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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.

6-4.2. - No Subdivision Without Approval

No real property, including property declared under the N.C. Condominium Act NCGS 47C-1 et seq., lying within the Jurisdiction as now or hereafter fixed shall be subdivided except in conformance with all applicable provisions of this Article. Violation of this Section shall be a misdemeanor.

6-4.3 – Dedication and Acceptance

- A. *Rights-of Way and Easements:* The approval and recordation of a plat constitutes dedication to and acceptance by the Jurisdiction and the public of the right-of-way of each public street, alley, or utility or drainage easement shown on such plat. The approval and recordation of a plat does not constitute acceptance for maintenance responsibility within such right-of-way or easement. Improvements within such right-of-ways or easements, such as utility lines, street paving, drainage facilities or sidewalks may be accepted for maintenance by the Governing Body or by the administrative officer authorized to inspect and, where appropriate, accept the dedication of such improvements.
- 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.

6-4.4. - Re-Platting

Lots that have been labeled as "Non-buildable," "No Improvement Permit has been issued," "No certification for Sewage Treatment has been given for this lot" or otherwise identified as unsuitable for building purposes at the time of plat recordation must be re-platted before any building permit on the lot can be issued. Re-platted lots described above or re-platting of lots to remove or relocate easements created through the subdivision process shall follow the approval procedures defined in this Article, but shall not be subject to Section 6-15 concerning the dedication of property for street right-of-way or open space. The approval process may be abbreviated for the re-platting of lots.

6-5 PRE-APPLICATION PROCEDURES

6-5.1. – Conference

In the interest of efficiency and economy, every subdivision applicant is strongly encouraged to schedule a preverification conference with the Planning Staff prior to the submission of a Preliminary Plat.

6-5.2 – Plans

A. Preliminary plat is required for initial review.

B. Plans shall be prepared in accordance with Appendix 2 (Map Standards).

6-6 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.

6-7 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 thirty (30) days prior to the next scheduled meeting of the Planning Board.

6-7 SKETCH PLAN

- (A) *Required for Staff Review:* A Sketch Plan is required for staff review whenever adjoining land is owned by the subdivider seeking approval of a Major Subdivision.
- (B) *Required for Planning Board Approval:* A Sketch Plan is required for Planning Board approval for any subdivision of property that involves more than fifty (50) lots, or utilizes Off-site Sewage Treatment, or a Community Sewage Treatment System. Procedures for approval shall correspond to the procedures found in Section 6-8 (Preliminary Plat).
- (C) *Preparation:* The Sketch Plan shall be prepared in accordance with Appendix 2 (Map Standards) and submitted to the Town Enforcement Officer.

6-8 PRELIMINARY PLAT

6-8.1 - Required

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

6-8.2 - 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 in accordance with Appendix 2 (Map Standards).

6-8.3 - Approval of Minor & Major Subdivisions

Plats meeting all requirements of a Minor Subdivision shall be reviewed, and approved by the Town

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.

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.

Plats meeting all requirements of a Major Subdivision shall be presented by the Town Enforcement Officer to the Planning Board at its next meeting for approval. Any decision made by the Planning Board may be appealed to the Town Council within fifteen (15) days.

6-8.4 - Submission

To lessen the time required to attain all necessary approvals and to facilitate the processing of applications, the Development Clearance Certificate may be issued to other agencies as necessary.

6-8.5 - 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 by all agencies, 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 or approved agent of the Town 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.

6-8.6 - 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.

6-8.7 - Evaluation of Sewage Treatment Systems

A. Required Approval

- 1) On-site and Off-site Sewage Treatment Systems: Prior to approval of a Final Plat, subdivisions shall be approved by the Guilford County Environmental Health Division following subsection (B) below; or certified by a licensed Soil Scientist following subsection (C) below.
- 2) Community Sewage Treatment: The Guilford County Environmental Health Division shall approve a Community Sewage Treatment system for any subdivision or use the following procedures in Subsection (D) below.
- 3) Existing Sewage Systems: All lots with an existing sewage treatment system(s) must be checked by the Environmental Health Division for presence of malfunction. Application for the system check shall be made with the Environmental Health Division after preliminary plat approval. The plat must then be released by the Environmental Health Division prior to recordation.

