

ARTICLE VI
SUBDIVISIONS

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ARTICLE VI
SUBDIVISIONS

6-1 PURPOSE

The purpose of this Article is to provide for specific conditions, administration, and enforcement of the requirements for subdivision of property in the Town of Whitsett. The provisions contained in this Article, with the exception of exclusions noted in Section 6-3, apply to any and all subdivisions of property within the jurisdiction of the Town.

6-2 COMPLIANCE

All plats for the subdivision of land, with the exception of those excluded in Section 6-3, shall conform to the requirements of this Article and shall be submitted to the Town Enforcement Officer to process in accordance with the procedures and specifications established herein.

6-3 EXCLUSIONS

If a proposed division of land meets one or more of the following exclusions, the owner may submit to the Town Enforcement Officer maps, deeds or other materials in sufficient detail to permit a conclusive determination by the Enforcement Officer that the subdivision is exempt from further regulation under this Ordinance:

- a) The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance.
- b) The division of land into parcels greater than ten (10) acres if no street right-of-way dedication is involved. [6-3b amended and adopted 6/11/02.]
- 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 the entire area of which is not greater than two acres into not more than three lots, if no street right-of-way is involved and if the resultant lots are equal to or exceed the standards of this Ordinance.

6-4 APPROVAL REQUIRED

6-4.1 Date of Compliance

After the effective date of this Ordinance, no plat for the subdivision of land within the Town of Whitsett shall be filed, accepted for recording, or recorded, nor shall the Clerk of the Superior Court order the recording of a plat until it has been submitted to and approved by the Town of Whitsett.

6-5 PRIOR CERTIFICATION

Any and all lots proposed for development in the Town of Whitsett shall have prior certification from the Guilford County Health Department for water and sewer management. Approval by the Environmental Division of the Health Department shall be obtained after preliminary Plat approval. All lots will be certified as to percolation test sites and rates and be recorded and reported on any plats submitted to the Planning Board. All percolation test sites shall be identified and marked on all plats submitted for approval as to location and percolation rate as certified by the Guilford County Health Department.

6-6 DEDICATION AND ACCEPTANCE

- A. Rights-of Way and Easements: The approval of a plat constitutes dedication and acceptance by the Town and the public of the right-of-way of each public street, alley, or utility or drainage easement shown on such plat. The approval of a plat does not constitute acceptance for maintenance of other purposes of improvements in such right-of-way, such as utility lines, street paving, drainage facilities or sidewalk surfaces. Such improvements must be accepted by the Town Council.
- B. Open Space: Land designated as public open space on a plat shall be considered to be offered for dedication until the Town Council has by express action accepted such dedication. Until such dedication has been accepted, land so offered may be used for open space purposes by its owner or by an association representing owners of other lots within the plat. Land so offered for dedication shall not be used for any purpose inconsistent with the proposed public use without the express approval of the Town Council.

6-7 COORDINATION WITH OTHER PROCEDURES

To lessen the time required to attain all necessary approvals and to facilitate the processing of applications, an applicant may start the subdivision approval process simultaneously with applications for grading permits or other applications for approvals required for the particular

project.

6-8 SUBMISSION OF PLANS

Applications for subdivision approval shall be submitted to the Enforcement Officer. Subdivisions requiring Planning Board approval shall be presented to the Enforcement Officer at least seven (7) days prior to the next scheduled meeting of the Planning Board.

6-9 PRE-APPLICATION PROCEDURES

6-9.1 Conference

For the purposes of clarification and assistance in the preparation and submission of plats for approval, and in the interest of efficiency and economy, every subdivision applicant is strongly encouraged to schedule a Preapplication Conference with the Enforcement Officer before the submission of a Preliminary Plat. Developers of major subdivisions are encouraged to prepare a sketch plan for this conference.

6-10 PRELIMINARY PLAT

6-10.1 Required

A Preliminary Plat shall be required for all subdivisions, including group developments and unified developments.

