

Article 7: Subdivision and Land Development Regulations

Part 1: General Provisions

Section 7.01: Purpose and Authority

As authorized by NCGS 160D-8-1 through 160D-8-8, the purpose of establishing this Article is to ensure the orderly growth and development of the City and extraterritorial jurisdiction, including the requirement that adequate public facilities are available to serve new subdivisions of land; to ensure the protection of environmentally sensitive areas; to provide for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities; to provide for the dedication or reservation of recreation areas serving residents of the immediate neighborhood or within the subdivision; to provide rights-of-way or easements for street and utility purposes including the dedication of rights-of-way; to provide 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; and to provide that the final plat show sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line easement boundary line, and other property boundaries to appropriate accuracy and in conformance with good survey practices.

Section 7.02: Applicability

- (A) The requirements of this Article shall apply to any subdivision or land development activity, as defined in Article 15 of this Ordinance, within the corporate limits of the City or the extraterritorial jurisdiction.
- (B) Land that has been subdivided prior to the effective date of these regulations should, whenever possible, be brought within the scope of these regulations to further the purposes of this Ordinance. However, all existing preliminary plats that were approved under the prior Ordinance shall remain valid unless or until the approval expires.

Section 7.03: Authority and Jurisdiction

- (A) The Board of Adjustment shall be vested with the authority to review, approve, conditionally approve and disapprove applications for preliminary plats.
- (B) The Planning Director or his designee shall be vested with the authority to review and approve sketch plans, and to approve, conditionally approve and disapprove applications for final plats of minor subdivisions and final plats of major subdivisions.
- (C) The Planning Director or his designee in coordination with the City Manager, Director of Public Works and the Fire Chief shall be vested with the authority to review and approve construction plans and financial guarantee agreements.
- (D) The City Council shall be vested with the authority to accept all public dedications including, but not limited to rights-of-way, easements, park facilities, and open space.

Section 7.04: Subdivision Plat Required

- (A) From and after the effective date of this ordinance, the owner or proprietor of any tract of land who desires to subdivide land shall be required to submit a plat of such subdivision to the Planning Director, whom is hereby charged with the responsibility for coordinating the processing of such plats. The subdivision plat submitted to the Planning Director shall be made in accordance with the regulations set forth in this Ordinance and comply with the standards set forth in Appendix E.

- (B) No person shall create a subdivision of land without making and recording a plat and complying fully with the provisions of this Article and all other state and local laws and regulations applying to subdivisions.
- (C) No person shall sell or transfer ownership of any lot or parcel of land by reference to a plat of a subdivision before such plat has been duly recorded with the Richmond County Register of Deeds, unless such subdivision was created prior to the adoption of this Ordinance and any other subdivision ordinance applicable thereto.
- (D) No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of this Ordinance, and no construction of any public or private improvements shall be commenced, except in conformity with the requirements of this Ordinance.
- (E) A final subdivision plat shall be approved by the Planning Director before the subdivision of a parcel may be recorded. No land may be subdivided through the use of any legal description other than with reference to a plat approved by the Planning Director in accordance with these regulations.

Section 7.05: Subdivision Plat Not Required

Pursuant to NCGS 160D-8-2, a subdivision plat shall not be required for any of the following: (see definition of "subdivision" in Article 15)

- (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 the City as set forth in this Ordinance.
- (B) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.
- (C) The public acquisition by purchase of strips of land for the widening or opening of streets.
- (D) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality, as shown in this Ordinance.
- (E) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the NC General Statutes.

Section 7.06: Recordation of Unapproved Plat Prohibited

- (A) The Richmond County Register of Deeds shall not file or record any subdivision plat required by this Ordinance until such plat shall have been approved, and such approval evidenced thereon, in accordance with the regulations set forth in this Ordinance.
- (B) The approval of any final plat shall be contingent upon such plat being recorded at the Richmond County Register of Deeds within sixty (60) days after the date the Certificate of Approval is signed by the Planning Director or his designee.

Section 7.07: Sale of Property in Violation of this Ordinance Prohibited

No land described in this Section shall be subdivided or sold, or transferred until the subdivider or his agent has submitted and obtained approval of the sketch plat, a preliminary plat (when required), and a final plat as provided in this Ordinance; and the subdivider or his agent files the final plat with the Richmond County Register of Deeds.

Part 2: Minor Subdivisions

Section 7.08: Minor Subdivision Defined

- (A) A minor subdivision shall be defined as a division of land that creates not more than three (3) lots (excluding the parent tract) where no new street right-of-way dedication is required, and all resultant lots conform to the requirements set forth in this Ordinance.
- (B) Not more than a total of three (3) lots shall be created from one tract by means of the minor subdivision approval process within a five (5) year period.

Section 7.09: Sketch Plan

A subdivider shall submit a sketch plan of the proposed subdivision to the Planning Director for a conceptual review and determination as to whether the minor subdivision approval process is applicable and as to whether modifications are necessary to comply with the requirements of this Ordinance. The subdivider shall provide any information deemed relevant by the Planning Director for such determinations to be made. The Planning Director shall advise the subdivider of any pertinent issues that may affect final plat approval.

