

ROCKWELL SUBDIVISION ORDINANCE

Code of Ordinance Section §151

Original Adopted September 9, 1996
Amended April 30, 2021

CHAPTER 151: SUBDIVISIONS

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PURPOSE AND APPLICABILITY

§ 151.001 SHORT TITLE.

This chapter will be known and may be cited as the Rockwell Subdivision Chapter **151**.
(Ord. passed 9-9-1996)

§ 151.002 PURPOSE.

The provisions of this chapter are adopted pursuant to the authority conferred by G.S. §§ *160Det seq.* for the purpose of promoting the orderly development of the town, and for the purpose of coordinating streets within subdivisions with existing or planned streets or with public facilities; to secure adequate rights-of-ways or easements for street or utility purposes; to secure adequate spaces for recreation and school sites; to secure adequate open spaces for recreational purposes; to provide for the distribution of population and traffic in a manner which shall avoid congestion and overcrowding; to protect and enhance environmental quality; and to create conditions essential to health, safety convenience and the general welfare.
(Ord. passed 9-9-1996); amended 4-30-2021.

§ 151.003 AUTHORITY.

The enactment of this chapter is authorized under provisions pursuant to G.S. §§ 160D *et seq.*
(Ord. passed 9-9-1996); amended 4-30-2021.

§ 151.004 JURISDICTION.

This chapter shall govern the platting and recording of any subdivision of land lying within the Town of Rockwell and the town's extraterritorial jurisdictional area as shown on the official zoning map of the Town of Rockwell.
(Ord. passed 9-9-1996)

§ 151.005 APPLICATION OF CHAPTER.

This chapter is applicable to all divisions of a tract or parcel of land into 2 or more lots, building sites, or other divisions when any one or more of those divisions is created for the purposes of sale or building development (whether immediate or future), and shall include all

divisions of land involving the dedication of a new street or a change in existing streets.

Every lot created under this Chapter must conform to the Zoning Ordinance (§152) including the minimum dimensional requirements of the lot's zoning district; have access to a public road or street; and other specifications of the Zoning Chapter.
(Ord. passed 9-9-1996); amended 4-30-2021.

§ 151.006 COMPLIANCE WITH CHAPTER.

(A) All plats for the subdivision of land must conform to the requirements of this chapter, and be submitted in accordance with the procedures and specifications established herein.

(B) The description by metes and bounds in an instrument of transfer or other document used in the process of selling or transferring land will not exempt the transaction from compliance with this chapter.
(Ord. passed 9-9-1996)

§ 151.007 SEPARABILITY.

If any section, paragraph, subdivision, clause or provision of this chapter is judged invalid by a court of competent jurisdiction, the jurisdiction will apply only to the section, paragraph, subdivision, clause or provision so judged and the remainder of this chapter will be deemed valid and effective.
(Ord. passed 9-9-1996)

§ 151.008 SUBDIVISIONS AND EXCEPTIONS.

The following types of divisions shall not be included (exempt) nor be subject to the regulations prescribed by this chapter. However, all lots, tracts, or parcels created must meet the parcel's zoning district requirements for minimum lot size, lot width, and setbacks and have access to a publicly maintained street or road in order that no lots, parcels, or tract is land-locked. The separate regulations and requirements for designated flood areas, wetlands, blue-line streams and buffers, soil and erosion control, watershed, and storm water management are not exempted for development activities.

Exception Plat

(A) The combination or recombination 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 town as described herein;

(B) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved but access to a public street/road is available;

(C) The public acquisition by purchase of strips of land for the widening or opening of street or the location of public utility rights-of-way;

(D) The division of a tract in single ownership the entire area of which is no greater than 2 acres into not more than 3 lots, where no street right-of-way dedication is involved, and where the resultant lots are equal to or exceed the standards of the appropriate zoning classification;

(E) The division of land into plots or lots for use as a cemetery;

(F) Easements for the purpose of utilities including creation of a septic easement, private driveways, parking, foot paths, trails, drainage or other similar purposes;

(G) 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 General Statutes.

(H) Other Types of Exception Plats

(1) Transfers of tracts or parcels by inheritance or bona fide gift provided an affidavit is submitted;

(2) Survey corrections to boundary lines of previously recorded plats provided no new lots are created; and

(3) Division of a tract or parcel in single ownership if all of the following criteria are met:

a) The tract or parcel to be divided is not exempted under subdivision (B);

b) No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division;

c) The entire area of the tract or parcel to be divided is greater than five acres;

d) After division, no more than three lots result from the division;

e) After division, all resultant lots comply with all of the following:

1) Any lot dimensions size requirements of the applicable land -use regulations, if any;

2) The use of the lots is in conformity with the applicable zoning requirements, if any; and

3) A permanent means of ingress and egress is recorded for each lot.

Plats not subject to the provisions of this chapter may be recorded with the prescribed certificated affixed.

Certificate of Exception. I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon, which are conveyed to me (us) by deed recorded in Book___, Page___, and that the property qualifies as an exception to the Rockwell Subdivision Chapter of North Carolina.

Note: Any further division of the lot or parcel in the future may trigger compliance with the Rockwell Subdivision Ordinance.

Owner(s)

Date: _____

Subdivision Administrator
Town of Rockwell
(Ord. passed 9-9-1996); amended 4-30-2021.

Date: _____

§ 151.009 RELATION TO OTHER ORDINANCES.

(A) It is not intended that this chapter will in any way interfere with the provisions of any other law or ordinance. In addition, it is not intended that this chapter will repeal, annul or interfere with any rules, regulations, permits or conditions which were legally adopted or issued under the Zoning Chapter, and which may conflict with any requirements in this chapter.

(B) Any Subdivision Chapter requirement which is inconsistent or conflicts with any Zoning Chapter requirement or condition, shall defer to the requirements and/or conditions stated in the Zoning Chapter or shall be attached as conditions under the special use provisions.
(Ord. passed 9-9-1996)

§ 151.010 EFFECTIVE DATE.

This chapter will take effect and be in force from and after the date of its adoption by the Town Board of Rockwell, North Carolina, which was original September 9, 1996 and amended April 12, 2021 with an effective date of April 30, 2021.
(Ord. passed 9-9-1996); amended 4-30-21.

151.011 CONFLICTS OF INTEREST

(A) Governing Board

A governing board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to G.S. 160D where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the matter. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(B) Appointed Boards

Members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to G.S. 160D where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(C) Administrative Staff

No staff member shall make a final decision on an administrative decision required by G.S. 160D if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship.

DEFINITIONS AND RULES OF CONSTRUCTION

§ 151.020 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPEAL. A special action relating to a dispute involving an administrative interpretation or application of or ordinance standard to a particular parcel of land.

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 the lot lines and the building setback lines.

CALCULATION OF MINIMUM LOT SIZE. Minimum lot sizes, as prescribed in the

Zoning Chapter, shall be exclusive of any required buffer, open and/or common areas, floodplains or floodways, lakes/ponds, wetlands, streams and stream buffers as designated under FEMA Flood maps. Individual lot sizes on proposed subdivision plats shall not be calculated by averaging or through application of similar mathematical techniques in order to satisfy the requirements of the development regulations.

DEVELOPMENT. Includes the following activities: a) the construction, erection, alternation, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure; b) excavation, grading, filling, clearing, or alternation of land; c) the subdivision of land as defined in G.S. 160A-376; and d) the initiation of substantial change in the area of land or the intensity of the use of land. Amended 4-30-2021.

DEVELOPMENT AGREEMENT. A written and recorded agreement as authorized by N.C.G.S. 160D-1001 through G.S. 160D-1012, between the Town and a property owner/developer that may contain and establish such items as a time frame for a development's start, progress, and finish dates; establishment of development standards to be complied; understandings related to infrastructure facilities installation, costs or ownership; and other development/project details are stated for a specific site. The document must comply with §152.265 (zoning ordinance).

DEVELOPMENT APPROVAL. An administrative or quasi-judicial approval made pursuant to this Chapter that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificate of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to G.S. 160D, including plat approvals, permit issued, development agreements entered into, and building permits issued. Amended 4-30-2021.

DEVELOPMENT PERMIT. The administrative or quasi-judicial approval that is written and that is required prior to commencing DEVELOPMENT or undertaking a specific activity, project, or DEVELOPMENT proposal, including any of the following: zoning permits, site plan approvals, special use permits, variances, certificate of appropriateness, plat approvals, development agreements, building permits, subdivision of land, state agency permits for development, driveway permits, erosion and sedimentation control permits, and sign permits. Amended 4-30-2021.

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.

LARGE-LOT SUBDIVISION. A subdivision in which all lots are 40,000 or more square feet in size.

LOT. A portion of a subdivision, or any other parcel of land, intended as a unit for a

transfer of ownership or for development.

(1) **CORNER LOT.** A lot abutting upon 2 or more streets at their intersection.

(2) **DOUBLE FRONTAGE LOT.** A continuous lot between 2 streets accessible from both of the streets upon which it fronts. Corner lots are not included unless they front on 3 streets.

(3) **LOT DEPTH.** The distance of a line connecting the mid-points of the front and rear lines of a lot.

(4) **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 the line at its mid-point.

(5) **REVERSE FRONTAGE LOT.** A continuous lot between 2 streets accessible from only 1 of the streets upon which it fronts.

(6) **PANHANDLE OR FLAG LOT.** A lot having a minimum footage of 50' at a public road right of way and where the panhandle section does not exceed 200' in length in order to establish the minimum lot width required by the parcel's zoning district.
Amended 4-30-2021.

MAJOR SUBDIVISION. A subdivision that does not qualify as an exempt or minor subdivision. Amended 4-30-2021.

MINOR SUBDIVISION. A subdivision:

(1) Involving not more than 4 lots on an existing approved publicly maintained street or road;

(2) Not involving the construction of a new public street, or the new extension of any existing public street, or the opening for public use of a previously platted but unopened street, or prospectively requiring any new street for access to interior property;

(3) Not requiring extension of public sewage or water lines on a public easement or creation of new drainage easements through lots to serve property at the rear; and

(4) Creating no new or residual parcels not conforming to the requirements of these regulations and related chapter (**zoning**).

OFFICIAL PLANS AND ORDINANCES. Any plans and ordinances officially adopted by an appropriate governmental body to guide and implement orderly physical development.

PLANNED UNIT DEVELOPMENT (PUD). A group of 2 or more principal structures built on a single lot or parcel of land, not subsequently to be subdivided into conventional streets and lots, and designed for occupancy by separate families, business firms, or other enterprises. A **PLANNED UNIT DEVELOPMENT (PUD)** can also mean the unconventional subdivision and development of land, not subsequently to be subdivided into conventional streets and lots and designed for occupancy and ownership by separate families, business firms, or other enterprises with significant areas of common properties owned and maintained by private ownership associations.

SITE DEVELOPMENT PLAN. A technical, scaled drawing with support text used to show compliance with a range of regulatory requirements, from grading and stormwater to parking to building design. The basic drawing shows the relationship between the lot and the existing or proposed uses, buildings, or structure on the lot. It may also include such site-specific details such as building setbacks, utility lines, parking areas, access points, and stormwater control facilities. Amended 4-30-2021.

SHALL. The word **SHALL** as herein used is always mandatory and not merely directory.

STREETS AND ROADS. A dedicated and accepted public right-of-way for vehicular traffic. The following functional classifications are used for roads and streets by the North Carolina Department of Transportation in the preparation of thoroughfare plans:

(1) **CUL-DE-SAC.** A local street which is permanently terminated by a vehicular turn-around.

(2) **LOCAL STREET.** A local street serves primarily to provide access to adjacent land and for travel over relatively short distances.

(3) **MAJOR COLLECTOR.** A road which serves major intercounty travel corridors and traffic generators and provides access to the arterial system.

(4) **MINOR ARTERIAL.** A link in a network joining cities and larger towns and providing interstate and intercounty service at relatively high (55 mph) overall travel speeds with minimum interference to through movement. This network would primarily serve traffic.

(5) **MINOR COLLECTOR.** A road which provides service to small local communities and links the locally important traffic generators with their rural hinterland.

(6) **PRINCIPAL ARTERIAL.** A link in a network of continuous routes serving corridor movements having trip length and travel density 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.

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

SUBDIVISION.

(1) A subdivision will include all divisions of a tract or parcel of land into 2 or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, or building development of any type, including both residential and nonresidential planned development of multiple building site and multi-site projects even if there is no division of the underlying land into separate parcels which is to be recorded with the Register of Deeds and also includes all divisions of land involving the dedication of a new street or a new street right-of-way or a change in existing streets.

(2) The following divisions of land will not be included (exempted) within this definition nor be subject to the requirements of this chapter except that all lots, tracts, or parcels created must meet the parcel's zoning district requirements for minimum lot size, lot width, and setbacks and have access to a public maintained street or road in order that no lots, parcels, or tract is land-locked. Note, the separate regulations and requirements for designated flood areas; wetlands, blue-line streams and buffers, soil and erosion control, and storm water management are not exempted for development activities on exempt subdivisions. Amended 4-30-2021.

