

**ALAMANCE COUNTY
SUBDIVISION
ORDINANCE**

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THE BOARD OF COMMISSIONERS
July 3, 1972

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ARTICLE I
SHORT TITLE

This Ordinance shall be known and may be cited as the Subdivision Ordinance of Alamance County, North Carolina and may be cited within in this document as Ordinance.

ARTICLE II
PURPOSE

The purpose of this Ordinance is to promote the public health, safety and general welfare by providing for the orderly subdivision of land in Alamance County. Among other reasons, this Ordinance is deemed necessary to (1) assure the appropriate layout and use of land; (2) provide safe, convenient and economic circulation of vehicular traffic; (3) provide for the dedication or reservation of street right-of-way, utility easements and public facility sites; (4) assure the proper installation of streets and utilities; (5) avoid undue concentrations of population; and (6) ensure proper legal description, identification, monumentation and recordation of property boundaries.

ARTICLE III
LEGAL PROVISIONS

Section 30. Authority

The enactment of this Ordinance is authorized under provisions pursuant to Chapter 153A, Article 18, Part II, Section 330 et seq. of the General Statutes of North Carolina.

Section 31. Jurisdiction

This Ordinance shall govern the platting and recording of any subdivision of land lying within Alamance County and outside the subdivision regulation jurisdiction of any municipality. It may also govern the platting and recording of any subdivision of land lying within the subdivision regulation jurisdiction of any municipality whose governing body by resolution agrees to such regulations.

Section 32. Application of Ordinance

This Ordinance is applicable to all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions, for the purpose, whether immediate or future, of sale, or building development and shall include all division of land involving the dedication of a new street/road or a change in existing streets/roads.

32.1 Exceptions. The following shall not be included nor be subject to the regulations prescribed by this Ordinance:

32.11 the combination or re-combination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to

or exceed the standards of the County as describe herein;

32.12 the division of land into parcels greater than ten acres where no street right-of-way dedication is involved;

32.13 the public acquisition by purchase of strips of land for the widening or opening of streets;

32.14 the division of a tract in single ownership the entire area of which 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 as described herein;

32.15 the division of a cemetery into grave sites;

32.16 the division of property among heirs for the sole purpose of settling an active estate.

32.2 Plats Required for Subdivisions. Prior to the subdivision of a tract or parcel of land, a plat shall be prepared, approved, and recorded pursuant to the provisions of this Ordinance. No plat shall be required for division of land under an exception as listed in Section 32.1. However, it is recommended that a plat be prepared, submitted, stamped “Exception” and recorded.

32.21 Prerequisite to Plat Recordation. The Register of Deeds shall not record any subdivision plat within the territorial jurisdiction of this Ordinance without a Certificate of Approval or Certificate of Exception signed by the Subdivision Administrator on the plat.

32.22 Exceptions. Plats not subject to the provisions of this Ordinance may be recorded provided the owner desiring to record such plats places and executes a Certificate of Exception on the final plat.

32.3 Permits Not Issued. No administrative agent of Alamance County shall issue any permit for the construction of any building, approval of electrical installation or other improvement requiring a permit, upon any land for which a subdivision plat is required, unless and until the requirements of this Ordinance have been complied with and approval granted in accordance with this Ordinance.

32.4 Streets Not Maintained. No street in a development for which a plat is required shall be recommended for maintenance by the N.C. DOT or a municipality until such time as the requirements of this Ordinance have been complied with and approval granted in accordance with the provisions of the Alamance County Subdivision Ordinance.

32.5 Approval of the Subdivision of Land Not to Constitute Acceptance of Streets, etc.

The approval of a subdivision plat pursuant to this Ordinance shall not be deemed to constitute or effect the acceptance by Alamance County, N.C. DOT, or other public agency of the dedication of any street, utility line, or other public facility site shown on the plat.

Section 33. Definitions

Definitions to commonly used terms in this Ordinance are provided in **Appendix-A**.

Section 34. Waivers and Amendment Procedure

34.1 Waivers. The following conditions may constitute justification for waiving the standards and requirements of this Ordinance. At the request of the Subdivision Administrator, a subdivider seeking a waiver shall make application in writing, stating the subdividers reasons for seeking a waiver.

34.11 Cluster Development or Planned Unit Development. The Standards and requirements of this Ordinance may be modified in the case of a plan and program for a complete Cluster Development or Planned Unit Development where satisfactory evidence is presented that compliance with the standards and requirements of this Ordinance would cause an unusual, unnecessary, and substantial hardship, and if such developments provides adequate public spaces and improvements for pedestrian and vehicular circulation, recreation, light, air, service needs of the tract, and continued maintenance of on-site group or public utilities when fully developed and populated, and which also provides such covenants, financial guarantees and other legal provisions to guarantee conformity to and achievement of the total development plan.

34.12 Site Conditions. Where, because of natural features or other existing physical conditions peculiar to the site, compliance with the standards and requirements of this Ordinance would cause an unusual and unnecessary hardship to the subdivider, waivers may be permitted, provided that such waivers will not have the effect of nullifying the purpose of these regulations.

34.2 Amendment Procedure. This Ordinance may be amended from time to time by the Board of Commissioners for Alamance County as provided by N.C.G.S. 153A-323, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Alamance County Planning Board for review and recommendation.

Section 35. Penalties for Transferring Lots in Unapproved Subdivisions

Any person who, being the owner, or agent of the owner, of any land located within the subdivision regulation jurisdiction of Alamance County as defined herein, hereafter subdivides such land in violation of this subdivision regulation ordinance or transfers or sells any part of such land by reference to, exhibition of, or any other use of a plat showing a subdivision of land

before such plat has been properly approved under the provisions of this Ordinance and recorded in the office of the Recorder of Alamance County, shall be guilty of a Class I misdemeanor. This Ordinance may also be enforced by injunction, order of abatement, or other equitable remedy upon application to the General Court of Justice. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties, or from the equitable remedy of injunction.

Section 36. Conflicting Ordinances

Where another applicable regulation, ordinance, or statute imposes more restrictive regulations than those contained in this Ordinance, the more restrictive shall govern.

Section 37. Severability

Should any section or provision of this Ordinance be for any reason held void or invalid, it shall not affect the validity of any other section or provision hereof which is not itself held void or invalid.

Section 38. Effective Date

This Ordinance shall take effect and be in force from and after the date of its adoption by the Board of Commissioners for Alamance County, North Carolina.

Section 39. State Platting and Disclosure Statement Requirement

All subdividers planning to sell lots not platted and recorded prior to October 1, 1975, are advised to consult N.C.G.S. 136-102.6, "An Act to Require Compliance of Subdivision Streets with Minimum Standards." The Statute requires that all new streets, whether public or private, and all changes in streets be platted. N.C.G.S. 136-102.6 also requires the subdivider to furnish to each lot purchaser a Subdivision Streets Disclosure Statement revealing the status of new streets, whether they are constructed to N.C. DOT standards, and who will bear maintenance responsibility for the streets. No provision of the Alamance County Subdivision Ordinance or of any other local Ordinance shall exempt a division of land from the provisions of N.C.G.S. 136-102.6.

ARTICLE IV
ADMINISTRATION

This Ordinance shall be administered by the Subdivision Administrator along with the assistance of the Technical Review Committee when necessary.

Section 40. Subdivision Administrator

The Subdivision Administrator shall be appointed by the Board of Commissioners or the County Manager. The powers and duties of the Subdivision Administrator shall be to implement the

provisions of this Ordinance. The assistance of the appropriate Technical Review Committee members may be called upon when necessary.