Section 7.10: Final Plat

- (A) No preliminary plat review and approval shall be required for minor subdivisions. Following the review of the sketch plan, the subdivider shall proceed to prepare and submit a final plat that complies with all requirements set forth in this Ordinance to the Planning Director. The final plat shall be prepared in accordance with the requirements set forth in Appendix E. The Planning Director shall review and approve the proposed subdivision plat unless the proposed subdivision plat does not comply with any applicable requirements set forth in this Ordinance.
- (B) If the proposed subdivision plat is disapproved, the Planning Director shall promptly furnish the subdivider with a written statement of the reason(s) for disapproval.

Part 3: Major Subdivisions

Section 7.11: Major Subdivision Defined

All divisions of land that are not exempted by state statute or do not meet the criteria for a minor subdivision as set forth in this Ordinance shall be processed as a major subdivision. Major subdivisions shall be a special use and subject to the requirements set forth in Article 2 of this Ordinance for special uses.

Section 7.12: Sketch Plan

A subdivider shall submit a sketch plan of the proposed subdivision to the Planning Director for a conceptual review and determination as to whether modifications are necessary to comply with the requirements of this Ordinance. The subdivider shall provide any information deemed relevant by the Planning Director for such determinations to be made. The Planning Director shall advise the subdivider of any pertinent issues that may affect preliminary plat approval.

Section 7.13 Preliminary Plat

- (A) Following the review of the sketch plan, the subdivider shall proceed to prepare and submit a preliminary plat to the Planning Director for consideration by the Board of Adjustment. The preliminary plat shall be prepared in accordance with the requirements set forth in Appendix E.

- (B) The Board of Adjustment shall hold a public hearing on the proposed subdivision. Notification of such public hearing shall follow the procedural requirements set forth in Article 2, Part 7 of this Ordinance.
- (C) The Board of Adjustment shall review and approve, conditionally approve, or deny the preliminary plat. The Planning Director shall notify, in writing, the subdivider of any action taken by the Board of Adjustment.

Section 7.14: Construction Plans

- (A) Following approval of the preliminary plat, the subdivider shall have prepared, by a professional engineer, registered in the State of North Carolina, construction plans, consisting of complete construction drawings and specifications for all easements, streets, traffic control devices, street lights, sanitary sewer, storm water facilities, water system facilities, sidewalks and other required improvements set forth in this Ordinance.
- (B) Construction plans shall be submitted to the Planning Director, who shall coordinate the review of such plans with other City departments. Where approval of construction plans is required by other public agencies, the subdivider shall be responsible for obtaining such approval, and shall provide written documentation of such approval to the Planning Director.
- (C) Approval of the construction plans shall authorize the subdivider to proceed with construction of the required improvements. No construction, including grading, shall be commenced without approval of the construction plans.

Section 7.15: Completion of Required Improvements

All installations of improvements shall conform to the approved construction plans. If the subdivider chooses to make modifications in design and/or specifications prior to construction, such changes shall be subject to review and approval by the Planning Director. It shall be the responsibility of the subdivider to notify the Planning Director in advance of any changes to be made from the approved drawings. In the event that actual construction work deviates from that shown on the approved construction plans, such unapproved work shall constitute a violation of this Ordinance. The subdivider shall be required to correct the installed improvements to conform to the approved construction plans. In addition, the Planning Director may take such other actions as may be deemed appropriate including, but not limited to, revocation of permits already issued and/or withholding of future approvals and permits until the violation is corrected.

Section 7.16: As-built Drawings

Prior to final plat approval, the applicant shall submit to the Planning Director two (2) sets of as-built engineering drawings for each of the required improvements that have been completed. Such as-built drawings shall be signed and sealed by a licensed engineer.

Section 7.17: Financial Guarantee in Lieu of Immediate Installation for Approval

In lieu of requiring the completion, installation and inspection of all or any part of the required improvements as described in these regulations prior to final plat approval, the City may accept a financial guarantee whereby the subdivider shall agree to complete all required improvements. Once the security required herein is provided, the final plat may be approved if all other requirements of these regulations are met. To secure this procedure, the subdivider shall provide either of, or a combination of, the following guarantees to cover the costs of the proposed improvements:

- (A) The subdivider shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the City or in escrow with a financial institution. The use of any instrument other than cash shall be subject to the approval of the City. The amount of deposit shall be equal to one hundred and twenty-five percent (125%) of the

estimated cost, as approved by the Planning Director, of installing all required improvements. The initial cost estimate shall be the responsibility of the subdivider and certified by his engineer, but the approval of the final cost estimate shall be made by the Planning Director.

- (B) If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with the City an agreement between the financial institution and himself guaranteeing the following:
- (1) that said escrow account shall be held in trust until released by the City and may not be used or pledged by the subdivider in any other matter during the term of the escrow; and
 - (2) that in the case of a failure on the part of the subdivider to complete said improvements within the time allotted, the financial institution shall, upon notification by the City and submission by the City to the financial institution of an estimate of the amount needed to complete the improvements, immediately either pay to the City the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the City any other instruments, readily convertible to cash, fully endorsed or otherwise made payable in full to the City.