(a) The combination or recombination 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 this chapter;

(b) The division of land into parcels greater than 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 or the location of public utility rights-of-way;

(d) The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than 3 lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the appropriate zoning classification;

(e) The division of land into plots or lots for use as a cemetery;

(f) Easements for the purposes of utilities including septic easement, driveways, parking, footpaths, trails, drainage, or other similar purposes;

(g) 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 General Statutes;

(h) Other Types of Division

1) Transfers of tracts or parcels by inheritance or bona fide gift;

- 2) Survey corrections to boundary lines of previously recorded plats; and
- (3) Division of a tract or parcel in single ownership if all of the following criteria are met:
 - a) The tract or parcel to be divided is not exempted under subdivision
 - b) No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division;
 - c) The entire area of the tract or parcel to be divided is greater than five acres;
 - d) After division, no more than three lots result from the division;
 - e) After division, all resultant lots comply with all of the following:
 - 1) Any lot dimensions size requirements of the applicable land -use regulations, if any;
 - 2) The use of the lots is in conformity with the applicable zoning requirements, if any; and
 - 3) A permanent means of ingress and egress is recorded for each lot.

Amended 4-30-2021.

THROUGH STREET. Any street not ending in a permanent dead-end. A cul-de-sac is not a ***THROUGH STREET.*** A street ending at a property boundary is a ***THROUGH STREET.***

VARIANCE. A **special** action requesting consideration for relief from the strict enforcement of the standards of the chapter where special circumstances or unusual considerations may exist on the parcel of land.
(Ord. passed 9-9-1996)

§ 151.021 RULES OF CONSTRUCTION.

For the purposes of these regulations, the following rules of construction will apply.

- (A) These regulations will be construed to achieve the purposes for which they are adopted.
- (B) In the event of a conflict between the text of these regulations and any caption, figure, illustration, table or map, the text of these regulations will control.
- (C) In the event of any conflict in limitations, restrictions or standards applying to a project,

the more restrictive provision will apply.

(D) The words *SHALL*, *MUST*, and *WILL* are mandatory in nature, implying an obligation or duty to comply with the particular provision.

(E) The word *MAY* is permissive in nature except when used in the negative.

(F) Words used in the present tense include the future tense.

(G) Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.

(H) Words used in the masculine gender include the feminine gender.

(I) References to *DAYS* will always be construed to be business days, excluding weekends and holidays, unless the context of the language clearly indicates otherwise.
(Ord. passed 9-9-1996)

GENERAL PROVISIONS

§ 151.030 INTRODUCTION.

(A) Land subdivision regulations have been described as “the guidance of land subdivision development by a public authority, enforced through the power to uphold the privilege of public record from plats that do not meet the establishment requirements and standards.”

(B) The town, in enforcing subdivision regulations is ensuring sound community growth for the Town of Rockwell and its extraterritorial jurisdictions, and it is safeguarding the interests of the homeowner and the subdivider. The decision of a subdivider to convert vacant land to housing development, for example, is a serious one. This action indelibly places development in a town that is permanent and has a lasting influence for many years. For these reasons, it is of primary importance that a municipality adopt and enforce subdivision regulations as authorized in G.S. 160D.

(Ord. passed 9-9-1996; amended 4-30-2021).

§ 151.031 WORD TO DEVELOPER.

Any property owner, real estate agent or builder who anticipates subdividing land in Rockwell should become familiar with these regulations. They have been designed and drawn up to achieve equal, impartial treatment for all, and to provide clear-cut procedures for the preparation, submission and review or approval of subdivision plans. The Town of Rockwell

encourages any and all developers to retain a qualified technician such as land planner, landscape architect, engineer, surveyor, or the like, to prepare the plan. This recommendation is made by the town because it is important that a person subdividing land possess the necessary skill and imagination to produce the best design under given conditions.

Preliminary and final plats will require licensed professionals to certify the plat before approval and for recording with the Rowan County Register of Deeds for final plats. (Ord. passed 9-9-1996; amended 4-30-2021).

§ 151.032 TO AVOID DELAYS.

(A) Consult the Subdivision Administrator who administers the Subdivision Chapter for the Town of Rockwell, before proceeding with subdivision plans. A sketch plat may be submitted for pre-review.

(B) Make sure that the design of the subdivision meets the minimum standards of design.

(C) Submit all items (required form and fee) when presenting a preliminary plat or a final plat for review or approval. Submit plans and information to the Subdivision Administrator. Paper and digital copies are required. (Ord. passed 9-9-1996); amended 4-30-2021).

§ 151.033 ENFORCEMENT.

(A) After the effective date of this chapter, a plat of a subdivision filed or recorded in the office of the Register of Deeds of Rowan County without the approval of the Subdivision Administrator, Planning Board or the Town Board, as required by this chapter, will be null and void for purposes of this chapter.

(B) Any person who, being the owner or the agent of the owner of any land located within the area of jurisdiction of this chapter, subdivides land in violation of this chapter or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this chapter and recorded in the Office of the Register of Deeds of Rowan County shall, upon conviction, be guilty of a misdemeanor which shall be punishable by a fine not to exceed \$500, or imprisonment for not more than 30 days for each and every offense. The Town of Rockwell through its attorney may enjoin the transfer or sale by action for injunction. All administrative actions relating to the land, including the issuance of any grading, construction, building, or occupancy permit will be suspended. This chapter will not affect the sale or transfer of any land, a plat of which was recorded prior to the effective date of this chapter.

(C) In order to properly enforce the provisions of the subdivision regulations as stated in

this chapter prior to the beginning of any construction, reconstruction, use, or alteration of any land, building, or structure, the appropriate permit must be obtained. No permit will be issued unless there has been a determination made that the proposed use, building or structure complies with the requirements of this chapter.

(D) No street shall be recommended for maintenance by the town nor by the North Carolina State Department of Transportation upon any land for which a plat is required, unless and until the requirements of this chapter have been complied with and approval granted in accordance with this chapter.

(Ord. passed 9-9-1996)

§ 151.034 APPLICATION AND PROCESSING FEES.

(A) Fees for the submittal and review of preliminary and/or final subdivision plats shall be in the same amount as established by the Town of Rockwell, and shall be collected by the Town Clerk at the time of submittal (of the initial subdivision application). This applies to exempted plats as well.

(B) Fees for appeals of the Subdivision Administrator and variance requests shall be in accordance with a fee schedule adopted by the Town Board and shall be collected by the Town Clerk at the time a variance or appeal is submitted.

(Ord. passed 9-9-1996); amended 4-30-2021).

§ 151.040 RESERVED

ADMINISTRATION AND DECISION-MAKING BODIES

§ 151.050 ADMINISTRATION.

This chapter shall be administered by the Subdivision Administrator.
(Ord. passed 9-9-1996)

§ 151.051 SUBDIVISION ADMINISTRATOR.

(A) This chapter shall be administered by the Subdivision Administrator who shall be appointed by the Town Board. The Subdivision Administrator is hereby authorized and it shall be his or her power and duty to implement the provisions of this chapter.

(B) The Subdivision Administrator will have the following powers and duties to be carried out in accordance with these regulations:

(1) To respond to questions and requests for information and answer questions from the public, elected officials, and other local and State agencies;

(2) To accept subdivision applications and plats for review. To coordinate the review and facilitate the approval of subdivisions with property owners, surveyors, and engineers. To review and provide written comments to applicants;

(3) To approve exempted and minor subdivisions as defined in § 151.020;

(4) On major subdivisions, make recommendations to the Planning Board on all subdivisions of land within the authority and jurisdiction of these regulations;

(5) To maintain files and other public records related to the administration and enforcement of these regulations;

(6) To establish the rules of procedure as necessary and proper for the administration of their responsibilities under these regulations;

(7) To prepare amendments to the text of these regulations;

(8) To comment and make recommendations on proposed amendments to these regulations;

(9) To work to coordinate all local, state, and other appropriate agency reviews and comments on all subdivisions proposed under these regulations;

(10) Coordinate the activities of the Technical Review Committee (TRC) in the review and comment of major subdivisions;

(11) To determine the completeness of appeals and variances requests;

(12) To review and provide written comments to the Board of Adjustment on variance petitions;

(13) To provide information to the Board of Adjustment on appeal requests; and

(14) To place appeals and variances requests on the Board of Adjustment agenda, and coordinate agenda, public hearings, and public notices with the Town Clerk.

(15) To provide written responses to all board actions to applicants and coordinate the recording of subdivision plats and master plans.

(Ord. passed 9-9-1996), amended 4-30-2021).

§ 151.052 PLANNING BOARD.

(A) The Rockwell Planning Board will have the following powers and duties to be carried out in accordance with these regulations:

(1) To review the recommendations made by the Subdivision Administrator and provide a recommendation to the Town Board on all subdivisions of land within the authority and jurisdiction of these regulations;

(2) To recommend and comment on proposed amendments to these regulations to the Town Board;

(3) To provide guidance and consult on the provisions of these regulations;

(4) To make suggestions and recommendations on planning matters in the interest of the citizens and the Town of Rockwell; and

(5) To undertake studies and other tasks as assigned by the Town Board.

(Ord. passed 9-9-1996, amended 4-30-2021).

§ 151.053 TOWN BOARD.

(A) The Town Board will have the following powers and duties to be carried out in accordance with these regulations:

(1) To review the recommendations made by the Planning Board and to make decisions regarding all subdivisions of land within the authority and jurisdiction of these regulations; and

(2) To hear and decide on proposed amendments to these regulations.

(B) In reviewing proposed subdivisions, the Town Board may approve the request, deny the request or approve the request with justification and attached conditions and stipulations relating to the intent and standards of the chapter.

(C) Text Amendment

After receiving a recommendation from the Planning Board and holding the required legislative type hearing to receive public input as detailed at §152.245 (Zoning Ordinance), The

Town Board may approve the text amendment as presented, change the text of the amendment, or deny the amendment. Actions by the Town Board on text amendments must include a statement that the action is consistent or inconsistent with the Town's Land Use Plan (and Future Land Use Map) and other adopted plans. A majority vote (51%) is required for passage.

The Town Board may refer a matter back to the Planning Board for further review and may call for a new public hearing based on the recommendation then forwarded by the Planning Board. (Ord. passed 9-9-1996, amended 4-30-2021).

§ 151.054 TOWN CLERK.

The Town Clerk will have the following powers and duties to be carried out in accordance with these regulations:

- (A) To maintain the text of these regulations;
- (B) To accept and file notices of appeals within 30 days of the day a preliminary plan approval is issued or denied; and
- (C) To accept and file petitions for variances and appeals to the Board of Adjustment.
- (D) Schedule public hearings required by this chapter

§ 151.055 BOARD OF ADJUSTMENT.

The Board of Adjustment shall hear appeals of decisions and interpretations of the Subdivision Administrator and variance requests utilizing the procedures outlined in § 152.280 (zoning). Both actions require the holding of an advertised evidentiary public hearing with the required notice. A quasi-judicial procedure must be utilized where sworn evidence is taken. A 4/5 majority vote is required on a variance decision.

Appeals of the decisions of the Board of Adjustment must be filed within thirty (30) days (plus 3 additional days for mailed notice) to Superior Court.

(Ord. passed 9-9-1996); **amended** 4-30-2021).

§ 151.060 RESERVED

SUBDIVISION PROCESS

§ 151.070 COMPLIANCE REQUIRED.

After the effective date of this chapter, no plat of a subdivision of land subject to the jurisdiction of this chapter will be filed or recorded by the County Register of Deeds until it has been submitted to and approved by the Rockwell Town Board. This includes all divisions of land as defined in § 151008.

(Ord. passed 9-9-1996); amended 4-30-2021).

§ 151.071 GENERAL REQUIREMENTS.

(A) The following statements provide general requirements and policies to be used in the design, review and approval of any subdivision under the jurisdiction of this chapter.

(B) Questions of interpretation of any of these provisions should be discussed with the Subdivision Administrator at the earliest possible time in the development of a subdivision proposal.

(1) *Consistency with adopted public plan and policies.* All subdivision of land approved under these regulations should be consistent with the most recently adopted public plans and policies for the area in which it is located. This includes general policy regarding development objectives for the area as well as specific policy or plans for public facilities such as streets, parks and open space, schools and other similar facilities. Plans and policies for the community are on file in the offices of the Town Clerk.

(2) *Conformity.* All proposed subdivisions should be planned so as to facilitate the most advantageous development of the entire neighboring area. In areas with existing development, new subdivisions should be planned so as to protect and enhance the stability, environment, health and character of the neighboring area. All new non-residential developments or uses should be planned so as to prevent access to the new development through existing residential neighborhoods or areas zoned residentially.

(3) *Extension of existing streets.* The proposed street system should extend existing streets on their proper projections at the same or greater width than the minimum required by this chapter unless the extensions would result in the potential for undesirable traffic or land use relationships for existing or future development. Emphasis will be placed on the adopted thoroughfare plan and any adopted plans in the determination of street extensions and connections.