Section 41. Technical Review Committee

The Technical Review Committee shall include the Subdivision Administrator and representatives from the Alamance County Health Department, Alamance County Planning Board, Alamance County Soil and Water Conservation, North Carolina Department of Transportation, North Carolina Department of Environment and Natural Resources, Alamance County Emergency Management and the Alamance County Building Inspections Department.

Other agencies and specialists as deemed necessary by the Subdivision Administrator to properly implement the provisions and intent of this Ordinance maybe included from time to time. These may include but are not limited to representatives from the Alamance County Recreation and Parks Department, the Alamance-Burlington School System, the Alamance County Homebuilders Association and the Alamance County’s Attorney Office.

The responsibility of the representatives of the Technical Review Committee may include reviewing plans and performing the necessary field work and investigation.

ARTICLE V
PROCEDURE FOR SECURING APPROVAL OF SUBDIVISIONS

Section 50. Preapplication Conference

The subdivider is recommended to meet with the Subdivision Administrator in a preapplication conference to discuss informally the provisions of this Ordinance and the subdivision of land contemplated by the subdivider.

Section 51. Preliminary Plan

The subdivider shall submit six (6) copies of the preliminary plan to the Subdivision Administrator. The submission shall be prepared in accordance with the provisions of this Ordinance.

If no street right-of-way dedication or reservation is involved and no street improvements are required to be made by the subdivider according to the provisions of this Ordinance, the Subdivision Administrator may waive the requirement for the preliminary plan.

Approval of the preliminary plan shall be valid for one (1) year and shall authorize the subdivider to proceed with the preparation of construction plans for the improvements.

Section 52. Technical Review Committee Process

The Technical Review Committee shall review all Preliminary Plans for major subdivisions with greater than four (20). The Technical Review Committee shall meet the second and forth Thursday’s of each month as needed. The subdivider shall be included in the technical review

meeting. Preliminary Plans must be reviewed within fifteen (15) days of their receipt. The first and third Monday's of each month should serve as cutoff points for receiving plans. The Technical Review Committee shall review plans and plats for compliance with provisions and intent of this Ordinance. The findings and recommendations of the Technical Review Committee shall be assembled by the Subdivision Administrator. The Subdivision Administrator shall notify the subdivider of the actions taken by the Technical Review Committee as soon as action is taken and within a maximum of Twenty (20) days after the receipt of the plans and plats.

The Subdivision Administrator shall have authority over the findings and recommendations of the Technical Review Committee. The Subdivision Administrator shall also be charged with the final approval of all preliminary plans.

Section 53. Appeals

Subdividers may appeal to the Board of Commissioners of Alamance County if the Subdivision Administrator or Technical Review Committee finds the plans or plats not to be in compliance with the provisions and intent of this Ordinance. The appeal must be made by the subdivider in writing within sixty (60) days after notification by the Subdivision Administrator. Appeals shall go before the Alamance County Planning Board for recommendation to the Board of Commissioners. The written appeal shall include in detail the justification for the appeal.

The Board of Commissioners of Alamance County shall review the findings and recommendations of the Subdivision Administrator, Technical Committee and Planning Board as well as the appeal by the subdivider prior to rendering final decision on the plans or plats.

Section 54. Construction Plans

The subdivider shall submit one (1) copy of the construction plans for required street and utility improvements as prepared by an engineer registered in North Carolina. Plans are to be submitted to the Subdivision Administrator. This submission shall be prepared in accordance with the provisions of this Ordinance.

If street and utility improvements are not required in a subdivision by the provisions of this Ordinance, construction plans shall not be required.

Approval of the construction plans authorizes the subdivider to proceed with the construction of improvements and preparation of the final plat.

Section 55. Final Plat

The subdivider shall submit one (1) reproducible final plat as defined by N.C.G.S. 47-30 to the Subdivision Administrator. This submission shall be prepared in accordance with the provisions of this Ordinance.

- 55.1 Improvements and Certificates. No final plat shall be approved until all improvements are installed or their execution guaranteed as set forth in this

Ordinance and all certificates required on final plats by this Ordinance have been properly completed and signed.

- 55.2 Recordation. All approved plats shall be recorded with the Alamance County Register of Deeds. This process shall be as follows. The Subdivision Administrator shall collect the required Register of Deeds fees. The Administrator shall then deliver the signed plat to the Register of Deeds for recording. After recording the Administrator shall contact the developer or surveyor with the recorded plat book and page number.

Section 56. Final Approval

The Subdivision Administrator shall review final plats for compliance with the provisions of this Ordinance. The Subdivision Administrator shall approve final plats in conformance with the provisions of this and other applicable Ordinances.

ARTICLE VI **MINIMUM DESIGN STANDARDS**

Section 60. General

Land shall be subdivided in accordance with good land planning practices, including adequate consideration of the natural topography and drainage features and the type of development proposed.

Section 61. Compliance with Official Plans and Ordinances

Land shall be subdivided in compliance with pertinent official development plans and ordinances.

Section 62. Streets and Roads

- 62.1 Street and Road Names. Street and road names shall not duplicate or closely approximate, phonetically, existing street and road names in Alamance County, and street and road names of existing streets and roads shall be projected where applicable.
- 62.2 Coordination with Existing and Proposed Streets. Streets shall be designed in coordination with existing and proposed streets in the surrounding area providing for the continuation of appropriate streets.
- 62.21 Reservation of Right-of-Way for future extensions shall be required on roads designed as NC DOT collector roads with 20-foot wide pavement. No additional right-of-way shall be required where site conditions prohibit future road extensions.

- 62.3 Cul-de-Sacs. Cul-de-sacs or other dead end streets and roads designed to be permanently closed shall be provided at the closed end with sufficient right-of-way for vehicular turnarounds.
- 62.4 Parkways. Parkways or double streets may be required to traverse a drainage way, watercourse or stream. The width of the right-of-way shall be adequate to accommodate the flow of stormwater.
- 62.5 Parallel Access Streets. Parallel access streets may be required along existing or proposed principal and minor arterials to provide separation of local traffic from through traffic.
- 62.6 Non-Residential Area Streets. The widths of right-of-way and roadway surfacing on streets adjacent to existing or proposed non-residential property may be increased up to fifteen feet (15') to ensure the free flow of traffic without interference by vehicles entering or leaving the property.
- 62.7 Reserve Strips. Reserve strips along road right-of-ways shall not be platted in any subdivision.
- 62.8 District Highway Engineer - Review. The District Highway Engineer shall be given an opportunity to make recommendations concerning an individual subdivision plat before the plat is approved. These recommendations shall be in relation to proposed State streets, State highways and related drainage systems.

Section 63. Public Streets (Constructed to N.C. DOT Standards)

- 63.1 Right-of-Way. Street right-of-way shall be reserved and dedicated as follows:
 - 63.11 Arterials and Major Collectors. The location for right-of-way for arterials and major collectors shall be coordinated with the Subdivision Administrator to insure compliance with the Alamance County Thoroughfare Plan. Any required dedication shall be made based on the magnitude of the development. All right-of-way dedication shall be dedicated for public use.
 - 63.12 Minor Collectors and Local Streets. The location of any right-of-way for minor collectors and local streets shall be coordinated with the Subdivision Administrator to insure compliance with the Alamance County Thoroughfare Plan. All right-of-way shall be dedicated for public use.
- 63.2 Street Standards. Subdivision streets shall conform to the requirements and minimum standards of design as established by the N.C.DOT except for private subdivision roads.
- 63.3 Intersections. The frequency of intersections, whether full or tee, and the right-of-way on each corner shall conform to N.C. DOT's standards as set forth in the

document Subdivision Roads: Minimum Construction Standards, as amended.

63.4 New Streets. New public streets shall be connected to existing streets that are either previously dedicated to the public or under N.C. DOT maintenance.

