ration of precision as calculated by latitudes and departures before any adjustments must be shown. Any lines on the plat that were not actually surveyed must be clearly indicated and a statement included revealing the source of information. The execution of such certificate shall be acknowledged before any officer authorized to take acknowledgements by the registered land surveyor preparing the plat. All plats to be recorded shall be probated as required by law for the registration of deeds. Where a plat consists of more than one (1) sheet, only the first sheet must contain the certification and all subsequent sheets must be signed and sealed.

The certificate required above shall be in substantially the following form:

I, _____, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded in Book _____, Page _____, etc.) (other); that the ratio of precision as calculated by latitudes and departures is 1/ _____; that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, Page _____; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number, and seal this _____ day of _____, A.D. 20__.

Seal or Stamp _____
Surveyor
Registration Number

c) Deleted¹

d) Deleted²

e) The Certificate of the Wayne County Health Department shall read as follows:

The Wayne County Health Department has performed a soil analysis on each lot within this subdivision. Copies of the soil analysis for each lot are available for review in the office of Environmental Health Section. THE SOIL ANALYSIS IS NOT A PERMIT OR A GUARANTEE THAT A PERMIT WILL BE ISSUED. EACH LOT WILL HAVE TO BE RE-EVALUATED FOR AN IMPROVEMENT PERMIT USING STANDARDS CURRENT AT THE TIME PERMITS ARE REQUESTED AND A PLOT PLAN

¹ Adopted February 3, 1998
² Adopted February 3, 1998

refund shall be the entire recording fee and fifty (50) percent of the application fee. After the sixty (60) day period all fees are forfeited and the plat review process must begin again.¹

After the initial review by the Planning Department, the developer shall submit the original tracing of the final plat, one reproducible copy, and nine (9) black or blue line paper prints *complete with all necessary corrections*, to the Planning Department at least eight (8) days prior to the regular meeting of the Planning Board at which it is to be considered. Material and drawing medium for the original shall be in accordance with N.C.G.S. 47-30, where applicable, and the requirements of the Wayne County Register of Deeds.

The Planning Board shall review the final plat at or before its next regularly scheduled meeting which follows at least twenty five (25) days after the Planning Department initially receives copies of the final plat, and after comments are received from the appropriate agencies.

During its review of the final plat, the Planning Board may appoint a Registered Land Surveyor to confirm the accuracy of the final plat. If substantial errors are found, the costs shall be charged to the subdivider and the plat shall not be recommended for approval until such errors have been corrected.

The Planning Board shall recommend approval, conditional approval with recommended changes to bring the plat into compliance, or disapproval with reasons, within sixty (60) days of its first consideration of the plat.

Failure of the Planning Board to make a written finding by the second regularly scheduled meeting after a plat has been submitted for consideration shall constitute approval by the Planning Board.

The Planning Director may give final approval to plats that meet the minor subdivision ordinance requirements. The plats receiving Planning Director approval shall be limited to those that do not exceed five lots on a secondary road or three lots on a private drive. Variance requests must be approved by the Planning Board. The sixth lot out of a tract that was in existence in 1990 and any future lots will require Planning Board approval.²

a) Approval

If the final plat is approved by the Planning Board, the original tracing and one (1) reproducible copy shall be retained by the Planning Department, until such time as the developer notifies the Planning Board that he wishes for the original plat to be recorded with the Wayne County Register of Deeds. The reproducible copy shall be retained by the Planning Department for its records.

The subdivider shall notify the Planning Department to file the approved final plat with the Register of Deeds of Wayne County within six (6) months of the Planning Board's approval; otherwise, such approval shall be null and void.

b) Conditional Approval

If the Planning Board recommends conditional approval of the final plat with modifications to bring the plat into compliance, it shall retain one (1) print of the plat for its minutes, return its written recommendations, the original tracing, and the reproducible copy of the plat to the subdivider. The subdivider shall have sixty (60) days in which to make the changes needed to bring the plat into compliance. The subdivider shall submit the original plat and the reproducible copy to the Planning Department who will review it to ensure that the recommended changes have been completed. If the subdivider fails to resubmit the plats within the sixty (60) day period, then the resubmitted final plat must be reviewed again by the Planning Board before approval can be given.

¹ Adopted September 3, 1991

² Adopted December 17, 1996

c) Disapproval

If the final plat is disapproved by the Planning Board, the reasons for such disapproval shall be stated in writing, specifying the provisions of this Ordinance with which the final plat does not comply. One (1) copy of such reasons and one (1) paper print of the plat shall be retained by the Planning Board as part of its proceedings; one (1) copy of the reasons, the original tracing, and the reproducible copy of the plat shall be transmitted to the subdivider.

If the Planning Board recommends disapproval of the final plat, the subdivider may submit a revised plat to be considered before the second regularly scheduled meeting of the Board from the date the plat was disapproved. The developer shall submit the plat to be reconsidered, with corrections, to the Planning Department at least eight (8) days prior to the regular meeting of the Planning Board at which it is to be considered.

If the Planning Board disapproves the revised plat, or if the developer does not submit a revised plat for consideration at least eight (8) days before the second regularly scheduled Planning Board meeting after the plat was disapproved, the original disapproval shall stand and the plat shall become null and void.

Subdivision plats resubmitted after being disapproved by the Planning Board as outlined above shall be treated as a newly submitted plat. The subdivision application procedure must be completed by the Developer, as well as payment of all applicable fees.