Section 7.18: Duration of Financial Guarantees

- (A) The duration of a financial guarantee shall be of a reasonable period to allow for completion and acceptance of improvements. In no case shall the duration of the financial guarantee for improvements exceed eighteen (18) months.
- (B) All developments for which public improvements are not completed and accepted at least thirty days prior to the expiration of the financial guarantee shall be considered to be in default, unless said guarantee is extended with the consent of the Planning Director to a future date not to exceed six (6) months.

Section 7.19: Default

Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as specified in the guarantee agreement, the surety or the financial institution holding the financial account shall, if requested by the City, pay all or any portion of the account funds to the City up to the amount needed to complete the improvements based on an estimate by the City. Upon payment, the City, at its discretion, may expend such portion of said funds as deemed necessary to complete all or any portion of the required improvements. The City shall return to the subdivider any funds not spent in completing the improvements. Default on a project shall not release the subdivider from liability/responsibility, financial or otherwise, for the completion of the improvements.

Section 7.20: Release of Guarantee Security

The Planning Director may release a portion or all of any security posted as the improvements are completed and approved by the Planning Director. Prior to such release the subdivider shall provide the Planning Director with a set of 'as built' drawings certified by his engineer.

Section 7.21: Warranty Against Defects

Prior to the approval of the final plat or acceptance by the City of any improvements in any development, the developer shall furnish to the City a written warranty against defects, which shall guarantee the material and workmanship for a period of not less than one year from the date of such acceptance. Such warranty shall be accompanied by a financial guarantee payable to the City equal to at least fifteen percent (15%) of the cost of the installation of such improvements as determined by the Planning Director. Such financial guarantee shall be in a form of financial guarantee as provided for in this Article. Upon successful performance of the improvements, as determined by the Planning Director, for the one-year period, the financial guarantee shall be returned to the subdivider. Upon the failure of an

improvement to perform within the generally accepted standards for the type improvement as determined by the Planning Director, the subdivider shall be notified and given a reasonable period of time to correct the defects. Should the subdivider fail to act, fail to act in a timely manner, or otherwise fail to correct the defect(s), the Planning Director shall find the subdivider in default and proceed in the same manner as provided for in this Article for default.

Section 7.22: Final Plat Approval

Final plats shall be submitted to the Planning Director, who shall in turn approve or deny the final plat. No final plat shall be approved for recording until all required improvements are installed and approved, or until the subdivider provides an appropriate Financial Guarantee as set forth in these regulations. In addition, no final plat shall be approved for recording unless such plat is in substantial agreement, as determined by the Planning Director, with the approved preliminary plat. Final plats not in substantial agreement shall be resubmitted as preliminary plats. Final plats shall be prepared in accordance with the requirements set forth in Appendix E.

Section 7.23: Dedication of Improvements

Approval and recording of the final plat shall constitute dedication by the subdivider of the right-of-way of each public street and utility and drainage easements shown on such plat. Such dedication, however, shall not constitute acceptance by the City of such right-of-way, nor shall it constitute acceptance for maintenance or for other purposes of the improvements within such rights-of-way and easements such as pavements, sidewalks, drainage facilities and other utility lines. Such right-of-way and improvements may be accepted by the City Council by resolution upon completion by the subdivider and inspection by the appropriate City staff or by the City actually exercising control over and maintaining such facilities. In addition, land designated on an approved and recorded final plat as public open space and similar public purposes shall be considered to be offered for dedication until the City has by resolution accepted such dedication and such land is deeded to the City. Until such dedication has been accepted, land so offered may be used for open space purposes by its owner or his designees and the City shall be held harmless of any liability involving such land. Land so offered for dedication shall not be used for any purpose inconsistent with the proposed public use without the express approval of the City Council.

Section 7.24: Completing Development in Phases

If a subdivision or land development activity is to be constructed in phases, then the requirements set forth in the Ordinance shall apply to each phase as if it were the entire development. A phasing plan shall be submitted that clearly delineates the boundaries of the various phases proposed as part of the overall subdivision or land development activity.

Part 4: Design Standards

Section 7.25: Appropriate to Physical Conditions

The general design of the development shall take advantage of and be adjusted to the contour of the land so as to produce usable building sites and streets of reasonable gradients. Development plans shall be drawn in consideration of the suitability of the land and its capability to support and maintain the proposed development. Due consideration shall be given to such factors as topography, soil conditions, flood damage prevention, erosion control, wetland preservation, storm water management, solar energy, tree preservation, noise and pollution control, habitat for endangered species, areas of historical, archaeological or architectural significance, and land use relationships in addition to other factors including those prescribed by this ordinance.