Section 64. Private Roads

64.1 Private Roads. Private roads may be allowed in any development in which a tract of land is divided into no more than fourteen (14) parcels along the private road and each parcel shall not be less than one (1) acre in size, provided the following conditions are met:

64.11 Through deed restrictions future resubdivision of lots into smaller tracts is prohibited.

64.12 The subdivision does not embrace or abut any part of a proposed thoroughfare or street shown on the Alamance County Thoroughfare Plan.

64.13 A Private Road Disclosure Statement shall be recorded per N.C.G.S. 136-102.6, as amended, with each and every subsequent transfer of land in subdivisions with private roads. A sample Private Road Disclosure Statement is provided **Appendix-B**.

64.14 A Certificate for Private Roads shall be included on the final plat and shall disclose the status of the road and road maintenance responsibilities.

64.15 Private roads shall be constructed in accordance with the standards set forth in **Appendix-C**.

64.16 Class II private road subdivisions are required to form a Homeowner’s Association to address, at minimum, maintenance of the new private road. A sample Homeowner’s Association Agreement is provided in **Appendix-D**.

64.17 Private roads shall be visually inspected by the Subdivision Administrator before final plat approval. The visual inspection is to ensure that general compliance with the private road standards have been met.

64.18 New private roads shall be connected to existing streets that are dedicated to the public and under public maintenance.

64.2 Classes of Private Roads. The standards and specifications for private roads depends on the number of lots served by the road as follows:

CLASS OF ROAD	NUMBER OF LOTS SERVED
I	1 - 4
II	5 - 14

It is required that a subdivision road with more than fourteen (14) lots be constructed to the standards of a public street as specified by the N.C. DOT.

64.21 Class I Private Roads intended to serve 2 or fewer new lots are not required to be constructed to Alamance County Standards or to be inspected before recordation of the final plat. However Alamance County does recommend that these Class I roads be built to these standards in order to provide adequate access, especially for emergency vehicles.

64.3 Access and Maintenance. The guarantees of right-of-access and maintenance of any private road in the subdivision shall run with the land.

64.4 Statement of Compliance. The Subdivision Administrator must receive a statement of compliance with the standards established for private roads in this Ordinance from an engineer registered in North Carolina. Certification is required prior to final plat approval.

64.5 Nonconforming Private Roads. In order to be considered a nonconforming private road, the road must meet the following:

64.51 A private road established prior to the original adoption of the Alamance County Subdivision Ordinance, July 3, 1972, shall be considered a nonconforming private road.

64.52 Be identifiable as an existing road on the 1974 Aerial Photography of Alamance County or be identifiable on Alamance County Tax Maps as an existing road prior to 1974. (A deed description, recorded plat or other photography which clearly indicates that a road was in existence may also be considered.)

64.53 The private road must cross more than one individual tract of land.

64.54 A nonconforming private road must be in a current condition as to provide year round access.

64.6 Subdivisions accessed by nonconforming private roads shall be approved when the following conditions are met:

64.61 The tract to be subdivided has at least a minimum sixty feet (60') of frontage on the road.

64.62 An original tract of land adjoining a nonconforming private road may be divided utilizing this provision only once every two years.

64.63 The Private Road Disclosure Statement as provided in **Appendix-B** shall be

recorded.

64.64 All other provisions of the Alamance County Subdivision Ordinance are complied with.

Section 65. Land Layout

Land layout shall be designed with due consideration given to the traffic circulation pattern and the contemplated use.

- 65.1 Width. The layout of land shall have sufficient width to provide two tiers of lots of minimum size, except blocks may be one lot in width where reverse frontage lots are required to separate development from through traffic on arterials and major collectors or to separate residential development from non-residential uses.
- 65.2 Distance Between Through Streets. Along each side of each street the distances between through streets shall fall between the minimum and maximum specified in N.C. DOT's Subdivision Roads: Minimum Construction Standards, as amended. It is recommended that subdividers consult N.C. DOT prior to designing major subdivisions involving street facilities.

Section 66. Lots

Lots shall be designed in shape, size and location with due regard to topographic conditions, features of the surrounding area, contemplated use and official development plans and ordinances.

- 66.1 Street Frontage. Every lot shall front or abut on a public or private street or road, and shall have a minimum of sixty feet (60') of road frontage or be served by an Exclusive Access Easement
- 66.11 Exclusive Access Easements shall be constructed in accordance with the standards set forth in Appendix H. This section shall only be used when the necessary 50 foot right-of-way for a private road cannot be obtained. This provision may be used only once on an original tract of land.
- 66.2 Street Frontage - Cul-de-Sacs. Every cul-de-sac lot shall front or abut on a public street, or private road, and shall have at a minimum twenty feet (20') at the street right-of-way.
- 66.3 Double and Reverse Frontage. Double frontage lots and reverse frontage lots shall be avoided, except where required to separate development from through traffic on arterial and major streets or to separate residential development from non-residential development. (Reference **Section 65.1**)
- 66.4 Side Lot Lines. Side lot lines shall be substantially at right angles or radial to

street lines.

- 66.5 Area of Lots. All lots shall conform with the minimum standards noted herein and the minimum standards contained in any applicable zoning ordinance, building code or other such regulation.

66.51 The following shall be excluded from the determination of minimum lot area and sizes:

66.511 Street and Railroad Right-of-Way. In the calculation of lot areas, lot depths, and lot widths, land within any street right-of-way or railroad right-of-way easement shall not be considered.

66.512 Marginal Land. Land subject to flooding or land which may aggravate the flood hazard or increase the danger to life or property if developed, and land uninhabitable for other reasons, shall not be considered in determining the minimum lot area or maximum lot depth as herein specified.

- 66.6 Corner Lots. Corner lots shall have an extra width of twenty percent (20%) of the average lot width within the subdivision, but no corner lot shall be required to exceed one hundred feet (100') in width.

- 66.7 Width and Depth. Lot width shall be no less than forty percent (40%) of lot depth, but no lot shall be required to be more than one hundred fifty feet (150') in width. Lots over one (1) acre are exempt from this standard.

- 66.8 Buffer Strips.

66.81 Screening. A strip of land forty (40') in width, in addition to the minimum required lot depth and lot width, shall be provided between all principal arterials, minor arterials, non-residential properties, and other like uses, to buffer properties of existing or proposed residential development. This strip shall be a part of the lots and reserved permanently for screening conflicting uses of land.

66.82 Streams. A fifty (50') foot buffer of vegetation shall be maintained on both sides of all perennial streams at all times to retard rapid water runoff and soil erosion. Perennial streams are identified as the solid blue lines on United States Geological Survey (U.S.G.S.) Maps.

Streets, roadways, railroads, and driveways are permitted in the buffer, but shall be constructed to cross the buffer as near to perpendicular as possible. Utility lines, greenways and greenway type recreation facilities are permitted within the buffer but should be designed to have minimal impact. If the vegetative cover must be removed or disturbed, it shall be restored as soon as possible. The fifty (50') foot buffer shall be measured on a horizontal plane from the bank of the

stream. The buffer zone may be included in calculating the lot size.

66.9 Water and Sewer Systems. The Alamance County Health Department, or local public utility, shall be given the opportunity to make recommendations concerning an individual subdivision plat before the plat is approved. The recommendations shall be in relation to proposed water or sewerage systems.

66.91 Sewer Systems. The Alamance County Health Department shall evaluate proposed and existing sewer systems on lot(s) ten (10) acres or less as follows:

66.911 New Subdivision Lots. New subdivision lots without existing sewer systems shall be evaluated by current state and local Health Department regulations.