6-10.2 Preparation

The Preliminary Plat shall be prepared by a registered land surveyor, registered landscape architect, or licensed engineer, and shall be prepared in accordance with submission standards approved by the Planning Board.

6-10.3 Approval of Minor Subdivisions

Plats meeting all requirements of a Minor Subdivision may be approved by the Enforcement Officer. Any decision by the Enforcement Officer may be appealed by the applicant to the Planning Board within thirty (30) days of the decision.

6-10.4 Submission

The Enforcement Officer shall present Major Subdivisions or appealed cases to the Planning Board at its next meeting. The Planning Board shall review the Preliminary Plat for compliance with existing regulations. This review shall be made by the members of the Planning Board and by any other agencies or officials whose jurisdiction is affected by the subdivision.

6-10.5 Action By Planning Board

- A. Timing: The Planning Board shall take action within thirty (30) days of reviewing the Preliminary Plat.
- B. Approval: If the Preliminary Plat is approved, the applicant may proceed toward Final Plat approval.
- C. Conditional Approval: If the Preliminary Plat is granted conditional approval, the applicant shall cause the plat to be revised, based upon the conditions of the approval and resubmitted. The Enforcement Officer shall review the revised plat and, if it meets all the approval conditions and is otherwise substantially unaltered, shall signify on the plat the change from conditional approval to approval. If the plat is not revised within sixty (60) days to meet the approval conditions or the applicant notifies the Enforcement Officer that he is unwilling to revise the plat, it shall be deemed denied.
- D. Denials: If the Preliminary Plat is denied the reasons shall be stated in writing. The applicant may revise and resubmit a plat which has been denied. Decisions of the Planning Board may be appealed to the Town Council within thirty (30) days of the Planning Board decision.

6-10.6 Appeals

If the plat is denied, or granted conditional approval, or if no action is taken within thirty (30) days by the Planning Board the applicant may appeal the plat to the Town Council within fifteen (15) days after denial, conditional approval, or lack of action by the Planning Board. The Town Council shall approve, grant conditional approval, or deny the plat.

6-10.7 Fees

All fees for the Preliminary Plat shall be due and payable when the Preliminary Plat is submitted according to the schedule of fees set by the Town Council.

6-11 STREET AND UTILITY CONSTRUCTION

6-11.1 Plans

Street and utility construction plans for all street, water, sanitary sewer, and storm sewer facilities shall be submitted to the Enforcement Officer shortly before or following Preliminary Plat approval. For each subdivision section, the street and utility construction plans shall include all improvements lying within or adjacent to that section as well as all water and sanitary sewer lines lying outside that section and being required to serve that section.

6-11.2 No Construction Without Plan Approval

None of the improvements listed above shall be constructed until the street and utility construction plans for such improvements have been reviewed and approved by the Town.

6-11.3 Inspection

Work performed pursuant to approved street and utility construction plans shall be inspected and approved by the Town Enforcement Officer.

6-12 WATERSHED CONTROL PONDS AND SOIL & EROSION CONTROL DEVICES INSTALLATION

Any approved watershed control pond(s) and soil and erosion control device(s) may be installed prior to approval of street and utility construction. Permitting and approval is carried out through the Guilford County Planning Department.

6-13 OWNERS' ASSOCIATIONS

6-13.1 Establishment of Owner's Association

A. Creation: An Owner's Association shall be established to accept conveyance and maintenance of all common areas and facilities within a development containing common areas.

B. Owner's Association Not Required: Developments involving only two units attached by a common wall shall not be required to have common areas or an Owner's Association. Developments with only two units attached and not having an Owner's Association shall have an

agreement between owners concerning maintenance of common walls.

6-13.2 Submission of Owner's Association Declaration

Before or concurrently with the submission of the Final Plat for review and approval, the subdivider shall submit a copy of the proposed Bylaws of the Owner's Association containing covenants and restraints governing the Association, plats, and common areas. Provisions in the Guilford County Development Ordinance governing formation and operation of Owners' Associations are hereby incorporated by reference into this Ordinance and shall govern restrictions, declarations and powers of Owners' Associations for properties in Whitsett.