(4) *Access to adjoining unsplit property.* The proposed street system should be designed to provide for desirable access to and not to impose undue hardship upon unsplit property adjoining the subdivision and to provide interconnection to similar adjacent uses when the connection would facilitate traffic movement in the area. Reserve strips adjoining street rights-of-way for the purpose of preventing access to adjacent property are not permitted. However, the provision for or the existence of a potential access point does not mean that access at that point will be required or allowed in subsequent development of the area.

(5) *Relationship to topography.* In sloping terrain, streets should parallel the contours of the land insofar as practicable, to avoid steep grades and the concentration of storm water surface runoff.

(6) *Mature trees and natural vegetation.* Streets and development sites should be designed to protect and preserve, to the greatest extent practicable, stands of mature trees and other areas of significant natural vegetation.

(7) *Access to parks, schools, greenways and the like.* Streets should be designed or walkways dedicated to assure convenient access to parks, greenways, playgrounds, schools and other places of public assembly. Dedicated walkways may not be less than 15 feet in width and may be required to be large enough to provide vehicular access for maintenance vehicles.

(8) *Discourage through traffic.* Streets should be laid out so as to discourage through traffic unless the street is designated as a thoroughfare in the adopted thoroughfare plan or is a designated collector street.

(9) *Relationship to railroad rights-of-way.* When a subdivision adjoins a railroad right-of-way, the subdivider may be required to arrange the street pattern to provide for future grade separation of street and railroad crossings.

(10) *Parallel streets along thoroughfares.* Where a tract of land to be subdivided adjoins a federal or state highway or a major arterial street, the subdivider may be required to provide a street parallel to the highway or to utilize reverse frontage on an interior street for the lots to be developed adjacent to the highway. Where reverse frontage is established, deed restrictions or other means should be provided to prevent private driveways from having direct access to the highway or street.

(11) *Public school and public park sites.* When a tract of land that appears in any adopted plan or policy document as a future public school, public park, greenway or open space site falls within an area proposed to be subdivided, the Subdivision Administrator will notify the appropriate agency of the proposed subdivision and its effect on the future public site. The appropriate agency must decide within 60 days if it wishes to reserve the site for future acquisition. If the site is not to be reserved, then the subdivision will be processed in the normal fashion. If the agency does wish to reserve the site, then the subdivision will not be approved without the reservation. The appropriate agency will have 18 months from the date of preliminary plan approval to acquire the site by purchase, receipt of a dedication or by initiating condemnation proceedings. If, at the end of the 18-month period, none of the actions listed above have commenced the subdivider may consider the land free of any reservation.

(12) *Public facilities.* When a tract of land that appears in any adopted plan or policy document as a future site for any community service facility, including but not limited to police and fire stations, libraries, public housing, or other public use sites falls within an area proposed to be subdivided, the Subdivision Administrator will notify the appropriate agency of the proposed subdivision and its effect on the future public site. The appropriate agency must decide

within 60 days if it wishes to reserve the site for future acquisition. If the site is not to be reserved, then the subdivision will be processed in the normal fashion. If the agency does wish to reserve the site, then the subdivision will not be approved without the reservation. The appropriate agency will have 18 months from the date of preliminary plan approval to acquire the site by purchase, receipt of a dedication or by initiating condemnation proceedings. If, at the end of the 18-month period, none of the actions listed above have commenced the subdivider may consider the land free of any reservation.

(13) *Street names.* Proposed street names should not duplicate nor too closely approximate phonetically the name of any street within the county or town. Where proposed streets are extensions of existing streets, the existing street names should be used.

(14) *Easements.* Easements established to the width and in the locations required by the utility department, but in no case less than 10 feet wide, should be provided for open or piped storm drainage, sanitary sewers and water lines. Drainage easements shall not be placed between dwelling units. This requirement applies to the lines installed at the time of the development of the subdivision, and to easements for the lines which may reasonably be expected to be installed in the future.

(15) *Proposed water and sewerage system.* The preliminary subdivision plan should be accompanied by satisfactory evidence as to the proposed method of providing potable water and a system of sanitary sewage collection and disposal.

(a) Where these systems are to be a part of the public water and sanitary sewerage system, the acceptability of the proposed systems should be attested by the approval of the preliminary subdivision plan by the utility department or a letter from the utility department stating the availability of water and/or sewer service and that the subdivision will be allowed to connect to the system upon completion and dedication of the systems in the development.

(b) 1. When the proposed system to serve more than one structure does not contemplate the use of public facilities, the proposed systems will be reviewed and approved by the agency or agencies with jurisdiction over the approval. Written evidence must be provided by the developer prior to the preliminary plan approval of the required discharge permit or perk test for sewer disposal whichever is applicable.

Prior to the approval of the final plat written evidence must be provided that either: 1) the sewer and water system designs have been approved for construction or 2) septic and well permits have been issued for construction. Prior to the issuance of any certificate of occupancy for any structure, written evidence must be provided that both the water and sewer systems have been approved, installed, and are operational for the structures in question.

2. The subdivision plat, both preliminary and final, will include a certification statement from either the utility company for the provision of water and sewer or from the Rowan County Health Department on the approval of individual or community systems to serve the development.

3. Where local standards exceed those of state or federal agencies and where those standards may be enforced over those of state or federal agencies, then the Department of Environmental Protection will coordinate all reviews for the standards. However, the approval of the proposed systems remains with the responsible agency or agencies, which may include the Department of Environmental Protection.

(16) *Restrictions on the subdivision of land subject to flooding*. Development within designated flood areas should be avoided. However, lots that are subject to flooding should not be established in subdivisions except as provided in § 151.110. These lots must be noted on any plats with their elevations. Any structured constructed or moved within a designated flood area will require a flood development permit, a building plot and foundation plans with building elevations for permitting.

(17) *Restrictions on the subdivision of land containing a designated blue-stream or wetlands*. Lots that contain designated blue-line streams or wetland shall be designated on the plat. Land clearance and development activities may not be undertaken without obtaining the required permits and installing the require stream buffers. These areas must be noted on any plats.

(18) *Electrical Provision*. On the preliminary plat, indicate the proposed electrical provider. Underground utilities lines are required to be installed for new or extension of a subdivision. Provide the location of proposed street lights.

Should a solar-power generating facility be proposed to serve the subdivision, its arrangement, placement, layout, and detail should be provided on the preliminary plat.

(19) *Traffic Impact*. Impacts on the existing street grid and street systems and on existing residential neighbors shall be analyzed in a scientific manner for major subdivisions. A Traffic Impact Analysis (TIA) will be required for large complex developments.

(20) *Environmental Impact Study*. A professional conducted study of the environmental impact of a specific development maybe required at the discretion of the Subdivision Administrator based on things as the size of the proposed development; the complexity and location of the project and/or basis on natural sensitive areas located on the site, adjacent, or in close proximity to the site. An environmental report that details the site's current and future situations and includes conclusions and alternatives to proposed development methods should be submitted.

(Amended 4-30-2021).

§ 151.072 EXCEPT AND MINOR SUBDIVISION APPROVAL.

(A) (1) Exempt and minor subdivision as defined in § 151.008 may be submitted through an abbreviated procedure.

(2) A subdivider may submit a general sketch plan or draft preliminary **plat** to the Subdivision Administrator to be determined if the proposed subdivision meets the definition of a minor subdivision.

(3) If the Subdivision Administrator determines that the proposed subdivision is an exempt or minor subdivision and the sketch plan or draft plat does conform to the requirements and standards of this chapter, the Subdivision Administrator is authorized to allow the subdivider to prepare a final plat to be submitted as stated in §§ 151.077 and 151.078.

(B) Plans which are not approved may be revised and resubmitted or follow the standard procedure for subdivision review.

(Ord. passed 9-9-1996)

§ 151.073 PRELIMINARY PLAT REQUIREMENTS FOR MAJOR SUBDIVISIONS.

(A) A subdivider should submit a general sketch plan or draft preliminary plat to the Subdivision Administrator for an initial review and comment. Should a rezoning or planned development (PUD) be necessary, then those procedures must be initiated.

(B) A preliminary plat review form and fee must be submitted with a preliminary plat for official review. The preliminary subdivision plat must be drawn to the following specifications and must contain or be accompanied by the information listed below. No processing or review of a preliminary plan will proceed without all of the information listed:

(1) The boundary of the area to be subdivided and the location within the area, or contiguous to it, of any existing streets, railroad lines, water courses, easements or other significant features of the tract. Include the following: 1) identities of the adjacent property owners and parcels; 2) the assigned zoning district of the subject parcel and the adjacent parcels; and the acreage of the subject parcel.

(2) The location, sizes, elevations of existing sanitary sewers, storm drains and culverts within the tract and immediately adjacent thereto.

(3) Original contours at intervals of not less than 4 feet for the entire area to be subdivided and extended into adjoining property for a distance of 300 feet at all points where street rights-of-way connect to the adjoining property. These contours shall be referenced to mean sea level datum established by the U.S. Coast and Geodetic survey and as extended by the city through its primary control system or to a bench mark that is within 2,000 feet of the subdivision. Proposed contours for the full width of all street rights-of-way, along open drainage channels and in all other portions of the subdivision where extensive grading is proposed must be shown. These requirements shall not apply where the size of the subdivision and the topography make the information unnecessary.

(4) The location of proposed streets, alleys, easements, lots, parks or other open spaces,

reservations, other property lines and building setback lines with street dimensions, tentative lot dimensions, other property lines and the location of any building restriction flood lines required by § 151.105.

(5) The location of all proposed storm drains and appurtenances with grades, inverts, and sizes indicated, together with a map of the drainage area or areas tributary to the proposed storm drains, a copy of the data used in determining the sizes of drainage pipes and structures, and the building restriction flood line and flood protection elevation for each lot subject to flooding as defined by the most current FEMA Flood Maps. Designated flood areas and blue-line streams must also be identified on the plat with their identification, required elevations and stream buffers noted.

(6) Indicate the expected amount of impervious area in square footage, by acreage, and per cent. Include the proposed location of any stormwater structures to comply with the Phase II post-construction regulations.

(7) The name of the subdivision; the name and signature of the owner or the owner's duly authorized agent; the name of the surveyor, engineer or designer; the names of proposed streets; the names of adjoining subdivisions or property owners. The name assigned to the subdivision and the names assigned to streets at this time will be used throughout the review and approval process for preliminary and final plats and may not be changed without approval of the Subdivision Administrator.

(8) The scale of the plan which shall not be smaller than 100 feet to the inch and shall be a minimum of 18 inches by 24 inches in size, unless each lot in the proposed subdivision is more than 3 acres in size, in this case, the scale shall not be less than 200 feet to the inch. The plan shall include a north arrow and the date of submission.

(9) Typical cross sections of proposed streets showing width and proposed construction of roadways.

(10) Where a proposed street is an extension of an existing street, the profile shall be extended to include 300 feet of the existing roadway and storm drains if present and a cross section of the existing street shall be shown. Where a proposed street within the subdivision abuts a tract of land that adjoins the subdivision and where the street may be expected to extend into the adjoining tract of land, the profile shall be extended to include 300 feet of adjoining tract.

(11) The proposed method of water supply and sewer disposal and the number of housing units proposed.

(12) A small-scale vicinity map showing the location of the subdivision with respect to adjacent streets and properties.

(13) The location of any existing demolition landfills on the site and the location of any proposed demolition landfill sites if the information is available.

(14) A timetable for estimated project completion **and phasing stages** of the area covered by the preliminary plat.

(15) Indicate the estimated number of vehicles trips with the proposed development. A professionally prepared Traffic Impact Analysis (TIA) study may be required at the discretion of the Subdivision Administrator or by the NCDOT staff. The regional MPO plan and its plans, goals and objectives should be referenced and used to establish future road improvements.

(C) Community Meeting Required

Prior to placement on the Planning Board agenda, the applicant/developer for a major subdivision must hold a physical in-person community meeting, at a convenient time and place to residents, to discuss their proposal and site plan. An additional digital style meeting may also be held. Notice of the meeting must be initially furnished by first-class mail and additionally may be provided by electronic means or by hand delivery, to all adjacent property owners. Adjacent property owner means next to, in front, besides, behind or across any street road, railroad or stream of the subject site.

A copy of the notice sent, list of the property owners sent the notice, a list of the persons attending this meeting, and a summary of the areas of discussion and questions must be furnished to the Zoning Administrator prior to placement of the request on the agenda of the Planning Board. Revisions to the site plan and proposal may be necessary after public comments. (Ord. passed 9-9-1996); amended 2020.

§ 151.074 PROCEDURES FOR PRELIMINARY PLAT APPROVAL.

(A) (1) A preliminary plat of the proposed subdivision developed in accordance with the specifications set forth in § 151.073, must be submitted to the Subdivision Administrator.

(2) The plat must be accompanied by an application signed by the owner and/or his or her duly authorized agent for approval of the plans on application forms to be furnished by the Subdivision Administrator. The required fee must be paid.

(3) Initially, three (3) full size format copies and a digital version are required at the time of submission. The applicant will be advised as to the number of copies of the plan and related data required in §§ 151.070 *et seq.* must be submitted with the application. (More copies will be required before the preliminary plat is forwarded to the Planning Board and Town Board).