B. Environmental Health Division: Once a subdivision plat utilizing On-site or Off-site Sewage Treatment receives preliminary approval, approval must be obtained from the Environmental Health Division of the Guilford County Health Department before Final Plat approval. [Refer to Section 6-15.6 Subdivision Improvements-Utilities-Water and Sewer Connections]. The following approval procedures by the Environmental Health Division shall be utilized:

- 1) After preliminary plat approval, a plot plan for each lot shall be submitted. Each plot plan must contain the information required by Appendix 2 (Map Standards) and be accompanied by fee payment and a signed Improvement Permit Application.
- 2) If the lot is determined to be suitable for an On-site or Off-site Sewage Treatment System, a certificate pursuant to Appendix A-3 (H) will be entered on a copy of the approved preliminary plat.
- 3) If any lot is evaluated and rated unsuitable or the property owner does not choose to have the lot(s) evaluated for sewage treatment, the lot shall be crosshatched and labeled "NO IMPROVEMENT PERMIT HAS BEEN ISSUED FOR THIS LOT." Information on denied lots, or lots not evaluated will be the only information shown on the Preliminary Plat.
- 4) The Environmental Health Manager will sign and date each Preliminary Plat prior to its return to the land surveyor, landscape architect, or licensed engineer for Final Plat preparation.

C. Soil Scientist: Once a subdivision that is being certified by a Soil Scientist for On-site or Off-site Sewage Treatment receives preliminary approval, a Soil Suitability Report sealed the

by Soil Scientist containing the following information shall be provided to the Planning Department prior to approval of the Final Plat:

- 1) Two copies of the approved preliminary plat indicating:
 - a. The soil units delineated and coded with accompanying legend to describe suitability for on-site sewage disposal systems, and
 - b. A listing of square footage of each soil unit contained on each lot.
- 2) When the evaluation was conducted, status of site improvements (i.e. street construction, utility installation, etc.) and under what soil moisture conditions.
- 3) What methods were used to evaluate the site (i.e. auger, pits, etc.).
- 4) General description of soil parent material(s).
- 5) Soil description of each soil map unit.

If any lot is evaluated and rated unsuitable or the property owner does not choose to have the lot(s) evaluated for sewage treatment, the lot shall be crosshatched and labeled "NO CERTIFICATION FOR SEWAGE TREATMENT HAS BEEN ISSUED FOR THIS LOT."

D. Community Sewage Treatment: The Guilford County Environmental Health Division or the North Carolina Department of Environmental and Natural Resources (NCDENR) shall approve a Community Sewage Treatment System for any subdivision or use using such system. Such approval shall be based upon a soil suitability report prepared in accordance with NCDENRDEH, On-site Wastewater Section, Laws and Rules for Sewage Treatment and Disposal Systems, Sections .1940—.1948.

6-8.8 - Fees

All fees for the Preliminary Plat shall be due and payable to the Town of Whitsett prior to plan submittal according to the schedule of fees set by the Town Council.

6-9 STREET AND UTILITY CONSTRUCTION

6-9.1 - Plans

Street and utility construction plans for all street, water, sanitary sewer, and storm sewer facilities shall be submitted to the Enforcement Officer and/or NCDOT 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.

6-9.2 - 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, and by the NCDOT when development requires new roadways.

6-9.3 - Inspection

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

6-10 PERMANENT RUNOFF CONTROL STRUCTURES AND SOIL EROSION AND SEDIMENTATION CONTROL DEVICES INSTALLATION

6-10.1. - Soil Erosion and Sedimentation Control Devices.

Any approved soil erosion and sedimentation control device(s) may be installed prior to approval of street and utility construction plans.

6-10.2. - Permanent Runoff Control Structures.

(A) *Coordination with Streets and Utilities:* Any approved permanent runoff control structure may be installed prior to approval of street and utility construction plans. Such plans shall show the location of existing or proposed runoff control structures relative to the proposed improvements to avoid conflicts during street and utility construction.