6-14 FINAL PLAT

6-14.1 Submission

Upon approval of the Preliminary Plat and other required plans the applicant shall be eligible to submit a Final Plat for approval. Approval of the Preliminary Plat shall constitute tentative approval of the Final Plat if the Final Plat is substantially unchanged from the approved Preliminary Plat.

6-14.2 Preparation

The Final Plat shall be prepared by a Registered Land Surveyor in accordance with standards approved by the Planning Board.

6-14.3 Required Improvements

No Final Plat shall be approved until all required improvements have been installed and approved or appropriate surety is provided.

6-14.4 Assurance of Completion of Improvements

Where the improvements required by this Ordinance have not been completed prior to the submission of the plat for final approval, such improvements shall be assured by the owner's filing of an approved surety bond, certified check, or irrevocable letter of credit in an amount to be

determined by the Town and for an approved period not to exceed eighteen (18) months.

6-14.5 Approval and Certification of Final Plat

The final plat shall be reviewed by the Planning Board and then submitted to the Town Council for approval. When it is approved, a signed written statement to this effect shall be entered on the face of the plat.

6-14.6 Permits

Unless otherwise provided in this Ordinance, upon recordation of the Final Plat, the subdivider shall be eligible to apply for building and any other permits required by this Ordinance or other laws.

6-14.7 Fees

All fees and assessments for the Final Plat shall be due and payable when the Final Plat is submitted for approval.

6-15 RECORDATION OF FINAL PLATS

After approval, a Final Plat must be recorded in the office of the Register of Deeds within sixty (60) days. It is the responsibility of the developer to record the Final Plat. No plat shall be regarded as finally approved until such plat shall be recorded. If the Final Plat of all or part of the area shown on the approved Preliminary Plat is not recorded in the Office of the Register of Deeds within eighteen (18) months of approval of the Preliminary Plat, or if there is a lapse of more than eighteen (18) months between the recordings of sections, the Preliminary Plat must be resubmitted to the Planning Board. Such resubmittal shall be in accordance with the requirements of this Ordinance.

6-16 WAIVERS

6-16.1 Approval Authority

The Town Council may approve waivers to submission standards in this Article.

6-16.2 Grounds for Waivers

The Planning Board may waive subdivision standards in this Article under one of the following circumstances:

- A. **Physical Hardship:** Where because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Article would cause unusual and unnecessary hardship on the subdivider.
- B. **Equal or Better Performance:** Where in its opinion a waiver will result in equal or better performance in furtherance of the purposes of this Ordinance.
- C. **Unintentional Error:** Where through an unintentional error by the applicant, his agent, or the reviewing staff, there is a minor violation of a standard in this Article, where such violation is not prejudicial to the value or development potential of the subdivision or adjoining properties.

6-16.3 Conditions

In granting waivers, the approval authority may require such conditions as will secure, insofar as practicable, the purposes of the standards or requirements waived.

6-17 SUBDIVISION STANDARDS

6-17.1 General

All proposed subdivisions, including unified developments, shall comply with this Article and shall be so planned as to facilitate the most advantageous development of the entire community and shall bear a sensible relationship to the approved plans of the Town. Whenever a tract to be subdivided includes or adjoins any part of a thoroughfare or collector street as designated by the Thoroughfare Plan or Collector Street Plan, that part of such proposed public right-of-way shall be dedicated to public right-of-way with the subdivision plat in the location and to the width recommended in this Article.

6-17.2 Lot Dimensions and Standards

The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated and shall conform to the following:

- A. Conformance to Other Regulations: Every lot shall have sufficient area, dimensions, and street access to permit a principal building to be erected thereon in compliance with all zoning and other requirements of this Ordinance;
- B. Minimum Building Area: Every lot shall have at least forty (40) percent of its total area, or three thousand (3,000) square feet, whichever is less, of contiguous buildable area of a shape sufficient to hold a principal building. Said area shall lie at or be filled to an elevation at least one (1) foot above the one-hundred-year high water elevation.
- C. Lot Depth to Width Ratio: No lot shall have a depth greater than four (4) times the width at the minimum building line.
- D. Side Lot Line Configuration: Side lines of lots should be at or near right angles or radial to street lines.
- E. Lot Lines and Drainage: Lot boundaries shall be made to coincide with natural and pre-existing man-made drainageways to the extent practicable to avoid the creation of lots that can be built upon only by altering such drainageways.
- F. Lots on Thoroughfares: Major subdivisions shall not be approved which permit individual residential lots to access thoroughfares as shown on the adopted Thoroughfare Plan.
- G. Access Requirements: All lots must have public street access and frontage meeting the dimensional requirements set forth in Section 4-10.1, Table of Area, Yard and Height Requirements . The following exceptions may be approved:
 - 1) Flag lots approved by the Planning Board serving one-single family dwelling must have minimum width of 25' (Flag Pole) connector to public road. [Amended and adopted December 11, 2002.]
 - 2) Lots served by Exclusive Access Easements serving one single-family dwelling.
 - 3) Lots and units located in developments with Owner's Associations or group developments in which permanent access is guaranteed by means of approved private street and/or drives.

6-17.3 Streets

- A. Conformance with Thoroughfare and Collector Street Plans: The location and design of streets shall be in conformance with applicable thoroughfare and collector street plans. Where conditions warrant, right-of-way widths and pavement widths in excess of the minimum street standards may be required.

- B. **Conformance with Adjoining Street Systems:** The planned street layout of a proposed subdivision shall be compatible with existing or proposed streets and their classifications on adjoining or nearby tracts.
- C. **Access to Adjoining Property:** Where in the opinion of the Planning Board, it is desirable to provide for street access to adjoining property, proposed streets shall be extended to the boundary of such property.
- D. **Reserve Strips:** Reserve strips adjoining street rights-of-way for the purposes of preventing access to adjacent property shall not be permitted under any condition.
- E. **Street Classification:** The final determination of the classification of streets in a proposed subdivision shall be made by the Town. Streets are defined in Article II (Definitions).
- F. **Public Street Design Criteria:** The minimum street design standards for the street classifications are contained in Table 6-17-1. Right-of-way dedication and paving of streets in and adjacent to the subdivision shall be in conformance with the right-of-way and pavement width requirements of Table 6-17-1 and Table 6-17-2; and the streets shall be designed in accordance with the NCDOT Subdivision Roads: Minimum Construction Standards, or the street design manual of another Guilford County jurisdiction accepted by the Town Council, whichever is applicable.

TABLE 6-17-1 MINIMUM PUBLIC LOCAL STREET DESIGN STANDARDS-RURAL AREA				
Classification	Minimum Right-of-Way (ft)^a	Minimum Pavement Width (ft)^{a,b}	Stopping Sight Distance (ft.)	Centerline Radius (min.) 4% Super (ft.)
Collector/Subcollector (NCDOT)	50	20	200	230
Local/Cul-de-sac (NCDOT)	50	20	150	150

G. Private Street Design Criteria

- 1)Where Permitted: Private streets shall be permitted in developments with Owner's Associations and in group developments.
- 2)Minimum Design and Construction: The minimum design standards are found in Table 6 -17-4. The pavement design for all private streets will be equivalent to the minimum design for local residential streets of the Town or NCDOT whichever is applicable, unless the developer supplies an alternate pavement design supported by an engineering study.

The developer must furnish proof (engineer's seal as well as certification) that the private streets have been tested and certified for the subgrade, base and asphalt. All private streets will have a standard, thirty (30) inch curb and gutter section, unless the street is located in the Watershed Critical Area (WCA). Streets located in the WCA may be twenty-two (22) feet of asphalt construction with shoulders and a ditch section. Common area may need to be widened to keep the ditch section within the common area. All cul-de-sacs will have a minimum forty-five (45) foot pavement radius.