(4) In conjunction with the review of the preliminary plat, construction plans, and development agreement should be submitted for review. It is highly recommended that construction plans be submitted for review as early as possible in the subdivision process.

(B) Plat Review

(1) The Subdivision Administrator shall review and comment on the initial preliminary plat. Comments will be furnished to the applicant for response.

(2) Technical Review Committee (TRC): Review notes and comments may be solicited from additional agencies such but not limited to the NCDOT, Salisbury Utilities, Rowan County Environmental Health, USPS or others. Their comments and those from town staff, including any consulting engineers, will be forwarded to the applicant for responses and revisions. Additional comments may be forthcoming. Additionally, the Technical Review Committee (TRC) maybe physically convened to discuss the proposed plat and allow the applicant to present their plat and plans.

(3) If subsequent corrections or changes to the initial preliminary plat are necessary, the Subdivision Administrator shall review any revised plan and resubmit it to the TRC for additional comments.

(4) Once the Subdivision Administrator has deemed the submitted preliminary plat complies with all requirements of the chapter, he or she shall schedule the plat for Planning Board review at their next regularly scheduled meeting date. The Subdivision Administrator must receive the plan and staff comments at least 14 days before the next regularly scheduled meeting of the Rockwell Planning Board in order to place the plan on their agenda.

(5) A request for a variance from the development standards or an appeal of the Subdivision Administrator's decision or interpretation, must be resolved before the preliminary plat moves to Planning Board review.

(C) Planning Board Review

(1) The Planning Board shall review the proposed preliminary plat (and any accompanying constructions plans and proposed development agreement) and shall then make a recommendation to the Town Board. If no recommendation is made within 45 days from the date on which the Planning Board initially reviewed the plat, it shall be forwarded to the Town Board without a recommendation. In reviewing the preliminary plat, the Planning Board can recommend:

- (a) Approval of the plat;
- (b) Approval of the plat with conditions **or stipulations**; or
- (c) Disapproval of the plat.

(2) The recommendation of the Planning Board will be forwarded to the Town Board by the Subdivision Administrator.

(3) The Subdivision Administrator will schedule the preliminary plat to be reviewed by the Town Board at their next scheduled meeting date.

(4) Appeals

Appeal of any Planning Board decision must be made within thirty (30) days to Superior Court having justification per § 151.300.

(D) Town Board Review

The Town Board shall review the preliminary plat (and any accompanying constructions plans and proposed development agreement) upon recommendation of the Planning Board (or after the expiration of the 45 days). The process to approve a rezoning request and/or special use permit (SUP) will be conducted at the same time.

(1) In reviewing the preliminary plat, the Town Board action may be approval, tentative approval with conditions, or denial of the preliminary plat (and any accompanying constructions plans and proposed development agreement). A public hearing is not required for a preliminary plat review by the Town Board, however, if a rezoning or SUP request is attached, then the required hearing is held.

(2) When granted tentative approval with conditions, the developer must submit a revised plan that is in conformance with those conditions.

(3) If the Town Board disapproves a preliminary plat of a subdivision (and any accompanying constructions plans and proposed development agreement), the grounds for the disapproval will be stated in writing to the applicant by the Subdivision Administrator. After the disapproval, an appeal from the decision of the Town Board may be taken to the Superior Court as per § 151.134.

(4) Approval of preliminary plat

(a) If the Town Board approves the preliminary plat (and any accompanying constructions plans and proposed development agreement), it shall be noted on a copy of the plat and the copy shall be filed with the Subdivision Administrator. In approving the subdivision plat, the Town Board may attach fair and reasonable conditions which are deemed to be in the interest of the public's health, safety and welfare which shall be noted on the subdivider's and Subdivision Administrator's copies.

(b) These conditions may include, but are not limited to, the following:

1. Alignment of roads within the subdivision to allow for an improved flow of traffic;
2. Provision of improvements or roads which provide direct access to the subdivision, at the subdivider's expense. The improvements may include the installation of deceleration lanes, road widening work, intersection improvements, left-hand turn lanes, installation of traffic signals, and

sidewalks;

3. Requirements that certain lots be limited to access off interior local streets within the subdivision rather than off collector or thoroughfare roads; and
4. Requirements that roads be stubbed so that they can be extended at some point in the future.

5. Conditions or stipulations placed on the preliminary plat must be in written and inserted on the plat notes.

(Ord. passed 9-9-1996); amended 2020

(5) Appeals

Appeal of any Town Board decision must be made within thirty (30) days (plus 3 days for mailed notice) to Superior Court having justification per § 151.300.

§ 151.075 EFFECT OF APPROVAL OF PRELIMINARY PLAT OR PLAN.

(A) A preliminary plat approved under the provisions of this chapter will be valid for a period of three (3) years from the date of approval unless an alternate time frame was approved.

(B) If no development permits have been secured or construction /grading work on the site in furtherance of the plat has commenced within the 3-year period, the preliminary plat approval will become null and void and a new application will be required to develop the site.

(C) If not previously submitted, construction plans for any infrastructure improvements shall be submitted.

(D) If work on the site in furtherance of the plat has commenced that involves any utility installations or street improvements except grading, the plan will remain valid and in force and the subdivision may be completed in accordance with the approved plat.

(E) Changes to the street or lot lay-out, increase or reduction of the number of building lots; changes to the street, utility, drainage, or stormwaters layout or structures, changes to stormwater BUPs, buffers, and such items will require the submittal of a revised preliminary plat for review. (Ord. passed 9-9-1996); amended 2020

(F) A preliminary subdivision plat approved as part of a SUP or PUD with a site-specific site plan or a master plan with a development agreement qualifies for a longer implementation period under the vested rights provisions of NCGS 160D-108(d)(3).

(G) Violation or non-conformity with an approved development agreement per §152.265 (zoning ordinance).

§ 151.076 GRADING OF THE SITE.

Preliminary plat approval is required for any grading work on the site for the installation of any improvements in furtherance of the development.

A grading permit must be secured from the Town to commence land clearing activities. An approved soil & erosion permit must be included with the application.

(Ord. passed 9-9-1996); amended 2020

§ 151.077 FINAL PLAT REQUIREMENTS.

(A) The final plat shall be prepared by a registered surveyor and must be drawn to scale not smaller than 100 feet equal 1 inch, and be a minimum of 18 inches by 24 inches in size unless each lot in the proposed subdivision is more than 3 acres in size. Should the requirements of the Land Records Division of the NC Office of the Secretary of State or the Rowan County Register of Deeds require different standards, their standards shall prevail.

(B) In that case, the scale shall not be less than 1-inch equals 200 feet, and must contain the following information.

(1) The exact boundary of the tract of land being subdivided, showing clearly the disposition of all portions of the tract.

(2) (a) The lines and names of all streets, alley lines, lot lines, lot and block numbers, building setback lines, easements, reservations, on-site demolition landfills and areas dedicated to public purpose with notes stating their purposes. Also, the plat for all lots subject to flooding shall include a statement as follows: "This lot is subject to flooding during heavy rainfall and the construction of buildings or structures below the flood protection elevation of _____ is prohibited, as further described by § 151.110 of the Rockwell Subdivision Chapter." Plats for multiple lots may include the flood protection elevations in tabular form.

(b) In areas where the floodway regulations are applicable, the following statement shall be inscribed on the plat: "Any construction or use within the areas delineated as floodway fringe district boundary line and floodway district encroachment line is subject to the restrictions imposed by the Floodway Regulations".

(c) Any amendment to a previously approved final plat must note in writing on the amended plat the nature and extent of the changes and the deed or plat book and page number where previously recorded.

(3) Sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, building line, easements

required hereunder or of record in Rowan County or ascertainable by physical inspection of the property, and boundary lines of reserved or dedicated areas. All linear dimensions shall be in feet and hundredths thereof. The maximum allowable error of linear closure shall not be in excess of 1:10,000. In closed traverses the sum of the measured angles shall vary with the theoretical sum by a difference not greater than an average of 7.5 seconds per angle, or the sum of the total shall not differ from the theoretical sum by more than 90 seconds, whichever is smaller.

(1) As built drawings and plans of all water system, sewer system, and storm drainage system facilities. These plans should show all easements and/or rights-of-way to demonstrate that the facilities are properly placed. These drawings need not be placed on the final plat but must be submitted at the time of request for final plat approval or release of any surety for required improvements, whichever comes later.

(5) The name of the township in which the subdivision is located, the name of the subdivision, the name of the owner, the name, registration number and seal of the registered surveyor under whose supervision the plat was prepared, the date of the plat and north point, with indication of whether the north point is true, magnetic, or grid, and a small vicinity map showing the location of the subdivision with respect to adjacent streets and properties.

(6) The accurate location of monuments which must be established along the rear property lines of lots with a minimum of 2 per block located along a common line, including coordinates computed from the North Carolina Plane Rectangular Coordinate System and the Town of Rockwell Primary Control System as extended therefrom, provided a control monument is within 2,000 feet of the subdivision. The corners of all lots and parcels must be marked with iron posts driven flush with the ground. The iron posts must be placed where lot boundaries intersect railroad and public street rights-of-way. As an alternative the iron posts for the lot corners intersecting street rights-of-way may be placed behind the curb and gutter on the same line as the property line if the locations of these irons are noted on the record plat.

(7) The final plat shall meet all applicable specifications required in § 151.070 *et seq.* and the following signed certificates shall appear on each copy of the plat **when delivered to the Subdivision Administrator for execution either in paper form or with electronic signatures:**

(a) **Suggested** *Certificate of approval for recording.*

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Chapter of the Town of Rockwell and that this plat has been approved by the Town Board of Rockwell_____ for recording in the Rowan County Deeds Office within 90 days of the approval date below. Therefore, this plat shall be valid for recording until_____. After the date, this approval shall be null and void.

Rockwell, North Carolina

(b) *Certificate of ownership and dedication.*

I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the Town of Rockwell and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I hereby dedicate all sanitary sewers to _____, all storm sewer systems to _____, and all water lines to _____.

Owner(s)

Date: _____

(c) *Certificate of survey and accuracy.*

1. a. On the face of each map for recordation there shall appear a certificate acknowledged before an officer authorized to take acknowledgments and executed by the person making the survey or map, including deeds and any recorded data shown thereon.

b. The certificate shall include a statement of error of closure calculated by latitudes and departures.

c. Any lines on the map which were not actually made by survey must be clearly indicated on the map and a statement included in the certificate revealing the source of the information.

2. The certificate may take the following form:

I, _____ certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book____, Page____, etc.) (Other); that the ratio of precision as calculated by latitudes and departures is 1:____, that the boundaries not surveyed are shown as broken lines plotted from information found in Book____, Page____; that this map was prepared in accordance with G.S. § 47-30, as amended.

Witness my hand and seal this ____ day of _____, 20 ____.

Registered Land Surveyor

Official Seal

Registration Number

I (officer authorized to take acknowledgments) do hereby certify that (name of registered surveyor) personally appeared before me this day and acknowledged the due execution of this certificate. Witness my hand and (where an official seal is required by law) official seal this the _____ day of _____ (year).

Signature of Officer

Official Seal

(d) Certification from Rowan County)

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

Review Officer

Date

*(e) *Certificate of approval of the design and installation of streets, utilities, and other required improvements.*

I hereby certify that all streets, public drainage and utilities, and other improvements have been installed in an acceptable manner and according to town standards or as otherwise provided for in the Subdivision Chapter, or that guarantees for the installation of the required improvements in the amount and manner satisfactory to the Town of Rockwell have been received.

Public Works Department

Date: _____

* Certification may vary depending on the type of infrastructure involved and its location. Such as improvements within the corporate limits or in the Town's ETJ.

(C) Final written approval by the Subdivision Administrator must be entered on the plat for recording. Changes or amendments to an approved final plat which already bears the written approval prior to recording the plat constitutes a violation of this chapter. A paper and digital copy of the sealed and recorded final plat should be delivered to the Subdivision Administrator within 10 days of recording.

(Ord. passed 9-9-1996)

§ 151.078 PROCEDURES FOR FINAL PLAT APPROVAL.

(A) General Procedures

(1) Upon approval of the preliminary subdivision plat by the Rockwell Town Board, the subdivider may proceed to comply with the other requirements of this chapter and begin construction, and the preparation of the final subdivision plat. The final plat may include all or only a portion (phase) of the subdivision as proposed and approved on the preliminary subdivision plan. However, before any final plat of a subdivision is eligible for final approval, and before any street is accepted for maintenance by the Town of Rockwell or the NC Department of Transportation (NCDOT) all required improvements (including public utilities, drainage, soil erosion, stormwater structures, landscaping, and streets) must have been completed by the developer in accordance with this standards and specifications of this chapter or bonded in accordance with the provisions of §§ 151.170 *et seq.* Public utilities and streets must be accepted by the responsible agency or bonded as above.