(B) *Design and Construction:* Runoff control structures shall be designed and installed in accordance with the requirements of Section 11-1 (Stormwater Management/Watershed Protection Districts).

(C) *Owners' Association Required:* When a permanent runoff control structure serves more than one (1) lot within a subdivision, an owners' association shall be required for the purposes of ownership and maintenance responsibility.

(D) *Maintenance Responsibility:* The owners' association shall be responsible for maintaining the completed permanent runoff control structure as directed by the governmental office having jurisdiction for watershed protection and, if the owners' association should be dissolved or cease to exist, then in that event all the owners of record at the time of required maintenance shall be jointly and severally liable for any and all costs attendant thereto.

(E) *Maintenance Note Required on Final Plat:* When a subdivision contains a permanent runoff control structure to which Subsection (C) above is applicable, each final plat in the subdivision shall contain a prominent note with the full text of Subsection (D) above.

(F) *Plat Recordation:* The permanent runoff control structure(s) shall be substantially completed and have full design volume available prior to any plat recordation for the site. This may require the cleanout and disposal of sediment from the pond.

6-11 OWNERS' ASSOCIATIONS

6-11.1 - 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.

6-11.2 - 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. The restrictions shall include, (but not be limited to), provisions for the following:

(A) *Existence Before Any Conveyance*: The Owner's Association declaration shall be organized and in legal existence prior to the conveyance, lease-option, or other long-term transfer of control of any unit or lot in the development.

(B) *Membership*: Membership in the Owner's Association shall be mandatory for each original purchaser and each successive purchaser of a lot or unit. Provisions shall be made for the assimilation of owners in subsequent sections of the development.

(C) *Owner's Association Declaration*: The Owner's Association declaration shall contain the following items:

1) Responsibilities of Owner' Association: The Owner's Association declaration shall state that association is responsible for:

- a) The payment of premiums for liability insurance and local taxes;
- b) Maintenance of recreational and/or other facilities located on the common areas; and
- c) Payment of assessments for public and private improvements made to or for the benefit of the common areas.

2) Default of Owner's Association: Upon default by the Owner's Association in the payment to the Jurisdiction entitled thereto of any assessments for public improvements or ad valorem taxes levied against the common areas, which default shall continue for a period of six (6) months, each owner of a lot in the development shall become personally obligated to pay to the Jurisdiction a portion of the taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the Jurisdiction by the total number of lots in the development. If the sum is not paid by the owner within thirty (30) days following receipt of notice of the amount due; the sum shall become a continuing lien on the property of the owner, his heirs, devisees, personal representatives and assigns. The taxing or assessing Jurisdiction may either bring an action at law against the owner personally obligated to pay the same, or may elect to foreclose the lien against the property of the owner.

3) Powers of the Association: The Owner's Association is empowered to levy assessments against the owners of lots or units within the development. Such assessments shall be for the payment of expenditures made by the Owner's Association for the items set forth in this Section, and any

assessments not paid by the owner against whom such assessments are made shall constitute a lien on the lot of the owner.

4) Easements: Easements over the common areas for access, ingress, and egress from and to public streets and walkways and easements for enjoyment of the common areas, and for parking, shall be granted to each lot owner.

5) Maintenance and Restoration: Provisions for common area maintenance of and restoration in the event of destruction or damage shall be established.

(D) *Nonresidential Condominiums*: If the condominium is a nonresidential condominium, the declaration shall contain the following provision:

"Parking spaces shall be allocated among the individual lots or units in such a manner that each unit is entitled to a sufficient number of parking spaces to comply with this Ordinance for the use intended to be located therein. The Owner's Association shall maintain a register listing the total number of parking spaces in the development and the number of parking spaces allocated to each lot or unit. A copy of this register shall be available to the Enforcement Officer at his request. The Owner's Association shall not reduce the number of parking spaces allocated to an individual lot or unit without the express written consent of the owner thereof, and in no case shall the number of parking spaces allocated to an individual unit be reduced to a number below that required by this Ordinance."

