

## Chapter 22: SUBDIVISION REGULATIONS

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## **ARTICLE I. IN GENERAL**

### **Section 22-1. Title.**

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

### **Section 22-2. Purpose.**

The purpose of this ordinance is to establish procedures and standards for the development and subdivision of land within the territorial jurisdiction of the County of Rowan, North Carolina. It is further designed to provide for the orderly growth and development of the County; for the coordination of streets and highways within proposed subdivision with existing or planned streets and highways and with other public facilities; 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 provisions of water, sewerage, parks, open space, schools, and playgrounds, and also to facilitate the further resubdivision of larger tracts into smaller parcels of land.

### **Section 22-3. 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 22-4. Jurisdiction.**

The regulations contained herein, as provided in G.S. 153A, Article 18 shall govern every subdivision within Rowan County outside of the jurisdiction of any incorporated municipality and any municipal extraterritorial planning jurisdiction established under G.S. 160A-360.

### **Section 22-5. Compliance With Ordinances, Plans and Maps.**

All proposed subdivisions shall comply with the standards and requirements of any officially adopted ordinances, plans or maps of the Rowan County Board of Commissioners. School sites may be reserved as provided in G.S. 153A-331.

### **Section 22-6. "Subdivision" Defined.**

For the purpose of this ordinance, "Subdivision" means all division of a tract or parcel of land into two (2) or more lots, building sites, or other divisions when any one (1) or more of those divisions are created 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 recombination 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 Rowan County as shown in this ordinance.
- (b) The division of land into parcels greater than ten (10) acres where no street or private or public 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 not 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 Rowan County as shown in this ordinance.
- (e) The division of a tract into plots or lots used as a cemetery.
- (f) Land divided by a will, intestate succession defined by Chapter 29 of the NCGS, or the courts for the purpose of dividing up a deceased persons property.

(Amend. of 2-20-06(2); Amend. of 09-03-19)

### **Section 22-7. "Minor Subdivision" Defined.**

A minor subdivision is defined as a subdivision where:

- (a) No new roads are proposed, or road rights-of-way dedicated, and
- (b) Where eight (8) or fewer lots will result after the subdivision is completed.

### **Section 22-8. "Major Subdivision" Defined.**

A major subdivision is defined as a subdivision where:

- (a) New roads are proposed or rights-of-way are dedicated, or
- (b) More than eight (8) lots are created after the subdivision is completed.
- (c) For purposes of compliance with section 22-111, Water Point Sources, a major subdivision shall be considered as a proposal creating fourteen (14) or more lots.

(Amend. of 7-16-07(2))

### **Section 22-9. "Family Subdivision" Defined.**

(a) *Purpose.* Minimum access standards for new lots are one of several primary objectives of this ordinance. To achieve this, all lots subdivided after the effective date of this ordinance are required to have frontage on either an existing or proposed road meeting the right of way and construction standards established by NCDOT. However, Rowan County recognizes a residential lot created for conveyance to an immediate family member, where access is provided by a private road, is a reasonable alternative to requiring the construction of a new public road.

(b) *Intent.* Family subdivision lots are typically conveyed as gift deeds or for nominal consideration in circumstances where the existing parcel does not contain the required road frontage to qualify as a minor subdivision and would otherwise be required to construct a new public road for access. The standards set forth in this ordinance for family subdivisions are designed to promote:

- a. The transfer of ownership of the newly subdivided lots to immediate family members;
- b. Compliance with all other applicable ordinance standards related to dimensional and design criteria; and
- c. Recognition that necessary maintenance associated with private roads is coordinated among family members.

(c) *Definition.* A family subdivision is defined as a subdivision of not more than three (3) lots plus the residual lot conveyed by the property owner to members of his / her immediate family as defined in this ordinance. A family member may only receive one (1) lot under this provision.

(Ord. of 2-1-99(2); Amend. of 11-2-09; Amend. of 9-06-16)

## **Section 22-10. Other Definitions.**

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

*Block.* A piece of land bounded on one or more sides by streets or roads.

*Board of Commissioners.* County Board of Commissioners of Rowan County, North Carolina.

*Building Setback Line--Front.* A line establishing minimum allowable distance between the wall of the principal building and the street or road right-of-way line when measured perpendicularly from the right-of-way. Covered porches, decks, uncovered porches or landings, etc., but not including steps whether covered or not, shall be considered as part of the principal building and shall not project into the required yard.

*Building Setback Line--Side or Rear.* A line establishing minimum allowable distance between the wall of the principal building and the side or rear property lines. Covered porches, decks, uncovered porches or landings, etc., but not including steps whether covered or not, shall be considered as part of the principal building and shall not project into the required yard.

*Cluster Subdivision.* A subdivision of land that the subdivider requests and is approved to subdivide an original tract into lots smaller than those specified in this ordinance, provided that the land saved is reserved for permanent common use, usually in the form of open space.

*Curb Outlet System* means curb and gutter with breaks or other outlets used to convey stormwater runoff to vegetated conveyances or other vegetated areas.

*County Manager.* County Manager of Rowan County, North Carolina.

*Crosswalk.* A specially paved or marked path for pedestrians crossing a road.

*Dedication.* A gift, by the owner or a right to the use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be by written instrument.

*Developer.* Any person, firm, trust, partnership, association or corporation, engaged in development or proposed development activities.

*Development.* Any land disturbing activity that adds to or changes the amount of impervious or partially impervious cover on a land area, or which otherwise decreases the infiltration of precipitation into the soil.

*Dry Hydrant.* An arrangement of pipe permanently connected to a water point source other than a piped, pressurized water supply system, that provides a ready means of water supply for firefighting purposes and that utilizes the drafting (suction) capability of fire department pumps.

*Easements.* A grant by the property owner to the public, a corporation, or persons, of the right to use a specified portion of a tract or tracts of land for a specified purpose.

*“Existing” impervious development* consists of any structure(s) or operational area(s) that has either been:

1. In existence and continuous operation prior to the effective date of the Rowan County Water Supply Watershed Ordinance on January 1, 1994 (since codified in the RCZO); or,
2. Lawfully permitted prior to the effective date (February 16, 1998) of the Rowan County Zoning Ordinance; or,
3. Lawfully permitted in accordance with the standards of the Rowan County Zoning Ordinance prior to the effective date of the High Density amendments contained in Section 21-33(f) of the RCZO.

*Family, Immediate* means an individual’s grandparents, step-grandparents, parents, step-parents, sibling (full, half, or step), children, step-children, grandchildren, and step-grandchildren, whether natural or legal.

*Flood Insurance Rate Map (FIRM).* An official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

*Flood Insurance Study (FIS).* An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

*Fire Marshal.* Fire Division Manager of the Rowan County Department of Emergency Services or his designee.

*Improvements.* Refers to all infrastructure or amenities required by this ordinance including, but not limited to, all aspects of road construction, sidewalks, water lines, sewer lines, drainage and stormwater facilities, utility lines, water point sources and other related matters associated with the development of undeveloped land into building sites.

*Insurance Services Office (ISO).* ISO is an independent organization that serves insurance companies, fire departments, insurance regulators and others by providing information about property and liability risk. ISO’s statistical, actuarial, and underwriting information is a resource used by insurers, government regulators, other companies and organizations and the use of their standardized policy language is the foundation on which many insurers build their coverage programs.

*Lot.* A portion of a tract of land to be subdivided for the purposes of transfer of ownership or development or both.

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

*Lot Types:*

*Corner Lot.* A lot located at the intersection of two (2) or more roads. A lot abutting on a curved road or roads shall be considered a corner lot if straight lines drawn from the foremost point of the lot meet at an interior angle of less than one hundred thirty (130) degrees.

*Double Frontage Lot.* (i.e., through lot) Any lot having access by water and street right-of-way or by having access on two (2) street right-of-ways. This does not include corner lots.

*Interior Lot.* A lot other than a corner lot with only one (1) frontage on a street.

*Panhandle Lot.* A lot other than one having access on a cul-de-sac, which contains a narrow strip providing street access.

*Reverse Frontage Lot.* A through lot which is not accessible from one (1) of the parallel or nonintersecting street upon which it fronts.

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

*Through Lot.* See Double Frontage Lot.

*Utility lot.* A lot that serves unmanned utility facilities such as pump / lift stations, wireless facilities and support structure and septic tank drain fields. A utility lot is not to be used as parking, vehicle storage or accommodation for residential or commercial structures.

*Minimum Design Criteria* or "MDC" means the requirements set forth in this Chapter for siting, site preparation, design and construction, and post-construction monitoring and evaluation necessary for Rowan County or NC Department of Environmental Quality to issue stormwater permits that comply with State water quality standards adopted pursuant to G.S. 143-214.1.

*Mobile Water Supply Apparatus.* A vehicle designed primarily for transporting (pickup, transporting, and delivering) water to fire emergency scenes to be applied by other vehicles or pumping equipment.

*Multi-connection.* Any water supply furnishing potable water to two (2) to fourteen (14) connections of residences or businesses, or any combination thereof, from one (1) well that is not owned and operated by a public entity.

*Municipal Type Water System.* A system having water pumps serving hydrants and designed to furnish, over and above domestic consumption, a minimum flow of 250 gpm (946L/min) at 20psi (139 kPa) residual pressure for a 2-hour duration

*National Fire Protection Association (NFPA).* Established in 1896, the NFPA serves as the world's leading advocate of fire prevention and is an authoritative source on public safety. NFPA's mission is to reduce the worldwide burden of fire and other hazards on the quality of life by providing and advocating consensus codes and standards, research, training, and education. NFPA has developed three hundred (300) codes and standards that influence every building, process, service, design, and installation in the United States, as well as many of those used in other countries.

*NCDOT* means the North Carolina Department of Transportation.

*NFPA 22 Standards for Water Tanks for Private Fire Protection.* This standard provides the minimum requirements for the design, construction, installation, and maintenance of tanks and accessory equipment that supply water for private fire protection, including the following: (1) Gravity tanks, suction tanks, pressure tanks, and embankment-supported coated fabric suction tanks; (2) Towers; (3) Foundations; (4) Pipe connections and fittings; (5) Valve enclosures; (6) Tank filling; (7) Protection against freezing; version 2007 or latest amendment thereof.

*NFPA 1142 Standard on Water Supplies for Suburban and Rural Fire Fighting.* This standard identifies a method of determining the minimum requirements for alternative water supplies for structural firefighting purposes in areas where the authority having jurisdiction determines that adequate and reliable water supply systems for firefighting purposes do not otherwise exist; version 2007 or latest amendment thereof.

*Observed right-of-way.* The area recognized in the Cabarrus-Rowan Metropolitan Planning Organization (CRMPO) 2002-2030 Long Range Transportation Plan and referenced in Appendix A that may be utilized for future transportation improvements.

*Official Maps or Plans.* Any maps or plans officially adopted by the Board of Commissioners of Rowan County.

*Open Space.* An area of land and/or water generally lacking in manmade structures and reserved for enjoyment in its unaltered state.

*Operational area* means the dedicated or utilized area necessary for a business function and is characterized by, but not limited to, buildings or warehouses, storage areas or stockpiles, parking and loading areas, sediment ponds and detention areas, etc.

*Operation and Maintenance Agreement.* An agreement between a developer or owning entity of a stormwater control measure (SCM) and either Rowan County or NC DEQ depending on permitting authority. The agreement requires the developer or owning entity to maintain, repair, or reconstruct the SCMs in accordance with the approved design plans and the Operation and Maintenance Plan. The agreement shall be recorded with the Rowan County Register of Deeds so as to appear in the chain of title for all subsequent purchasers.

*Operation and Maintenance Plan.* Document specifying all operation and maintenance work necessary for the function of all stormwater control measure (SCM) components, including the stormwater conveyance system, perimeter of the device, inlet(s), pretreatment measures, main treatment area, outlet, vegetation, and discharge point. The operation and maintenance plan shall specify methods to be used to maintain or restore the SCMs to design specifications in the event of failure.

*Owning Entity.* Any person, firm, trust, partnership, association or corporation, having ownership or controlling interest in development or improvements regulated by this Chapter or Chapter 21 of the Rowan County Code of Ordinances (Rowan County Zoning Ordinance).