66.912 New Subdivision Lots with Existing Sewer Systems. Existing system(s) shall be evaluated for apparent visual malfunctioning. Malfunctioning systems shall be repaired prior to subdivision plat approval. New property lines shall meet current minimum setback requirements or an easement for the subsurface wastewater facilities must be shown on the plat.

66.913 Lots Being Reduced in Size. Lots being reduced in size by partial combination with adjoining property shall be evaluated by the criteria listed in **Sections 66.911** or **66.912** as appropriate.

66.914 Connection to Public Sewer. Connection to public sewer shall be required if available. Structures over three hundred (300) feet from a sewer line are exempt provided that the alternate method of sewage disposal is approved by the County Health Department.

66.915 Lots Not Suitable for Subsurface Wastewater Disposal Systems. In the event that a proposed lot or lots within a subdivision are found to be unsuitable for a proposed sewage disposal system, a certification entitled "Certificate Indicating Lot Not Approved for Subsurface Waste Disposal Systems" shall be placed on the final plat.

66.10 Minimum Lot Area for Residential Lots. Minimum lot area for residential lots with on-site facilities shall be determined by the result of soil analysis and investigations, and other appropriate criteria test, but in no case shall a lot with on-site systems be smaller than specified below:

Watershed Critical Area (WCA) *

<u>Facility Provided</u>	<u>Minimum Lot Size</u>
Septic System & Well	2 Acres
Public Water & Sewer	2 Acres

Balance of Watershed (BOW) *

<u>Facility Provided</u>	<u>Minimum Lot Size</u>
Septic System & Well	1 Acre
Public Water & Sewer	1 Acre

Non-Watershed Areas (NWA) *

<u>Facility Provided</u>	<u>Minimum Lot Size</u>
Septic System & Well	30,000 sq. ft.
Community/Public Water & Septic System	20,000 sq. ft.
Community/Public Sewer & Well	10,000 sq. ft.
Community/Public Water & Sewer	8,000 sq. ft.

*NOTE: Additional acreage may be required by the Alamance County Health Department.

On lots which are not suitable for on-site subsurface wastewater systems for individual dwelling units or other uses, off-site disposal systems may be approved by the Health Department. Off-site systems may be provided by the use of easements or ownership of land designated for subsurface wastewater systems. A sewage easement of a minimum width of twenty feet (20') in width must be provided between the house location and the designated system area. Minimum easement area sizes for property utilizing off-site disposal systems shall be no smaller than 5,000 sq. ft. Additional area may be required by the Alamance County Health Department.

66.11 Minimum Lot Area for Non-residential Lots. Minimum lot area for non-residential lots shall at a minimum meet the standards set out above for lots in **Section 66.10.**

66.12 Nonconforming Lot of Record. Nonconforming lots of record located in watersheds are not required to have a minimum area of forty-thousand square feet (40,000 sq. ft.) in order to be used for development purposes. Additional lot area may be required by the Alamance County Health Department.

66.13 Cluster Development or Planned Unit Development. Development shall conform to the regulations as set forth in the Watershed Protection Ordinance, if applicable, as well as, in **Section 66.8** and **66.91** of this Ordinance. Also, the following standards are set forth:

66.131 Based upon overall density the total number of lots shall not exceed the number of lots allowed in conventional development.

66.132 Built-upon area or stormwater control requirements of the project shall not exceed that allowed for the watershed critical areas, balance of watersheds or non-watershed areas, whichever applies, as certified by an engineer registered in North Carolina.

66.133 All built-upon area shall be designated and located to minimize stormwater runoff impact to receiving waters and minimize concentrated flow as certified by an engineer registered in North Carolina.

66.134 Within watershed critical areas, all land not included within the built-upon portion of the development but used to calculate overall density, shall be considered common area. Within the common area, no structures or land-disturbing activities are allowed, and the area shall remain wholly undisturbed to preserve the natural groundcover and the natural tree canopy. The following activities are allowed in the common area: (1) the occasional cutting or thinning of overcrowded trees or noxious vegetation in accordance with standard forestry management practices provided that no trees in excess of three (3) inches in diameter as measured twelve inches (12”) or less from the ground are removed; (2) utilities and erosion control structure construction and maintenance; (3) the mechanical mowing of utility areas to control growth; (4) the normal maintenance by mechanical means is allowed for the removal of dead, diseased, deformed, poisonous, or noxious vegetation and pests harmful to health.

66.135 Where the development has an incorporated property owners’ association for management, the title of the common area shall be conveyed to the association for management. Where a property owners’ association is not incorporated, a maintenance agreement shall be filed with the property deeds with each property having an undivided interest in the common area.

Section 67. Building Setback Lines

The building setback lines from the lot lines in subdivisions approved subsequent to July 3, 1972, shall be no less than the following distances:

<u>Setback Line</u>	<u>Distance in Feet</u>
From the Front Right-of-way Line	
On Streets:	
Arterial	40’
Major Collector.....	40’
Minor Collector.....	35’
Local	30’
 From the Side Right-of-way Line	
Abutting Streets	25’
 From the Side Property Line	
Non-abutting Street.....	10’
 From the Rear Property Line	20’*

From a **Cul-De-Sac** Right-of-way Line..... 30'**

* Accessory structures may be located to within three (3) feet of rear property line or easement line, if one exists.

** Cul-de-sac lots shall have a minimum frontage of 20' feet at the street right-of-way line and a minimum width of 60' feet at the front setback line (30' feet from the right-of-way line).

Buildings and structures shall not be erected within the setback area between said lot lines and the building setback lines.

Section 68. Easements

68.1 Utility. Where appropriate, utility easements shall be determined by the electric, telephone and natural gas companies and the public or private suppliers of water and/or sewer services providing service to the subdivision. Appropriate easements shall be shown on the final plat prior to approval by the Subdivision Administrator.

Electric and communication service lines shall be placed underground and the additional cost, if any, shall comply with the appropriate rate schedule on file with the North Carolina Utilities Commission. Exceptions may be granted by the Subdivision Administrator for the service lines located along rear lot lines, and elsewhere at the request of the electric utility where voltage or other requirements indicate that underground service would not be feasible.

68.2 Drainage. Where a drainageway, watercourse, or stream traverses or borders a subdivision, it shall be shown on the preliminary plan and the final plat and shall be designated a drainage easement. The easement shall conform with the lines of the watercourse and at a width adequate to accommodate the flow of stormwater.

Ditches or drainageways in subdivisions shall be sloped so as not to create dangerous conditions within the development.

68.21 Presentation on Plans and Plats. Watercourse boundaries as drawn on preliminary plans and final plats are to be interpreted as approximations of actual boundaries. For example, a twenty foot (20') watercourse shall be deemed to extend approximately ten feet (10') on each side of the center of water flow, unless otherwise specified.

68.22 New and Relocated Watercourses. Where a subdivider proposes to create a new watercourse in order to relocate an existing watercourse or to handle road runoff, a drainage easement along the proposed new watercourse shall be indicated on the preliminary plan and the final plat. Any channels, diversions, or other improvements needed to carry water to or along this new course shall be

constructed or guaranteed prior to final plat approval.

Section 69. Reservation of Public Facility Sites

It is in the public interest that land proposed for public facility sites by official development plans within or partially within property being subdivided should be reserved for the specific public use. In order to more effectively coordinate public and private plans, developers of land shown to have public use on official plans of Alamance County are encouraged to develop their preliminary subdivision plans recognizing the potential public use of these sites. Developers are further encouraged to negotiate with public agencies involved toward the end of acquiring said public sites in order that the integrity of the public plans may be maintained.