TABLE 6-17-2 MINIMUM PRIVATE STREET DESIGN STANDARDS			
Minimum Common Area Free of Obstructions	Minimum Pavement Width	Stopping Sight Distance (ft.)	Centerline Radius Minimum (ft.)
34a	24a	150	215
<p>a Common area may need to be wider when using ribbon pavement in the Watershed Critical Area.</p> <p>b Ribbon pavement width in Watershed Critical Area is 22 ft.</p>			

- 3) Owner's Association Required: A Owner's Association is required to own and maintain all private streets allowed under this Ordinance. All private streets will be indicated on the plat.
- 4) Through Streets: No through street in a residential area connecting two public streets can be designated as a private street.
- 5) Connections to Public Streets: All private streets, connecting with public streets, require an approved driveway application from the Town or NCDOT whichever is applicable. Where street returns are permitted, the developer will have constructed a concrete band running parallel with the public street. The width of this band shall commence at the gutter line and extend to the right-of-way for the public street. In the event sidewalks are constructed, the minimum width shall be four (4) feet.

H. Private Lane Design Criteria

1) Where permitted: Private lanes shall be permitted only in minor subdivisions.

2) Construction Standards

a) Roadway Width and Construction Design: Minimum Street Design Standards are found in Table 6-17-3 below. The base course shall comply with NCDOT Standards. A pavement surface is not required. The area outside the roadway shall be treated with stabilizing vegetation or other materials approved by the Soils Division of the Guilford County Planning Department.

TABLE 6-17-3 MINIMUM PRIVATE LANE DESIGN STANDARDS-RURAL AREA			
Minimum Private Right-of-Way Width (ft.)	Minimum Width of Roadway (ft.)	Sight Distance (ft.)	Center Radius (ft.)
50	18	150	150

b) Block Length: Block length shall not be longer than six hundred (600) feet.

c) Turn Around: A cul-de-sac or T-type turnaround shall be provided in accordance with NCDOT Standards.

d) Intersection: Roads shall be designed to intersect as nearly as possible at right angles. Intersections at angles less than sixty (60) degrees are not permitted. A Private Lane may not intersect with another Private Lane.

e) Street Off-Sets: The off-set alignment of the centerline of two non-intersecting streets shall be a minimum of one hundred and twenty-five (125) feet.

f) Disclosure Statement: A disclosure statement in accordance with NCGS 136-132.6 shall be approved by the Town Attorney, recorded simultaneously with the plat, and referenced on the Final Plat. The Disclosure Statement must contain the provision(s) for construction and/or maintenance of the Private Lane.

g) Certificate of Inspection and Surety: A certificate of inspection signed and sealed by a licensed professional engineer shall be filed with the Town Enforcement Officer prior to recordation of the Final Plat. A surety may be posted for a Private Lane in which

case the certificate will be required after road construction is complete. This certificate shall at a minimum state that the private road has been constructed to meet the minimum design standards set forth herein.

I. Intersecting Street Angle

- 1) All streets shall intersect each other at or as near to ninety (90) degrees as possible within topographic limits.
- 2) All streets crossing natural areas, wetlands, or stream buffers must cross at or as near to ninety (90) degrees as possible within topographic limits.

J. Cul-de-sac Maximum Length: The maximum distance from an intersecting through street to the end of a cul-de-sac shall be eight hundred (800) feet, except that a distance up to one thousand six hundred (1,600) feet may be approved in the Watershed Critical Area.

K. Minimum Street Offset: Where streets are offset, the centerlines of shall be offset no less than one hundred and twenty-five (125) feet.

L. Curb and Gutter: Curb and gutter shall be required in all urban subdivisions except in the Watershed Critical Area as defined in Article II Definitions unless the continuity of previous street work necessitates curb and gutter. Curb and gutter shall be constructed in conformance with the Town's of NCDOT design criteria. Curb and gutter in rural subdivisions is not required unless public water and/or sewer is provided or required.

M. Temporary Turnarounds: Stub-outs may be required to have a temporary turnaround at the stub-out which will be sufficient to permit sanitation vehicles to turn around.

N. Grades at Intersections: The grade on stop streets approaching an intersection shall not exceed five (5%) percent for a distance of not less than one hundred (100) feet from the centerline of the intersection.