*Package Treatment Plant.* A self-contained sewage treatment facility built to serve the subdivision.

*Plan, site specific development* means a plan meeting the requirements of G.S. 153A-344.1, as amended, for approval of a vesting right under that statute.

*Planning Board.* County Planning Board of Rowan County, North Carolina.

*Planning Department.* The Planning Division of the Rowan County Planning and Development Department.

*Planned Unit Developments (PUD).* An area planned as a single entity containing one (1) or more residential, commercial or mixed use clusters that is subdivided into lots that do not meet the requirements of this ordinance. In a PUD the subdivider request an increase in density of property development for additional project amenities and relaxed public improvement standards in return for better subdivision design or for more affordable housing opportunities.

*Plat.* A map or plan of a parcel of land which is to be or has been subdivided showing such subdivision.

*Primary SCM* means a wet pond, stormwater wetland, infiltration system, sand filter, bioretention cell, permeable pavement, green roof, rainwater harvesting, or an approved new stormwater technology that is designed, constructed and maintained in accordance with the MDC.

*Private Road.* A dedicated right-of-way or ingress and egress easement to the public, forty-five (45) feet or greater in width containing a roadway which provides or is used primarily for vehicular circulation and is available for use by the general public or by residents of the development but is not maintained by

NCDOT or any municipality in Rowan County.

*Private Individual Sewage Disposal System.* A sewage disposal system serving one (1) connection which is usually owned and controlled by a private single entity.

*Private Individual Water Supply System.* A water supply system having one (1) service connection whose water supply comes from a single source, usually limited to a well or spring.

*Public Road.* A dedicated road right-of-way meeting all minimum construction standards of NCDOT or is maintained by the NCDOT Road Maintenance Program and available for use by the general public.

*Public or Private Sewer System.* A means of collecting, transporting and treatment of sewage by a public entity (e.g., city, town, county, sewer district), or other public body created, pursuant to State, Federal and local laws, or any combination thereof acting cooperatively or jointly, or a privately owned state licensed sewer system, for profit or non-profit firm or corporation. A package treatment plant shall be considered part of a public sewer system if owned by a City, Town, County, Sewer District, etc., otherwise shall be considered as a private sewer system.

*Public or Private Water System.* The provision to the public of piped water by a system with fifteen (15) or more connections or twenty-five (25) or more year round residents owned and operated by a municipality, county or other public entity or a privately owned licensed water supply, for profit or non-profit firm or corporation. This includes the term "community water supply system."

*Public Protection Classification (PPC) Program.* Developed and implemented by ISO, this program helps insurance companies measure and evaluate the effectiveness of fire-mitigation services throughout the country. The program rates a fire department on a scale of 1--10, with one (1) being the best and ten (10) not meeting the minimum criteria for rating. To determine the fire department's class rating ISO evaluators utilize the manual called the Fire Suppression Rating Schedule.

*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 manmade features that accommodates such activities.

*Required storm depth* means the minimum amount of rainfall that shall be used to calculate the required treatment volume or to evaluate whether a project has achieved runoff volume match.

*Right-of-way.* The base setback line that is the greater of either the line dividing the public right-of-way currently or a line thirty (30) feet measured in a perpendicular distance and parallel to the centerline of the street pavement, superseded by the observed right-of-way or the area recognized in the Cabarrus-Rowan Metropolitan (CRMPO) 2002-2030 Long Range Transportation Plan and referenced in Appendix A that may be utilized for future transportation improvements.

*Road.* A dedicated public right-of-way for vehicular traffic (or a private road when permitted by this ordinance). The word "road" includes, but is not limited to, "street, freeway, highway, expressway, drive, avenue, court, way, place, circle, lane, boulevard, and thoroughfare."

*Classifications of Roads:*

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

*Major collector.* A road which serves major intracounty travel corridors and traffic generators and provides access to the arterial system.

*Major thoroughfares.* Major thoroughfares consist of interstate, other freeway, expressway, or parkway roads, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.

*Minor arterial.* A rural roadway joining cities and larger towns and providing intrastate and inner-county service at relatively high overall travel speeds with minimum interference to through movement.

*Minor collector.* A road which serves small local communities and links locally important traffic generators with their rural hinterland.

*Minor thoroughfares.* Minor thoroughfares perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating minor through-traffic movements and may also serve abutting property.

*Principal arterial.* A rural link in a highway system serving travel, and having characteristics indicative of, substantial statewide or interstate travel and existing solely to serve traffic. This highway system would consist of interstate routes and other routes designed as principal arterials.

*Service road.* A road that runs parallel to a principal arterial or interstate and provides indirect access to and from properties or facilities abutting the interstate principle arterial via an interchange.

#### *Specific Type Roads:*

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

*Cul-de-sac.* A permanent dead-end street which has one (1) end open to traffic and terminates in a circular turnaround.

*Freeways, Expressway or Parkway.* Divided multilane roadways designed to carry large volumes of traffic at relatively high speeds. A freeway is a divided highway providing for continuous flow of vehicles with no direct access to abutting property or streets and with access to selected crossroads provided via connecting ramps. An expressway is a divided highway with full or partial control of access and with grade separations at major intersection. A parkway is a highway for noncommercial traffic, with full or partial control of access, and usually located within a park or a ribbon of park development.

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

*Local Residential Road.* Cul-de-sacs, loop streets less than two thousand five hundred (2,500) feet in length, or streets less than one (1) mile in length that do not connect thoroughfares, or serve major traffic generators, and do not collect traffic for more than one hundred (100) dwellings units.

*Residential Collector Road.* A local access street which serves as a connector street between local residential streets and the thoroughfare system. Residential collector streets typically collect traffic from one hundred (100) to four hundred (400) dwelling units.

*Road mile.* Linear distance of vehicular travel as measured along a road from any given location to another location

*Rowan County Zoning Ordinance* or “RCZO” means the ordinance and maps adopted by the Rowan County Board of Commissioners on January 19, 1998; effective February 16, 1998 and any amendments thereto that have established planning and zoning requirements and procedures for zoning in the unincorporated areas of Rowan County outside the zoning jurisdiction of municipalities.

Runoff treatment means that the volume of stormwater runoff generated from all of the built-upon area of a project at build-out during a storm of the required storm depth is treated in one or more primary SCMs or a combination of Primary and Secondary SCMs that provides equal or better treatment.

Runoff volume match means that the annual runoff volume after development shall not be more than

ten percent higher than the annual runoff volume before development.

*Sanitary Sewage System.* A complete system of sewage collection, treatment and disposal including privies, septic tank systems, connection to public or community sewage system, sewage reuse or recycle systems, mechanical or biological treatment system, or other such systems.

*Secondary SCM* means an SCM that does not achieve the annual reduction of Total Suspended Solids (TSS) of a "Primary SCM" but may be used in a treatment train with a primary SCM or other Secondary SCMs to provide pre-treatment, hydraulic benefits, or a portion of the required TSS removal.

*Sewage.* The waste water and its contents from kitchen, bathroom, toilet, lavatory and laundry of any residence, business establishment, industrial plant, institution, or any public building.

*Stormwater Control Measure* or "SCM," also known as "Best Management Practice" or "BMP," means a permanent structural device that is designed, constructed, and maintained to remove pollutants from stormwater runoff by promoting settling or filtration; or to mimic the natural hydrologic cycle by promoting infiltration, evapo-transpiration, post-filtration discharge, reuse of stormwater, or a combination thereof.

*Special Flood Hazard Area (SFHA).* The land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Section 9-7 of the Flood Damage Prevention Ordinance.

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

*Subdivision.* See section 22-6 of this ordinance.

*Subdivision, Major.* See section 22-8 of this ordinance.

*Subdivision, Minor.* See section 22-7 of this ordinance.

*Subdivision Review Committee.* An advisory committee to the Rowan County Board of Commissioners to review all major subdivision preliminary and final plats and to make recommendations to the Subdivision Administrator for the Board of Commissioners to approve, approve with conditions or disapprove. The committee shall consist of one (1) or more representatives from the following agencies or officials:

1. Rowan County Health Department.
2. Rowan County Environmental Management, Soil Sedimentation Control Staff.
3. Rowan County Planning Department.
4. N.C. Department of Transportation, Division 9, District 1, office.
5. Rowan County Emergency Services, Fire Division.

*Suction Points.* Any given point or location on a water point source at which fire department pumping apparatus is able to acquire, through drafting operations, water from that source for use in suppressing a fire. This term may also include generic terms such as dry hydrant, float dock, etc.

*Tract.* A piece of property upon which a subdivision is proposed.

*Vegetated conveyance* means a permanent, designed waterway lined with vegetation that is used to convey stormwater runoff at a non-erosive velocity within or away from a developed area.

*Vegetated setback* means an area of natural or established vegetation adjacent to surface waters, through which stormwater runoff flows in a diffuse manner to protect surface waters from degradation due to development activities.

*Water Point Source (WPS).* An adequate and reliable water delivery system used for fire protection that is available three hundred sixty-five (365) days a year and has the ability to provide two hundred

fifty (250) gallons per minute (gpm) for a two-hour duration. For purposes of this definition, a wps may include but not be limited to facilities such as a pond, cistern, underground or aboveground storage tanks, etc.

(Amend. of 7-16-07(2); Amend. of 6-16-08; Amend. of 11-2-09; Amend. of 4-21-14; Amend. of 9-6-16; Amend. of 2-6-17; Amend. of 8-19-19; Amend. of 02-17-20)

### **Section 22-11. Word Interpretation.**

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

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."

All words not specifically defined in this ordinance shall be assigned their customary dictionary definitions.

### **Secs 22-12—22-25. Reserved.**

## **ARTICLE II. ADMINISTRATION**

### **Section 22-26. General Procedures For Plat Approval.**

After the effective date of this ordinance, no subdivision plat of land within the County's jurisdiction shall be filed or recorded unless it meets the requirements of sections 22-51 and 22-52.

### **Section 22-27. Statement of Owner.**

The owner of land shown on a subdivision plat submitted for recording, or his authorized power of attorney, shall sign a statement on the plat stating whether or not any land shown thereon is within the subdivision-regulation jurisdiction of Rowan County or any municipality's jurisdiction within Rowan County.

### **Section 22-28. Issuance of Building Permits on Subdivision Lots.**

No building permit shall be issued for the erection of any building on any lot within a proposed subdivision until a final plat of said subdivision is recorded at the Rowan County Register of Deeds office.

### **Section 22-29. Administration and Enforcement.**

This ordinance shall be administered and enforced by the Subdivision Administrator who shall be assigned by the County Manager of Rowan County. Duties may be assigned by the administrator to other county personnel to conduct inspections and other duties of administration.

### **Section 22-30. Exceptions to the Subdivision Ordinance Certification.**

When requested by the Rowan County Register of Deeds, the Subdivision Administrator may certify that a subdivision intended to be recorded is an exception to the Subdivision Ordinance as described in section 22-6, "Subdivision" Defined. Certification of a subdivision exception shall appear on all copies of the subdivision plat for recordation as follows:

I hereby certify that this subdivision plat for recordation is an exception to the Subdivision Ordinance of Rowan County, North Carolina as defined in section 22-6.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Subdivision Administrator  
Rowan County, North Carolina

**Section 22-31. Vested Rights.**

Pursuant to G.S. 153A-344.1, a vested right to undertake and complete the development and use of property under the documented terms, any associated conditions, and approved site plan(s) may be established subject to chapter 21 section 11 of the Zoning Ordinance.

(Amend. 4-21-14)

**Section 22-32. Retention of Consultant.**

Rowan County may elect to retain a consultant or professional services to review and provide a determination(s) or recommendation(s) as to whether any proposed subdivision improvement(s) complies with the standards of this ordinance and applicable state and federal rules and regulations. The subdivider, developer or applicant shall pay any expense for consulting or professional services in excess of the application fee. Rowan County shall require any consultant(s) to disclose any potential conflicts of interest and to hold confidential any proprietary information supplied by the applicant.