(2) The final subdivision plat must be developed in accordance with the specifications set forth in § 151.077. When the final plat is submitted to the Subdivision Administrator for review, it must be accompanied by an application **form** signed by the owner and/or his or her duly authorized agent for final plat approval on an application form to be supplied by the Subdivision Administrator.

Notations/comments/descriptions shall be provided either on the plat as notes or in separate attached form that indicates any changes, revisions, or modifications that are different from the approved preliminary plat. This will also apply to any revisions to a previously approved final plat.

The official plat for recording, together with a sufficient number of copies (including a digital version) for distribution shall be presented for review to the Subdivision Administrator along with a fee set by the Town Board to review the final plat.

(3) Recorded legal documents establishing a homeowners association or similar organization; documents showing the dedicating and restricting the common areas and buffers, documents showing the ownership and maintenance responsibilities of common areas and recreational facilities, drainage easements, and stormwater structures must be submitted to the Subdivision Administration as part of the close-out of the development.

(4) All utility and construction as-built plans are to be turned over to the Town.

(B) Staff Review

(1) The Subdivision Administrator will review and provide written comment to the applicant on the final plat. The Subdivision Administrator should confirm that the final plat

conforms to the approved preliminary plat for the development and the infrastructure improvements work is proceeding as agreed. The Subdivision Administrator comments along with final plat copies will be forwarded by the Subdivision Administrator to the Planning Board for review at their next scheduled meeting date. The Subdivision Administrator must receive the final plat and staff comments at least 14 days before the next regularly scheduled meeting of the Rockwell Planning Board in order to place the final plat on their agenda.

(2) Submission of estimates costs of improvements remaining to be completed and the amount of any proposed bonds, cash, and letter of credit.

(3) If subsequent corrections or changes to the initial final plat are necessary, the Subdivision Administrator shall have 20 working days to review any revised plan.

(C) Planning Board Review

(1) The Planning Board shall review the proposed final plat and shall then make a recommendation to the Town Board.

(2) If no recommendation is made within 45 days from the date on which the Planning Board initially reviewed the plat, it shall be forwarded to the Town Board without a recommendation.

(3) In reviewing the final plat, the Planning Board can recommend:

- (a) Approval;
- (b) Approval with conditions; or
- (c) Disapproval.

(4) The recommendation of the Planning Board will be forwarded to the Town Board by the Subdivision Administrator. Any plat revisions required to the final plat must be made before action goes to the Town Board.

(D) Town Board Review

(1) The Subdivision Administrator will schedule the **final** plat to be reviewed by the Town Board at their next scheduled meeting date.

(2) The Town Board shall review the final plat with the Planning Board's recommendation (or after the expiration of the 45 days). In reviewing the final plat, the Town Board may review the progress of the improvement work, whether the development is in compliance with any agreed upon conditions, issued permits, or any development agreement. A public hearing is not required for final plat approval.

The Town Board may be approval, tentative approval with conditions, or denial of the final plat.

(3) When granted tentative approval with conditions, the developer must submit a revised plan that is in conformance with those conditions.

(4) If the Rockwell Town Board disapproves a final plat of a subdivision, the grounds for the disapproval will be stated in writing to the applicant by the Subdivision Administrator.

(5) After the disapproval, an appeal from the decision of the Town Board may be taken to the superior court as per § 151.134.
(Ord. passed 9-9-1996)

§ 151.079 PLATS ALREADY ESTABLISHED BY SURVEY.

Plats already established by survey and recorded in the Rowan County Register of Deeds prior to the effective date of this chapter will be eligible for development. However, any alternations, modifications or changes to any lot size or layout; an increase or decrease in the number of lots; street layout or access point; utility layouts; stormwater controls; road or street connections; or such of the recorded plat will cause the plat to be re-reviewed and compliance with the current standards will be required.

Construction plans must be submitted for review and approval. Permits for grading, soil & erosion control, driveway or road connections, stormwater compliance; and any development at the flood plain or stream buffers must be submitted.
(Ord. passed 9-9-1996)

§ 151.080 PLANNED UNIT DEVELOPMENTS (PUD).

The following requirements will apply for the preparation, submission, and approval of preliminary site plans for planned residential developments such as mixed lot-sizes, cluster developments, subdivisions involving one-family attached dwellings, and planned multi-family development. PUD proposals for non-residential or mixed-use developments will follow the same process.

(A) General Provisions

(1) PUDs are considered a major subdivision and a special use. They must follow those procedures and standards.

(2) PUDs must comply with the requirements within the zoning chapter 152, in particular § 152.132 and § 152.215 (Special Use) and well as the major subdivision standards.

(3) All PUDs shall follow all applicable procedures as set forth for the review and

approval in both the subdivision and zoning ordinances. The review and approval of a PUD development must be undertaken as a comprehensive designed plan and the application for a zoning change, a special use permit, and major subdivision approval are to be combined into one action. All fees must be paid.

(4) Subdivisions for nonresidential or mixed-use PUDs must conform to the provisions of this chapter and to the provisions of the applicable zoning district and ordinance requirements.

(5) A homeowner/property-owner association is required to owe and maintain all buffers, open spaces, landscape areas, recreational areas and facilitates, storm water structures, trails, greenways, mail kiosks, off-street parking areas, and such.

(B) Review Process

(1) A pre-preliminary conference will be arranged by the developer with the Subdivision Administrator prior to the official submission of any documents for a planned development. At this meeting, the developer shall submit a sketch concept plan of the planned development. The concept sketch plan should include a topographical drawing and should show in simple sketch form the proposed layout of streets, lots, buildings, and other features in relation to existing conditions.

(2) Additionally, the sketch concept plan should include the following information:

(a) Show the boundary lines of the property being proposed;

(b) Tax parcel number, the current property owner, the property's current acreage and zoning district;

(b) Indicate any water courses, streams or features on the land and any designated flood areas;

(c) The location, names, and right-of-way width of any existing streets on or within 300 feet of the land to be developed;

(d) The location of all property lines which intersect the boundaries of the property being developed. Include the tax parcel number, the current property owner, the property's current acreage and zoning district.

(e) Show the proposed layout of the interior streets, approximate height, bulk, and location of all buildings and structures, unit numbers and types, how access will be made to existing street grid.

(3) With the initial review of the sketch plan, the developer may proceed to develop a more detail concept or master plan for a PUD development for detail review and comment by the Town's Technical Review Committee (TRC) and outside agencies for presentation to the Planning Board and Town Board.

(4) Should a parallel rezoning or special use permit be required, this process should be initiated at the same time.

(C) Preliminary PUD Plan Requirements

(1) The preliminary site/master plan must be prepared in accordance with the requirements of § 151.072 and must include the following additional information:

(a) A topographical survey should be included;

(b) The use, approximate height, bulk, and location of all buildings and structures other than one-family detached and semi-detached dwellings, except that one-family detached dwellings using a zero-side yard shall be shown;

(c) All proposed land use and dwelling unit densities;

(d) In the case of plans which call for development over a period of years, a schedule showing the time within which application for final approval of all parts of the development are intended to be filed;

(e) The proposed locations, uses/types, improvements and proposed ownership and maintenance of all common open space areas, improved and unimproved open spaces, buffers, recreational areas and facilities and such are to be placed within the development;

(f) Indicate the proposed off-street parking and circulation plan showing the location and arrangement of parking spaces and any driveways for ingress and egress to and from adjacent streets and highways;

(g) Indicate any flood plain, streams, water courses, existing cemeteries, and existing structures on the site;

(h) Indicate the approximate location of proposed storm water facilities;

(i) Indicate the estimated number of vehicles trips associated with the proposed development. A professionally prepared Traffic Impact Analysis (TIA) study may be required at the discretion of the Subdivision Administrator or by the NCDOT staff;

(j) Other information/data deemed necessary by the Subdivision Administrator for review.

(2) Staff Review: PUD Plan

(a) The Subdivision Administrator will review and provide **written** comment to

the applicant on the preliminary PUD site/master plan and seek comments from Town departments and outside agencies to ensure conformance with the requirements of the Rockwell Zoning Chapter, with this chapter, and other standards and regulations such as the NCDOT, Rowan County Soil & Erosion, Rowan County Environmental Health, Salisbury Utilities, the regional office of the NCDEQ. Any revisions and changes to submitted plats will require additional review and comment.

(b) In addition to requirements within the zoning ordinance, the Subdivision Administrator will evaluate the plan in accordance with the standards listed below:

(1) The character, amount and arrangement of common open space areas must adequately serve the needs of the residents;

(2) Proposed means of dedication, ownership, and maintenance of all common areas, the restrictions of its uses, and the organization and authority of the homeowner associations as may be established for ownership and maintenance of the common area to assure the continuance of the space for its designed purpose;

(3) Site planning for the overall **PUD** development which provides protection of the development from potentially adverse surrounding influences and protection of surrounding areas from potentially adverse influences within the development;

(4) The terms and conditions proposed for development over a period of years sufficient to protect the interests of the public, the environment, and the residents of the development; and

(5) Other Subjects

a. Deviation from these requirements is justified by the high quality of design of the development.

b. If subsequent corrections or changes to the initial preliminary site plan are necessary, the Subdivision Administrator shall have 20 working days to review any revised plan(s).

c. The preliminary site plan time limits listed above do not apply to plans which contain any proposed school, park, greenway or other public facility for which reservation is required. The applicant may consent to an extension of any of the time limits.

d. A development agreement shall be required as outlined at §152.265.

(c) During this phase, construction plans and drawings that show the details of proposed streets and sidewalks designs; public utility connections, both on-site and off-site; drainage and stormwater provisions should be prepared for review. A proposed development agreement may also be drafted and reviewed.

(d) The Town employs a Technical Review Committee (TRC) to review and comment on preliminary plans, construction plans, and final plats. Initially comments are solicited by electronically, but a physical meeting may be scheduled to afford a question-and-answer session and allow the applicant's engineer and design staff to present their plans. A summary of the TRC comments will be forwarded to the applicant.

(3) Community Meeting Required

Prior to placement on the Planning Board agenda, the applicant/developer for a PUD proposal must hold a physical in-person community meeting, at a convenient time and place to residents, to discuss their proposal and site plan. An additional digital style meeting may also be held. Notice of the meeting must initially be furnished by first-class mail and additionally may be provided by electronic means or by hand delivery, to all adjacent property owners. Adjacent property owner means next to, in front, besides, behind or across any street road, railroad or stream of the subject site.

A copy of the notice sent, list of the property owners sent the notice, a list of the persons attending this meeting, and a summary of the areas of discussion and questions must be furnished to the Zoning Administrator prior to placement of the request on the agenda of the Planning Board. Revisions to the site plan and proposal may be necessary after public comments.

(4) Once the required community meeting has been held and the Subdivision Administrator has deemed the submitted preliminary plan (and any accompanying construction plans) complies with all requirements of the chapter, the Subdivision Administrator shall forward the preliminary site plan and accompanying construction plans with staff comments and comments from outside agencies as well as the Towns' Technical Review Committee (TRC) to the Planning Board for review at their next regularly scheduled meeting date. The Subdivision Administrator must receive the site plan and staff comments at least 14 days before the next regularly scheduled meeting of the Rockwell Planning Board in order to place the plan on their agenda.

(5) Planning Board Review: PUD Master Plan

(a) The Rockwell Planning Board shall have 45 consecutive days from their first meeting to review and take action on the preliminary PUD master site plan and any required, parallel rezoning and special use permit applications.

(b) Approval and Denial

(1) The Planning Board shall review the proposed preliminary PUD plan and any required, parallel rezoning and special use permit application and documents plus any accompanying construction plans and shall then make a recommendation to the Town Board.

(2) If no recommendation is made within 45 days from the date on which the Planning Board initially reviewed the site plan, it shall be forwarded to the Town Board without a recommendation.

(3) In reviewing the preliminary PUD plan, the Planning Board can recommend:

- a. Approval of the site plan;
- b. Approval of the site plan with conditions; or
- c. Disapproval of the site plan.

(4) The recommendation of the Planning Board will be forwarded to the Town Board by the Subdivision Administrator.

(6) Town Board Review: Preliminary PUD Plan

(a) The Subdivision Administrator will schedule the preliminary PUD or master plan and any required, parallel rezoning and special use permit applications and documents plus any accompanying construction plans plus any accompanying constructions plans and proposed development agreement to be reviewed by the Town Board at their next scheduled meeting date.

(b) The Town Board shall review the preliminary PUD plan any required, parallel rezoning and special use permit applications and documents plus any accompanying construction plans plus any accompanying constructions plans and proposed development agreement after the expiration of the 45 days or after receiving the Planning Board's recommendation. In reviewing the preliminary site plan, the Town Board action may be approval, tentative approval with conditions, or denial of the preliminary site plan. A public hearing is will also be scheduled for any rezoning and/or SUP approval as separate actions.

(c) Preliminary Plan Approval

1. When granted tentative approval with conditions, the developer must submit a revised site plan, construction plans or development agreement that is in conformance with those conditions.