Section 307. Information To Be Contained In Or Depicted On Preliminary And Final Plats

The preliminary and final plats shall depict or contain the information indicated in the following table. An “x” indicates that the information is required.

<u>Information</u>	<u>Preliminary Plat</u>	<u>Final Plat</u>
<i><u>Title Block Containing:</u></i>		
- Property designation	X	X
- Name of owner.....	X	X
- Location (including township, county, and state	X	X
- Date or dates survey was conducted and plat prepared	X	X
- A scale of drawing in feet per inch listed in words or figures	X	X
- A bar graph	X	X
- Name, address, registration number, and seal of the surveyor, and title source	X	X
- Map legend describing all symbols used	X	X
The name of the subdivider	X	X
A vicinity map showing the location of the subdivision within the county	X	X
Land use of all adjoining property (s)	X	
Corporate limits, township boundaries, county lines, if on the subdivision plat	X	X
Date of plat preparation	X	X
North arrow and orientation	X	X
The exact boundary lines of the tract to be subdivided, fully dimensioned by bearings and distances, and the location of existing boundary lines of adjoining lands	X	X
The names of owners of adjoining properties	X	X

Section 307 Continued	Preliminary Plat	Final
The names of any adjoining subdivisions of record	X	X
Minimum building setback lines	X	X
The zoning classification of the tract to be subdivided and adjoining properties	X	X
Existing buildings or other structures, easements of record, watercourses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining (within 100 feet)	X	
Proposed lot lines, lot and block numbers, and approximate dimensions	X	
The lots numbered consecutively throughout the subdivision	X	X
Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site	X	
The location of the flood hazard areas as shown on Federal Emergency Management Agency maps	X	X
<u>The following data concerning streets:</u>		
- Street Rights-of-way, location, and dimensions	X	X
- Pavement widths	X	
- Street names	X	X
If any street is proposed to intersect with a State maintained road, the subdivider shall apply for driveway approval as required by the North Carolina Department of Transportation, Division of Highways Manual of Driveway Regulations and present evidence that such approval has been collected	X	
<u>The location and dimensions of all:</u>		
- Drainage, Utility and other easements	X	X
- Water distribution lines	X	
- Natural Gas lines	X	
Certification of suitability of individual septic tank system by the Wayne County Health Dept.		X
Letter from water or sanitary district indicating acceptance of proposed subdivision into water system, if applicable	X	
Lots _____ in this subdivision will/will not use community water ¹		X
<u>Site calculations including:</u>		
- Acreage of total tract shown on plat	X	X
- Acreage in parks and recreation areas and other nonresidential uses	X	
- Total number of proposed parcels	X	
- Proposed calculated area (square footage) of the smallest lot in subdivision	X	
- Average size (square footage) of lots shown on plat	X	X
- Calculated area (square footage) of each lot		X
- Linear feet in streets	X	

¹ Adopted June 4, 2002

**Section 307 Continued
Information**

	Preliminary Plat	Final Plat
Where a boundary is formed by a curved line, the following data must be given; actual curve data, or a traverse of bearings and distances around the curve. If standard curved data is used the bearing and distance of the long chord (from point of curvature to point of tangency) must be shown on the face of the plat		X
Where a subdivision of land is set out on the plat, all streets and lots shall be carefully plotted with dimension lines indicating widths and all other information pertinent to reestablishing all lines in the field. This shall include bearings and distances sufficient to form a continuous closure of the entire perimeter		X
The accurate locations and descriptions of all monuments, markers, and control points		X
Proof that an erosion control plan has been submitted to and approved by the appropriate authority (if applicable)		X
Topographic map with contour intervals of no greater than two (2) feet at a scale of no less than 1" = 100'	X	
All certifications required in Sections 306 or 307; as applicable	X	X
Any other information considered by either the subdivider or Planning Board to be pertinent to the review of the plat	X	X

Section 308. Re-combination of Land

- 308.1** Any plat or any part of any plat may be vacated by the owner at any time before the sale of any lot in the subdivision by a written instrument to which a copy of such plat shall be attached, declaring the same to be vacated.
- 308.2** Such an instrument shall be approved by the same agencies as approved the final plat. The governing body may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.
- 308.3** Such an instrument shall be executed, acknowledged, or approved and recorded and filed in the same manner as a final plat; and being duly recorded or filed, shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.
- 308.4** When lots have been sold, the plat may be vacated in the manner provided in Sections 309.1 by all owners of the lots in such plat joining in the execution of such writing.

Section 309. Re-subdivision Procedures

For any re-platting or re-subdivision of land, the same procedures, rules, and regulations shall apply as prescribed herein for and original subdivision.

ARTICLE IV
REQUIRED IMPROVEMENTS, DEDICATION, RESERVATION
MINIMUM STANDARDS OF DESIGN

Section 401. General

Each subdivision shall contain the improvements specified in this Article, which shall be installed in accordance with the requirements of this Ordinance and paid for by the subdivider, unless other means of financing is specifically stated in this Ordinance. Land shall be dedicated and reserved in each subdivision as specified in this Article. Each subdivision shall adhere to the minimum standards of design established by this Article.

Section 402. Suitability of Land

402.1 Land which has been determined by the Planning Board on the basis of engineering or other expert surveys to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed shall not be platted for that purpose, unless the subdivider has taken the necessary measures to correct said conditions and to eliminate said dangers.