(Amend. 08-19-19)

**Sections 22-33—22-50. Reserved**

**ARTICLE III. PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS**

**Section 22-51. Plat Shall Be Required On Any Subdivision of Land.**

Pursuant to G.S. 153A-332, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this ordinance whenever any subdivision of land takes place, except as herein provided.

**Section 22-52. Approval Prerequisite to Plat Recordation.**

Pursuant to G.S. 153A-332, no final plat of a subdivision within the jurisdiction of the County of Rowan as established in section 22-4 of this ordinance shall be recorded by the Register of Deeds of Rowan County until it has been approved by the Subdivision Administrator or Board of Commissioners as provided herein. This approval shall be certified by the Subdivision Administrator on the final plat before recordation. To secure such approval of a final plat, the subdivider shall follow the procedures established in this article.

**Section 22-53. Appeals and Variances.**

Any decision of the Subdivision Administrator or Subdivision Review Committee made in regard to

this ordinance may be appealed to the Zoning Board of Adjustment (ZBA) in accordance with the provisions of Article XIII Section 21-331 of the Rowan County Zoning Ordinance. Requests for variances from the requirements of this ordinance shall be heard by the Zoning Board of Adjustment (ZBA) in accordance with the provisions of Article XIII Section 21-332 of the Rowan County Zoning Ordinance.

(Ord. of 2-1-99(2); Amend. of 2-20-06(2); Amend. of 7-16-07(2))

### **Section 22-54. Waivers; Family Subdivisions.**

The Board of Commissioners may authorize a waiver from the family subdivision requirements to allow the creation of more than three (3) lots or conveyance to a family member that does not meet the definition of immediate family when, in its opinion, undue hardship may result from strict compliance. All other requests to deviate from the requirements herein are subject to a variance in accordance with section 21-332 of the Zoning Ordinance. In granting any waiver, the Board of Commissioners shall consider the nature of the proposed subdivision, the existing use of the 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. The waiver shall be granted only when it has been determined that such waiver shall not be detrimental to the county and the area surrounding the subdivision.

(Ord. of 2-1-99(2); Amend. of 9-6-16)

### **Section 22-55. Optional Sketch Plan.**

Prior to the submission of a preliminary or final plat, the subdivider may submit to the Subdivision Administrator three (3) copies of the proposed subdivision. The sketch plan will be reviewed by appropriate county staff and NCDOT representatives to insure compliance with all applicable regulations. If the proposed subdivision is not in compliance the subdivider shall be notified of specific areas of noncompliance by the subdivision administrator. The sketch plan should contain the following information:

- (1) A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivision, roads, and waterways;
- (2) North arrow, scale of plat, graphic scale bar and name of person who prepared the plat;
- (3) The boundaries of the tract and the portion of the tract to be subdivided;
- (4) The total acreage to be subdivided;
- (5) The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;
- (6) The proposed street layout with approximate pavement and right-of-way width, lot layout including dimensions and area of each lot;
- (7) The name, mailing address, and telephone number of the owner;
- (8) The name of the proposed subdivision;
- (9) Streets and lots of adjacent developed or platted properties;
- (10) The zoning classification of the tract and of adjacent properties;
- (11) Tax map and parcel number, recorded deed book and page number of subdivided tract.
- (12) As applicable, location of water point source or description of method used for providing a water point source.

(Amend. of 7-16-07(2); Amend. of 9-6-16)

**Section 22-56. Preliminary plat and stormwater control measure (SCM) submission and review.**

*(a) Submission Procedure*

The subdivider or developer shall submit a preliminary plat application for all major subdivisions or SCM plan application for all high density watershed projects which shall be reviewed by the Subdivision Review Committee (hereinafter referred to as the "Committee"). Upon receipt of a complete application the Subdivision Administrator shall schedule a Committee meeting within fourteen (14) days. The Committee shall have authority to approve the plat or plan before any construction or installation of improvements may begin. Failure to submit all items required by this subsection shall constitute an incomplete application and no review or approval by the Committee shall be issued. A preliminary plat application shall include:

1. Eight (8) copies of the preliminary plat containing all items outlined in section 22-61(a) submitted to the Subdivision Administrator.
2. Two (2) copies of a sedimentation and erosion control plan (or waiver).
3. Application for a driveway permit submitted to the Division 9 District 1 North Carolina Department of Transportation office.
4. Road plans and profiles submitted to the Division 9 District 1 North Carolina Department of Transportation office if applicable.
5. Subdivision review application and fee.
6. Two (2) copies of the proposed restrictive covenants for maintenance of any proposed open space in compliance with the provisions of section 22-58(f) of this article.
7. Certification from both the Fire Marshal and Chief of the fire department with responding jurisdiction that the major subdivision proposal is proximate to an adequate and reliable water point source. For projects lacking proximity to a sufficient water point source, a proposed method for complying with the requirements of section 22-111 of this ordinance must be provided.
8. For projects required to construct or provide a water point source, two (2) copies of the proposed restrictive covenants for maintenance of the water point source in compliance with the provisions of section 22-58 (g) of this article and 2 copies of the water usage agreement contract contained in Appendix A.
9. If applicable, location of the all weather access road to a water point source in compliance with the standards of section 22-80(g).

A Stormwater Control Measure (SCM) plan application shall include:

1. Three (3) copies of the Operation and Maintenance Agreement or Manual for the SCM
2. Five (5) copies of an overall site plan where the SCM(s) will be utilized that depicts all applicable items outlined in Section 22-61(a) of this Chapter. The site plan shall be prepared and sealed by a North Carolina registered design professional working in their area of competence as prescribed by North Carolina General Statutes.
3. Compliance with Minimum Design Criteria established in Section 22-109(b) of this Chapter.

*(b) Review Procedure.*

The committee shall make one of the following decisions noted below on the preliminary plat or SCM plan application ("plan") within thirty (30) days of the committee meeting at which the plat or plan was discussed. If disapproved by the committee within this time, the subdivider or developer may refer the plat or plan to the Board of Commissioners. The Board of Commissioners shall have forty-five (45) days after referral of the plat or plan to make a decision.

Decisions made regarding plats and plans shall be to:

- (1) Approve as submitted; or
- (2) Approve with conditions; or
- (3) Disapprove with reasons for disapproval given.

If not approved, the subdivider or developer may resubmit a revised plat or plan within ninety (90) days with no additional filing fees required. The resubmitted plat or plan shall be reviewed in the same manner as a new application.

If the preliminary plat or plan is approved by the Subdivision Review Committee or Board of Commissioners, the approval shall be indicated on two (2) copies of the Plat / Plan. Any conditions shall be noted on or attached to the two (2) copies required. One (1) copy shall be retained by the Subdivision Administrator as part of the official record. One (1) copy with any conditions noted shall be returned to the subdivider. Unless otherwise specified, conditions shall be complied with by the subdivider or developer within twelve (12) months of the date of conditional approval or the approval shall be voided.

(Ord. of 02-01-99(2); Amend. of 07-16-07(2); Amend. of 11-02-09; Amend. of 10-4-10; Amend. of 09-6-16; Amend. of 08-19-19)

## **Section 22-57. Final Subdivision Requirements.**

- (a) *Requirements for Final Plat.* The final plat shall be prepared by a professional 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 plat, subdivisions, and mapping requirements set forth in G.S. 47-30 and the "Standard of Practice for Land Surveying in North Carolina," where applicable, and the requirement of the Rowan County Register of Deeds.

The final plat shall be submitted to the Subdivision Administrator on either reproducible material suitable for recordation at the Register of Deeds office or as an electronic document in accordance with G.S. 47-30. A final plat application shall be considered complete if it contains all of the information required by sections 22-57 and 22-59 and is accompanied by a nonrefundable filing fee according to the fee schedule approved by the Board of Commissioners.

The final plat shall be 18" x 24", 21" x 30", or 24" x 36" in size and shall be at a scale of not less than one (1) inch equals one hundred (100) feet, unless each lot in the proposed subdivision is more than three (3) acres. In such case, the scale shall not be less than one (1) inch equals two hundred (200) feet. The plat may be placed on more than one (1) sheet with appropriate match lines.

- (b) *Major Subdivisions; Installation and Improvements.* Upon approval of the preliminary plat, the Subdivider may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this ordinance. Before approval of a final plat, the subdivider shall have installed the improvements specified in this ordinance or guaranteed their installation as provided herein. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time. Such portion shall conform to all requirements of this ordinance and shall depict

the subdivision, or portion thereof, in substantially the same form and layout as that approved in the preliminary plat. Only that portion of the subdivision proposed for final plat approval and recordation in the Rowan County Register of Deeds office shall be shown on the final plat.

The subdivider shall submit the final plat to the Subdivision Administrator no later than twenty-four (24) months after the approval of the preliminary plat, unless a greater time period was stipulated originally in said approval. The subdivider may submit a request to the Subdivision Administrator for a time extension for up to twelve (12) additional months for said approved preliminary plat. Said request must be submitted to the Subdivision Administrator before the original plat expiration date. No more than one (1) such extension may be granted by the Subdivision Administrator. Otherwise, approval of said preliminary plat shall expire and become voided.

The subdivider may submit a final plat for only a portion of the subdivision given preliminary plat approval. Any such submission shall be accompanied by a nonrefundable fee according to the fee schedule approved by the Board of Commissioners. Said submission shall extend the expiration date for the remaining portion(s) or phases of the approved preliminary plat for an additional twenty-four (24) months past the date of said final plat approval.

(c) *Major Subdivisions; Performance Guarantees.*

(1) Agreement and Security Required.

Instead of requiring the completion, installation and dedication of all improvements before final plat approval, Rowan County may enter an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements within twelve (12) months, with the exception of a water point source or stormwater control measure. The county may accept a performance guarantee for a water point source for the period prior to plat recordation and terminating with issuance of the first certificate of occupancy for a structure. Consideration of an extension(s) beyond the initial 12-month period for all improvements except the water point source, may be granted by the Board of Commissioners in accordance with subsection (2) below based upon a written request from the subdivider indicating the need for an extension and an anticipated completion date for the improvements.

Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Subdivision Administrator or Board of Commissioners, if all other requirements of this ordinance are met. To secure this agreement, the subdivider shall provide to the Rowan County Board of Commissioners either one (1), or a combination of the guarantees listed below. All such guarantees shall be subject to the approval of the Board of Commissioners and shall be made payable to Rowan County.

The amount of such guarantee shall be equal to 1.25 times the cost of installing all required improvements. The cost estimate shall be prepared by a North Carolina registered professional engineer and include his/her original seal and signature and accompany the subdivider's request for consideration under this subsection. The cost of preparing the cost estimate shall be borne by the developer.

(a). Surety Performance Bond(s).

The subdivider shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina.

(b). Letter of credit issued by any financial institution licensed to do business in North Carolina.

(c). Other form of guarantee that provides equivalent security to a surety bond or letter of credit. Cash and similar instruments must be deposited in escrow with the county.

(2) Extensions and Default.

If the required improvements are not complete and the current performance guarantee is expiring, the performance guarantee shall be extended or a new guarantee issued for an additional period until such required improvements are complete. A developer shall demonstrate good faith progress toward completion of the required improvements that are the subject of the performance guarantee or extension. The form of any extension shall remain at the election of the developer.

Should the subdivider fail to complete the required improvements in a timely manner as spelled out in the performance guarantee, then the surety, or the financial institution holding the guarantee, shall, if requested by the Board of Commissioners, pay all or any portion of the funds to Rowan County up to the amount needed to complete the improvements based on the engineer's estimate. Upon payment, the Board of Commissioners, in its discretion, may expend such portion of said funds as it considers necessary to complete all or any portion of the required improvements. The county shall return to the appropriate institution any funds not spent in completing the improvements. Should the amount of funds needed to complete the installation of all required improvements exceed the amount in the bond or escrow account, the subdivider shall nonetheless be responsible for providing the funds to cover such cost. The subdivider shall always bear the financial burden for the installation of all required improvements.

(3) Release of Guarantee Security.

The performance guarantee shall be returned or released, as appropriate, in a timely manner upon acknowledgement by the Planning and Development Department that the subject improvements are complete. As an alternative, the County Manager may authorize the release of a portion of the security that coincides with improvements documented as complete. The developer must provide a revised performance guarantee and engineer's estimate of 1.25 times the cost of installing all remaining improvements required.