ARTICLE VII
IMPROVEMENTS

Section 70. Prerequisites to Approval of Final Plats

- 70.1 Installation of Improvements. No subdivision plats shall be granted final approval until the required improvements have been made in accordance with the provisions of this Ordinance.

- 70.2 Guarantee of Improvements. Final plats may be approved prior to the completion of required improvements upon the guarantee of said improvements by the subdivider within an eighteen (18) month period. The County of Alamance may accept performance of surety guarantee bonds, irrevocable letters of credit, certified checks, or cashiers checks. All surety instruments shall be made payable to Alamance County. Surety must be in an amount equal to one and one-half times the cost of making the improvements, whereby such improvements may be made without cost to the public or subsequent purchasers of the property in the event of default on the part of the subdivider. Subdividers are required to obtain a letter from an engineer registered in North Carolina stating the total construction and surety amounts.

Section 71. Within the Jurisdiction of Any Municipality

Within the subdivision regulation jurisdiction of any municipality whose governing body agrees by resolution to the provisions of this Ordinance, the required improvements such as grading and surfacing of streets, installing storm drainage and public water and sewer facilities, shall be in accordance with the requirements and standards specified by the respective municipalities.

Section 72. Within the Jurisdiction of this Ordinance

Within the jurisdiction of this Ordinance, construction or guarantee of the following improvements shall be required prior to final plat approval.

- 72.1 Streets and Roads.

72.11 Clearing, Grubbing, Grading and Drainage. Right-of-way shall be cleared and grubbed as required by N.C. DOT. Street grading and drainage shall be completed as required by N.C. DOT.

72.12 Base and Surface. All materials, the construction of the shoulder and disturbed portions of the right-of-way, and the application of the base course and pavement surface shall meet the requirements set forth in the most recently published requirements of the N.C. DOT.

72.121 Paving. Paving of public streets shall be required.

72.122 Stabilization. All unsurfaced disturbed portions of street right-of-way shall be stabilized by seeding, fertilizing and mulching or by another equally effective method.

72.123 Erosion and Sediment Control Plans. Subdividers are required to submit erosion and sediment control plans for all land disturbing activities covering more than one (1) acre to the North Carolina Department of Environment, Health and Natural Resources.

Section 73. Clearing of Drainage Courses

All debris, fallen trees, junk and other accumulations of any nature that will impede the passage of waters in their downstream course or cause flooding shall be removed from the channel and banks of any stream, creek and drainage way of the subdivision site prior to granting final plat approval.

Section 74. Removal of Rubbish

All fallen trees, stumps, junk, and rubbish of any nature resulting from the grading of streets or the clearing of lots in the subdivision shall be removed from the subdivision site prior to the granting of final plat approval.

Section 75. Monuments and Markers

Monuments and markers shall be located and installed as required and in accordance with the rules and regulations of the North Carolina Manual of Practice for Land Surveying, Volume I, as amended, and N.C.G.S. 39-32, as amended. Monuments and markers shall be of the design and type described in said rules and regulations.

Section 76. Street Signs

Street name signs shall be erected at each street intersection where said streets have three or more lots proposed for development. Street name signs shall be designed and erected in accordance with Alamance County street sign standards. Street signs shall be erected on roads

built to state standards and private roads approved in accordance with this Ordinance.

The developer shall pay a fee to the county for the required road name signs prior to final plat approval. The county will purchase and erect the road name signs in accordance with county policy. A fee of \$75.00 per intersection is set to cover cost and installation.

Section 77. Utilities

Where an established public water system is available to a subdivision and where water lines may be extended from it to all lots in the subdivision at a cost equal to or less than the cost of installing a well on each lot in the subdivision, the subdivider shall be required to provide each lot in the subdivision with access to a water line connected to such public water system.

Where an established public sewerage system is available to a subdivision and where sewer lines may be extended from it to all lots in the subdivision at a cost equal to or less than the cost of installing subsurface wastewater disposal systems on each lot in the subdivision, the subdivider shall be required to provide each lot in the subdivision with access to a sewer line connected to such public sewer system.

All subdividers subdividing property in an area where established public water and sewer systems are available shall provide the Alamance County Administrative Services Department with an analysis indicating the cost relationship between on-site utilities versus public water and sewer facilities. See **Section 66.9** for required sewer connections.

ARTICLE VIII **SPECIFICATIONS FOR PLANS AND PLATS**

Section 80. Preliminary Plans

Preliminary plans shall be prepared at the minimum scale of one inch equals two hundred feet (1" = 200'). Preliminary plans shall include, but not be limited to, the information in **Appendix-E**.

Section 81. Construction Plans

Construction plans, including plan and profile, shall be prepared as required by this Ordinance. The ratio of profile scales shall be ten to one (10 to 1), horizontal to vertical. The plans shall be at scales of 1" = 10', 1" = 30', 1" = 40' or 1" = 50'. Plans and profiles shall be drawn on standard size sheets of twenty-two by thirty-six inches (22" x 36"). Sufficient data for field construction shall be presented on the construction plans, including, but not limited to, the information shown in **Appendix-F**.

Section 82. Final Plats

Final plats shall be standard sheet size of eighteen by twenty-four inches (18" x 24"). The scale for the plat shall be the largest that will fit the standard sheet but no smaller than one (1) inch

83.3 **Certificate of Approval of Wastewater Disposal Systems.** I hereby certify that all lots are provisionally approved for subsurface wastewater disposal systems, except as noted on the plat, subject to issuance of improvement permits by the Health Department, and, to the North Carolina Administrative Code.

Health Director or Deputy

Date

83.4 **Certificate Indicating Lot Not Approved for Subsurface Wastewater Disposal Systems.** On _____ (date), lot(s) _____, were found to be unsuitable for installation of a subsurface wastewater disposal system, in accordance with North Carolina Administrative Code.

Health Director or Deputy

Date

83.5 **Certificate of Approval for Existing Sewage Disposal Systems.** Lot(s) _____ has an existing sewage disposal system that complies with **Section 66.912** of the “The Alamance County Subdivision Ordinance”.

Health Director or Deputy

Date

83.6 **Certificate of Approval by Division of Highways of the North Carolina Department of Transportation.**

Department of Transportation
Division of Highways
Proposed Subdivision Road(s)
Construction Standards Certificate

Approved, District Engineer

Date

83.7 **Disclosure Statement Certificate for Public Subdivision Roads.** I (We), the developer(s) of _____ Subdivision hereby state that the subdivision roads in _____ Subdivision have been constructed to N.C. Department of Transportation standards. Until such time as the N.C. Department of Transportation adds the roads in _____ Subdivision to the State System for Maintenance, I (We) as developer(s) shall assume all road maintenance responsibilities.

Developer Date

Developer Date

83.8 **Certification for Private Roads.** I (We), the developer(s) of _____ subdivision hereby state that the subdivision roads, in _____ subdivision are private roads, ownership and maintenance of the private road is the responsibility of _____. A Private Road Disclosure Statement for this subdivision is required to be recorded with each and every subsequent deed transferring ownership.

Developer Date

Attest Date

83.9 **Certificate of Approval of Required Improvements.** The undersigned hereby certify that the required improvements have been made on this property in an acceptable manner and in accordance with the specification of the Subdivision Ordinance of Alamance County and other applicable regulations, or that a performance or surety guarantee bond in the amount of _____ dollars (\$_____) has been posted with the County of Alamance to assure completion of all required improvements in case of default on the part of the subdivider.

Subdivision Administrator Date
Alamance County

83.10 **Certificate of Approval.** This subdivision plat has been found to comply with the provisions of the Subdivision Ordinance of Alamance County and is approved this date for recording in the Office of the Register of Deeds of Alamance County.