Section 7.26: Street Classifications

- (A) All streets within and adjoining a proposed development shall be classified according to function by the Board of Adjustment during the preliminary plat review and approval process. Each street segment shall be classified as one of the following types:

- (1) Arterial: A major street in the City’s street system that serves as an avenue for the circulation of traffic into, out, or around the city. An arterial street typically carries high volumes of traffic usually in excess of 8,000 trips per day.
 - (2) Collector: A street whose principal function is to carry traffic between minor, local, and subcollector streets and arterial streets, but that may also provide direct access to abutting properties. A collector street typically carries volumes of traffic between 3,000 and 8,000 trips per day.
 - (3) Subcollector: A street whose principal function is to provide access to abutting properties, but is also designed to connect minor and local streets with collector and arterial streets. A subcollector street typically carries volumes of traffic between 1,000 and 3,000 trips per day.
 - (4) Local: A street whose sole function is to provide access to abutting properties. A local street typically carries volumes of traffic between 300 and 1,000 trips per day.
 - (5) Minor: A street whose sole function is to provide access to abutting properties. A minor street typically carries volumes of traffic less than 300 trips per day.
- (B) The classification of a street segment shall determine the cross-section and minimum design specifications to which that proposed street segment shall be designed and constructed.

Section 7.27: Street Design Standards and Specifications

- (A) All streets shall be designed and constructed to the meet the minimum specifications set forth in Table 7-A below.

Table 7-A: Schedule of Street Design and Minimum Specifications								
Street Classification	Minimum ROW Width (in feet)	Minimum Pavement Width (in feet)	Curb & Gutter Required	Sidewalk Required	Stopping Site Distance (in feet)	Minimum Center Line Radius (in feet)	Minimum sight Distance on Vertical Curve (in feet)	Design Speed (mph)
Collector	60	28	Yes	Both sides	400	500	200	35
Subcollector	60	24	Yes	Both sides	250	300	200	30
Local Residential	50	22	Yes	No	200	200	150	25
Local Nonresidential	50	24	Yes	No	325	300	150	30
Minor Residential	40	20	Yes	No	200	150	150	25
Minor Nonresidential	50	24	Yes	No	325	200	150	30

- (B) All streets shall be constructed with either standard 90-degree concrete curb and gutter or roll-type concrete curb and gutter. Street pavement width shall be measured from curb face to curb

- face where 90-degree curb is installed, and from the center of the curb where roll type curb is installed.
- (C) Sidewalks shall be constructed to NCDOT specifications and shall comply with all applicable ADA requirements.
 - (D) All permanent dead-end streets (as opposed to temporary dead-end streets as set forth in Section 7.28) shall be developed as cul-de-sacs. Cul-de-sacs shall not exceed eight hundred (800) feet in length unless necessitated by topography, property accessibility or other extenuating circumstances as determined by the Board of Adjustment. Such measurement shall be made from the point where the centerline of the cul-de-sac street intersects with the centerline of a general circulation street to the center of the turnaround of the cul-de-sac. Where one cul-de-sac extends from another cul-de-sac, the end of each cul-de-sac shall be no more than eight hundred (800) feet from a general circulation as measured by the centerline of the streets.
 - (E) The minimum radius for the right-of-way of a cul-de-sac shall be fifty (50) feet. The minimum radius of the paved portion of the cul-de-sac shall be thirty-five (35) feet. If a landscape island is provided in the center of the cul-de-sac, then the pavement around the landscape island shall be a minimum of eighteen (18) feet in width.
 - (F) Half streets (i.e., streets of less than the full required right-of-way and pavement width) shall not be permitted except where such streets, when combined with a similar street (developed previously or simultaneously) on property adjacent to the subdivision, creates or comprises a street that meets the right-of-way and pavement requirements set forth herein.
 - (G) Blocks shall not be less than four hundred (400) feet nor more than twelve hundred (1,200) feet in length except as the Board of Adjustment considers necessary to secure efficient use of land or desired features of street patterns.

Section 7.28: Coordination with Surrounding Streets

- (A) The street system of a subdivision shall be coordinated with existing, proposed, and anticipated streets outside the subdivision. Except where the Board of Adjustment determines a different scheme is more appropriate, the proposed street system shall extend existing streets at no less than the required minimum width for such street classification as set forth herein.
- (B) Whenever connections to anticipated or proposed surrounding streets are required by the Board of Adjustment, the street right-of-way shall be extended and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected. In addition, the Board of Adjustment may require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles. Notwithstanding the other provisions of this subsection, no temporary dead-end street in excess of one thousand (1,000) feet may be created unless no other practicable alternative is available.

Section 7.29: Access to Lots

- (A) Every lot shall have access to it that is sufficient to afford a reasonable 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.
- (B) Except as otherwise provided in this section, all lots created after the effective date of this Ordinance shall abut a public street at least to the extent necessary to comply with the access

requirement set forth in subsection (A) above. For purposes of this subsection, the term "public street" includes a preexisting public street or a street created by the subdivider that meets the public street standards of this Ordinance and is dedicated for public use. Unless the recorded subdivision plat clearly shows a street to be private, the recording of such a plat shall constitute an offer of dedication of such street.

- (C) A subdivision in which the access requirement of subsection (A) is satisfied by a private road that does not meet the public street standards may be developed so long as, since the effective date of this Ordinance not more than three (3) lots have been created out of that same tract; and not more than three (3) single family detached units are or will be accessed via such private road. Subdivisions for the development of other types of residential or nonresidential uses that would tend to generate more traffic than that customarily generated by three single-family detached residences and are accessed by a private road that does not meet the public street standards shall be prohibited.
- (D) Private roads shall meet or exceed the minimum construction standards set forth in Section 503 of the North Carolina Fire Prevention Code.
- (E) No final plat in which the resultant lots created are served by a private road shall be recorded without the following notations:

"Further subdivision of any lot shown on this plat served by a private road may be prohibited pursuant to the City of Rockingham Unified Development Ordinance."