2. If the Town Board denies any accompanying rezoning and special use permit applications, preliminary PUD plan (and construction plans and development agreement) is automatically denied as well. The grounds for the denial and disapproval will be stated in writing to the applicant and the property owner by the Subdivision Administrator. After the disapproval, an appeal from the decisions of the Rockwell Town Board may be taken to the Superior Court as per the provisions in § 151.134.

(7) Effects of Preliminary Plan Approval

(a) Upon approval of any rezoning and special use permit applications, the preliminary PUD plan (and any accompanying constructions plans and development agreement) by the Town Board, the SUP and the PUD Plan (now a site-specific plan) must be recorded with the Rowan County Register of Deeds. The developer may proceed to comply with

the other requirements of this chapter; secure any needed permits, and begin site grading and utility construction.

(b) Approved preliminary PUD plan (and any accompanying SUP) must proceed to construction stage (approval of construction plans, secure all necessary permits; and installation of utilities and streets) within 24 months of the approval date unless additional time (5-7 years) is identified at initial approval. A vested right period as authorized by NCGS 160D(d)(3) is available for a longer period for larger, multi-phased development however the time frame must be included and noted on the PUD plan and on the accompanying documents. Expiration of the time limit would require re-submittal and re-review.

(c) Development agreements, estimates, and performance guarantees for infrastructure should be drafted for review by Town staff and approval by the Town Board, either for the entire project or phases. See § 151.206 for details.

(8) Final PUD Plat Approval

(a) General Procedures

1. The final plat may include all or only a portion (phased) of the PUD subdivision as proposed and approved on the preliminary site plan. However, before any final plat of a subdivision is eligible for final approval, and before any street is accepted for maintenance by the Town of Rockwell and/or by the NC Department of Transportation (NCDOT), the streets, must have been completed by the developer in accordance with the standards and specifications of this chapter or bonded in accordance with the provisions of §§ 151.170 *et seq.* Public utilities must be accepted by the responsible agency or bonded for completion. See § 151.206 for details.
2. The final subdivision plat including any revisions to previously recorded final plats, must be developed in accordance with the specifications set forth in § 151.077. When the final plat is submitted to the Subdivision Administrator for review, it must be accompanied by an application signed by the owner and/or his or her duly authorized agent for final plat approval on an application form to be supplied by the Subdivision Administrator. The official plat for recording, together with a sufficient number of copies (including digital versions) for distribution shall be presented for review by the Subdivision Administrator along with a fee for review, set by the Town Board.
3. Recorded legal documents establishing a homeowners association or similar organization; documents showing the dedicating and restricting the common areas and buffers, documents showing the ownership and maintenance responsibilities of common area and recreation facilities, drainage easements, and stormwater structures must be submitted to the Subdivision Administration as part of the close-out of the development.
4. In reviewing the final plat, the Subdivision Administrator will review the

progress of the improvement work, whether the development is in compliance with any agreed upon conditions, issued permits, or any development agreement.

5. Notations/comments/descriptions shall be provided either on the plat as notes or in separate attached form that indicates any changes, revisions, or modifications that are different from the approved master plan. This will also apply to any revisions to a previously approved final plat.

6. As-built construction plans for the utilities and drainage structures shall be turned-over to the Town.

(b) Staff Review

(1) The Subdivision Administrator and Town staff along with any comments or requested revisions from the TRC or outside agencies shall have an initial 60 working days to review and comment on the initial final plat. Written comments are provided to the developer. Requested revisions, additions, or corrections are then re-submitted.

(2) If subsequent corrections or changes to the initial final plan are necessary, the Subdivision Administrator shall have 30 working days to review any revised plat.

(c) Planning Board Review: Final PUD Plat

(1) Once the Subdivision Administrator has deemed the submitted final plat complies with all requirements of this chapter and any conditions, the staff shall forward the final plat copies along with the staff comments to the Planning Board for review at their next scheduled meeting date.

(2) The Subdivision Administrator must receive the final plat and staff comments at least 14 days before the next regularly scheduled meeting of the Planning Board.

(3) The final plat for planned developments, shall be prepared in accordance with the requirements of § 151.077.

(a) It shall contain the following additional information:

1. Note any change, revision, or modification from the approved preliminary master/site plan and any approved SUP or site-specific plan;

2. The use, bulk, and location of all buildings and structures other than 1-family detached and semi-detached dwellings;

3. All land uses; and

4. The location, use, improvements, ownership, and manner of

maintenance of all common areas and drainage and storm water structures.

(4) The Planning Board shall review the final plat for a PUD and shall then make a recommendation to the Town Board. If no recommendation is made within 45 days from the date on which the Planning Board initially reviewed the plat, it shall be forwarded to the Town Board without a recommendation.

(a) In reviewing the plat, the Planning Board can recommend:

1. Approval of the plat;
2. Approval of the plat with conditions; or
3. Disapproval of the plat.

(5) The recommendation of the Planning Board will be forwarded to the Town Board by the Subdivision Administrator.

(d) Town Board Review: Final PUD Plat

(a) The Subdivision Administrator will schedule the final plat (or any revision to a previously approved final plat) to be reviewed by the Town Board at their next scheduled meeting date. NOTE: any major change, revisions, modification of a SUP site-specific plan or condition may trigger an additional approval of the Town Board utilizing a quasi-judicial hearing and process.

(b) The Town Board shall review the final plat as referred by the Planning Board. In reviewing the final plat, the Town Board action may be approval, tentative approval with conditions, or denial of the final plat. Generally, a public hearing is not required for a final plat approval unless there is a change to SUP plan is involved.

(c) Town Board Action

1. In reviewing the final plat, the Town Board may review the progress of the improvement work, whether the development is in compliance with any agreed upon master plan, conditions, issued permits, or any development agreement.
2. When granted tentative approval with conditions, the developer must submit a revised plat that is in conformance with those conditions.
3. If the Town Board disapproves a final plat, the grounds for the disapproval will be stated in writing to the applicant by the Subdivision Administrator.
4. After the disapproval, or appeal from the decision of the Town Board may be taken to the Superior Court as per the provisions of §151.134.

(Ord. passed 9-9-1996); amended 2020.

SUBDIVISION DEVELOPMENT STANDARDS

§ 151.100 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.

All easements, common areas and buffers, open spaces, recreational facilities and areas, mail kiosks, permanent storm water structures, planting areas, landscape buffers and such platted within a subdivision must be held by the property owner or through a homeowner/ property owners association for ownership and maintenance.

A development agreement shall be required as outlined at §152.265 (zoning ordinance) for a major subdivision including for a PUD development.

(Ord. passed 9-9-1996); Amended 2020.

§ 151.101 STREETS AND ROADS.

Streets and roads in subdivisions shall comply with the following:

(A) General Requirements

(1) All lots created within a subdivision must have direct access to a publicly street maintained either by the Town or the NCDOT.

(2) All platted streets within a subdivision must be dedicated for public use. New street or extension of existing streets must meet the standards required at §151.101(J) and be accepted into the maintenance system of the Town or NCDOT.

(3) Private roads or alleys are not permitted except within an approved planned developments or shopping centers. Then the private street or alley must be owned and maintained by the property owner or through a homeowner/property owners association.

(B) Street Names and Numbers.

(1) Street names shall not duplicate or closely approximate, phonetically, existing street names in the Town of Rockwell and the area covered by this chapter.

(2) Street names must be submitted by the developer for approval to the Rowan County

911 Coordinator.

(3) Street numbers should be assigned at preliminary plat approval. For a development within the Town limits, designated town staff will assign the number. For a development within the ETJ, Rowan County personnel will assign the numbers.

(C) *Coordination with existing and proposed streets.*

(1) Streets shall be designed in coordination with existing and proposed streets in the surrounding area providing for the continuation of appropriate streets.

(2) For a development with greater than 25 building lots, a second street access point is required.

(D) *Large lot subdivisions.* If land is to be subdivided into tracts larger than typical building lots (greater than 3 acres), streets and roads shall be graphically arranged on the preliminary plan so as to allow for future re-subdivision and opening of streets.

(E) *Cul-de-sacs.*

(1) Cul-de-sacs or other dead-end streets designed to be permanently closed shall be no longer than 800 feet, except that a variance may be granted for cul-de-sacs or dead-end streets of between 800 and 1200 feet. In any new proposed subdivision containing any street in excess of 1,200 feet, the entire subdivision shall have streets with a minimum of 26 feet in width of pavement and a right-of-way of at least 50 feet.

(2) Cul-de-sacs or other dead-end streets shall be provided at the closed end with sufficient right-of-way for vehicular circulation. Circular right-of-way at the closed end shall have a minimum radius of 90 feet and the surfaced area shall have a minimum radius of 35 feet. Temporary dead-end streets shall be provided with a turnaround radius of at least 1/2 the right-of-way of the streets.

(3) Alternatives to traditional designed circular cul-de-sac maybe proposed such a “hammer-head” type or an off-street emergency turn-in.

(F) *Parkways.* Parkways or double streets may be required to traverse a drainage way, water course or stream. The width of the right-of-way shall be adequate to accommodate the flow of stormwater.

(G) *Parallel access streets.* Parallel access streets may be required along existing or proposed arterials and major collectors to afford separation of local traffic from through traffic.

(H) *Streets of nonresidential area.* The width of right-of-way and roadway surfacing on streets adjacent to existing or proposed nonresidential property may be increased by the Subdivision Administrator up to 15 feet to ensure the free flow of traffic without interference of vehicles entering or leaving the property.

(I) *Private streets and reserve strips.* Private streets or reserve strips shall not be platted in any subdivision.

(J) *Rights-of-way.* A proposed street right-of-way shall be of sufficient width to accommodate the required cross section but in no instance shall a street right-of-way be less than the following:

Arterial Roads	60 feet
Major Roads	60 feet
Minor Roads	40 feet
Collectors	40 feet
Local Streets	40 feet

(K) *Street standards.* Subdivision streets within the corporate limits of Rockwell shall be a minimum width of 26 feet from curb back-to-back. Design and construction standards of the NC Department of Transportation (NCDOT) contained in the current Subdivision Road Manual must be followed.

For areas located in the Town’s ETJ, all subdivision streets shall conform to the requirements and minimum standards of design as set forth in the most current North Carolina Department of Transportation Subdivision Road Standards Manual as set forth from time to time and published by North Carolina Department of Transportation (NCDOT).

The base course and pavement course shall require a proof roll by the Town of Rockwell or NCDOT. Inspections and test results documents shall to be submitted.

(L) *Intersections.* The following minimum standards shall apply to street intersections:

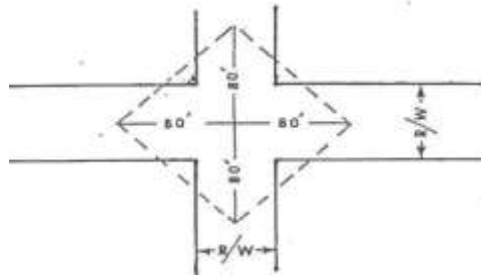
(1) *Angle intersections.* Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than a 60-degree angle.

(2) *Frequency of intersections.* Intersections, whether full or tee intersections, shall not occur at less than the distances indicated:

<i>Street type</i>	<i>Minimum distance between intersections</i>
Arterial	1,000 feet
Major Roads	800 feet
Minor Roads	400 feet
Collectors	200 feet

Local Streets	200 feet
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(3) *Right-of-way at street intersections.* Right-of-way on each corner at an intersection shall be enlarged by constructing a triangle. One point of the triangle shall be the intersection of the center lines of the 2 streets abutting the corner lot. The other points shall be a minimum distance of 80 feet distant from the first point on minor collectors and local streets and shall be located on the center lines of the 2 streets abutting the corner lot.



(M) *Topography*

- (1) All topography for streets within subdivisions shall be as shown on the preliminary plat.
- (2) The topography shall be field done for centerline of streets and shall be shown as a street profile in vertical scale.
- (3) If within town limits, it may be referenced from the town's existing sewer manholes or from the federal elevation points that are located within the town.

(N) *Street Maintenance.*

The developer shall be responsible for the repairs and up kept of the streets within subdivisions until the street construction standards are complete and the ownership of the street has been turned over to the Town or the NCDOT.
(Ord. passed 9-9-1996)

§ 151.102 BLOCKS.

(A) *Generally.* Blocks shall be laid out with due consideration to the traffic circulation pattern and the contemplated use.

(B) *Width.* Blocks shall have sufficient width to provide 2 tiers of lots of minimum size, except blocks may be 1 lot in width where reverse frontage lots are required to separate residential development from nonresidential uses.

(C) *Distance between through streets.*

Along each side of each street the distance between through streets shall fall between the minimum and maximum specified below, provided that the minimum distance specified shall not prevent access from adjoining property to a street.

<i>Street type</i>	<i>Distance</i>	
	<i>Minimum</i>	<i>Maximum</i>

		<i>Regular subdivision</i>	<i>Large lot subdivision</i>
Arterial	1,000 feet	-	-
Major Road	800feet	-	-
Minor Road	600 feet	2,000 feet	2,000 feet
Collector	200 feet	1,400 feet	1,800 feet
Local	200 feet	1,400 feet	1,800 feet

(D) *Medians.* Whenever a median is to be located within an arterial road or major road right-of-way, the following regulations shall be applicable:

(1) The pavement width shall be no less than 13 feet from the edge of the median to the outer edge of the pavement.