Subdivision Administrator Date
Alamance County

83.11 **Certification of Exception.** I (We) hereby certify that I am (We are) the Owner(s) of the property shown and described hereon, which was conveyed to me (us) by deed recorded in Book _____, Page _____, and that the subdivision of the property shown on this plat is an exception to the Subdivision Ordinance of Alamance County, North Carolina under **Section 32.1.**

Owner	Date
_____	_____
Owner	Date
_____	_____
Subdivision Administrator Alamance County	Date
_____	_____

83.12 **Disclosure Statement for Non-conforming Private Roads.** I (We) the Grantors(s) of this property hereby state that the existing private road shown shall be maintained in a quality condition for year round access by _____ or his/her heirs or successors, and that this agreement shall run with the title. I (We) further disclose that this is a private road and may not be considered acceptable access by lending institutions.

_____	_____
Grantor	Date
_____	_____
Grantor	Date
_____	_____
Attest	Date

83.13 **Certificate of Purpose of Plat.** I, _____, registered land surveyor No. _____, certify to one or more of the following as indicated thus, ✓ or X:

- a. That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
- b. That the survey is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;
- c. Any one of the following:
 1. That the survey is of an existing parcel or parcels of land and does not create a new street or change an existing street;
 2. That the survey is of an existing building or other structure, or natural feature, such as a watercourse;
 3. That the survey is a control corner.
- d. That the survey is of another category, such as the recombination of

existing parcels, a court-ordered survey, or other exception to the definition of subdivision;

- e. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in (a) through (d) above.

(Surveyors Name) Registered Land Survey

83.14 **Review Officer Certification.**

State of North Carolina
County of Alamance

I, _____, Review Officer of Alamance County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer

Date

This Ordinance shall be effective on and after March 15, 1999.

This is the 15th day of March, 1999.

* * * * *

The foregoing ordinance was adopted by the Board of Commissioners for the County of Alamance during regular session on March 15, 1999 and amended on March 19, 2001, April 2, 2001, February 4, 2002, and April 21, 2003. See Minute Book No. 34, Page 50, Minute Book 35, Pages 90 and 96, Minute Book 36, Page 22 and Page 95.

**APPENDIX-A
-DEFINITIONS-**

Words used in this Ordinance shall have their customary dictionary definition, except as defined herein:

Bona Fide Farm - Land used to derive income from growing plants, trees or livestock, not including land used principally for another use incidentally for growing trees, plants or livestock for income.

Building Setback Lines - A line parallel to the street right-of-way line or front property line, side property lines and rear property line of a lot. Buildings and structures shall not be erected within the area between said lot lines and the building setback lines.

Cluster Development - Development of single-family dwellings built close together to utilize larger spaces for common area that overall would meet density requirements of the Ordinance.

Easement - A grant by the property owner for use by the public, a corporation or person(s), of a strip of land for a specific purpose.

Lot - A portion of a subdivision, or any other parcel of land, intended as a unit for a transfer of ownership or for development. Lot is further defined by:

Corner Lot - A lot abutting upon two or more streets at their intersection.

Double Frontage Lot - A continuous lot between two streets accessible from both of the streets upon which it fronts. Corner lots are not included unless they front on three streets.

Lot Depth - The distance of a line connecting the midpoints of the front and rear lines of a lot.

Lot Width - The distance between the sidelines of a lot measured on a line drawn perpendicular to the line used in measuring the lot depth and bisecting said line at its midpoint.

Reverse Frontage Lot - A continuous lot between two streets accessible from only one of the streets upon which it fronts.

N.C. DOT - N.C. DOT refers to the North Carolina Department of Transportation.

N.C.G.S. - Refers to the North Carolina General Statutes.

Official Development Plans and Ordinances - Any plans and ordinances officially adopted by an appropriate governmental body to guide and implement orderly physical development.

Planned Unit Development - An area of minimum contiguous size to be planned, developed, operated and maintained as a single entity and containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas.

Nonconforming Lot of Record - A lot or tract of land which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this Ordinance, or a lot or tract of land described by metes and bounds, the description of which has been so recorded prior to the adoption of this Ordinance.

Shall - The word “shall” as herein used is always mandatory and not merely directory.

Soil Analysis - A test of the soil suitability for absorption of effluent from on-site sewage treatment and disposal system based on soil analysis to determine the type of characteristics of the soil.

Streets and Roads - A dedicated and accepted public right-of-way for vehicular traffic. The following functional classifications are used for rural roads and streets by the North Carolina Department of Transportation in the preparation of county thoroughfare plans. Where applicable the equivalent classifications for urban streets and roads shall be used:

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 network would consist of interstate routes and other routes designated as principal arterials.

Minor Arterial - A rural roadway joining cities and larger towns and providing intra-state and inter-county service at relatively high overall travel speeds with minimum interference to through movement.

Major Collector - A facility which serves major intra-county travel corridors and traffic generators and provides access to the arterial system.

Minor Collector - A facility which provides service to small local communities and traffic generators and provides access to the arterial system.

Local Road - A road (public) which serves primarily to provide access to adjacent land and for travel over relatively short distances.

Cul-de-sac - A short street having only one end open to traffic and the other end being permanently terminated by a vehicular turn-around.

Private Road - A road not intended for public use or public dedication which serves a limited number of lots, and therefore, is typically not built to N.C. DOT standards. (Also refer to N.C.G.S. 136-102.6)

Subdivider - Any person or firm, or official agent thereof, who subdivides any land deemed to be a subdivision.

Thoroughfare Plan - A plan adopted for the development of existing and proposed major streets that will adequately serve the future needs of an area in an efficient and cost effective manner.

Through Street - Any street not ending in a permanent dead end. A street ending at a property boundary is a through street.

APPENDIX-B
-PRIVATE ROAD DISCLOSURE STATEMENT-
(SAMPLE)

The road in _____ Subdivision is declared to be private and subject to the following:

1. The road is not constructed to the standards established by the North Carolina Department of Transportation to permit inclusion in the State System for Maintenance.
2. The access provided by the road may not be considered acceptable by lending institutions.
3. The maintenance of the road shall be the responsibility of _____.
4. The road shall be maintained to the construction standards established in the Alamance County Subdivision Ordinance in effect at the time of approval and construction of the private road, if applicable.
5. The right of access to all lots in this subdivision shall be guaranteed.
6. This certificate shall be an attachment to the deed of each lot and shall be an attachment to each future deed of transfer.
7. All rights and responsibilities contained herein shall be transferred with each change of ownership.

IN TESTIMONY WHEREOF, the Declarant(s), _____, has caused this instrument to be signed and (his) (her) (their) seal(s) to be hereto affixed this ____ day of _____.

_____(seal)

_____(seal)

State of North Carolina

County of Alamance

I, the undersigned Notary Public in and for the County and State afore said do hereby certify that _____ personally appeared before me and acknowledged the due execution of this document.

Witness my hand and seal this _____ day of _____.

_____(seal)
Notary Public

My Commission expires:_____

Certification of Purchaser(s)

I (We), purchaser(s) of Lot(s) _____ in this afore named Subdivision have read and agree to the provisions of this Disclosure Statement and by my (our) hand so acknowledge this _____ day of _____.

_____(seal)

_____(seal)

State of North Carolina

County of Alamance

I, the undersigned Notary Public in and for the County and State afore do hereby certify that _____ personally appeared before me and acknowledged the receipt of this document.

Witness my hand and seal this _____ day of _____.

_____(seal)
Notary Public

My Commission expires:_____

**APPENDIX-C
-STANDARDS FOR PRIVATE ROADS-**

Private Roads shall be constructed in such a manner so as to not be a threat to the health, safety or welfare of the residents using the road.