6-12 FINAL PLAT

6-12.1 - 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.

6-12.2 – Preparation

The Final Plat shall be prepared by a Registered Land Surveyor in accordance with the Town of Whitsett's map standards.

6-12.3 – Required Improvements

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

6-12.4 – 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, or equivalent in an amount to be determined by the Town not to exceed one hundred twenty-five percent (125%) of the

reasonably estimated cost of proposed improvements, and for an approved period not to exceed two (2) years.

6-12.5 - Approval and Certification of Final Plat

The final plat shall be reviewed, and approved by the Enforcement Officer. When the Enforcement Officer has approved a Final Plat, a signed written statement to this effect shall be entered on the face of the plat. The statement can be found in Appendix 2 (Map Standards).

6-12.6- 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.

6-12.7- Fees

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

6-13 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 applicant 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.

6-14 WAIVERS

6-14.1 - Approval Authority

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

6-14.2 - 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.

6-14.3 - 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.

6-15 SUBDIVISION STANDARDS

6-15.1 - General

- A. Design: All proposed subdivisions, including group developments, shall comply with this Article, shall be designed to promote beneficial development of the community, and shall bear a reasonable relationship to the approved plans of the Jurisdiction.
- B. Development Name: In no case shall the name of a proposed development duplicate or be phonetically similar to an existing development name in the Jurisdiction unless the proposed development lies adjacent or in proximity to the existing development.
- C. Reasonable Relationship: All required improvements easements, and rights-of-way (other than required reservations) shall substantially benefit the development or bear a reasonable connection to the need for public facilities attributable to the new development. 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 dedication to public right-of-way with the subdivision plat in the location and to the width recommended by the plans or this Article.
- D. Off-Site Connections: When in the opinion of the Planning Board, it is necessary to connect streets and/or utilities off-site to adjoining streets and/or utilities, said improvement may be required.