(d) *Major Subdivision; Final Plat Submission and Approval.*

Upon receipt of a final plat application, the Subdivision Administrator shall schedule a Committee meeting within fourteen (14) days. Failure to submit all items required by this subsection shall constitute an incomplete application and no review or approval by the Committee shall be issued. Review and approval for all major subdivision final plats shall be as described for preliminary plats in section 22-56(b).

Final plat applications shall be submitted to the Subdivision Administrator and contain:

1. A final plat meeting standards outlined in section 22-57(a) and the information contained in section 22-61(b) and either one (1) paper or electronic copy;
2. For private roads, certification from a North Carolina registered professional engineer that all applicable aspects of road construction or other improvements have been completed;
3. For public roads, certification from the Division 9 District 1 North Carolina Department of Transportation office that applicable road construction improvements have been completed to their minimum construction standards;
4. An approved driveway permit from the Division 9 District 1 North Carolina Department of Transportation office;
5. Any other documentation required by the Committee as a condition of preliminary plat approval;
6. Completed review application and fee;

7. Two (2) copies of the finalized restrictive covenants for maintenance of any proposed open space in compliance with the provisions of section 22-58(f) of this article;
8. As applicable, certification from both the Fire Marshal and the Chief of the fire department having responding jurisdiction that a water point source has been constructed in compliance with section 22-111 of this ordinance, including two (2) copies of the finalized restrictive covenants for maintenance of the water point source as contained in the provisions of section 22-58 (g) of this article and a signed and notarized version of the water usage agreement contract contained in Appendix A;
9. As applicable, certification from the Chief of the fire department with responding jurisdiction that the all-weather access road has been constructed in compliance with the standards of section 22-80(g).

(e) *Minor and Family Subdivision Final Plat Submission and Approval.*

The subdivider shall submit the final plat application for the proposed minor or family subdivision containing:

1. A final plat meeting standards outlined in section 22-57(a) and the information contained in section 22-61(b) and either one (1) paper or electronic copy;
2. Completed review application and review fee;
3. Approved driveway permit from the Division 9 District 1 North Carolina Department of Transportation office when creation of a new easement for a family subdivision accesses a state or publicly maintained road.

Upon receipt of the final plat application, the subdivision administrator shall have ten (10) days to review the plat and to grant approval, approval with conditions or disapproval. Failure to submit all items required by this subsection shall constitute an incomplete application and no review or approval shall be issued by the Subdivision Administrator. If more than ten (10) days is required for approval, the Subdivision Administrator must notify the subdivider in writing advising him of the delay, the nature of the delay and an approximate date as to when a decision can be forwarded. If a decision is not made within thirty (30) days of submittal of the completed application, the subdivider may request referral to the Board of Commissioners for a decision.

If the Subdivision Administrator does not approve the final plat, he shall instruct the subdivider concerning resubmission of a revised plat. The subdivider may make such changes as will bring the plat into compliance with the provisions of this ordinance and resubmit same for reconsideration by the Subdivision Administrator, or appeal to the Board of Commissioners if the subdivider is not satisfied with the decision of the Subdivision Administrator. The Subdivider shall have sixty (60) days to resubmit the final plat to the Subdivision Administrator without having to pay an additional filing fee.

(f) *Reserved.*

(Ord. of 2-1-99(2); Amend. of 7-16-07(2); Amend. of 6-16-08; Amend. of 11-2-09; Amend. of 10-4-10; Amend. of 3-7-16; Amend. of 9-6-16; Amend. of 1-16-18; Amend. of 08-19-19)

## **Section 22-58. Planned Development Subdivision (PDS).**

A Planned Development Subdivision may be composed of residential, commercial, industrial public and semi-public uses. A PDS may be a Planned Unit Development (PUD) or a Cluster Subdivision. To encourage innovative development, the normal subdivision regulations pertaining to dimensional criteria from Article IV of the Zoning Ordinance and road standards from section 22-80 may be modified or exempted entirely, subject to approval of the total development plan by the Board of Commissioners.

Sound design of the plan for development, in keeping with good planning and engineering practices and with the general safety and welfare of the public, shall be considered in the approval of any PDS.

*(a) PDS Concept Site Plan Submittal and Approval.*

- (1) A site plan shall be submitted to the Subdivision Administrator for Board of Commissioners approval of the general concept to be achieved by the proposed PDS. The information and data to be submitted on the site plan shall be as required for a preliminary plat in addition to the following information:
  - a. General development plan for the property showing the boundaries of areas to be developed for each proposed land use type and design standards for the type of land use in the PDS. Each land use type shall be identified distinctively from other land use types by color, patterns, numbers or letter, or a combination of means for easy identifications.
  - b. Proposed right-of-ways drawn on the plan to show location of public and private streets and roads within the PDS.
  - c. Location of land to be made available for community facilities such as schools, parks, churches, fire stations and similar uses.
  - d. General location of land to be dedicated as buffering, recreation and open space.
  - e. General location of major utilities such as water lines, or sewer lines, stormwater control measures, water point source and natural gas if provided, electrical, telephone and cable television.
  - f. Data shall be supplied for the following:
    1. Total site acreage.
    2. Acreage set aside for each land use type.
    3. Proposed densities for each residential land use type. Where a residential land use type will be planned in separate locations with different densities, the proposed density of each shall be given.
    4. Total number of dwelling units proposed.
    5. The ratio of open space proposed for each residential land use type.
    6. Proposed method of water supply and sewerage treatment and disposal.

*(b) Submission Procedure For PDS Concept Site Plan.*

The subdivider shall submit a PDS concept site plan, which shall be reviewed by the Subdivision Review Committee. The committee shall send their recommendations to the Subdivision Administrator to forward to the Planning Board for review and a recommendation to the Board of Commissioners.

At least nine (9) copies of the PDS concept site plan shall be submitted to the Subdivision Administrator.

The fee for submitting a PDS site plan shall be paid at the time of submittal according to the fee schedule approved by the Board of Commissioners.

*(c) Review and Approval Procedures.*

The Subdivision Administrator shall schedule a meeting of the Subdivision Review Committee within fourteen (14) days of submittal of a complete application. The committee shall recommend to the Subdivision Administrator, on a majority vote of the members present, to approve the plan,

conditionally approve the plan with the recommended change with reason for the change(s) or disapprove the plan with reason within fifteen (15) days of the committee meeting at which the plan was discussed. If no recommendation is made by the committee within this time, the plan shall then be placed on the next Planning Board agenda subject to the courtesy hearing notification requirements from chapter 21 section 315 (1) of the Zoning Ordinance.

After receiving a recommendation from the Planning Board or after failure of the Planning Board to transmit a recommendation within thirty (30) days of first consideration, the Board of Commissioners shall hold a public hearing on the proposed PDS application, subject to notification requirements from chapter 21 section 315 (1), to render one of the following decisions:

- (1) Approve the concept of the plan as submitted;
- (2) Approve the concept of the plan with modifications; or
- (3) Disapprove the concept of the plan with the reasons for disapproval given.

If not approved the applicant may resubmit a revised site plan within ninety (90) days with no additional filing fees required. The resubmitted site plan shall be reviewed in the same manner as a new application. At least one (1) copy of any disapproved plan along with the reason for disapproval shall be retained by the Subdivision Administrator as part of the County's official records. A copy of such reasons and any remaining copies of the plan shall also be transmitted to the subdivider.

If the PDS concept site plan is approved, it shall be indicated on the plan and two (2) copies shall be retained by the Subdivision Administrator as part of the County's official records. Any remaining copies of the approval plan shall be transmitted to the subdivider. If the plan is approved with modification, these modifications shall be noted in the minutes of the Board of Commissioners and a written copy of the modifications shall be provided to the subdivider. An approved PDS concept site plan shall be valid for twenty-four (24) months after the approval date.

(d) *Supplementary Requirements for Cluster Subdivisions.*

Any PDS that is proposed as a cluster subdivision as defined in section 22-10 shall be subject to the following regulations and standards:

- (1) The subdivision is two (2) or more acres in total area including public and private right-of-ways, platted lots and permanent open space as provided in section 22-58(d)(3) and contain at least four (4) dwelling units as indicated in chapter 21 section 60 (15) of the Zoning Ordinance.
- (2) The total number of lots does not exceed the number that would result if the total area of the subdivision were divided by the minimum lot size for lots in subdivisions not subject to this section.
- (3) Land set aside within the subdivision and its maintenance as permanent open space is assured by restrictive covenants shall be placed on open space tracts to satisfaction of the Board of Commissioners. The area of such open space shall not be less than the difference between the total area platted in the subdivision and the total area that would have been so platted if all lots were of the minimum lot size for lots in normal subdivisions not subject to this section.
- (4) The land so set aside is shown on the approved subdivision plan and provides in such a manner that it may be used for recreational or other purposes or remain in a vegetated or natural state for those areas not suitable for recreational purposes. The open space tract shall

be accessible to all residents of the subdivision or where the land is proposed to be deeded to a municipality or county, accessible to the public.

(e) *Supplementary Requirements of Planned Unit Development (PUD).*

Any proposed PDS that is proposed as a Planned Unit Development (PUD) as defined in section 22-10 shall be subject to the following regulations and standards:

- (1) The allowable number of dwelling units per acre shall conform to the density standards prescribed in chapter 21 section 84 of the Zoning Ordinance.
- (2) When Land Application Treatment Systems are used for sewage treatment and disposal system, the land area required for the treatment and disposal shall not be included in determining the maximum gross density.
- (3) The maximum land area associated with any nonresidential structures, excluding surface parking, shall not exceed thirty (30) percent of the total land area associated with the nonresidential uses unless otherwise approved by the Board of Commissioners.
- (4) Land area associated or required with one type of land use may not be used to compute acreage available for another type of land use. Land area shall not be counted twice in computing acreage available to each land use.
- (5) Any proposed common open space in a PUD shall provide for the upkeep and maintenance under provisions of section 22-58(f).

(f) *Maintenance Requirements For Common Open Space.*

If the open space tract is not intended to be deeded and accepted by a county or municipality, then a homeowners association or similar legal entity shall be established and shall be responsible for the maintenance, payment of taxes, and control of open space areas subject to the restrictive covenants.

An association or similar legal entity shall be established by recorded covenants before any lots of the development have obtained a zoning or building permit, although their maintenance authority for purposes of this article shall not be in effect until at least twenty-five (25) percent of the lots are built-upon and occupied by tenants other than the subdivider. The association or similar legal entity shall have clear legal authority to maintain and exercise control over such open space areas.

Further, the association or similar legal entity has the power to compel contributions by levying assessments against each lot in the subdivision development whether improved or not, for the purpose of paying their proportionate share of the cost associated with the maintenance, upkeep, and taxes of such common open space areas.

Other methods may be acceptable if the same positively provide for the proper and continuous payment of taxes and maintenance of the common open space. The instruments incorporating such provisions shall be submitted at the time of final plat submittal and shall be approved by the county attorney as to form and legal sufficiency, before submission to the Board of Commissioners and shall be recorded at the office of Register of Deeds of Rowan County at the time of recordation of the final plat.

(Amend. of 7-16-07(2); Amend. of 11-2-09; Amend. of 4-21-14; Amend. of 9-6-16; Amend. of 08-19-19)

**Section 22-59. Certifications and Notations Required on Plats.**



The following notation shall appear on all final plats of family subdivisions:

**FAMILY SUBDIVISION DISCLOSURE STATEMENT**

This subdivision plat was approved under the provisions of a "family subdivision" under Chapter 22, Subdivision Ordinance, of the Rowan County Code of Ordinances. Any further subdivision of any parcel shown on this plat requires compliance with the current provisions of the Subdivision Ordinance. This compliance may require additional road right-of-way, road improvements, or compliance with other provisions of the ordinance for approval. All private roads or streets shown were not subject to any improvement standards, nor guarantee of installation, nor intended to be accepted by any governmental agency for public maintenance.