Section 7.30: Restriction of Access

- (A) Reserve strips and non-access easements adjoining street rights-of-way for the purpose of preventing access to or from adjacent property shall be permitted only upon the approval of the Board of Adjustment.
- (B) Where a major subdivision abuts or contains an existing or proposed arterial street, the Board of Adjustment may require marginal access streets, through lots with screen plantings or a landscaped berm contained in a non-access reservation along the rear property line, or such other treatment as may be necessary in order to ensure adequate separation of through and local traffic and to minimize points of ingress and egress to arterial streets.

Section 7.31: Street Intersections

- A) Streets shall intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle less than sixty (60) degrees.
- (B) Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of such street. In any event, where a centerline offset occurs at an intersection, the distance between centerlines of the intersecting streets shall be no less than two hundred (200) feet.
- (C) Except when no other alternative is practicable or legally possible, no two streets may intersect with any other street on the same side at a distance of less than four hundred (400) feet measured from centerline to centerline of the intersecting streets. When the intersected street is an arterial, the distance between intersecting streets shall be at least one thousand feet (1,000) feet.
- (D) Streets crossing natural areas or streams shall cross at or as near right angles as possible within the limits of the topographic conditions.

Section 7.32: Sight Distance at Intersections

- (A) At no-stop intersections, the intersection shall be constructed so that a person standing at a location on the centerline of any street ninety (90) feet from the intersection of the street centerlines has an unobstructed view to a point located on the centerline of the intersecting street ninety (90) feet (in either direction) from the intersection of the street centerlines.
- (B) Subject to subsection (C) below, at stop intersections, the intersection shall be constructed so that a person standing ten (10) feet back of the intersection of right-of-way lines on the stop street has an unobstructed view to a point on the right-of-way line of the intersecting through street located seventy (70) feet from the intersection of the right-of-way lines.
- (C) At stop intersections where a residential street intersects with a state-maintained primary road, the intersection shall be constructed so that a person standing thirty (30) feet back of the intersection of right-of-way lines on the stop street has an unobstructed view to a point on the centerline of the through street located one hundred fifty (150) feet from the intersection of the street right-of-way lines.

Section 7.33 Entrance to Streets

All driveway entrances and other openings onto streets within the city's planning jurisdiction shall be designed and constructed so that:

- (A) Vehicles can enter and exit from the property in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling on abutting streets; and
- (B) Interference with the free and convenient flow of traffic on abutting or surrounding streets is minimized.

Section 7.34: Pedestrian Access Easements

Whenever, the Board of Adjustment determines that a means of pedestrian access is necessary or desirable from the proposed subdivision to schools, parks, playgrounds, streets, or other facilities and that such access is not conveniently provided by sidewalks adjacent to streets, the subdivider may be required to reserve an unobstructed easement of at least ten (10) feet in width to provide such access.

Section 7.35: Road and Sidewalk Requirements in Un-subdivided Developments

- (A) Within un-subdivided developments, all private roads and access ways shall be designed and constructed to facilitate the safe and convenient movement of vehicular and pedestrian traffic. The Parking Regulations set forth in Article 10 shall determine the width of roads, use of curb and gutter, and paving specifications. To the extent not otherwise covered in the foregoing articles, and to the extent that the requirements set forth in this article for subdivision streets may be relevant to the roads in un-subdivided developments, the requirements of this Article may be applied to satisfy the standard set forth in the first sentence of this subsection.
- (B) Whenever a road in an un-subdivided development connects two or more public streets in such a manner that any substantial volume of through traffic is likely to make use of such road, then such road shall be constructed in accordance with the standards applicable to subdivision streets and shall be dedicated. In other cases when roads in un-subdivided developments within the city are constructed in accordance with the specifications for subdivision streets, the city may accept an offer of dedication of such streets.
- (C) In all un-subdivided residential development, sidewalks shall be provided linking dwelling units with other dwelling units, the public street, and on-site activity centers such as parking areas, laundry facilities, and recreational areas and facilities. Notwithstanding the foregoing, sidewalks shall not

be required where pedestrians have access to a road that serves not more than nine (9) dwelling units.

- (D) Whenever the permit-issuing authority finds that a means of pedestrian access is necessary from an un-subdivided development to schools, parks, playgrounds, or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the roads, the developer may be required to reserve an unobstructed easement of at least ten (10) feet to provide such access.
- (E) The sidewalks required by this section shall be at least four (4) feet wide and constructed according to the specifications set forth in Appendix F, except that the permit-issuing authority may permit the installation of walkways constructed with other suitable materials when it concludes that:
 - (1) Such walkways would serve the residents of the development as adequately as concrete sidewalks; and
 - (2) Such walkways could be more environmentally desirable or more in keeping with the overall design of the development.