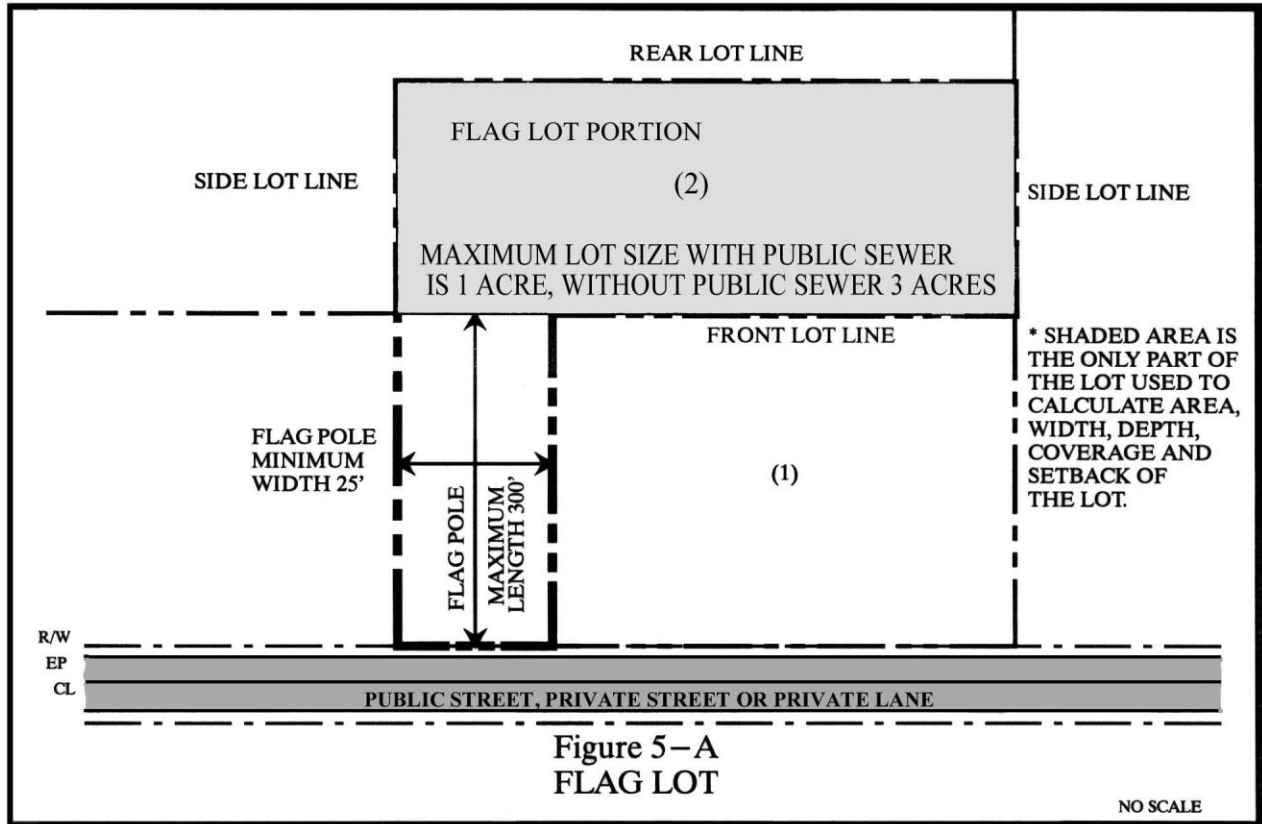
6-15.2 - Lot Dimensions and Standards

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

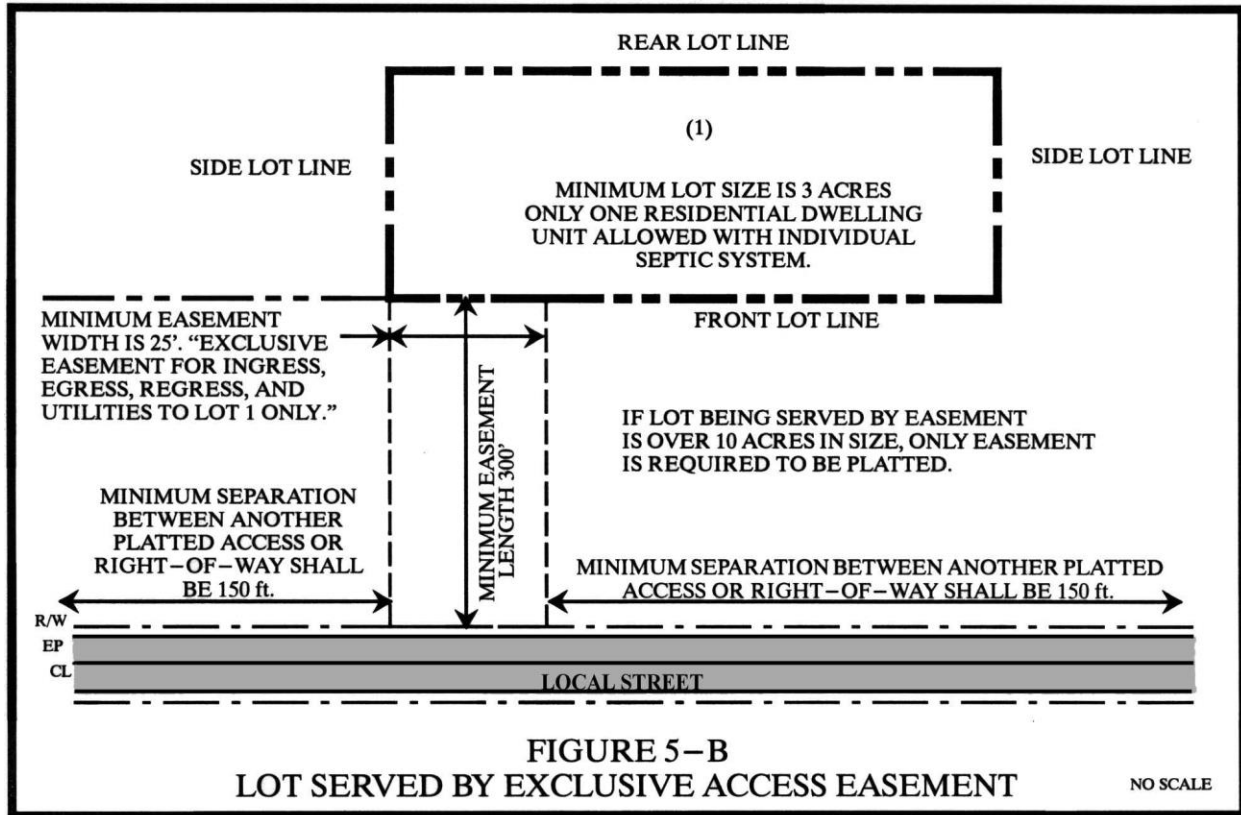
other requirements of this Ordinance;