The following notation shall appear on all final plats of major subdivisions with new private streets:

**ROAD MAINTENANCE DISCLOSURE STATEMENT**

This subdivision contains private streets and storm drainage that were designed and (constructed or financially guaranteed in accordance with section 22-57 (c) of the Subdivision Ordinance to be constructed) to NCDOT standards. Maintenance of these improvements shall be the responsibility of (the developer(s) or the property owners) until these responsibilities are assumed by a (Homeowners or Property Owners Association) established by the collective lot owners. Neither NCDOT nor Rowan County are responsible for any maintenance associated with these improvements or enforcement of the responsibilities noted within this statement. (Note: This statement shall not serve as a substitute for any other statutory disclosure requirement.)

The following notation shall appear on all final plats of major subdivisions with new public streets:

**ROAD MAINTENANCE DISCLOSURE STATEMENT**

The street and storm drainage system in this subdivision were designed and (constructed or financially guaranteed in accordance with section 22-57 (c) of the Subdivision Ordinance to be constructed) to NCDOT standards. Property owners should be aware NCDOT is not responsible for any maintenance associated with these improvements until the streets have been petitioned for inclusion into the secondary road maintenance system and accepted therein. Maintenance of these improvements shall be the responsibility of (the developer(s) or the property owners) until NCDOT has accepted maintenance responsibilities. Rowan County is not responsible for any maintenance associated with these improvements or enforcement of the responsibilities noted within this statement. (Note: This statement shall not serve as a substitute for any other statutory disclosure requirement.)

(Ord. of 2-1-99(2); Amend. of 6-16-08; Amend. of 11-2-09; Amend. of 9-6-16)

**Section 22-60. Phased Development for Major Subdivisions.**

If the subdivider proposes that a major subdivision will be constructed in phases, the following procedure shall apply:

- (1) A master plan showing the general layout of the proposed subdivision and phases of development, proposed density, proposed type and location of utilities, type of road construction, and proposed development timetable shall be submitted to the Subdivision Administrator;
- (2) Each phase of development shall be preceded by submission and approval of a preliminary plat as outlined in section 22-55. The master plan may be submitted prior to, or simultaneously, to

the submission of the preliminary plat for the first phase of development;

- (3) A final plat must be submitted and approved for each phase or portion thereof phase as outlined in section 22-56;
- (4) Approval of the master plan need not be renewed unless density increases are proposed.

## **Section 22-61. Required Information for Preliminary and Final Plats.**

### *(a) Required Information for Preliminary Plats.*

The required preliminary plats shall depict, contain or be accompanied by the information indicated below:

- Title Block Containing Subdivision Name.
- Location (including township, county and state).
- A bar graph scale and North arrow.
- Name, address, registration number and seal as applicable of the Professional Land Surveyor, land planners, architects, landscape architects, and professional engineers responsible for the subdivision.
- The name of the subdivider or developer.
- The sketch vicinity map with north arrow showing the relationship between the proposed subdivision and surrounding area.
- Estimated corporate limits, township boundaries, and county lines if on the subdivision tract.
- Date of plat preparation.
- The boundaries of the tract to be subdivided, distinctly and accurately represented with all bearings and distances shown and the location of existing boundary lines of adjoining lands, property lines and fifty (50) feet away from the property line into adjoining property land.
- The names of owners of adjoining properties and deed book and page number.
- The names of any adjoining subdivision of record or proposed and under review.
- Front building setback line.
- The zoning classification of the tract to be subdivided and adjoining properties.
- Existing buildings or other structures, water courses, utility and street rights-of-way or easements, railroads, bridges, both on the land to be subdivided and land immediately adjoining.
- All certifications required by this ordinance.
- The lots numbered throughout the subdivision in a manner using only numeric symbols. A continuous numbering system shall be used throughout the subdivision. Multiple phases shall maintain continuous numbering system for all phases.
- Ponds or lakes, streams or stream beds and any other natural features affecting the site.
- The location of the special flood hazard area, base flood elevations, and floodway / non-encroachment areas from the county's FIRM maps and or FIS, if applicable.
- Proposed roads and existing and platted roads on adjoining properties within twenty (20) feet of the subdivision boundary and in within the proposed subdivision.

- Road names.
- Type of road dedication, either public or private; for public roads not dedicated to a municipality engineering drawings and specifications shall be provided to the NCDOT District Engineer.
- The locations and dimensions of all utility and other easements, riding trails, if proposed, pedestrian or bicycle paths if proposed, park and open space corridors, school sites (both existing and proposed), areas to be dedicated to or reserved for public use, areas to be used for purposes other than residential with the purpose of each stated.
- Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, and easements line, including dimensions, bearings, or deflection angles. All linear and angular dimensions shall comply with the standards established by the Board of Registration for Professional Engineers and Land Surveyors.
- The accurate locations and descriptions of all monuments and markers.
- Right-of-way location and dimensions, pavement widths drawn to scale, approximate grade, design engineering data for all corners and curves, typical road cross sections.
- The plans for utility layouts, if applicable, including sanitary system, stormwater drainage system control measures and drainage facilities, water distribution lines, natural gas lines, telephone lines, electric lines and other proposed utilities.
- Plans for community water supply and community sewage disposal systems (e.g. package treatment plants), if any.
- Site data including acreage in total tract to be subdivided, acreage in parks, open space, and recreation acres and other nonresidential uses excluding any street right-of-ways, total number of parcels created, total combined acreage of all lots, acreage shown for each lot in the subdivision, linear feet in streets, the name and location of any property or building within the proposed subdivision that is located on the U.S. Department of Interior's National Register of Historic Places.
- A topographic map with contour interval of no greater than ten (10) feet at a scale of no less than one (1) inch equals two hundred (200). Available USGS Quadrangle maps may be enlarged or otherwise used to produce this information.
- Location of water point source and all-weather access road, as applicable.
- A statement indicating Rowan County does not guarantee the suitability of any lot for the placement of a sewage disposal and/or water supply system.

(b) *Required Information for Final Plats.*

The final plats shall depict, contain or be accompanied by the information indicated in the following table:

- Title Block containing Subdivision Name.
- Location (including township, county and state)
- A bar graph scale and North arrow.
- Name, address, registration number and seal as applicable of the Professional Land Surveyor, land planners, architects, landscape architects, and professional engineers responsible for the subdivision.
- The name of the subdivider or developer.
- The sketch vicinity map with north arrow showing the relationship between the proposed

subdivision and surrounding area.

- Estimated corporate limits, township boundaries, and county lines if on the subdivision tract.
- Date of plat preparation.
- The boundaries of the tract to be subdivided, distinctly and accurately represented with all bearings and distances shown and the location of existing boundary lines of adjoining lands, property lines of adjoining properties.
- The names of owners of adjoining properties and deed book and page number.
- The names of any adjoining subdivision of record or proposed and under review.
- Front building setback line.
- The zoning classification of the tract to be subdivided and adjoining properties.
- Existing buildings or other structures, water courses, utility and street rights-of-way or easements railroads, bridges, both on the land to be subdivided and land immediately adjoining.
- All certifications required by this ordinance.
- The lots numbered throughout the subdivision in a manner using only numeric symbols. A continuous numbering system shall be used throughout the subdivision. Multiple phases shall maintain continuous numbering system for all phases.
- Ponds or lakes, streams or stream beds and any other natural features affecting the site.
- The location of the special flood hazard area, base flood elevations, and floodway / non-encroachment areas from the county's FIRM maps and or FIS, if applicable.
- Proposed roads and existing and platted roads on adjoining properties within twenty (20) feet of the subdivision boundary and in within the proposed subdivision.
- Road names.
- Type of road dedication, either public or private; for public roads not dedicated to a municipality engineering drawings and specifications shall be provided to the NCDOT District Engineer.
- The locations and dimensions of all utility and other easements, stormwater drainage system and control measures, riding trails, if proposed, pedestrian or bicycle paths if proposed, park and open space corridors, school sites (both existing and proposed), areas to be dedicated to or reserved for public use, areas to be used for purposes other than residential with the purpose of each stated.
- Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, and easements line, including dimensions, bearings, or deflection angles. All linear and angular dimensions shall comply with the standards established by the Board of Registration for Professional Engineers and Land Surveyors.
- The accurate locations and descriptions of all monuments and markers.
- Deed book and page number of any deed restrictions, road maintenance or similar covenants.
- Location of water point source and all-weather access road, as applicable.
- A statement indicating Rowan County does not guarantee the suitability of any lot for the placement of a sewage disposal and/or water supply system.

(Amend. of 2-20-06(2); Ord. No. 7-16-07(2); Amend. of 11-2-09; Amend. of 08-19-19)

## **Section 22-62. Recombination of Land.**

Recombination of Plated Subdivision may be done as follows:

- (a) Any plat or any part of any plat may be vacated by owner at any time before the sale of any lot in the subdivision by filing an approved plat inconsistent with the originally approved plat or by filing a plat showing the tract without the lots as if no lots have been sold.
- (b) The replatting of any previously platted property shall not abridge or destroy any public rights.
- (c) The filing and recording of an amended plat as described in section 22-62(a) of this ordinance shall serve 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.
- (d) When lots have been sold, the plat may be vacated or amended by all owners of the lots in such plat joining in the execution of such writing, provided such vacated or amended plat comply with requirements of this ordinance.
- (e) Streets which have not been used within fifteen (15) years of dedication may be deemed abandoned. The withdrawal of dedication shall be consistent with G.S. 136-96.

(Amend. of 11-2-09)

## **Section 22-63. Resubdivision Procedure.**

For any replatting or resubdivision of land, the same procedures, rules and regulations shall apply as prescribed herein for an original subdivision.

**Secs 22-64—22-75. Reserved.**

## **ARTICLE IV. REQUIRED IMPROVEMENTS, DEDICATIONS, RESERVATIONS, MINIMUM STANDARDS OF DESIGN**

### **Section 22-76. General.**

Before final plat approval, 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 22-77. Suitability of Land.**

- (a) Land which has been determined by the Subdivision Administrator 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 and until the subdivider has taken the necessary measures to correct said conditions and to eliminate said dangers.
- (b) Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Rowan County Health Department, a structural engineer, and a soils expert determine that the land is suitable for the purpose proposed. Areas that have been used for storage or disposal of industrial waste, low-level radioactive waste or hazardous waste shall not be subdivided unless

tests have been conducted and determine by the appropriate State or Federal agencies that the area is safe for use and development as a subdivision.

- (c) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (d) All subdivision proposals shall have public utilities, sites and facilities such as sewer, gas, electrical, water system, and roads located and constructed to minimize flood damage.

(Amend. of 6-16-08; Amend. of 11-2-09)

### **Section 22-78. Name and Street Duplication.**

The name of the subdivision and the name of the streets within the subdivision shall not duplicate nor closely approximate the name of an existing subdivision, nor any existing street within Rowan County.

### **Section 22-79. Subdivision Design.**

#### *(a) Lot Dimensions.*

All new lots in a subdivision shall conform to the following requirements:

#### (1) Lot Area.

- (a) All lots in a new subdivision shall conform to the zoning requirements of the zoning district in which the subdivision is located. Conformance to zoning requirements means, among other things that the smallest lot in the subdivision must meet all dimensional requirements of chapter 21 article IV of the Rowan County Zoning Ordinance.
- (b) 1. Lot sizes may be increased on the recommendation of the Rowan County Health Department based on the assessment of soil application rates and subsoil conditions.
- 2. Lots regulated by this chapter that are neither intended nor considered to be utilized for building sites or development may serve the purpose of a utility lot for nonresidential purposes only. Said lots may have access as provided in Section 22-79(d).
- 3. Any lot served by a septic tank system shall be large enough to accommodate both a septic tank, its drainage field, plus a reserve drainage area.

#### (c) In determining the lot area requirements, the following shall not be included:

- a. Any deeded road or easement right-of-way
- b. Any dedicated road right-of-way
- c. Any road right-of-way to be dedicated
- d. Any road right-of-way claimed by the N.C. Department of Transportation
- e. Any railroad right-of-way
- f. Any area within a floodway or non-encroachment zone according to the Rowan County FIRM and / or FIS.

(2) Lot Specifications: Minimum specifications for all uses shall comply with the applicable zoning requirements of chapter 21 article IV of the Rowan County Zoning Ordinance.