P. Street Names: Streets which are obviously in alignment with existing streets shall generally bear the name of the existing street. Street names shall not duplicate or closely approximate phonetically the names of existing streets in Whitsett and the surrounding area.

Q. Private Street, Lane or Drive Signs

- 1) Street Signs: At each intersection of a named private street, drive, or lane with a public street, the Town shall erect a street name sign identifying the private drive. The developer shall pay a fee to the Town for each such sign required. In addition, the developer shall be required to erect and maintain reflectorized signs, with green lettering on a white background, at all intersections between private streets, drives, or

lanes.

- 2) Traffic Control Signs: The developer shall be required to provide traffic control signs in locations designated by the Town.
- 3) Maintenance: Maintenance of signs on private streets, drives or lanes shall be the responsibility of the owner or owner's association, as appropriate.

6-17.4 Block Length

Blocks shall not exceed a perimeter length of six thousand (6,000) feet, except that a perimeter length of up to twelve thousand (12,000) feet may be approved in the Watershed Critical Area. Perimeter length is the shortest perimeter measurement along the abutting street right-of-way lines. There shall be a four hundred (400) foot minimum distance between intersections on collector or higher classification streets.

6-17.5 Sidewalks

Except along controlled access facilities, sidewalks shall be required on all thoroughfare streets, shall have a minimum width of five (5) feet and be constructed on one side of the right-of-way as determined by the Town.

6-17.6 Utilities

- A. Major Subdivisions: Appropriate utility easements not to exceed thirty (30) feet in width shall be provided for electric, telephone, gas and community antenna television service consults, and water and sewer lines within in the subdivision. The location of such easements shall be reviewed and approved as a part of the subdivision review process, with advice from utility providers, before approval of the Final Plat.
- B. Minor Subdivisions: Lots fronting on public streets with access to existing utilities are not required to have utility easements. All other lots shall have twenty (20) foot easements to the front, side, or rear of each lot.
- C. Utility easements shall be kept free and clear of any building, structure or other improvements that would interfere with the proper maintenance and/or replacement of utilities. The Town shall not be held liable for damages to any improvements located within the utility easement area caused by the maintenance, repair or replacement of utilities located therein.
- D. Water and Sewer Connection: Connection of each lot to public water and sewer utilities shall be required if the proposed subdivision is within three hundred (300) feet of the nearest adequate

lines from a public system, and provided that no geographic or topographic factors would make such connection infeasible. Where public sewer is not available, lots shall meet applicable Guilford County Environmental Health Division regulations. Approval of the Environmental Health Division shall be obtained after Preliminary Plat approval. The Final Plat shall show the Certificate of Approval from the Environmental Health Division.

E. Underground Utilities: Electrical, television, cable, and telephone utility lines which are installed to provide service within major subdivisions shall be underground unless the Planning Board determines said underground installation is inappropriate.

6-17.7 Drainage

A. The builder or homeowner must provide for proper and adequate drainage and erosion control.

B. The design of storm drainage systems and plans, including calculations, shall clearly indicate the easements and dedicated areas required for the construction and maintenance of the drainage system.

C. Use of berms will be standard. These will be grassed or landscaped so as to eliminate erosion.

D. Design of drainageways shall conform to applicable guidelines in the County's Storm Sewer Design Manual and the Guilford County Uniform Development Ordinance, Article V Subdivisions: Procedures and Standards.

E. Flood Standards

- 1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- 2) All subdivision proposals shall have the public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- 3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- 4) Base flood elevation data shall be provided for subdivision proposals and other proposed development whenever the one hundred (100) year storm flow is five hundred (500) cubic feet per second or greater.

F. Sites For Public Uses: In subdividing property, due consideration shall be given by the subdivider to the reservation of suitable sites for school and other public uses in accordance with NCGS 160A-372 and NCGS 153A-331.

G. Placement of Monuments: Unless otherwise specified by this Ordinance, the Standards of Practice for Land Surveying in North Carolina, as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, shall apply when conducting surveys.