(2) (a) The right-of-way width shall be a minimum of 70 feet from the intersection to the end of the median.

(b) At a point 10 feet beyond the end of the median, the right-of-way width can taper to 60 feet over a minimum distance of 60 feet.

(3) Medians shall not exceed 9 feet width unless additional right-of-way is provided as may be needed.

(4) The median shall be no closer than 15 feet from the center of any 2 intersecting streets.

(5) Medians shall only be allowed when provisions have been made for persons or parties other than the town to be responsible for the medians. The responsible party shall be identified on the final plat.

(Ord. passed 9-9-1996)

§ 151.103 LOTS.

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

(B) *Frontage on a public street.* Every lot shall front or abut on a public street for a minimum width of 50 feet.

(C) *Double and reverse frontage.* Double and reverse frontage shall be avoided, except where required to separate development from through traffic on arterial and major streets or to separate residential development from nonresidential development.

(D) *Side lot lines.* Side lot lines shall be substantially at right angles or radial to street lines.

(E) *Area of lots.* All lots shall conform with the minimum standards contained in the Zoning Chapter **(152)**.
(Ord. passed 9-9-1996)

§ 151.104 BUILDING SETBACK LINES.

The building setbacks from the lot line shall be in conformance with the Zoning Chapter **(152)**.
(Ord. passed 9-9-1996)

§ 151.105 EASEMENTS.

(A) *Utility (water & sewer)*

(1) Utility easements when and where required shall be a minimum of ~~20~~10 feet in width along rear lot lines and subdivision boundaries.

(2) Where possible, these easements shall be centered on lot lines providing ~~10~~ 5 feet on each side of rear lot lines and 5 feet on each side of the side lot line.

(3) An easement of 10 feet along a subdivision boundary is sufficient if there is an easement of like or greater size on the opposite side of that boundary.

(B) Telephone, Cable and Data

Utility easements when and where required shall be a minimum of ~~20~~ 10 feet and be

located behind the curb and sidewalk.

(C) *Drainage.*

(1) Where a drainageway, watercourse or stream traverses borders of a subdivision, it shall be shown on the preliminary plan and the final plat conforming substantially with the lines of the watercourse and at a width adequate to accommodate the flow of stormwater.

(2) For presentation on preliminary plans and final plats, watercourse boundaries are to be interpreted as approximations of actual boundaries.

(3) For example, a 20-foot watercourse shall be deemed to extend approximately 10 feet on each side of the center of the water flow, unless otherwise specified.

(4) Drainage easements and structures may not be placed between individual lots where dwelling units will be located.

(D) *New and relocated watercourses.*

(1) 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.

(2) 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.

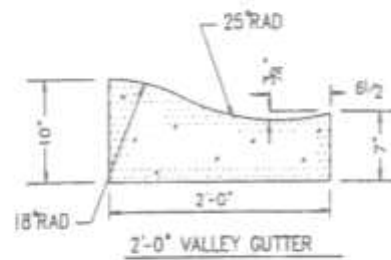
(3) Permits to work within designated flood areas, wetlands or blue-line streams and stream buffers must be secured.

(Ord. passed 9-9-1996)

§ 151.106 CURB AND GUTTER

(A) Town Limits

Valley-type roll curb and gutters must be constructed on all roads and streets within the town limits, and designed to the standards shown in detail below.



(Ord. passed 9-9-1996)

B) ETJ Area

Curb and guttering are not required in the ETJ area, however, if provided the subdivision road standards of the NCDOT must be adhered to. Drainage structure such as grass swells or road ditches are permitted.

§ 151.107 STREET LIGHTS.

(A) Town Limits

(1) Street lights are required in all new subdivisions within the town limits.

(2) The street lights shall be located at every street intersection and spaced no further than 400 feet apart. Street lights should be provided at the entrance of the development

(3) Lights shall be LED. Consideration should be given to utilizing “cool light” technology for night time glare.

(4) Street light types and design must be submitted and approved by the Public Works Director prior to installation.
(Ord. passed 9-9-1996); amended 2020

(B) ETJ Area

1) Street lights are required in all new subdivisions within the town’s ETJ area for safety reasons.

(2) The street lights shall be located at every street intersection and spaced no further than 400 feet apart. Street lights should be provided at the entrance of the development

(3) Lights shall be LED. Consideration should be given to utilizing “cool light” technology for night time glare.

(4) The street lights shall be maintained by private ownership through a homeowners association.

§ 151.108 UNDERGROUND UTILITIES.

Unless specifically waived by the Town Board due to topography, location of underground

rock, and the like, all utility lines and connections shall be constructed underground for all new subdivisions. All service lines to individual lots shall be underground and installed prior to the paving of any streets.

(Ord. passed 9-9-1996)

**§ 151.109 MINIMUM THICKNESS OF BASE COURSE AND PAVEMENT SURFACE-
STREET STANDARDS**

(A) The minimum thickness specified below are applicable at the passage of this chapter.

(B) Minimum design will be as follows:

base course	8 inches of ABC *
pavement surface	2 inches of I-2 **
* ABC - Aggregate Base Course, No. 7	
** I-2 - Bituminous Concrete Surface Course, Type I	

(C) The base course and pavement course shall require a proof roll by the Town of **or NCDOT**.

(Ord. passed 9-9-1996)

(D) The stricter requirements of the NCDOT subdivision road manual shall prevail.

§ 151.110 PERIMETER BUFFERS

All major subdivisions, except mixed-use developments in the B-2 District, shall have a minimum of 10' of undisbursed buffer along the entire perimeter of the development except on frontage at the public street/road. A 20' buffer will be required on the development perimeter where existing single-family housing is present.

§ 151.111 LOTS SUBJECT TO FLOODING.

(A) Placement of building lots in designated flood areas should be avoided.

(B) A registered engineer shall determine which lots are subject to significant flooding, which will include those lots along any significant water course, whether or not the stream is enclosed with pipes or culverts, and may also include areas where it can reasonably be expected that significant overland flow of stormwater or flooding will occur. If any part of a proposed lot is subject to flooding, the subdivider shall make a determination of the crest elevation of the flood expected to be equaled or exceeded, on the average, of 1 time in 100 years (the 100-year flood) in accordance with generally accepted engineering practice, which is to be submitted with

the seal and signature of a professional engineer to the County Engineer. This determination must reflect the actual conditions imposed by the completed subdivision, and must give due consideration to the effects of urbanization and obstructions. No proposed building lot that is wholly or partly subject to flooding shall be approved unless there is established on the final plat a line representing an actual contour as determined by field survey, at an elevation 1 foot above the 100-year flood crest. That line shall be known and identified on the final plat as the **BUILDING RESTRICTION FLOODLINE**. In addition, a **FLOOD PROTECTION ELEVATION** for each lot subject to flooding shall be noted on the lot plan as determined by the County Engineer based on the building restriction floodline, or for lots upstream of street crossings, the low elevation of the street plus 1 foot, whichever is greater. All habitable buildings or structures shall be located outside the building restriction floodline or the lowest usable and functional part of the structure shall not be below the flood protection elevation. **USABLE AND FUNCTIONAL PART OF THE STRUCTURE** shall be defined as being inclusive of living areas, basements, sunken dens, basement utility rooms, crawlspaces, attached, carports, and mechanical appurtenances such as furnaces, air conditioners, water pumps, electrical conduits and wiring, but shall not include water lines or sanitary sewer traps, piping and clean-outs; provided, openings serving the structure are above the flood protection elevation. Where only a portion of a proposed lot is subject to flooding as defined herein, the lot may be approved only if there will be available for building a usable lot area of not less than 1,200 square feet. The usable lot area shall be determined by deducting from the total lot area the area of all yards and setbacks required by the applicable zoning district regulations and any remaining area of the lot lying below the building restriction floodline. During the construction of a subdivision, the developer shall maintain the streambed of each stream, creek or backwash channel contiguous to the subdivision in an unobstructed state and shall remove from the channel and banks of the stream all debris, logs, timber, junk and other accumulations of a nature that would, in time of flood, clog or dam the passage of waters in their downstream course. Installation of appropriately sized stormwater drains, culverts, bridges or erosion control devices will not be construed as obstructions in the stream. In areas of the town or within its **ETJ** jurisdiction, which are covered by the provisions of the floodway regulations, the floodway regulations will supersede the provisions of this chapter regarding land within the regulatory floodplain.

(C) Flood damage prevention enforcement is administered by the Rowan County Planning & Development Department on behalf of the Town.

(D) Flood hazard insurance secured by the property owner may be required before any development permit is issued for structures with a designated flood plain.
(Ord. passed 9-9-1996); amended 2020

§ 151.112 STORM WATER AND EROSION CONTROL MEASURES AND OTHER SENSITIVE AREAS

(A) Rockwell is a phase II post-construction community. Permits are secured from the regional office of the NCDEQ.

(B) Soil and erosion control permits are secured from the Rowan County Environmental

Health Department.

(C) Copies of these permits must be furnished to the Town.

(D) Ownership and maintenance of permanent storm water structures are to held by property owners through a homeowner's association.

(E) Designated flood areas, blue-line streams and stream buffers and wetland areas located on the site must be noted on the preliminary and final plats. Proposed development activities within a designated flood area must comply with the Flood Damage Prevention Ordinance and State and Federal regulations.

§ 151.113 POTABLE WATER AND WASTE WATER SYSTEMS

(A) All building lots created within a subdivision must have the provision of potable water and waste water disposal. Individual lot connections (or individual private well & septic system) are required unless special situations require a different option. If public water and sewer is available to the site, this option must be used first. Special approval from the agencies involved and the Town Board must be secured for any deviation.

(B) Public water and sewer systems, where available, are coordinated with the Salisbury-Rowan Utilities (SRU) and their construction standards and extension policy apply.

(C) For private well and septic systems or a community system, the Rowan County Environmental Health Department or the State of North Carolina is the permitting agency.

(D) Notation must be placed on the preliminary plat as to whether public water & sewer is to be utilized or a well & septic system. Letters of availability or preliminary permits or engineering reports must be furnished during the review process affirming the situation.

§ 151.114 SIDEWALKS

(A) Town Limits

(1) Interior sidewalks are required on both sides of a street. They must be a minimum of 5' in width. Connection to any existing sidewalks system is required.

(2) Sidewalks must be installed along the length of the front road frontage of the development for connection to existing or future sidewalks and be minimum of 5' in width.

(3) All sidewalks must be ADA compliant.

(B) ETJ Area

Sidewalks are not required within subdivisions in the EJT. They are optional and should be

considered for connectivity and safety. Any sidewalks installed are to be privately maintained.

§ 151.115 MAIL KIOSKS

(A) Kiosks must meet the requirements of the USPS on the number of boxes required, their placement and type or style.

(B) The parking and delivery area must be paved and the area connected to any drainage structures such as curb & gutter. Area should drain well with no standing water. Sidewalks must connect the area to the street and sidewalk system.

(C) Kiosks must have a pitched or gable roof with suitable roof materials install with sufficient overhang to cover the boxes and the delivery area.

(D) A minimum of three (3) parking spaces plus an ADA handicap space must be provided with required markings and signs.

(E) Kiosk locations must be off the street right-of-way and the space owned and maintained by the property owners through a homeowner association.

(F) Outside light fixtures should be installed under the roof and at the perimeter area for safety.

§ 151.116 OPEN SPACE AND BUFFER AREAS

(A) Open space may be agricultural or natural such as greenways, flood plain, wetlands or woodlands in character. Typically, open space in residential developments is planned and developed as an integral part of the overall development. For non-residential development, open-space is usually buffers and landscaping but walking trails maybe added. The following standards and requirements are hereby established for open space, with the exemption of mixed-use developments in the B-2 district.

(B) Open space shall be provided:

(1) Subdivision with eight or more residential lots;

(2) Non-residential or mixed-use that covers 3 acres or more.

(C) Minimum open space land area requirements, both unimproved and improved areas:

(1) Single-family and duplex residential subdivision: 10% of the total site.

(2) Multi-family: the greater of 500 square feet of open space per dwelling unit or **9%** of the total site.

(3) Non-residential subdivision: 7.5% of total site area.

(D) Minimum open space area

Individual areas designated as improved open space areas shall not contain less than 500 square feet.

(E) Improved Open space

Outside of agricultural or natural open spaces designated on the plat, open space shall be planned and installed to be accessible and useable by persons living nearby.

Improved open space means cleared of underbrush and debris and contain four or more of the following improvements: landscaping, walls, fences, walks, statues, fountains, demarked ball fields, and /or playground equipment. Clearing and land disturbing activities within property buffers, stream buffers, flood plain, or wetlands is prohibited. Improved recreational facilities in these areas are discouraged and may not be undertaken without securing the required permits and approval.