(3) Orientation of Lot Lines: Side lot lines shall be substantially at right angles or radial to street lines. Substantially shall be known as a tolerance of plus or minus fifteen (15) degrees of a

right angle or a radial line. Double-frontage lots shall be avoided wherever possible. Where side lot lines intersect at the rear of the lot the angle of intersection shall not be less than thirty (30) degrees.

- (4) Lot Depth: Minimum lot depth shall comply with the applicable zoning requirements of chapter 21 article IV of the Rowan County Zoning Ordinance.
- (5) Panhandle Lots: Panhandle lots shall not be allowed in subdivisions except when such lots would serve to provide lot access to a body of water, golf course or similar recreation facility. Never shall an entire subdivision or the majority of lots within a subdivision consist of panhandle lots. All panhandle lots shall have a minimum road frontage of thirty-five (35) feet. The length of the panhandle strip in the lot shall not exceed two hundred (200) feet. Said strip shall not be used to determine lot area, lot width or required building setback line.
- (6) Minimum Lot Depth: All minimum lot dimensions may be increased to meet any applicable requirements of the Rowan County Health Department.
- (7) Waterfront Access Lot: As recommended policy, where any portion of a subdivision adjoins the Yadkin River or the South Yadkin River and its impounded waters, a waterfront access lot is encouraged to be reserved for use of the residents of the subdivision for all interior lots located within said subdivision which do not front on the water.
- (8) Right-of-Way Observation: All new lots having frontage on a state or publicly maintained road where no right-of-way is recorded by deed or plat, shall be required to observe a sixty-foot right-of-way, i.e. thirty (30) feet from roadway centerline, unless otherwise suggested in Appendix A.

(b) *Utility Easements.*

A utility easement of not less than ten (10) feet in width shall be provided along each side of all side and rear lot lines on either side. These easements may be noted by a statement on the final plat.

(c) *Drainage Easements.*

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

(d) *Access Easements for Utilities.*

An access easement of at least twenty (20) feet in width may be provided to service nonresidential lots whenever no other reasonable alternative exists. Said easement may only be used to serve unmanned utility facilities such as pump/lift stations, telecommunications towers, septic tank drain fields, common areas, etc.

(Ord. of 2-1-99(2); Ord. of 10-18-99(3); Amend. of 2-20-06(2); Amend. of 6-16-08; Amend. of 11-2-09; Amend. of 9-6-16; Amend. of 2-6-17)

## **Section 22-80. Road Standards.**

Every lot shall have access to it that is sufficient to provide a means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use. In situations where an original lot is provided access via a non-state standard right-of-way or easement (public or private) and is proposed to be subdivided, the subdivider shall be responsible for obtaining the necessary right-of-way and for all aspects of road construction for upgrading said access to the proposed subdivision. Road construction and right-of-way standards

shall meet the requirements of Section 22-80(a) or (b) of this ordinance.

(a) *Public Roads.*

All subdivision lots shall abut on a public road except as provided in section 22-80(b) and (d) of this ordinance. All public roads shall be paved and built to all applicable standards of this ordinance and all other applicable standards of the North Carolina Department of Transportation (NCDOT). Roads which are not eligible to be put on the NCDOT system because there are too few residences shall nevertheless be dedicated for public use and shall be built in accordance with the standard necessary to be put on the NCDOT System. A final plat shall contain the road maintenance disclosure statement from section 22-59 (2) notifying prospective buyers that either the subdivider or property owners shall be responsible for the maintenance of all proposed public streets until the responsibility has been transferred to either a homeowner's association established for the owners of properties in the subdivision or has been accepted for public road maintenance by NCDOT.

(b) *Private Roads.*

Private roads shall be permitted only when the roads proposed within a subdivision will not be eligible for inclusion into the NCDOT state maintained system or by a municipality in Rowan County because of their standards for acceptance. Such roads shall meet all right-of-ways and construction standards of NCDOT unless specifically provided otherwise. The subdivider shall provide certification from a registered professional engineer that the subject roads were built to these standards. All private roads shall be marked as such on the preliminary and final plat, include the road maintenance disclosure statement from section 22-59 (2) on the final plat, and record a maintenance agreement at the Rowan County Register of Deeds office once the final plat has been approved.

Said maintenance agreement shall include, but not be limited to, the following items:

- (1) That a homeowner's association shall be established as a legal entity for the property owners within the entire subdivision.
- (2) That all property owners within the subdivision shall be members of the homeowner's association.
- (3) That the subdivider shall convey all private streets in fee simple ownerships within the subdivision to the homeowner's association.
- (4) That the responsibility for maintenance of private streets from the developer to the homeowners association shall be noted in the deed of each purchaser of property within the subdivision.

At the time of the preparation of the sales agreement the developer shall include a disclosure statement to the prospective buyer as herein outlined. The developer and seller shall include in the disclosure statement an explanation of the consequences and responsibility about the maintenance of a private street, and shall fully and accurately disclose to the party or parties upon whom responsibility for construction and maintenance of such street or streets shall rest.

Private roads for a family subdivision, as defined in section 22-9, shall not be required to meet construction standards of NCDOT, instead the lot(s) created shall be provided ingress and egress via a twenty-foot easement or right-of-way (new or existing) in continuity to a publically maintained road, which shall be shown on the final plat. Furthermore, family subdivisions may also occur in situations where prior minor subdivision approval was granted but not within a major subdivision. In addition, the street frontage requirements of section 22-79(a) "Lot Dimensions" shall not apply to these lots. For the purposes of determining other required setbacks, "street" and "street right-of-way" shall be interpreted to mean the twenty-foot exclusive easement. The establishment or extension of a new easement or right-of-way shall not be

prevented by the required setback of an existing structure if the Subdivision Administrator determines no other feasible options are available.

Any family subdivision that cannot comply with the provisions of this subsection shall not be approved as a family subdivision and shall be approved and comply with the provisions of a minor or major subdivision.

(c) *Access to Adjacent Properties.*

For the purposes of providing improved traffic flow, limiting the number of subdivision street intersections on collector and arterial streets and providing access between adjoining subdivisions, the Subdivision Administrator or Board of Commissioners may require that a proposed street be extended by dedication and road improvements to the boundary of such property and a temporary cul-de-sac be provided.

(d) *Nonresidential Streets.*

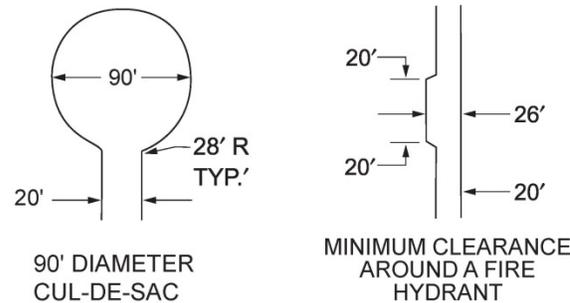
The subdivider of a nonresidential subdivision shall provide streets in accordance with current NCDOT standards and the standards in this ordinance, whichever are stricter in regard to each particular item.

(e) *Street Design Standards.*

The design of all streets and roads within the jurisdiction of this ordinance shall be in accordance with the accepted policies and standards of the North Carolina Department of Transportation, Division of Highways. The most recent edition of the North Carolina Department of Transportation, Division of Highway's Subdivision Roads Minimum Construction Standards, shall apply for any items not included in this ordinance or where stricter than this ordinance.

The following design standards shall apply to all streets proposed in subdivisions:

- (1) Street jogs with centerline offsets of less than one hundred fifty (150) feet are not permitted.
- (2) Street intersections shall not include more than four (4) street approaches.
- (3) Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at less than sixty (60) degrees, other arrangements for smooth merging of traffic shall be permitted where the total effect on the intersection is to reduce traffic hazards and provide for smooth traffic flow at the intersection as a whole. As an example, where a one-way street leaves or enters a street divided by a median strip or otherwise controlled to prevent left turns, the angle of departure or entry might be less than sixty (60) degrees. All angles of street intersections shall meet current NCDOT standards.
- (4) To ensure streets are appropriately designed to support the efficient and safe movement of emergency service vehicles and the general public, minimum pavement dimensions shall be as follows unless an alternative design is accepted by the Rowan County Fire Marshal:
  1. Twenty (20) feet in width;
  2. Twenty-six (26) feet in width when adjacent to a dry or municipal hydrant in accordance with the below figure; and
  3. When proposed, cul-de-sacs shall be ninety (90) feet in diameter in accordance with the below figure.



Not to Scale

Additional right-of-way may be necessary to accommodate width and turnarounds which exceed NCDOT minimum standards.

(f) *Other Requirements.*

(1) Sidewalks.

Sidewalks may be required by the Board of Commissioners on one or both sides of the street in areas likely to be subject to heavy pedestrian traffic such as near schools and shopping areas. Such sidewalks shall be constructed to a minimum width of four (4) feet, and shall consist of a minimum thickness of four (4) inches of concrete. All sidewalks shall be placed in the right-of-way. Sidewalks shall consist of a minimum of six (6) inches of concrete at driveway crossings. Sidewalks shall be constructed of concrete with a minimum compressive strength of two thousand five hundred (2,500) pounds per square inch or greater.

(2) 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 never 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 Department and shall be in accordance with section 22-78.

(3) Street Name Signs.

The subdivider shall be required to reimburse Rowan County for providing and placing street name signs to county standards at all intersections within the subdivision. This fee shall be paid before final plat approval.

(4) Permits for Connection to State Roads.

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

(5) Wheelchair Ramps.

In accordance with G.S. 136-44.14, all street curbs in North Carolina being constructed or reconstructed for maintenance procedures, traffic operations, repairs, correction of utilities, or altered for any reason after September 1, 1973, shall provide wheelchair ramp for the physically handicapped at all intersections where both curb and gutter and sidewalk are provided and at other major points of pedestrian flow.

## (6) Secondary Access.

In addition to the primary access required in section 22-80 (a), a residential subdivision creating more than thirty (30) lots shall also construct a separate and approved access road twenty (20) feet in width for emergency service vehicles, which meet or exceed the construction standards of section 22-80 (g). The Board of Commissioners may waive the secondary access road requirement for developments with limited public road frontage, environmental constraints, including topography, or similar circumstances, which prevent or significantly inhibit construction.

(g) *All-Weather Access Road for Water Point Sources*

In situations where the water point source cannot be directly accessed by a mobile water supply apparatus via the proposed subdivision street; or, an existing state maintained road; or a linkage of hoses not to exceed twenty (20) feet, then the subdivider shall be responsible for construction of an access road in fire districts with a PPC rating of 8 or lower. In districts with a PPC rating of 9 or 9S, the fire department having jurisdiction shall participate equally with the subdivider in sharing the costs for access road construction.

This access road shall be maintained in accordance with the following NFPA 1142 Chapter 7 guidelines to which it was built. These standards are intended to serve as the maximum requirements that may be imposed, subject to (11) below.

- (1) Roadways shall have a minimum clear width of twelve (12) feet (3.7 m) for each lane of travel.
- (2) Turns shall be constructed with a minimum radius of one hundred (100) feet (30.5 m) to the centerline.
- (3) The maximum sustained grade shall not exceed eight (8) percent.
- (4) All cut-and-fill slopes shall be stable for the soil involved.
- (5) Bridges, culverts, or grade dips shall be provided at all drainageway crossings; roadside ditches shall be deep enough to provide drainage with special drainage facilities (tile, etc.) at all seep areas and high water table areas.
- (6) The surface shall be treated as required for year-round travel.
- (7) Erosion control measures shall be used as needed to protect road ditches, cross drains, and cut-and-fill slopes.
- (8) Where turnarounds are utilized during firefighting operations, they shall be designed with a diameter of one hundred twenty (120) feet (36.5 m) or larger, as required, to accommodate the equipment of the responding fire department.
- (9) Load-carrying capacity shall be adequate to support the imposed load of fire apparatus weighing at least 75,000 pounds.
- (10) The road shall be suitable for all-weather use.
- (11) Upon determination from the SRC that lesser standards are adequate and comply with the intent of this article, deviations may be permitted on an individual basis.