402.2 Old landfills or areas that have been used for disposal of solid waste shall not be subdivided unless tests by the North Carolina Department of Environmental, Health, and Natural Resources, Division of Health Services, Solid and Hazardous Waste Section; a structural engineer, a soils expert, and any other appropriate authority determine that the land is suitable for the purpose provided.

It shall be the responsibility of the developer to certify that areas that have been used for solid waste that are intended to be subdivided shall conform with all requirements of the State of North Carolina and other applicable agencies.

402.3 All subdivision proposals shall be consistent with the need to minimize flood damage. No subdivision shall be created on property entirely within the 100-year floodplain that requires the building of a new road. Property partially within the floodplain may be subdivided if each proposed lot contains an area outside the floodplain equal to the minimum lot size requirement, and any new road is built above the 100-year floodplain level.¹

Section 403. Name Duplication

The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision within Wayne County.

Section 404. Subdivision Design

404.1 Blocks

- a) The lengths, widths, and shapes of blocks shall be determined with due regard to: provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements, need for vehicular and pedestrian circulation; control and safety of street traffic; limitations and opportunities of topography; and convenient access to water areas.
- b) Blocks shall not be less than four hundred feet (400') or more than eighteen hundred feet (1800').
- c) Blocks shall have sufficient width to allow two (2) tiers of lots of minimum depth except where single tier lots are required to separate residential development from through vehicular traffic or another type of use, in nonresidential subdivisions, or where abutting a water area.

¹ Added June 16, 1998

- d) Where deemed necessary by the Planning Board, a pedestrian crosswalk at least fifteen feet (15') in width may be required to provide convenient public access to a public area such as a park or school, to a water area, or to areas such as shopping centers, religious, or transportation facilities.
- e) Block numbers shall conform to the County street numbering system, if applicable.

404.2 **Lots**

Lot sizes, shapes and locations shall be made with due regard to topographic conditions, contemplated use, and the surrounding area. Land located within the Floodway Boundary as indicated by the Federal Emergency Management Agency (FEMA) Flood Boundary and Floodway Maps, 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 inundation, or will not produce unsatisfactory living conditions.

- a) Every lot shall front on or abut on a road or street built to North Carolina Department of Transportation standards, or an approved driveway connected to such street, and no unusable or inaccessible lots may be created. Not more than three (3) lots shall be allowed to be serviced by an approved driveway, per parcel, as provided in Section 405.6 of this Ordinance.
- b) Residential lots with individual wells and sewage disposal systems shall be at least twenty thousand square feet (20,000 sq. ft) in area, not less than seventy-five feet (75') wide at the building line, or less than one hundred fifty feet (150') in depth. Lots with community water or community sewer shall be at least fifteen thousand square feet (15,000 sq. ft) in area, not less than sixty feet (60') at the building line, or less than one hundred twenty (120') in depth. Lots with both community water and community sewer shall be no less than twelve thousand five hundred square feet (12,500 sq. ft) in area, not less than fifty feet (50') at the building line, or less than one hundred feet (100') in depth (See table below). *Note: The below listed lot dimensions are the minimum standards only, and larger width and depth dimensions may be required in order to comply with additional road frontage setbacks listed in subsection 404.3*

Dimensional Requirements Table

Type Water & Sewerage System	Minimum Lot Size	Minimum Width @ Building Line	Minimum Depth
Individual	20,000 sq. ft.	75 ft.	150 ft.
Community Water	15,000 sq. ft.	60 ft.	120 ft.
Community Sewer	15,000 sq. ft.	60 ft.	120 ft.
Community Water & Sewer	12,500 sq. ft.	50 ft.	100 ft.
Any of the above listed systems on a lot fronting on an existing State Road	20,000 sq. ft.	75 ft.	200 ft.

- a) Area within ingress, egress, and regress easements shall be excluded from the calculated lot area of any lot.
- b) Double frontage lots shall be avoided wherever possible.
- c) Side lot lines shall be substantially at right angles to or radial to street lines.
- d) All newly subdivided lots that front on a State maintained secondary road shall have a minimum road frontage of one hundred feet (100') and shall be no less than twenty thousand square feet (20,000 sq. ft) in size. The Planning

Board may require larger lot frontage wherever it deems such additional frontage is necessary to protect the public safety or welfare.

- e) Corner lots for residential use adjacent to interior residential streets shall have an extra width of twenty feet (20'), for a total lot minimum width of ninety five feet (95') at the building line, to permit adequate building setback from side streets.
- f) All lots in new subdivisions shall conform to the zoning requirements of the district in which the subdivision is located, if applicable. Conformance to zoning requirements means, among other things that the *smallest* lot in the subdivision must meet all dimensional requirements of the Zoning Ordinance. It is *not sufficient* merely for the average lot to meet zoning requirements.
- g) Where public water and/or sewer facilities are not available and individual water supplies and/or individual sewage disposal systems are planned, and the subdivider, at his own expense, shall have the site investigated under the supervision of the Wayne County Health Department or other person approved the Health Department, to determine if the site is suitable for individual sewage disposal systems, and shall present proof to the Planning Board that each lot in the subdivision not served by public water and public sewage disposal systems has been approved by the Health Department for individual water supplies and/or sewage disposal systems. The Health Department may, if soil conditions warrant, require lots larger than twenty thousand square feet (20,000 sq. ft) to protect the public health.