Section 7.36: Development Entrance Markers and Landscaped Medians

The Board of Adjustment may permit development entrance markers and landscape medians within the public right-of-way subject to the following conditions and any additional conditions the Board of Adjustment may find to be appropriate in the individual circumstance:

- (A) The City will not be responsible for maintenance.
- (B) An entity responsible for maintenance shall be created.
- (C) No such improvements shall interfere with sight distances or with normal maintenance requirements or otherwise pose a hazard to vehicular or pedestrian traffic.
- (D) In the event of loss, damage, or lack of improvements, the City may remove all improvements and maintain the area in accordance with City standards.

Section 7.37: Street Construction Standards and Specifications

Construction standards and specifications for streets, sidewalks, and curb and gutters are contained in Appendix F, and such facilities shall be completed in accordance with such standards.

Section 7.38: Bridges

All bridges shall be constructed in accordance with the standards and specifications of the North Carolina Department of Transportation, except that bridges on roads not intended for public dedication may be approved if designed and certified by a licensed engineer.

Section 7.39: Lighting Requirements

- (A) All public streets, sidewalks, and other common areas or facilities in subdivisions created after the effective date of this Ordinance shall be sufficiently illuminated to ensure the security of property and the safety of persons using such streets, sidewalks, and other common areas or facilities.
- (B) All roads, driveways, sidewalks, parking lots, and other common areas and facilities in un-subdivided developments shall be sufficiently illuminated to ensure the security of property and the safety of persons using such roads, driveways, sidewalks, parking lots, and other common areas and facilities.

- (C) All entrances and exits in substantial buildings used for nonresidential purposes or residential developments (except single family detached) shall be adequately lighted to ensure the safety of persons and the security of the buildings.
- (D) Streets lights shall be installed on all streets intended for public dedication in accordance with the provisions of §93.55 and §93.56 of the City of Rockingham, North Carolina Code of Ordinances.
- (E) Lighting within any lot that unnecessarily illuminates any other lot and substantially interferes with the use or enjoyment of such other lot is prohibited. Lighting unnecessarily illuminates another lot if it clearly exceeds the standards set forth herein or if the standards set forth in herein could reasonably be achieved in a manner that would not substantially interfere with the use or enjoyment of neighboring properties.

Section 7.40: Street Naming and Numbering

- (A) The Board of Adjustment shall have the authority to assign street names during the special use permit approval process. Proposed streets that are in alignment with existing streets shall be given the same name. Newly created streets shall be given names that neither duplicate nor are phonetically similar to existing streets within the city's jurisdiction, regardless of the use of different suffixes.
- (B) Street names shall include a suffix such as but not limited to "street", "avenue", "circle", "court", "place", "way", "loop", or "trail".
- (C) The Planning Director shall assign building numbers for those properties inside the city limits in accordance with the City of Rockingham Property Numbering System. The Richmond County Addressing Department shall assign building numbers for those properties inside the extraterritorial jurisdiction.
- (D) The City Council shall have the authority to change existing street names upon a recommendation by the Planning and Zoning Board.

Section 7.41: 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 7.42: Lots Served by Governmentally Owned Water or Sewer Lines

- (A) Whenever it is legally possible and practicable in terms of topography to connect a lot with a city water or sewer line by running a connecting line not more than two hundred (200) feet from the lot to such line, then no use requiring water or sewage disposal service shall be made of such lot unless connection is made to such line.
- (B) Connection to such water or sewer line is not legally possible if, in order to make connection with such line by a connecting line that does not exceed two hundred (200) feet in length, it is necessary to run the connecting line over property not owned by the owner of the property to be served by the connection, and, after diligent effort, the easement necessary to run the connecting line cannot reasonably be obtained.
- (B) For purposes of this article, a lot is "served" by a city-owned water or sewer line if connection is required by this section.

Section 7.43: 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) Primary responsibility for determining whether a proposed development will comply with the standard set forth in subsection (A), often lies with an agency other than the city, and the developer must comply with detailed standards and specifications of such other agency. Whenever any such agency requires detailed construction or design drawings before giving its official approval to the proposed sewage disposal system, the authority issuing a permit 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 subsection (A). However, construction of such system may not be commenced until the detailed plans and specifications have been reviewed and any appropriate permits issued by such agency.

Section 7.44: Water Supply System Required

- (A) 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 such use or subdivision lot and that complies with all applicable health regulations.
- (B) Primary responsibility for determining whether a proposed development will comply with the standard set forth in subsection (A), often lies with an agency other than the city, and the developer must comply with detailed standards and specifications of such other agency. Whenever any such agency requires detailed construction or design drawings before giving its official approval to the proposed water supply system, the authority issuing a permit 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 subsection (A). However, construction of such system may not be commenced until the detailed plans and specifications have been reviewed and any appropriate permits issued by such agency.

Section 7.45: Approval of Water and Sewage System Required

- (A) Any entity proposing to build sanitary sewers to connect directly or indirectly into the city's sanitary sewerage system or water lines to connect to the City water supply system shall conform its plans and specifications to the requirements of the City Manager or his designee. An engineer licensed in the state of North Carolina shall prepare the plans and specifications. The developer shall be required to obtain the approval of any and all local, county and state authorities having jurisdiction over such proposed system.
- (B) The following administrative procedures shall be followed:
 - (1) Submit preliminary construction plans to the City Manager or his designee in sufficient detail to indicate location, system layout, line sizes, service connections, flows, character of sewage, relationship with and connection to the City's system, pump station locations and specifications, and other information deemed relevant by the City Manager or his designee.
 - (2) Receive preliminary approval from the City Manager or his designee and other jurisdictional agencies.
 - (3) Prepare construction drawings and documents for approval by City Manager or his designee.
 - (4) Secure all other necessary agency approvals of construction drawings and contract documents.