(Ord. of 2-1-99(2); Ord. of 10-18-99(3); Amend. of 7-16-07(2); Amend. of 6-16-08; Amend. of 11-2-09; Amend. of 10-4-10; Amend. of 4-21-14; Amend. of 9-6-16; Amend. of 02-17-20)

**Secs. 22-81—22-100. Reserved.**

**ARTICLE V. UTILITIES**

**Section 22-101. Utility Ownership and Easement Rights.**

In any case in which a developer installs or causes the installation of water, sewer, electrical power, telephone, or cable television facilities and intends that such facilities shall be owned, operated or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

**Section 22-102. Subdivisions Serviced By or Having The Potential To Be Serviced By Public Water or Sewer Systems.**

(a) Any original lot which is proposed to be subdivided, including any potential future subdivisions, shall be connected to public water and sewer systems according to the following schedule, if it is legally possible and practical in terms of topography or cost. If the subdivider proposes subdividing only a portion of the original lot, then using the design standards of this chapter, a determination of the potential number of lots that could be developed on the residual portion of the original tract shall be made by the Subdivision Administrator. The sum of the number of lots contained in the area proposed for subdivision, plus the determined number of lots for the unsubdivided area of an original lot, shall be used for the purposes of this section. The decision of the Subdivision Administrator may be appealed to the Zoning Board of Adjustment as provided for in section 22-53.

The number of potential lots or a nonresidential use that places a comparable demand on the water and sewer system shall determine the minimum distance whereby a subdivision must be connected. The distance is to be taken from the nearest point on the original lot line to the water and sewer line.

Number of Lots	Distance
9-20	400'
21-50	800'
51-100	1,500'
More than 100	2,000'

(b) Connection to such water or sewer line is not legally possible if, to make connection with such line by a connecting line that does not exceed the distance prescribed above, it is necessary to run the connecting line over property not owned by the owner of the proposed subdivision to be served by the connection, and, after diligent effort, the easement necessary to run the connecting line cannot reasonably be obtained.

(c) For this article, a lot is "served" by a publicly owned water or sewer line if connection is required by this section.

(Amend. of 11-2-09)

**Section 22-103. Sewage Disposal Facilities Required.**

(a) Every principal use and every lot within a subdivision shall be served by a sewage disposal system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.

- (b) Notwithstanding any other provisions of this ordinance, no privately owned or operated sewage treatment system that discharges into surface waters shall be allowed within a public water supply watershed according to watershed classification by the North Carolina Department of Environmental Quality.

(Amend. of 09-06-16)

**Section 22-104. Determining Compliance With section 22-103.**

- (a) Primary responsibility for determining whether a proposed development will comply with the standard set forth in subsection 22-103(a) often lies with an agency other than the county, and the developer must comply with the detailed standards and specifications of such other agency. The relevant agencies are listed in subsection 22-104(b). Whenever any such agency requires detailed construction or design drawings before giving its official approval to the proposed sewage disposal system, the authority issuing an approval under this ordinance may rely upon a preliminary review by such agency of the basic design elements of the proposed sewage disposal system to determine compliance with section 22-103. However, construction of such system may not commence until the detailed plans and specifications have been reviewed and any appropriate permits issued by such agency.
- (b) In the following table, the column on the left describes the type of development and the column on the right indicates the agency that must certify to the county whether the proposed sewage disposal system complies with the standard set forth in section 22-103(a).

IF	THEN
1) Lots within the subdivision are to be served by simple connection to existing municipal or county lines or lines of a previously approved private treatment system:	No further certification is necessary.
2) Lots within the subdivision are to be served by a county or municipal system but the developer will be responsible for installing the necessary additions to the public system:	The appropriate utilities director (municipal or county) must certify that the proposed extension meets the local government's specifications and will (if connection to the local governments system is proposed) be accepted by the local government. (A "Permit to Construct" must be obtained from the appropriate governmental agency).
3) Lots within the subdivision that are not served by a county or municipal system and are to be served by a sewage treatment system, that has not previously been approved, that does discharge into surface waters or on ground surfaces:	A permit must be obtained from the Division of Environmental Management prior to final plat submittal.
4) Lots within the subdivision that are not served by a county or municipal system and are to be served by a privately operated sewage treatment system, that has not previously been approved, that does discharge below the ground surface:	A permit must be obtained by the Rowan County Health department prior the final plat submittal.
5) Lots served by individual septic tank systems:	No further certification is necessary.

(Amend. of 09-06-16)

**Section 22-105. Water Supply System Required.**

Every principal use and every lot within a subdivision shall be served by a water supply system that is adequate to accommodate the reasonable needs of the use on a subdivided lot and complies with all applicable health regulations.

**Section 22-106. Determining Compliance with section 22-105.**

- (a) Primary responsibility for determining whether a proposed development will comply with the standard set forth in section 22-105 often lies with an agency other than the county, and the developer must comply with the detailed standards and specifications of such other agency. The relevant agencies are listed in subsection (b). Whenever any such agency requires detailed construction or design drawings before giving its official approval to the proposed water supply system, the authority issuing approval under this ordinance may rely upon a preliminary review by such agency of the basic design elements of the proposed water supply system to determine compliance with section 22-105. However, construction of such system may not commence until the detailed plans and specifications have been reviewed and any appropriate permits issued by such agency.
- (b) In the following table, the column on the left describes the type of development and the column on the right indicates the agency that must certify to the county whether the proposed water supply system complies with the standard set forth in section 22-105.

IF	THEN
1) Lots within the subdivision are to be served by a simple connection to existing municipal or county lines or lines of a previously approved public water supply system:	No further certification is necessary
2) Lots within the subdivision are to be served by a municipal or county system but the developer will be responsible for installing the necessary additions to such system:	The appropriate utility director (municipal or county) must certify to the county that the proposed system meets the local government's specifications and will be accepted by the local government. (A "Permit to Construct" must be obtained from appropriate governmental agency).
3) Lots within the subdivisions are not to be served by a municipal or county system and are to be served by a privately owned public water supply system that has not previously been approved:	The Division of Health Services must certify that the proposed system complies with all applicable state and federal regulations. (A "Permit to Construct" must be obtained from Division of Health Services). The Division of Environmental Management must also approve the plans if the water source is a well and the system has a design capacity of one hundred thousand (100,000) gallons per day or is located within certain areas designated by Division of Environmental Management.
4) Lots within the subdivision are to be served by individual wells:	No further certification is necessary.

(Amend. of 09-6-16).

**Section 22-107. Electrical, Telephone, Cable Television And Other Utilities.**

Electrical distribution systems (defined for these regulations as facilities for delivering electrical energy from a substation to a customer's meter and generally associated with voltage in the 14.4 to 24.9 kv range and below), telephone lines, cable television lines and any other wire installation shall be underground unless the unfeasibility of such installation has been documented and is submitted to the Subdivision Administrator or Board of Commissioners.

## **Section 22-108. Utilities to Be Consistent With Internal and External Development.**

Whenever it can reasonably be anticipated that utility facilities construction in one development will be extended to serve other adjacent or nearby developments, such utility facilities (e.g., water or sewer lines) shall be located and constructed so extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service.

## **Section 22-109. Stormwater: Drainage System, Control Measures and Maintenance Plans.**

### *(a) Stormwater 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 "Handbook for the Design of Highway Surface Drainage Structures," 1975, as amended or revised, subject to review by the County and NCDOT where applicable.

- (1) No surface water shall be channeled or directed into a sanitary sewer.
- (2) Where feasible, the subdivider shall connect to an existing storm drainage system.
- (3) Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to protect the proposed development from water damage.
- (4) Surface drainage courses shall have side slopes of at least three (3) feet of horizontal distance for each one (1) foot of vertical distance, and courses shall be of sufficient size to accommodate the drainage area without flooding, and designed to comply with the standards and specifications for erosion control of the North Carolina Sedimentation Pollution Control Act of 1973, G.S. Chapter 113A, Article 4, and the Rowan County Sedimentation Control Ordinance. Other side slope standards can be accepted by the Subdivision Administrator, if approved by North Carolina Department of Transportation or Rowan County Planning and Development.
- (5) The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one (1) foot in each two hundred (200) feet of horizontal distance.
- (6) Stream banks 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 Rowan County Sedimentation Pollution Control Ordinance and North Carolina Sedimentation Pollution Control Act of 1973, G.S. Chapter 113A, Article 4.
- (7) Anyone constructing a dam or impoundment within the subdivision shall comply with the North Carolina Dam Safety Law of 1967 and the North Carolina Administrative Code Title 15, Subchapter 2 K, if applicable.
- (8) In areas of special flood hazards, all subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage and shall comply with all requirements of the Rowan County Flood Damage Prevention Ordinance, if applicable for the subdivision.

### *(b) Stormwater Control Measures (SCM).*

All SCMs and plans shall be prepared by a qualified registered North Carolina professional engineer, land surveyor, soil scientist or landscape architect performing design services only in their area of competence as prescribed by North Carolina General Statutes.

The developer shall submit all proposed stormwater control measure(s) plans, including the operation and maintenance plan(s) or manual(s), to the Planning Department for scheduling a Subdivision Review Committee (SRC) meeting subject to the submission and review procedures in Section 22-56 of this Chapter.

Minimum design requirements for all stormwater control measures shall include the following:

- (1) Designed for specific pollutant removal according to modeling techniques approved by the North Carolina Division of Environmental Quality found in the Stormwater Design Manual at <https://deq.nc.gov/sw-bmp-manual> and relevant minimum design criteria set forth in 15A NCAC 02H .1050 through .1062.
- (2) Consist of one treatment option or a combination of treatment options, with design criteria achieving an 85 percent average annual removal of Total Suspended Solids. The discharge rate shall meet one of the following criteria;
  - (a) The discharge rate following the 1-inch design storm shall be such that the runoff draws down to the pre-storm design stage within five days, but not less than two days; or
  - (b) The post development peak discharge rate shall equal the predevelopment rate for the 1-year, 24-hour storm.
- (3) Designed, constructed, and maintained so that the project achieves either “runoff treatment” or “runoff volume match”;
  - (a) For projects designed to achieve runoff treatment, the required storm depth shall be one inch.
  - (b) Applicants shall have the option to design projects to achieve runoff volume match in lieu of runoff treatment.
- (4) Stormwater runoff from off-site areas and "existing" impervious development shall not be required to be treated in the stormwater control measure. Runoff from off-site areas or “existing” impervious development that is not bypassed shall be included in sizing of on-site stormwater control structures
- (5) Stormwater outlets shall be designed so that they do not cause erosion downslope of the discharge point during the peak flow from the 10-year storm event as shown by engineering calculations.

(c) *Stormwater Maintenance Plans.*

Operation and maintenance agreements and plans are required for stormwater control measures in accordance with 15A NCAC 02H .1050. As such, the developer shall submit an operation and maintenance plan or manual for each stormwater control measure, indicating what operation and maintenance actions are needed, what specific quantitative criteria will be used for determining when those actions are to be taken and, consistent with the Operation and Maintenance Agreement specifications outlined in Section 22-112 of this Chapter, who is responsible for those actions. The plan shall clearly indicate the steps that will be taken for restoring a stormwater control measure to design specifications if a failure occurs. The plan shall also include a plat of the area containing the stormwater control measure and any easements necessary for general access to the stormwater control measure along with vegetative filters, all pipes and water control

structures, berms, dikes, etc., and sufficient area to perform inspections, maintenance, repairs, and reconstruction.

**Plan Amendments.** At the request of the owning entity, amendments to the plans and specifications of the stormwater control measure and/or the operation and maintenance plan or manual may be considered by the Subdivision Review Committee (SRC). Proposed amendment(s) shall be prepared by a North Carolina registered design professional (engineer, land surveyor, soil scientist or landscape architect) working in their area of competence as prescribed by North Carolina General Statutes and submitted for review by the Planning Department prior to the Subdivision Review Committee.

(Amend. of 11-2-09; Amend. of 08-19-19)

## **Section 22-110. Other Requirements.**

### *(a) Placement of Monuments.*

Unless otherwise specified by this ordinance, the "Manual of Practice for Land Surveying" as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, under the provisions of Title 21 of the North Carolina Administrative Code, Chapter 56 (21 NCAC 56), shall apply when conducting surveys for subdivisions; to determine the accuracy for surveys and placement of monuments, control corners, markers, and property corners ties; to determine the location, design and material of monuments, markers, control corners, and property corners ties; and to determine other standards and procedures governing the practice of land surveying for subdivision.