404.3 Setbacks

The minimum building setback from the property lines shall be as follows:

- | | | |
|---|------------------|-------|
| a) From the front property line: | Thirty feet | (30') |
| b) From the side property line: | Ten feet | (10') |
| c) From the rear property line: | Twenty-five feet | (25') |
| d) From the side property line on corner lots: | Twenty-five feet | (25') |
| e) From all property lines (front, side, & rear) adjoining existing major thoroughfares and N.C. Secondary Roads: | Sixty feet | (60') |

404.4 Easements

Easements shall be provided as follows:

a) Utility Easements

Easements for underground of aboveground utilities shall be provided, where necessary, across lots or centered on rear or side lot lines and shall be at least twenty feet (20') wide for water and sanitary sewer lines and as required by the companies involved for telephone, gas, and power lines.

The Planning Board will determine whether one (1) easement is sufficient or whether several easements are necessary to accommodate the various facilities and the subdivider shall provide the required easements.

b) Drainage Easements

Where a subdivision is traversed by a stream or drainage way, an easement shall be provided conforming with the lines of such stream and of sufficient width as will be adequate for the purpose.

404.5 Buffer Strips

In residential districts a buffer strip at least twenty-five feet (25') in depth in addition to the normal lot size and depth required shall be provided adjacent to all railroads and controlled access highway, commercial and/or industrial developments, multi-family housing and mobile home parks, and any other land use that the Planning Board deems necessary and where there may be potential conflict. This strip shall be a part of the platted lots, but shall have the following restrictions lettered on the face of the plat: *“This strip shall be reserved for the planting of trees or shrubs by the owner; the building of structures hereon is prohibited.”*

404.6 Swine Farm Setbacks¹

No residential lots, except those created individually, shall be created on property within 750 feet of any active swine farm building or pond, which requires a permit from the North Carolina Division of Water Quality or 150 feet from any permitted field used for the spraying of liquid waste, unless the proposed lot contains an area outside the areas described herein equal to the minimum lot size requirement in the subdivision. If a lot lies partially within 750 feet from any active swine farm building or pond, which requires a permit from the North Carolina Division of Water Quality or 150 feet from any permitted field used for the spraying liquid waste, that portion of the lot lying within those boundaries must be marked on the plat and designated as being within 750 feet of an active farm building or pond or 150 feet of a field used for spraying of liquid waste. No dwelling or outbuilding may be constructed within that area.

404.7 Cluster Subdivisions²

(A) “Purpose and Requirements.

The purpose of a cluster subdivision is to allow lots to be smaller and concentrated on those parts of the subdivision site best suited to accommodate development with the least adverse impact. Lot clustering allows smaller and less costly road and utility networks; encourages closer-knit and potentially safer neighborhoods; preserves sensitive farmland, woodlands, scenic views, and open space; and reduces the amount of impervious surface and resulting stormwater runoff. Open space provided by clustering can be used to provide recreational opportunities for the subdivision’s residents, to conserve and protect significant natural areas and environmentally sensitive areas, to conserve important historic resources, and/or to conserve productive farming and forestry uses. It can also be used for the installation of individual wells or the installation of all, or part of individual septic systems not to exceed 30% of the required open space.

(B) Minimum Cluster Subdivision Site Size

The minimum land area within a parcel to create a cluster subdivision shall be at least five (5) contiguous acres.

(C) Maximum Number of Lots in a Cluster Subdivision

The maximum number of lots allowed within a cluster subdivision shall be determined by dividing the total acreage in the tract, excluding State road rights-of-way by the lot size requirement shown in the Wayne County Subdivision Ordinance or the Wayne County Zoning Ordinance or the Wayne County Watersupply Watershed Ordinance, whichever is the most restrictive.

(D) Lot Design and Dimensional Requirements

Provided the arrangement, design and shape of the lots is such that the lots provide satisfactory and desirable sites for building, and all other requirements in this Article and applicable local, State and Federal requirements are met the Wayne County Planning Board may approve a plat that reduces the minimum lot area, lot width and yard requirements as shown in Section 404.2(b) of this ordinance, Section 61 of the Wayne County Zoning Ordinance, and/or Section 202 of the Wayne County Watersupply Watershed ordinance. The lot requirements may be reduced as set forth below.

- 1) The minimum lot area shall not be less than 25% of the lot area required in the most restrictive ordinance but shall not be smaller than 8,000 square feet.
- 2) The minimum lot width requirement may be reduced by 50% but shall not be less than 45 feet.
- 3) The minimum front yard requirement may be reduced by 40%, but shall not be less than 20 feet.

¹ Adopted September 5, 2000

² Adopted April 18, 2006

- 4) The minimum side requirements may be reduced by 100% on one side of the lot provided the opposite side maintains the required minimum.
- 5) The rear yard requirements may be reduced by 40% but shall not be less than 15 feet.
Yards abutting the boundaries of the entire cluster development site shall be no less than the minimum requirements of the most restrictive ordinance.”

(E) Site Plan Requirements

The following shall be included on the preliminary plan of any proposed cluster subdivision:

- 1) All items required in Section 307 above.
- 2) Building sites.
- 3) Driveways and parking spaces.
- 4) Landscaping.
- 5) Open space as required in Section 404.8 below.