- (5) Upon receipt of required approvals, proceed with construction, notifying the permitting authority of construction schedules.
 - (6) Provide the City Manager or his designee with permission for on-site inspection during construction.
 - (7) Furnish to the City Manager or his designee a certificate of completion, instrument of conveyance, and warranty together with such other legal documents as may be required for annexation, reimbursement and similar special provisions.
- (C) Construction of the proposed sewerage system or water system shall be accomplished by a registered contractor licensed under the laws of the State of North Carolina who shall have paid all business licenses required by the City of Rockingham.
 - (D) Public bids must be received and tabulated for any portion of the proposed system, which qualifies for reimbursement from the City. These tabulated bids must be submitted to and approved by the City Manager or his designee before award of construction contracts.
 - (E) Upon completion of construction, the engineer employed by the developer shall inspect and furnish to the permitting authority at no cost to the City, his certificate of completion indicating that the subject system has been constructed in accordance with the approved plans and specifications, and shall provide two (2) copies of "As Built" drawings.
 - (F) The developer or his authorized agent shall submit a warranty, which is a legal instrument in which the developer warrants the materials, equipment, and construction of the system for twelve (12) months. The developer shall further warrant to the City Manager or his designee that all fees have been paid by him such that there is not outstanding indebtedness remaining and holding the City harmless in each instance.
 - (G) All known sewer taps and water taps shall be made during construction and the location of all taps shall be recorded on the "As Built" drawings.
 - (H) All sewerage system and water system extensions must be compatible with present and future plans and needs of City.
 - (I) When all other requirements of this Ordinance have been met and approved, the developer shall prepare and submit to the City Manager or his designee an Instrument of Conveyance, conveying the constructed system to the City, at no cost to the City, and the system shall thereafter be owned, operated and maintained by the City as provided for in this Ordinance. The Instrument of Conveyance shall also include permanent easements and rights-of-way fully described and duly recorded at the appropriate authority.

Section 7.46: Fire Hydrants

- (A) Every development (subdivided or un-subdivided) that is served by a public water system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within such development.
- (B) The presumption established by this ordinance is that to satisfy the standard set forth in subsection (A), fire hydrants must be located so that all parts of every building within the development may be served by a hydrant by laying not more than five hundred (500) feet of hose connected to such hydrant. However, the fire chief may authorize or require a deviation from this standard if in his

professional opinion another arrangement more satisfactorily complies with the standard set forth in subsection (A).

- (C) The Fire Chief shall determine the precise location of all fire hydrants, subject to the other provisions of this section. In general, fire hydrants shall be placed six (6) feet behind the curb line of publicly dedicated streets.
- (D) The Fire Chief shall determine the design standards of all hydrants based on fire flow needs. Unless otherwise specified by the Fire Chief, all hydrants shall have two 2 1/2-inch hose connections and one 4 1/4-inch hose connection. The 2 1/2-inch hose connections shall be located at least 21 1/4-inches from the ground level. All hydrant threads shall be national standard threads.
- (E) Water lines that serve hydrants shall be at least six-inch lines, and, unless no other practicable alternative is available, no such lines shall be dead-end lines.

Section 7.47: Electric Power

Every principal use and every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every lot within such subdivision. Compliance with this requirement shall be determined as follows:

- (A) If the use is not a subdivision and is located on a lot that is served by an existing power line and the use can be served by a simple connection to such power (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center), then no further certification is needed.
- (B) If the use is a subdivision or is not located on a lot served by an existing power line or a substantial internal distribution system will be necessary, then the electric utility service provider must review the proposed plans and certify to the city that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed subdivision.

Section 7.48: Telephone Service

Every principal use and every lot within a subdivision must have available to it a telephone service cable adequate to accommodate the reasonable needs of such use and every lot within such subdivision. Compliance with this requirement shall be determined as follows:

- (A) If the use is not a subdivision and is located on a lot that is served by a simple connection to such power line (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center), then no further certification is necessary.
- (B) If the use is a subdivision or is not located on a lot served by an existing telephone line or a substantial internal distribution system will be necessary, then the telephone utility company must review the proposed plans and certify to the city that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed subdivision.

Section 7.49: Underground Utilities

- (A) All electric power lines, (excluding transformers or enclosures containing electrical equipment such as switches, meters, or capacitors which may be pad mounted), telephone, gas distribution, and cable television lines in subdivisions constructed after the effective of this Ordinance shall be installed underground.
- (B) Whenever an un-subdivided development is hereafter constructed on a lot that is undeveloped on the effective date of this Ordinance, then all electric power, telephone, gas distribution, and cable

television lines installed to serve the development that are located on the development site outside of a previously existing public street right-of-way shall be installed underground.