### *(b) 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, zoning or other permits shall be issued for erection of a structure on any lot not of record as of the time of adoption of this ordinance until all requirements of this ordinance have been met. The subdivider, before commencing any work within the subdivision, shall make arrangements with the administrator of this ordinance to provide for adequate inspection. The approving authorities having jurisdiction or their representatives shall inspect and approve all completed work before release of the sureties.

### *(c) Oversized Improvements.*

The County may require installation of certain oversized utilities or the extension of utilities to adjacent property when it is in the interest of future development. If the County requires the installation of improvements more than of the standards required in this ordinance, including all standards adopted by reference, the County shall pay the cost differential between the improvements required and the standards in this ordinance. The County may recoup this cost through acreage fees as set forth in the adopted policy of acreage fee charges for connections to the County utility system or be reimbursed by a municipality or by a municipality's utility system.

## **Section 22-111. Water Point Sources.**

### *(a) Generally.*

As a basis for evaluating the quality of public fire protection services throughout the United States, Insurance Services Office (ISO) analyzes the relevant data in a community and assigns a

Public Protection Classification (PPC) number ranging from 1 to 10. Class 1 represents exemplary fire protection and Class 10 indicates that the area's fire protection program does not meet ISO's minimum standards. In turn, this PPC number is used by insurance providers to assist in developing premiums that reflect the risk of loss in a particular location.

(b) *Purpose and Intent.*

Rowan County recognizes the importance of adequate fire protection for its citizens and further acknowledges there is a correlation between the development of major subdivisions and their potential impact on a fire department's ability to maintain and provide adequate fire protection for the existing and proposed structures in their respective jurisdiction. Rowan County has fire districts with PPC ratings ranging from 6 to 9S. The objectives contained in this article are designed to accomplish a goal established by the Board of Commissioners for the fire districts to achieve and maintain a PPC rating of 6.

Based on ISO standards, a district's PPC rating is based upon the department's fire alarm and communication system; its equipment, staffing and training; and water supply system. Furthermore, without a water supply system that is able to deliver two hundred fifty (250) gallons per minute for a two-hour period, a district may not attain a rating of Class 8 or better.

(c) *Provision for Requirement and Standards.*

Major subdivision proposals equal to or greater than fourteen (14) lots are subject to the requirements of this ordinance, in which all lots must be located within one (1) road mile of a water point source as certified by the Rowan County Fire Marshal and the chief of the fire department having jurisdiction, otherwise the subdivider shall be responsible for providing or participating with the fire department with responding jurisdiction in installation of a water point source. Provision of a water point source shall be by one of the following methods:

1. Municipal water supply system. Connections to a municipal water supply system shall be in accordance with sections 22-102 and 22-106 of this ordinance. Hydrant type(s) and placement(s) shall be as specified by Appendix C of the N.C. State Building Code: Fire Code.
2. In-ground cistern or aboveground water tank. Installation of a cistern or aboveground tank must be provided at a location in, adjacent to or within one (1) road mile of all lots in a proposed major subdivision. The cistern or tank should hold a minimum of thirty thousand (30,000) usable gallons and be designed, constructed, installed and maintained in accordance with NFPA 22.
3. Pond. Construction of a pond must be provided at a location in, adjacent to or within one (1) road mile of all lots in the proposed subdivision. Construction of the pond and installation/use of a float dock or dry hydrant for drafting of water shall be in accordance with standards and practices of NFPA 1142. The pond must have the capacity to maintain in excess of thirty thousand (30,000) gallons as certified by a certified hydrologist, professional engineer, or a staff member of the Rowan County Soil and Water Conservation District to account for seasonal variations and water availability/sediment below the strainer and/or be able to withstand a 50-year drought as certified by a certified hydrologist, professional engineer or a staff member of the Rowan County Soil and Water Conservation District. Ponds created through use of existing streams or by continuous fill from a ground water well, must also obtain the drought tolerance certification from any of the aforementioned sources.

(d) *Responsibility for Installation.*

Responsibility for installation of a water point source for projects subject to the provisions of section 22-111(c) of this article are based on the following principles:

1. Without provision of a water point source, major subdivision proposals located in fire districts

with a PPC rating of 8 or less will adversely affect the PPC rating of said district. As such, a water point source shall be provided at the expense of the subdivider. Installation, inspections and certifications required to comply with NFPA 22 and 1142 (as applicable) will be the responsibility of the subdivider.

2. Without provision of a water point source, major subdivision proposals located in fire districts with a PPC rating of 9 or 9S will not necessarily affect the PPC rating of said district. However, the County recognizes the importance of adequate fire protection for its citizens and providing water point sources is an accepted method for limiting property damage and saving lives in the event of fires. To this end, the subdivider and fire department having jurisdiction shall equally share in the costs for installation, inspections and certifications for the minimum standards as may be required to comply with NFPA 22 and 1142 (as applicable) of providing the water point source, unless the subdivider waives the fire department's participation requirement. For purposes of this section, cost participation of the fire department shall not include land or easement purchase costs nor shall equal participation of the subdivider be diminished by a value (assumed or established) of the lot or easement containing the water point source.

(e) *Maintenance Requirements For Water Point Source*

In the event a water point source will not be deeded to or accepted by the county or the fire department having responding jurisdiction, maintenance of the grounds (lot or easement area) surrounding the water point source shall be the responsibility of the property owner or the subdivider until such time a homeowners association or similar legal entity has assumed authority for enforcing the recorded covenants. All powers and duties for enforcing the maintenance of the grounds as allowed by this subsection shall be the same as those specified in section 22-58(f) of this ordinance. Maintenance of the mechanical and nonmechanical components of the water point source shall be the responsibility of the fire department having jurisdiction.

(Amend. of 7-16-07(2); Amend. of 6-16-08; Amend. of 08-19-19)

**Section 22-112. Stormwater Control Measures: Operation, Maintenance and Inspections**

(a) *Operation.*

Prior to receiving any related final subdivision plat or zoning approvals authorizing the sale or conveyance of lots and, or occupancy of buildings, the stormwater control measure(s) shall be inspected by the Planning Department after it is notified by the developer that all work has been completed. Prior to this inspection, the developer shall provide:

1. A copy of the operation and maintenance agreement or manual, the deed, related easements and survey plat (as applicable) for the stormwater control measure ready for Planning Department review prior to filing with the Rowan County Register of Deeds; and,
2. A certification sealed by an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) stating that the stormwater control measure is complete and consistent with the approved plans and specifications for said structure.

If inspection by the Planning Department finds the measure completed in accordance with the plans approved pursuant to Section 22-109(b) of this Chapter and the items in (a)(1) and (2) of this Section are in compliance, the owning entity shall file the items in (a)(1) of this Section with the Rowan County Register of Deeds.

(b) *Maintenance.*

Landscaping and grounds management shall be the responsibility of the owning entity. However, vegetation shall not be established or allowed to mature to the extent that the integrity of the control measure is diminished or threatened, or to the extent of interfering with any easement or access to the stormwater control measure.

(c) *Repair or Reconstruction.*

Except for general landscaping and grounds management, the developer or owning entity shall notify Rowan County Planning Department prior to any repair or reconstruction of the stormwater control measure. All improvements shall be made consistent with the approved plans and specifications of the stormwater control measure and the operation and maintenance plan or manual. After notification and documentation provided by the developer or owning entity that repairs or reconstruction have been certified as completed by an NC Registered Professional Engineer, Rowan County Planning Department shall have the opportunity to inspect the completed improvements and inform the developer or owning entity of any required additions, changes, or modifications and of the time period to complete said improvements.

(d) *Inspections.*

1. Annual Inspections. All stormwater control measures shall be inspected by a North Carolina registered professional engineer at least once on an annual basis to determine whether the measures are performing as designed and intended. Records of inspection shall be maintained on forms available from the Rowan County Planning Department. Annual inspections shall begin within one year following the date for recordation of the operation and maintenance agreement or plan with the Rowan County Register of Deeds office for the stormwater control measure.
2. Corrective Actions. In the event the Planning Department discovers the need for corrective action or improvements, the owning entity shall be notified of the needed improvements and the date by which the corrective action is to be completed. All improvements shall be made consistent with the plans and specifications of the stormwater control measure and the operation maintenance plan or manual. After notification by the owning entity, the Planning Department or its designee shall inspect and approve the completed improvements.
3. Responsibility for Inspections. Rowan County shall exercise ultimate authority for operation and maintenance of stormwater control measures approved pursuant to the high density development standards for water supply watersheds contained in Section 21-33 (2)(f) of the Rowan County Zoning Ordinance. In doing so, the County shall require the owners of stormwater control measures to be inspected by a North Carolina registered professional engineer at least once during successive twelve (12) month periods following the date of recordation for the operation and maintenance agreement or plan with the Rowan County Register of Deeds office. These required annual inspections shall insure the stormwater control measures are performing as designed and intended. Completed inspection reports shall be submitted to the Rowan County Planning Department on forms available from the same.
4. Enforcement. If at any time, an inspection reveals that a stormwater control measure is not performing as designed and intended, Rowan County shall inform the owning entity of the need for corrective action. Failure to take corrective action(s) on the part of the owning entity may subject them to enforcement provisions of Section 22-152 of this Chapter or any other equitable remedy in accordance with applicable North Carolina law.

(Amend. of 08-19-19)

**Secs 22-113—22-125. Reserved.**

## **ARTICLE VI. SCHEDULE OF FEES**

### **Section 22-126. Fee Schedule.**

The Rowan County Board of Commissioners shall approve a fee schedule for the administration of this ordinance. These fees shall be nonrefundable except in cases of administrative error. The fee schedule approved by the Board of Commissioners shall be kept on file with the Clerk to the Board of Commissioners.

**Secs 22-127—22-150. Reserved.**

## **ARTICLE VII. LEGAL PROVISIONS**

### **Section 22-151. Penalties for Violation.**

After the effective date of this ordinance, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this ordinance, thereafter subdivides his land in violation of this ordinance or transfers or sells land by reference to exhibition of, or any other use of a plat showing a subdivision of land before the plat has been properly approved under the terms of this ordinance and recorded in the office of the Rowan 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 an illegal subdivision, transfer or sale of land by action for injunction. Further, violators of this ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S. 14-4.

In addition to the penalty as established above, and the remedies provided by other provisions of this ordinance, this ordinance may be enforced by an appropriate equitable remedy provided in G.S. 153A-123, including, but not limited to, all appropriate equitable remedies issued from a court of competent jurisdiction as provided in G.S. 153A-123(d) and the remedy of injunction and order of abatement as allowed by G.S. 153A-123(e).

### **Section 22-152. Civil Penalties.**

In addition to other remedies cited in this ordinance for the enforcement of these provisions, this ordinance may be enforced through the issuance of citations by Rowan County. These citations shall be in the form of a civil penalty. The county may recover this penalty within seventy-two (72) hours after issuing a citation for a violation. In addition, failure to pay the civil penalty may subject the owner to civil action in the nature of debt if the penalty is not paid in the prescribed period of time.

The following civil penalties are established for violations under this ordinance. Upon issuance of a warning citation, first citation or second citation the owner or developer shall have seven (7) days to correct the violation or make satisfactory progress to correct the violation before additional penalties are assessed. Upon issuance of the third citation each additional day's violation is a separate and distinct offense and shall incur an additional one-hundred-dollar fine.

<i>Warning Citation</i>	<i>No Penalties</i>
First Citation	\$25.00
Second Citation for the same offense	\$50.00
Third and Subsequent violations for the same offense	\$100.00

**Section 22-153. Separability.**

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

**Section 22-154. Amendments.**

The standards of this ordinance may be amended in accordance with Article XIV, Section 21-361 of the Zoning Ordinance.

(Amend. of 2-20-06(2); Amend. of 04-21-14)

**Section 22-155. Abrogation.**

It is not intended that this ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants deed restriction, 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.