(F) Street requirements

- 1) All street rights of way shall be public and designed to the current North Carolina Department of Transportation (NCDOT) standards.
- 2) Street construction shall be to standards approved by the Wayne County Planning Board.
- 3) In the event a street is not built to NCDOT standards a homeowners association shall be formed that will be responsible for the ongoing maintenance of the street.
- 4) The Planning Board may approve a gate or similar device at the entrance to the cluster subdivision.

404.8 Open Space

(A) “Purpose and Requirements

The requirements in this Section are intended to provide for a subdivision design that is more efficient and better suited to the natural features of the land or would blend into the character of rural Wayne County. It is required that part of the subdivision site which is not devoted to lots and associated roads and utilities is to be set aside as usable open space. Sidewalks built to N.C. D.O.T. standards may be provided by the developer, if approved by the Planning Board as leading to a pedestrian designation point such as school, park, etc. Sidewalks may constitute all or part of the open space requirements. The amount of sidewalk shall be calculated at a cost equal to the amount of reduction from the maximum open space requirement, based on current valuation for property tax purposes.

Land within a cluster subdivision site that is not contained in lots, or in rights-of-way or parcels devoted to accommodating necessary roads and utilities shall be in one or more connected parcels dedicated or reserved as permanent open space. The total area of parcels dedicated or reserved as permanent open space shall make up at least twenty-five (25) percent of the area of the subdivision site where the subdivision is located.

(B) Open Space Use, Location, and Design

- (1) Open space shall be dedicated or reserved for one or more of the following uses:
 - (a) Conservation of, and avoidance of development in, any readily identifiable natural hazards areas – i.e., areas that potentially pose a significant hazard to people or property including:
 - Designated floodways and floodplains identified on the Wayne County FIRM;
 - Other perennial wetlands (streams, lakes, ponds, etc.) as identified by the North Carolina Division of Water Quality or the Wayne County Soil Survey;
 - Steep slopes (greater than 20%) and lands whose slope and/or soils make them particularly susceptible to erosion when disturbed by development activities;
 - (b) Conservation and protection of any identified significant natural area (e.g. rare plant communities, important wildlife habitat) or other environmentally sensitive areas where development might threaten water quality or ecosystems (e.g. watershed buffers, groundwater recharge areas);
 - (c) Conservation and protection of any identified important historic resources (e.g. homesteads, mills, barns, and archeological sites) identified in *Glimpses of Wayne County, North Carolina*.
 - (d) Provision of active and/or passive recreation opportunities (e.g. ballfields, playgrounds, tennis courts, swimming pools, basketball courts, golf courses, bikeways, walking trails, nature trails, and picnic areas), either for the general public or for the subdivision’s residents or employees and their guests. (Note: This does not preclude a membership requirement or monetary charge for use of recreational facilities such as golf,

swim, or tennis club, as long as subdivision residents have an opportunity to join the club or pay to use club facilities); or

- (e) Retention of productive farmland or forestland for continued agricultural and/or forestry use.
- (2) The highest priority for the location, design, and use of open space shall be given to conserving, and avoiding development in any natural hazard areas on the subdivision site.
- (3) Open space may contain only such buildings, structures, accessways, and parking facilities as are necessary and accessory to its principal uses (e.g. pedestrian path, recreational club house, utility lines, driveway, small parking area, barns and other farm storage and processing facilities).
- (4) The location, size character, and shape of required open space shall be appropriate to its intended use(s) (e.g. open space proposed to be used for recreation, particularly active recreation, shall be located and designed so as to be conveniently and safely reached and used by those persons it is intended to serve, and open space proposed to be used for ballfields, playing fields, or other extensive active recreational facilities should be located on land that is relatively flat and dry.

(C) Open Space Dedication or Reservation

- (1) Subdivision occupants shall be ensured direct access to and use of the subdivisions open space, by conveying that portion of open space either to a homeowner’s association, property owner’s association or similar legal entity, or to a public agency or nonprofit organization that is organized for, capable of, and willing to accept responsibility for managing the open space for its intended purpose, and that will ensure subdivision occupants direct access to and use of open space. Any other open space provided may be conveyed to such organizations as listed above or to any agency, organization, person, or other legal entity that is organized for its intended purpose – provided such conveyance is restricted to ensure continued open space use and maintenance.
- (2) Each dedicated or reserved open space parcel shall be shown on all subdivision plans and on a recorded plat with the Wayne County Register of Deeds with a notation of its area and its intended open space use (as identified in Subsection F). The owner of an open space parcel may re-dedicate or re-reserve the parcel for another open space use allowed under this Section by recording a revised plat showing the parcel and its new intended open space use.

(D) Open Space Maintenance

The open space owner shall be responsible for maintaining the open space so that it continues to effectively function for its intended use, and any dedication or conveyance of an open space parcel shall provide for such responsibility.

(E) Design Procedure

- (1) Identification of Open Space Conservation Areas
Open Space Areas shall be identified on the preliminary plat. Guidance as to which parts classify, as Open Space Conservation Areas shall be based upon three factors:
 - (a) On-site visits by the Planning Director, the subdivider and the site designer,
 - (b) The open space standards described in Subsection B above,
 - (c) The evaluation criteria as shown in Subsection F.
- (2) Street, Trail, and Sidewalk Locations and Alignments
All streets, trails, and sidewalks shall be located and aligned on the site in the most reasonable and economical manner. Access shall be provided from housing areas to designated open space.