SPECIFIC PROVISIONS FOR PRIVATE ROADS:

A.	<u>Minimum Road Standards for Class I Private Road:</u>	
	<u>TYPE</u>	<u>DISTANCE</u>
	Width	50'
	Travelway (minimum)	
	Class I Road (4" Compacted Gravel)	10'
	Shoulder (minimum)	
	Class I Road	8'
	Ditch (typical)	
	Class I Road	4'
	Utilities (typical)	
		4'
	Outside Ditch to Outside Ditch	
		42'
	Maximum Cut or Fill Slope	
		2:1
	Design Speed (per N.C. DOT)	
		20 MPH
	Minimum Sight Distances, Curves	
		110'
	Minimum Centerline Radius	
		90'
	Maximum Grade	
		12%
	Cul-de-Sac Radius, Minimum	
		50'
	Intersection Angle, Minimum degrees	
		75'

All standards are minimum. The certifying engineer may require higher standards based on site conditions and accepted engineering and construction practices. A detailed drawing for a Class I private road is attached.

- B. Drainage. All pipe culverts, and storm sewers, shall be constructed in such a manner as to alleviate accumulation of debris and silt buildup and shall be structurally and hydraulically sound and functioning in a normal manner. All drainage ditches shall be of sufficient width, depth and slope as to carry the anticipated discharges. All private roads shall have adequate drainage. The grade of the side ditches should be such that the water is carried rapidly to a stable outlet.

- C. Stabilization of Shoulders. Erosion prevention on shoulders shall be undertaken by using the methods of seeding, sodding or mulching. On cut and fill slopes run-off shall be prevented on the slopes.

- D. Erosion Control Plan. An Erosion Control Plan must be submitted to and approved by the North Carolina Department of Environment, Health and Natural Resources if more than one (1) acre is cleared or disturbed.

- E. Minimum Road Standards for a Class II Private Road: Class II private roads shall meet minimum N.C. DOT design and improvement standards, except for paving.

APPENDIX - D
-HOMEOWNERS ASSOCIATION AGREEMENT-
(SAMPLE)

NORTH CAROLINA
ALAMANCE COUNTY

RESTRICTIVE COVENANTS FOR
[SUBDIVISION NAME]

THIS DECLARATION is made this **(DAY)** day of **(MONTH)**, **(YEAR)**, by **(NAME AND COMPLETE ADDRESS OF DEVELOPER)**, hereinafter called Declarant;

WITNESSETH

THAT WHEREAS, Declarant is the owner of the real property described in Article I of the Declaration and desires to subject said real property to the restrictions, provisions, and covenants hereinafter set forth; each and all of which is and are for the benefit of such property and for each owner thereof, and shall inure to the benefit of and pass thereof, and shall apply to and bind the successors in instrument and any owner thereof.

NOW THEREFORE, the Declarant hereby declares that the real property described in and referred to in Article I hereof is and shall be held, transferred, sold and conveyed subject to the protective covenants, restrictions and provisions set forth below.

ARTICLE__

The real property which is, and shall be, held, transferred, sold and conveyed subject to the protective covenants, restrictions, and provisions set forth in the various articles of this declaration is located in _____ Township, Alamance County, North Carolina, and more particularly described as follows:

Consisting of lots _____, _____, _____, of **(SUBDIVISION NAME)** as shown on the plat of the survey of **(SURVEY NAME)** recorded in Plat Book _____ at Page _____ of the Alamance County Registry. Reference is made to said plat for a more particular description of the property hereby restricted.

ARTICLE__

The real property hereinbefore described is made subject to the easements, protective covenants and restrictions hereinafter described for the purpose of insuring the best use and the most appropriate development of the property herein described.

The benefits and burdens herein are limited to the lots in the property herein described, and the scheme and plan of these covenants and restrictions are so limited, even though identical or similar restrictions may be imposed on other land nearby and the plat contains other lands.

These protective covenants and restrictions shall be and remain in force for 20 years. At such time, and at the end of each successive 10-year period thereafter, these provisions shall be deemed to have been extended for an additional 10 years unless a majority of the lot owners decide to terminate this indenture by written instrument duly recorded.

ARTICLE__

All owners of lots bordering or having the use of the private road known as **(ROAD NAME)** whether they be initial purchasers or subsequent purchasers, shall be members of the **(SUBDIVISION NAME)** Homeowner's Association (hereinafter referred to as the Homeowner's Association). The initial purchasers of the odd numbered lots shall constitute the initial board of directors, who will serve until the members meet and elect other directors. The first meeting of the Homeowner's Association must occur within _____ months of the date this instrument is recorded. The initial meeting and any meeting thereafter until the association adopts a different method may be called by any member of the board of directors. If no such meeting has been called within sixty days of the date this instrument is recorded, a meeting may be called by any lot owner, by written notice sent by regular mail to the last known address of each owner. Each lot is entitled to one vote in matters decided by a vote of the members.

All lot owners of the subdivision are members of the Homeowner's Association but only members bordering or having the use of the private road vote on matters pertaining to the maintenance of the road.

The Homeowner's Association shall be solely responsible for enforcing these covenants, though this shall not preclude any lot owner from enforcing these covenants by an action in law or equity against the person violating these covenants.

ARTICLE__

The Homeowner's Association shall be solely responsible for maintaining the road that services this subdivision, and shall maintain it in good, serviceable, uneroded condition. Such maintenance shall be sufficient, at minimum, to comply with the standards for private subdivisions roads contained in the Alamance County Subdivision Ordinance governing Class (I or II) roads as approved in **(DATE OF CURRENT REVISION)**.

Such maintenance shall be paid for through assessments of the lot owners whose lots are bordering or having the use of the private road, the amount of which shall be fixed by the Homeowner's Association. By ownership of a lot, lot owners shall be deemed to have promised and become liable to pay all such assessments, and the Homeowner's Association may sue to collect any unpaid assessments in the courts of this State.

Should the Homeowner's Association fail to perform its obligations in this regard, any lot owner bordering or having the use of the private road may see to the maintenance of the road under the terms of any road maintenance agreement entered into by the parties.

ARTICLE__

These restrictions and protective covenants may be changed, amended, modified, or cancelled as follows: Declarant, and lot owner, or the Homeowner’s Association, when formed, acting through its board of directors, may give written notice, by regular mail sent to the last known address of each owner according to the Declarant’s or to the association’s records, of the time and place of a meeting at which the proposed change shall be considered, to each and every lot owner of record. If seventy-five percent (75%) or more of the lot owners shall vote in favor of the change, modification, or amendment the same shall thereupon be considered as approved.

Cancellation may be approved if and when the North Carolina Department of Transportation accepts total responsibility for the maintenance of the private road, and seventy-five (75%) or more of the lot owners vote in favor of the cancellation.

For purposes of this provision, the declarant shall be considered as a lot owner, and each lot owner shall be entitled to one vote for each lot owned (i.e., and owner owning three lots shall be entitled to three votes; four lots, etc.)

ARTICLE__

The invalidation of any portion of these Restrictions and Covenants by judgement or court order shall in no way affect any of the other provisions contained herein, and those provisions shall be severable from the invalidated portion and shall remain in full force and effect.

IN WITNESS WHEREOF, Declarant has caused this instrument to be signed on the day and year first above written.

(SUBDIVISION DEVELOPER NAME)

_____(SEAL)
**AUTHORIZING DEVELOPMENT
OFFICIAL NAME & TITLE**

STATE OF NORTH CAROLINA
COUNTY OF ALAMANCE

I, _____, a Notary Public, do hereby certify that (**AUTHORIZING DEVELOPMENT OFFICIAL NAME & TITLE**) personally appeared before me this day and acknowledged the due execution of this foregoing instrument. Witness my hand and official seal, this _____ day of _____, 19__.