- 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. [Caution: Article XI (Environmental Regulations) or Federal wetlands regulations will prohibit or restrict fill placement in certain locations.]
- 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 coincide with natural and pre-existing man-made drainageways to the extent practicable to avoid lots that can be built upon only by altering such drainageways.
- F. **Lots on Thoroughfares:** Major subdivisions shall not be approved that 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 requirements set forth in Article VI (Zoning). The following exceptions may be approved:
 - 1. **Flag lots (See Figure 5-A) meeting the following requirements:**
 - a. A flag lot shall serve only one single-family dwelling and its uninhabited accessory structures;
 - b. The maximum flagpole length shall be three hundred (300) feet;
 - c. The minimum flagpole width shall be twenty five (25) feet;
 - d. The maximum lot size in areas with public sewer shall be one (1) acre;
 - e. The maximum lot size without public sewer shall be three (3) acres. For lots located in the Watershed Critical Area Tier 2 without public sewer, the minimum lot size shall be five (5) acres and the maximum shall be ten (10) acres. Note: Flagpole portion of lot is not used to calculate area, width, depth, coverage and setbacks of the lot or to provide off-street parking;
 - f. Use of a single driveway to serve a flag lot and an adjoining lot is permitted and encouraged; the preferred location for the driveway is on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole.



2. Lots served by Exclusive Access Easements (See Figure 5-B) meeting the following criteria:

- a. An Exclusive Access Easement shall serve only one (1) single-family dwelling and its uninhabited accessory structures;
- b. Lots to be served by an Exclusive Access Easement shall not be created in an area served by public water or sewer;
- c. The minimum lot size shall be three (3) acres;
- d. The minimum easement width shall be twenty-five (25) feet;
- e. The minimum easement length shall be three hundred (300) feet;
- f. The minimum separation between easement and any other platted access or right-of-way shall be one hundred fifty (150) feet;
- g. The location of the easement must be recorded on a plat; and
- h. The Exclusive Access Easement shall permit ingress, egress, and regress and necessary utilities required to serve the lot.



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.
4. Lots located on an approved private lane which are platted and recorded pursuant to the provisions of this Ordinance and NCGS 136-1-2.6.
5. Lots of record provided there is recorded access and the use is limited to only one (1) single-family dwelling and its uninhabitable accessory structures.

6-15.3 - 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 purpose 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~~ jurisdiction. Street classifications are defined in Article II (Definitions).
- F. Public Street Design Criteria: The minimum street design standards for the street classifications are contained in Table 6-15-1. 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 6-15-1 and Table 6-15-2; 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 6-15-1				
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~~ jurisdiction 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.

<p align="center">TABLE 6-15-2 MINIMUM PRIVATE STREET DESIGN STANDARDS</p>			
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 as such on the plat.
- 4) Private Through Streets: No through street in a residential area connecting two public streets can be designated as a private street unless approved by the Planning Board.
- 5) Connections to Public Streets: All private streets, connecting with public streets, require an approved driveway application from the jurisdiction 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.
- 5) Sidewalks: 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 6-15-3 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.