(F) Evaluation Criteria

For any given site, resources may vary widely by importance. Likewise, for each type of resource, there can be examples of greater or lesser significance. In evaluating the layout of a site, the following evaluation criteria will be considered in determining the site’s features and allowing for site design flexibility.

- (1) The open space shall be reasonably contiguous and shall abut existing open space on adjacent sites.
- (2) All wetlands, flood hazard areas and 20% slopes shall not be cleared, filled or graded except as may be approved by the Planning Board. Water features shall constitute no more than 50% of the open space area.
- (3) The impacts on larger woodlands (over five acres) shall be minimized as much as practical.
- (4) Where farmland preservation is the goal of a site design, dwellings shall be located away from active farming areas, as is practical.
- (5) Dwellings in open fields or pastures shall be located at the farthest edges of a field as possible as seen from any public road.

- (6) Where preserving scenic views is the goal of a site design, such scenic views should remain unblocked and uninterrupted. In wooded areas, where enclosure (e.g. a tree canopy) is a feature to be maintained a no cut and no-build buffer shall be considered along the public roadway.
- (7) Where historic or archeological preservation is the goal of a site design, new streets, driveway, fences, and/or utilities shall not interfere with the historic site. Building designs of the new dwellings shall reflect the qualities and designs of the historic buildings, as much is practical.”

Section 405. Streets and Driveways

405.1 Type of Street Required

All streets shown on the final plat shall be designated as public. All subdivision lots shall abut on a public street, except those lots located on an approve driveway connected to such a street as outlined in section 405.6. All public streets shall be built to the standards of this Ordinance and all other applicable standards of the North Carolina Department of Transportation, Division of Highways, *Subdivision Roads Minimum Construction Standards*, as amended.

405.2 Pubic Dedication of Streets

In accordance with N.C.G.S. 136-102.6 streets designated as public shall be conclusively presumed as an offer of dedication to the public.

405.3 Access to Adjacent Properties

Where, in the opinion of the Planning Board, it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turnaround provided. The extension dedicated shall have the same right-of-way width as the street being extended.

405.4 Nonresidential Streets

The subdivider of a nonresidential subdivision shall provide street in accordance with section F-4 of the North Carolina Department of Transportation, *Division of Highways Subdivision Roads, Minimum Construction Standards*, as amended, and the standards in this Ordinance, whichever are stricter is regard to each particular item.

405.5 Other Street Design Standards

a) Intersections

1. Offset intersections are to be avoided unless exception is granted by the Division of Highways or Wayne County as applicable. Intersections which cannot be aligned should be separated by a minimum length of two hundred feet (200’) between survey and center lines.
2. Intersections with major thoroughfares and arterials (U.S. and N.C. routes) shall be at least four hundred feet (400’) from center line to center line. Intersections on collector roads and streets (N.C. Secondary Roads) shall be no less than four hundred feet (400’) from center line to center line.

b) Culs-de-sac

Permanent deadend streets shall not exceed nine hundred feet (900’). Measurement shall be from the point where the centerline of the deadend street intersects with the center of a through street to the center of the turnaround of the cul-de-sac. Where one (1) cul-de-sac intersects with another cul-de-sac, the end of each cul-de-sac shall be no more than nine hundred feet (900’) from a through street, measured as stated above. The diameter of the paved area of all cul-de-sacs shall be no less than seventy (70’). Culs-de-sac should not

be used to avoid connection with an existing street or to avoid the extension of an important street, unless exception is granted by the Wayne County Planning Board.

405.6 Private Driveways¹

Driveways shall be laid out to provide for adequate ingress, egress, and regress between the subject lot(s) and a public right-of-way. Such driveways shall have a width of not less than thirty (30) feet for the length of the driveway. The driveway area shall be included as part of the lot, and will be in addition to the minimum lot size provided for in section 404.2(b) of this Ordinance. A final plat shall be prepared for all driveways and lots served by the driveways as provided for in Sections 306 and 307 of this Ordinance. The driveways shall be labeled with the following note on the final plat: **“Private Ingress, Egress and Regress Easement.”** Driveways provided for in this section shall be used only in connection with major subdivisions that are not minor subdivisions.

405.6a Public Access Easements²

A public access easement may be approved for a minor subdivision of three or fewer lots provided the following requirements are met:

1. A public access easement shall serve no more than three (3) residential parcels;
2. The minimum easement width shall be fifty (50) feet;
3. A minimum travelway of twelve (12) feet in width with a minimum height clearance of fourteen (14) feet shall be provided;
4. The travelway shall have an all-weather surface as approved by the Planning Department;
5. The public access easement shall intersect with an approved public street;
6. No resubdivision or additional subdivision of lots located on a public access easement shall be permitted unless access can be upgraded to a street. A notation shall be placed on the face of the plat that states “No additional lots, including the resubdivision or additional subdivision of the lots served by the public access easement shall be permitted unless the public access easement is upgraded by the property owner(s) to a street that meets or exceeds the standards of Wayne County or the North Carolina Department of Transportation, whichever is applicable”;
7. A disclosure statement stating that maintenance of the public access easement is the responsibility of the property owner(s) shall be placed on the plat;
8. The location of the easement must be recorded on a plat with all of the lots using the easement;
9. The public access easement shall permit ingress, egress, and regress and necessary utilities required to serve the lots. Lots abutting the public access easement shall have a ten (10) foot easement abutting the public access easement for future utility easements;
10. An 18” by 24” final plat as outlined in Sections 306 and 307 of this ordinance shall be completed for all subdivisions that are to be accessed by a public easement. Such lots shall be addressed according to the County’s addressing system, if applicable.