Section 7.50: Utilities To Be Consistent With Internal and External Development

- (A) Whenever it can reasonably be anticipated that utility facilities constructed 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 that extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service.
- (B) All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

Section 7.51: Dumpster Pad and Screening Requirements

Every development that utilizes a dumpster for the purpose of solid waste collection shall comply with the following requirements:

- (A) Each dumpster shall be located so as to facilitate collection and minimize any negative impacts on persons occupying the development site, neighboring properties, or public rights-of-way.
- (B) Each dumpster shall be located on a concrete pad with three-sided screening constructed in accordance with the specifications set forth in Appendix G.

Section 7.52: Reservation of Open Space Required

- (A) Except as provided for in subsection (B) (C) and (D), every residential development shall be required to reserve a minimum of seven (7) percent of the gross development area as permanent usable open space. An area shall constitute usable open space if such area:
 - (1) Is not encumbered with any substantial structure;
 - (2) Is not devoted to use as a roadway, parking area, or sidewalk, or other impervious surface area;
 - (3) Is left (as of the date development begins) in its natural or undisturbed state if wooded, except for the cutting of trails for walking or jogging; or if not wooded at the time of development, is landscaped for ball fields, picnic areas, or similar facilities, or is properly vegetated and landscaped with the objective of creating a wooded or natural area;
 - (4) Is capable of being used and enjoyed for purposes of informal and unstructured, passive recreation and relaxation;
 - (5) Is legally and practically accessible to the residents of the development from which the required open space is reserved, or to the general public if dedicated to the City;
- (B) Residential subdivisions, where less than twenty-five (25) lots are created from the original parent tract within a ten (10) year period shall be exempt from the requirements for the reservation of open space.
- (C) Residential subdivisions, where the average lot size is one (1) acre or more shall be exempt from the requirements for the reservation of open space.
- (D) Un-subdivided residential developments containing less than ten (10) units shall be exempt from the requirements for the reservation of open space.

- (E) The permit-issuing authority shall be authorized to permit deviations from the requirements for the reservation of usable open space when it determines that peculiarities in the proposed subdivision or development eliminate the need for or make the reservation of open space not feasible.

Section 7.53: Ownership and Maintenance of Required Open Space

- (A) Except as otherwise provided for herein, open space reserved pursuant to the requirements of this Ordinance shall be owned and maintained by the developer (or his successor), a homeowners association, or similar type organization.
- (B) The entity identified in subsection (A) above as having the right of ownership and control over such recreational facility shall be responsible for the continuing upkeep and proper maintenance of such open space. Proper maintenance shall constitute the removal of litter, refuse, and debris; and weeding and mowing.
- (C) Open space reserved in residential subdivisions shall be clearly delineated as a separate parcel(s) and identified on the final plat with the notation "*Reserved as Open Space. Development prohibited pursuant the authority of the Board of Adjustment*". The subdivider may offer such open space for dedication to the City, but the City shall not be obligated to accept such open space.

Section 7.54: Storm Water Management

- (A) To the extent practicable, all development shall conform to the natural contours of the land, and natural and preexisting man-made drainage ways shall remain undisturbed.
- (B) To the extent practicable, lot boundaries shall be made to coincide with natural and preexisting man-made drainage ways within subdivisions to avoid the creation of lots that can be built upon only by altering such drainage ways.
- (C) All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:
- (1) The retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or storm water runoff control plan; or
 - (2) The retention is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless such retention presents a danger to health or safety.
- (D) No surface water may be channeled or directed into a sanitary sewer.
- (E) Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets.
- (F) Private roads and access ways within un-subdivided developments shall utilize curb and gutter and storm drains to provide adequate drainage if the grade of such roads or access ways is too steep to provide drainage in another manner or if other sufficient reasons exist to require such construction.
- (G) All developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such developments. More specifically:
- (1) No development may be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher adjacent properties across

such development, thereby unreasonably causing substantial damage to such higher adjacent properties; and

- (2) No development may be constructed or maintained so that surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties.

Section 7.55: Sedimentation and Erosion Control

- (A) No zoning or special use permit shall be issued and no construction plan for subdivisions shall be approved for any development that would cause land disturbing activity subject to the jurisdiction of the N.C. Department of Environmental Health and Natural Resources - Sedimentation Control Commission, until the commission has certified to the city, either that:
 - (1) An erosion control plan has been submitted to and approved by the commission; or
 - (2) The commission has examined the preliminary plans for the development and it reasonably appears that an erosion control plan can be approved upon submission by the developer of more detailed construction or design drawings. However, in this case, construction of the development may not begin (and no building permits shall be issued) until the commission approves the erosion control plan.
- (B) For the purposes of this section, land disturbing activity means any use of the land by any person in residential, industrial, educational, institutional, or commercial development, and highway and road construction and maintenance that results in a change in the natural cover or topography to one (1) acre or more of land and that may cause or contribute to sedimentation. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity, or ice from the site of its origin.
- (C) If land disturbing activities occur on land that is less than one (1) acre in area, the applicant or developer shall take such action necessary to prevent any undue erosion or sedimentation of the soil, especially if the sedimentation would migrate onto neighboring lands or adjacent streams by use of hay bales, silt fences, or other acceptable means.