<p align="center">TABLE 6-15-3 MINIMUM PRIVATE LANE DESIGN STANDARDS-RURAL AREA</p>			
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. 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 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.
- O. Sight Distance Easements: Triangular sight distance easements shall be shown in dashed lines at all street intersections and so noted on the subdivision plat. These easements will remain free of all structures, trees, shrubbery, driveways, and signs, except utility poles, fire hydrants, and traffic control signs. The location and extent of sight distance easements will be determined by the Jurisdiction and the NCDOT.
- 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.
[Per Appendix 1 Guilford County has the authority to address properties on behalf of the Town of Whitsett.]
- Q. Street Signs
- 1) Public Street Intersections: At each intersection of a named public street, drive, or lane with another named public street, the developer shall pay a fee to the ~~Town~~ jurisdiction for the installation of each street sign required.
 - 2) Public to Private Street Intersections: 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~~ jurisdiction for each such sign required.
 - 3) Private Street Intersections: The developer shall be required to erect and maintain reflectorized signs, with green etting on a white background, at all intersections between private streets, drives, or lanes.

4) Traffic Control Signs: The developer shall be required to provide traffic control signs in locations designated by the jurisdiction.

5) Maintenance: Maintenance of signs on private streets, drives or lanes shall be the responsibility of the owner or owner's association, as appropriate.

6-15.4 - 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.

6-15.5 - 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 (1) side of the right-of-way as determined by the jurisdiction.

6-15.6 - Utilities

A. Public Water and Sewer Construction Requirements: Water and sewer lines, connections, and equipment shall be constructed in accordance with state and local regulations.

B. Where public sewer is not available, lots shall be evaluated in accordance with "Laws and Rules for Sanitary Sewage Collection, Treatment, and Disposal 11 NCGS 130 A. Approval of the Environmental Health Division, the North Carolina Department of Environment and Natural Resources, or a Soil Scientist shall be obtained after Preliminary Plat approval. The Final Plat shall show lot(s) denied or not evaluated or certified crosshatched and labeled in accordance with Section 6-8.7(B) and (C).

C. Underground Utilities: Electrical, television cable, and telephone utility lines installed within major subdivisions shall be underground unless the Town Planning Board determines underground installation is inappropriate.

D. Utility Easements:

1. Major Subdivisions: To provide for electric, telephone, gas and community antenna television services conduits, and sewer or water lines within the subdivision appropriate utility easements not to exceed thirty (30) feet in width shall be provided. The location of such easements shall be reviewed and approved by the Jurisdiction, with advice from utility providers, before Final Plat approval.

2. Minor Subdivisions: Lots fronting on public streets with access to existing utilities are not required to have utility easements. All other lots shall show a twenty (20) foot utility easement to the front, side, or rear of each lot unless easement releases are obtained from all utility companies, in which case no utility easement will be required.

3. No Buildings or Improvements: Utility easements shall be kept free and clear of any buildings or other improvements that would interfere with the proper maintenance or replacement of utilities. The Jurisdiction shall not be liable for damages to any improvement located within the utility easement area caused by maintenance or replacement of utilities located therein.

6-15.7 – Drainage & Open Space

The design of storm drainage systems and plans, including calculations, shall clearly indicate the easements required for the construction and maintenance of the drainage system. Refer to Article 11-1.8 for the following sections of drainage requirements as they relate to subdivisions:

- (A) General Drainage Requirement.
- (B) Enclosed Subsurface Drainage and requirement for a Drainage or Drainage Maintenance and Utility Easement.
- (C) Open Channel Drainage in Dedicated Drainageway and Open Space Area (Public Open Space).
- (D) Open Channel Drainage and requirement for Drainageway and Open Space Easement (Private Open Space).
- (E) Open Channel Drainage and requirement for a Drainage or Drainage Maintenance and Utility Easement

6-15.8 – Sites for Public Uses

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 153A-331.

6-15.9 – Placement of Monuments

Placement of Monuments: 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 installing monuments.

Guilford County’s Revision of Article VI adopted by Whitsett Town Council June 13, 2017

Appendices, including map standards, if applicable, are available at the Whitsett Town Hall.