405.7 Other Requirements

a) Street Names

Proposed streets which are obviously in alignment with existing streets shall be given, the same name. In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names in the County irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be subject to the approval of the Planning Board of Wayne County.

b) Street Name Signs

The subdivider shall be required to provide street name signs to County standards at all intersections within the subdivision.

¹ Amended January 20, 2004

² Added January 20, 2004

All signs shall be the crisscross design, with noncorrosive metal plates or blades mounted on a metal post, properly set in concrete at least twenty-four (24) inches deep. The metal post shall be of a noncorrosive material with a minimum inside diameter of two inches and a wall at least one-eighth (1/8) inch thick. The sign shall have a dark green background with white or off white letters.

Signs at new intersections within a subdivision shall have plates or blades with a minimum length of twenty-four (24) inches and minimum height of six (6) inches. Street name letters shall have a minimum height of four (4) inches. Block numbers and other required information shall have a minimum height of two (2) inches.

Signs at new intersections with existing State maintained roads shall have plates or blades with a minimum height of nine (9) inches. Street names letters shall have a minimum height of six (6) inches. Block numbers and other required information shall have a minimum height of two (2) inches.

A subdivider may request the County to install necessary signs. If a request is made by the subdivider a fee shall be paid to the County in accordance with the County's fee schedule.¹

c) **Permits for Connection to State Roads**

An approved permit is required for connection to any existing State system road. This permit is required prior to any construction of the street or road. The application is available at the office of the nearest district engineer of the Division of Highways.

Section 406. Utilities

406.1 Water and Sanitary Sewer Systems

Water and sanitary sewer lines, connections, and equipment shall be in accordance with the County and State standards and policies. Water and sewer taps and meters, meter curb boxes, and conservation stops, where applicable, shall be installed at the subdivider's expense on each lot within the jurisdiction of the County.

Where the subdivider proposes to connect the subdivision to a state approved community water system or sanitary district, a letter of acceptance from the authority providing the water supply must accompany the preliminary plat.

All lots in subdivisions not connected to a municipal or community water and/or sanitary system must have a suitable source of water supply and sanitary sewage system, which complies with the regulations of the applicable County, and State agencies.

Lots within subdivisions which use a public water supply shall be within five hundred feet of a fire hydrant. The installation of any new hydrant shall be at subdividers expense. All fire hydrants shall be placed on a six-inch or larger water main. Water systems shall be designed to encourage expansion. Minor subdivisions may be excluded from this plan with the approval of the Wayne County Planning Board.²

406.2 Storm Water Drainage System

The subdivider shall provide a surface water drainage system constructed to the standards of the North Carolina Department of Transportation, as reflected in the *Handbook for the Design of Highway Surface Drainage Structures, 1973*, as amended, subject to review by the District Highway Engineer.

a) Streambanks and channels downstream from any land disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from land disturbing activity in accordance with the North Carolina Sedimentation Pollution Control Act, G.S. 143-34.12, Chapter 113A, Article 4, and North Carolina Administrative Code Title 15, Chapter 4.

¹ Adopted September 3, 1991

² Adopted March 16, 1993

- b) Anyone constructing a dam or impoundment within the subdivision must comply with the North Carolina Dam Safety Law of 1967 and North Carolina Administrative Code Title 15, Subchapter 2K.
- c) In all areas of special flood hazards, all subdivision proposal shall have adequate drainage provided to reduce exposure to flood damage.
- d) When new subdivisions are determined by the Planning Board to displace more surface water runoff than the existing receiving drainage system can accommodate, it shall be the subdivider's responsibility to make such offsite improvements to the receiving drainage system(s) that will accommodate the increased runoff, within limits approved by the Planning Board.

406.3 Maintenance of Drainage Facilities

The subdivider shall form a homeowners association or some similar type organization to provide for the continuing maintenance of any drainage facilities which must be installed to insure that any sanitary sewer system properly operates. The organization so formed shall be required to maintain said drainage system and shall have the means to maintain said system. The restrictive covenants in the subdivision must make reference to the requirement stated herein.

406.4 Street Lights

All subdivisions that involve additional public street improvements shall have street lights installed throughout the subdivision in accordance with the standards of National Electric Safety Code.

406.5 Underground Wiring

All subdivisions that involve additional public street improvements shall have underground wiring. This requirement may be waived by the Wayne County Planning Board if underlying rock is less than four (4) feet from the surface, in areas where soils have a high water table, or if there is extensive pre-existing overhead wiring on the street in the immediate neighborhood of the subdivision. Such underground wiring shall be installed in accordance with the standards of the National Electric Safety Code. The subdivider shall be required to pay the charges for installation of the underground service, which charges will be made in accordance with the then effective underground electric service plan as filed with the North Carolina Utilities Commission.

Section 407. Other Requirements

407.1 Placement of Monuments

Unless otherwise specified by this Ordinance, the *Standards of Practice for Land Surveying*, as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, shall apply when conducting surveys for subdivision, to determine the accuracy for surveys and placement of monuments, control corners, markers, and property corner ties; to determine the location, design, and material of monuments, markers, control corners, and property corner ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions.

407.2 Construction Procedures

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.