Notary Public

My Commission expires: _____

APPENDIX-E
-SPECIFICATIONS FOR PRELIMINARY PLANS-

I. Title Data

- A. Date of Submission.
- B. Name and address of owner(s)
- C. Name of subdivision (Subdivision names shall not duplicate or approximate, phonetically, existing subdivision names.)
- D. Location designation (township, county, state), and location map showing the property to be subdivided and surrounding area.
- E. Name and address of surveyor.
- F. Scale in figures and bar graph.
- G. North arrow.
- H. "Preliminary Plan" notation.

II. Existing Conditions (on property to be subdivided and within 300' feet of property being subdivided)

- A. Street right-of-way, width of pavement and names.
- B. Location and size of public utilities: sewer & water.
- C. Location and size of bridges, culverts and other storm drainage facilities.
- D. Location, width and purpose of all easements.
- E. Bearings and distances of property boundary.
- F. Surrounding property lines, property owners and subdivisions.
- G. Boundaries and identification of political subdivisions.
- H. Boundaries and identification of land use districts.
- I. Buildings.
- J. Topography including watercourses, wooded areas and contours at five feet (5') intervals or less.
- K. Location, extent and identification of marginal land.
- L. Driveways and roads (in use or abandoned) leading to other property.
- M. Other natural or manmade conditions affecting site development.

III. Proposed Plans

- A. Street alignments, right-of-ways and names.
- B. Public utilities: sewer & water with connections to existing systems shown.
- C. Location and size of bridges, culverts and other storm drainage facilities.
- D. Location, width and purpose of all easements.
- E. Lines, numbers and approximate dimensions of lots and blocks.
- F. Minimum building setback lines.
- G. Public use sites.
- H. Site data:
 - 1. Acreage of property to be subdivided.
 - 2. Acreage of public use sites.

3. Number of lots.
4. Average lot size.
5. Square feet of each irregularly shaped lot.
6. Linear feet of streets

APPENDIX-F
-SPECIFICATIONS FOR CONSTRUCTION PLANS-

I. Plan

A. Title data:

1. Date of submission.
2. Name and address of owner(s).
3. Name of subdivision.
4. Location designation (township, county, state).
5. Name and address of engineer.
6. Scale in figures and bar graph.
7. North arrow.

B. Street data:

1. Physical features and structures in right-of-way and elsewhere as affected by street construction.
2. Sufficient data on the center line or proposed streets to readily verify compliance with the provision of this Ordinance including horizontal curve data (point of intersection, delta angle, degree of curve, radius of curve, length of curve, tangent distance), station equality at intersections, width of existing pavements, right-of-way and typical street section.

C. Utilities including existing and proposed public water and sewer systems and other underground utilities and appurtenances.

D. Storm drainage facilities including the location, size and drainage area of bridges, culverts and drain pipes.

E. Erosion and sediment control plans.

II. Profile

A. Street data:

1. Center line profiles of proposed streets. Said profiles shall be extended beyond the property being subdivided sufficiently to verify the feasibility of the proposed street.
2. Center line vertical curve data and elevations.
3. Center line profiles of intersecting (existing and proposed).
4. Grades.
5. Station and elevation of intersecting streets.
6. Existing street and property line elevations.
7. Street names.

8. Benchmark description and elevation.

- B. Utilities including existing and proposed public water and sewer systems and other underground utilities and appurtenances.
- C. Storm drainage facilities including top and invert elevations for catch basin and manholes.

APPENDIX-G
-SPECIFICATIONS FOR FINAL PLATS-

I. Title Data

- A. Date of submission.
- B. Name and address of owner(s).
- C. Name of subdivision.
- D. Location designation (township, county, state).
- E. Name and address of surveyor.
- F. Scale in figures and bar graph.
- G. North arrow.
- H. "Final Plat" notation.
- I. Appropriate Certificates.

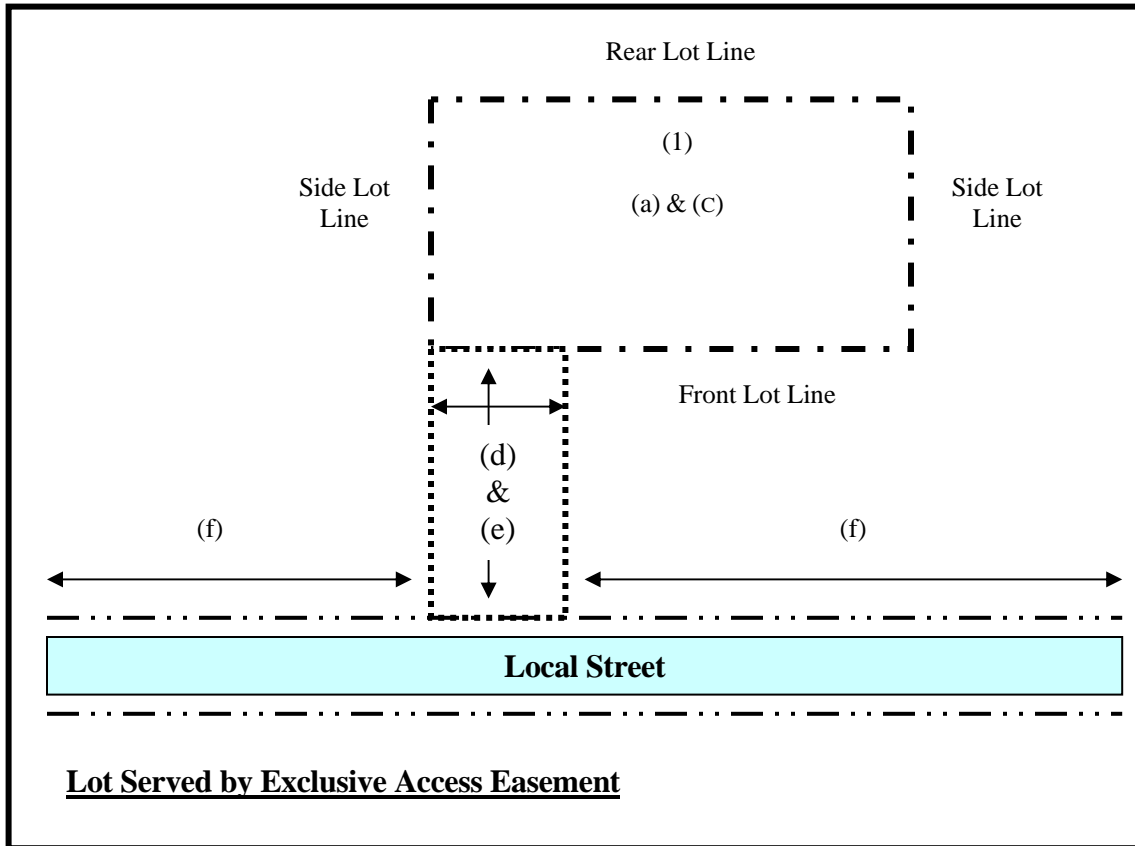
II. Surrounding Properties Information

- A. Property lines, property owners and subdivisions.
- B. Right-of-Way, easements, reservations and public use sites located and identified.

III. Property Being Subdivided

- A. Street right-of-way, widths of pavements and names.
- B. Property boundary lines including bearings and distances.
- C. Block and lot lines and dimensions.
- D. Minimum building setback lines.
- E. Identification and dimensions of easements, reservations and dedicated area.
- F. Locations, extent and identification of marginal land.
- G. Sufficient data of monuments and markers to determine readily and reproduce on the ground, the locations, bearing and length of all the above items.

APPENDIX-H
-Specifications for Exclusive Access Easements-



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