No building permits shall be issued for erection of a structure on any lot of record at the time of adoption of this Ordinance until all the requirements of this Ordinance have been met. The subdivider, prior to commencing any work within the subdivision, shall provide for adequate inspection. The approving authorities

having jurisdiction of their representatives shall inspect and approve all completed work prior to release of the sureties.

Section 408. Buffering Requirements

Whenever a residential subdivision is located adjacent to an office, institutional, commercial, industrial use which does not have a buffer, or property zoned for these uses, and a buffer is not required between these and the subdivision, the subdivider shall provide a buffer as defined in Section 502. The width of the buffer shall be in addition to the lot area required by the Wayne County Zoning Ordinance. The buffer shall become part of the lot on which it is located, or in the case on commonly owned property, shall be deeded to the homeowners association.

ARTICLE V

DEFINITIONS

Section 501. Subdivision Defined

For the purposes of this Ordinance, “subdivision” means all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets. But the following shall not be included within this definition nor be subject to any regulations enacted pursuant to this Ordinance.

- a) The combination or re-combination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in 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 (2) acres into not more than three (3) 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 in this Ordinance.

Section 502. Other Definitions

For the purpose of this Ordinance, certain words or terms used herein shall be defined as follows:

Abutting.	Having a common border with, or being separated from such common border by, an alley or easement.
Access.	A means of vehicular approach or entry to or exit from property.
Block.	A piece of land bounded on one (1) or sides by streets or roads.
Buffer Strip.	A planted strip of land which shall be a minimum of twenty five feet (25') in width and shall be composed of any type of pine tree, spaced no less than forty feet (40') apart on center line; and evergreen shrubbery of a variety that will attain a height of at least six feet (6') at maturity, spaced no less than four feet (4') apart on center line.

- Building .** A structure with a roof supported by columns or walls, intended to provide shelter for persons, property, animals, or business activity. Includes roof, gutters, walls, downspouts, porches, foundations, crawl spaces, windows, floors, doors and any other part thereof.
- Building, Accessory.** A building which (1) is subordinate to and serves a principal structure or a principal use, (2) is subordinate in area, extent, and purpose to the principal structure or use served, (3) is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this Ordinance, and (4) is customarily incidental to the principal structure or use. Any portion of principal structure devoted or intended to be devoted to an accessory use is not and accessory structure.
- Building, Front.** That exterior wall of a building which faces a front lot line of the lot.
- Building Setback Line.** A line parallel to the front property line in front of which no structure shall be erected. Setbacks shall be figured from the right-of-way line.
- Community Water Supply.** A public water supply that serves a community that is not an incorporated municipality. This includes unincorporated communities, subdivisions, and/or mobile home parks having ten (10) or more connections.
- Dedication.** A gift, by the owner, or a right to use of land for a specified purpose or purposes. Because a transfer or property rights is entailed, dedication must be made in written instrument, and is completed with an acceptance.
- Developer.** Any person, firm, trust, partnership, association or corporation engaged in development, or proposed development, of a parcel or parcels of land.
- Development.** The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; and extension of any use of land or any clearing, grading, or other movement of land, for which permission may be required pursuant to this Ordinance.
- Drainage.** The removal of surface water or ground water from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water-supply preservation or prevention or alleviation of flooding.
- Easement.** A grant by the property owner of a strip of land for a specified purpose and use by the public, a corporation, or persons.
- Flood Hazard Area.** An area designated to be within the 100-year flood zone according to maps of the Federal Emergency Management Agency.
- Frontage.** The distance between the two-side lot lines as measured along the right-of- way line.
- Lot.** A portion of a subdivision, or any other parcel of land, intended as a unit of transfer of ownership of for development, or both.
- Lot of Record.** A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Wayne 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.
- Official Maps or Plans.** Any maps or plans officially adopted by the Board of Commissioners of Wayne County.
- Plat.** A map or plan of a parcel of land which is to be, or has been subdivided.

- Professional Engineer. A person who has been duly registered and licensed as a professional engineer by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors.
- Public or Community Sewage System. A single system of sewage collection, treatment, and disposal owned and operated by a sanitary district, a water and sewer authority, a county or municipality, or a public utility.
- 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.
- Registered Land Surveyor. A person who, by reason of his special knowledge of mathematics, surveying principles, and methods, and legal requirements which are acquired by education and/or practical experience, is qualified to engage in the practice of land surveying, as attested by his registration as a registered land surveyor by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors.
- Reserve. To save for a particular use or a specific purpose, whether present or future.
- Retention. Surface collection, storage, and reduction of stormwater runoff for the purpose of providing infiltration of runoff into the soil.
- Street. A dedicated and accepted public right-of-way for vehicular traffic.
- Storm Drainage Facilities. The system of inlets, conduits, channels, ditches and appurtenances which serve to collect and convey stormwater through and from a given drainage area.
- Storm Water Runoff. The direct runoff of water resulting from precipitation in any form.
- Subdivider. Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.
- Subdivision Administrator. The official designated by the Board of Commissioners responsible for administering the requirements of this Ordinance.

Section 503. Word Interpretation

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

Words used in the present tense include the future tense.

Words used in the singular number include the plural and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.

The word “person” includes a firm, association, corporation, trust, and company as well as an individual.

The word “used for” shall include the meaning “designed for”.

The word “structure” shall include the word “building”.

The word “lot” shall include the words “plot,” “parcel,” or “tract”.

The word “shall” is always mandatory and not merely directory.