Walls and fences shall be made of brick, stone, metal, vinyl, or wood fencing and not exceed 3.5' in height. Wood board or railings (no solid panel) must be utilized. Metal, vinyl and wood fencing must have posts with placement spans of not greater than 8'. Exceptions to the 3.5' height and the fencing type maybe be granted for fencing used in conjunction with ball fields, tennis courts, swimming pools, and playgrounds areas.

(F) Design and Location

Open space shall be integrated into the design of the site.

In subdivisions where less than 50% of the lots only meet the minimum lot size and width of the zoning district requirements, open space shall be located within ¼ mile of at least 90% of the building lots, as measured along the street rights -of-way.

In subdivisions where 50% or more of the lots exceed the minimum lot size and width of the zoning district requirements, open space shall be located within 1/2 mile of at least 90% of the building lots, as measured along the street rights -of-way.

Open space, should provide focal points for the neighborhood. A central square or green, for example, may comprise a majority of the required open space. There should be a hierarchy of open space within a neighborhood so that the needs of all age groups are provided. All improved open areas, structures, facilities, equipment, and bathrooms shall be ADA compliant. Natural open areas such as trails and greenways shall have ADA compliant access, equipment and facilities. Correct signage should be provided.

(G) Types of Open Space Areas

(1) Natural areas such as stream buffers, flood plain, wetlands, forest preserve where little or no clearing and disturbing is allowed.

(2) Historic designated structures or sites.

(2) Greenways and walking trails.

(3) Squares, parks, and greens integrated into the lot layout

(4) Improved recreational areas including playgrounds, play or ballfields, dog park, picnic areas, swimming pool and such are installed.

(H) Open Space Ownership and Maintenance

Open space shall be owned and maintained by one or combination of the following methods: a property or homeowner association, a fee simple ownership by a unit of local government, a private non-profit land conservancy or land trust, or established private reserve.

Landscape areas shall be maintained in good condition and the entire area shall be kept clean of debris. Failure to maintain the open space shall constitute a violation of the Town Code.

(J) Land Acceptable for Open Space Designation

The classes of land that may be utilized to meet the open space requirements:

(1) Open water, wetlands, stream and branches and their buffers, utility transmission rights-of-way, and undisturbed floodplains may account for up to 50% of the area requirement.

(2) Land used for landscape buffers, and streetscape and planting strips.

(3) Land on which a local, State or Federal designation historic structure(s) or site is located and the structure(s) and site continues to contribute to the historic designation.

(4) Land which exceeds a 16% slope may be used to provide up to 80% of the required open space if the existing slope and vegetation is so designated to remain undisturbed. Cutting and filling is prohibited in such designated areas.

(5) Land used for stormwater retention, provided such land is natural in appearance and is not separately fenced, maybe used for up to 32% of the required open space. Additionally, land uses for stormwater retention, provided such land is natural in appearance (grass, trees) and is not separately fenced, that is developed using best management practices (e.g., constructed wetlands, rain garden, grass swales, green roof, or similar features), and either exceeds the required amount of retention or treats off-site stormwater may be used up to 50% of the required open space at the discretion of the Town.

(6) Land available to residents or tenants for active or passive recreation, **including**

parks, walking trails not used to meet sidewalk requirements, playgrounds, benches, picnic tables, and similar land uses or facilities. Playgrounds and athletic fields installed shall be counted at a 2:1 ration (two acres of unimproved land=one acre playground and/or athletic field) for calculation compliance provide all improvements are installed.

(7) Land that is suitable for agriculture such (ex. pasture for animal grazing or hay or row crops), land that has environmentally sensitive areas (ex. mature trees, wetlands, large ponds/lakes, streams/creeks, or land that has a cultural or historic significance to the community.

(K) Land Not Acceptable for Open Space Designation

The classes of land that shall not be utilized to meet the open space requirements:

(1) Land that is contaminated with hazardous or toxic waste or materials as defined by state or Federal regulations, with the exception of land covered by an approved mitigation plan and deemed acceptable by the Town Board or land that is designed in an officially adopted open space, park or greenway master plan.

(2) Land occupied by streets, drives, parking areas, or structures other than recreational structures.

(3) Land with a minimum width less than 20 feet. Mixed use development in the B-2 district is exempt from the minimum width requirement.

(4) Playgrounds and athletic fields that have not been maintained to adequate standards for safe and sanitary use.

§ 151.117 FIRE HYDRANTS AND FIRE SAFETY

(A) Streets Clearance

(1) Twenty (20') of clear path of travel must be maintained.

(2) Twenty-six (26') maintained around hydrants located on roadway

(3) Cul-de-sacs must be a minimum of 90' in diameter or an alternative emergency turn around must be provided for dead-end or temporary ending streets.

(B) Fire Hydrants

(1) Where a municipal water system is accessible:

(a) Hydrants shall be placed every 500 feet within a development and a hydrant should be placed at the front and any secondary entrances to the development.

(b) Hydrant must meet the ISO standards, the Town's, and Salisbury-Rowan Utilities (SRU) specifications on type, style, fixings and construction standards.

(2) Without a municipal water system availability:

(a) Consultation with the rural fire department/district for alternate dry hydrant locations.

§ 151.118 PARKING SPACES

In addition to the zoning requirements in §152 per uses, district, and standards, the following are required:

(1) On-Site

Additional hard -surface parking spaces must be provided based on the number of bedrooms in a unit. For a dwelling unit with 4 or more bedrooms, one (1) additional space must be provided per bedroom onsite for each building lot.

(2) Off-Site

(a) Hard-surface parking spaces (off the street right of way) are required at all recreational facilities and the mail kiosk areas. The number of marked spaces is to be determined based on size of the recreational area, type, and location. Sufficient handicapped spaces are to be provided. The spaces should be marked.

(b) Overflow Parking Area- these areas are to be provided and located off the street right of way. They may be gravel.

(c) The off-site areas shall be off the street right of way; may be shared; and will be privately maintained.

IMPROVEMENT GUARANTEES

§ 151.200 INSTALLATION OF IMPROVEMENTS AS PREREQUISITES TO APPROVAL OF FINAL PLATS.

No subdivision plats shall be granted final plat approval until the required improvements have been made in accordance with the provisions of this chapter.
(Ord. passed 9-9-1996)

§ 151.201 CONSTRUCTION GUARANTEE.

Within the jurisdiction of this chapter, construction or guarantee by bond or committed funds of the following improvements shall be required prior to final plat approval:

(A) *Streets and roads: clearing, grubbing, grading, and drainage.*

(1) *Clearing.* Rights-of-way shall be cleared and grubbed in accordance with the requirements set forth in the most recent published requirements of the North Carolina Department of Transportation.

(2) *Grading and draining.* Street grading and drainage shall be completed in accordance with the approved construction plans and in accordance with the most recent published requirements of the North Carolina Department of Transportation.

(B) *Streets and roads: base and surface.*

(1) *Requirements.* 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 this chapter.

(2) *Paving of streets required.* In all subdivisions, paving of streets is required. Paving of streets shall be done in accordance with this chapter.

(3) *Stabilization.* All unsurfaced disturbed portions of street rights-of-way shall be stabilized by seeding, fertilizing, and mulching or by another equally effective method.
(Ord. passed 9-9-1996)

(C) *Sidewalks and Curb & Guttering.* Sidewalks and curbing & guttering must be installed.

(D) *Storm Water Structures. Soil & erosion ponds (BMPs) must be operational and in compliance with regulations.*

(E) *Public water & sewer lines including fire hydrants must be installed, inspected, and operational.*

§ 151.202 CLEARING OF DRAINAGE COURSES.

All debris, fallen trees, junk and other accumulations of a 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 drainageway of the subdivision site.
(Ord. passed 9-9-1996)

§ 151.203 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 completely buried, destroyed or removed from the subdivision site. In no case shall materials be buried on the construction site of a structure. (Ord. passed 9-9-1996)

§ 151.204 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*, and G.S. § 39-32.1—39-32.4, as amended. Monuments and markers shall be of the design and type described in the rules and regulations.

(Ord. passed 9-9-1996)

§ 151.205 COMMUNITY UTILITIES.

Installation of potable water and sewer facilities (including all lines (on-site and off-site), pump station, fire hydrants are required within the corporate limits of the town at the expense of the developer. Water and sewer taps on each individual lot shall be installed to the edge of the right-of-way and shall be installed at the expense of the developer. Utilities shall be located according to regulations of the Salisbury Utility Department and approved by the Town’s Public Works director.

Alternatively, for areas in the Town’s ETJ or with approval of the Town Board in areas within the corporate limits, approved potable water and waste water systems, either private or community, shall be constructed and installed to the standards and requirements of the Rowan County Environmental Department and/or by the State agency tasked with approving community wells and septic systems.

(Ord. passed 9-9-1996); amended 2020.

§ 151.206 IMPROVEMENT GUARANTEES AND DEVELOPMENT AGREEMENTS

(A) *Agreement and security required.*

(1) In lieu of requiring the completion, installation and dedication of any and all improvements (e.g., streets, sidewalks, water, sewer, street lights, and the like) prior to final plat approval, the Town of Rockwell may enter into a written development agreement per §152.265(zoning ordinance) with the subdivider whereby the subdivider shall agree to complete all required improvements. The agreement may also include the conversion (or removal) of erosion control structures to stormwater detention structures, landscape, clean-up of debris, improved open space areas and recreational facilities. The development agreement shall contain at a minimum the improvements to be covered, any phasing timeline, the anticipated final completion date, and provisions to modify or terminate the agreement.

(2) Once the development agreement is signed by both parties and the security required

herein is provided, the final plat may be approved by the Town Board, if all other requirements of this chapter are met.

(3) To secure this agreement, the subdivider shall provide as approved by the Town Board either one, or a combination of the following guarantees not exceeding 1.25% of the entire cost of the improvements secured:

(a) *Surety performance bond(s).*

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

2. The bond shall be payable to the Town of Rockwell and shall be in an amount equal to but not exceeding 1.25% times of the entire cost, as estimated by an independent registered engineer and approved by the Town Board, of installing all required improvements.

3. The duration of the bond(s) shall be until the time as the improvements are accepted by the Town Board.

4. Any expenses associated with the bond estimate shall be paid entirely by the subdivider.

5. A separate bond is required for each phasing final plat.

(b) *Cash or equivalent security.*

1. a. The subdivider shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the town or in escrow with a financial institution designated as an official depository of the town.

b. The use of any instrument other than cash shall be subject to the approval of the Town Board. The amount of deposit shall be equal to but not exceeding 1.25% times of the entire cost, as estimated by an independent registered engineer and approved by the Town Board.

c. Any expenses associated with the bond estimate shall be paid entirely by the subdivider.

2. If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with the Town Board an agreement between the financial institution and himself or herself guaranteeing the following:

a. That the escrow amount will be held in trust until released by the Town Board and may not be used or pledged by the subdivider in any other transaction during the term of the escrow; and

b. That in the case of a failure on the part of the subdivider to complete the improvements, the financial institution shall, upon notification of the town to the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately pay to the town the funds estimated to complete the improvement, up to the full balance of the escrow account, or deliver to the town any other instruments fully endorsed or otherwise made payable in full to the town. The cost of the engineers estimate shall be deducted from the escrow account.

(B) *Default.*

(1) Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or financial institution holding the escrow account, shall, if requested by the town, pay all or any portion of the bond or escrow fund to the Town of Rockwell up to the amount needed to complete the improvements based on an engineering estimate.

(2) Upon payment, the town, in its discretion, may expend the portion of the funds as it deems necessary to complete all or any portion of the required improvements.

(3) The cost of the engineering estimate may be deducted from the escrow account.

(4) The town shall return to the subdivider any funds not spent in completing the improvements.

(C) *Release of guarantee security.*

(1) The town may release a portion of any security posted as the improvements are completed upon written request of the owner/developer and as recommended by the Subdivision Administrator.

(2) Within 30 days after receiving the Subdivision Administrator's recommendation, the Town Board shall approve, modify or disapprove a request for reduction of any security held for completion of required ~~the~~ improvements.

(3) When the Town Board or other governing public agency approves the acceptance improvements, it shall release that portion of the security posted which covers the cost of the improvements, minus any cost for engineering estimates or legal fees, not paid by the subdivider within 30 days.

(4) The process to release the final security amount will include but not limited to the following submissions by the developer:

(a) Completion and acceptance of all rights-of-way, streets, drainage and stormwater structures, water & sewer systems including hydrants, required street lighting, and landscaping.

(b) Copies of all as-built plans and drawings.

(c) Copies of the approval certifications, deeds or approval letters from local and State agencies (ex. Town, NCDOT, Salisbury Utilities', NCDEQ) that all utility lines and streets have been built, inspected, and accepted for ownership and maintenance; that the rights of-way or easements have been deeded to the governing public agency for ownership and maintenances.

(d) Copies of the recorded property covenants, conditions, and restrictions and any maintenance agreements for the development.

(f) Copies of the homeowner or property owner association by-laws.

(g) Copies of the recorded deeds showing the transfer of the community areas and facilities including the storm water structures to a HOA or POA for ownership and maintenance.

(h) Other items or documents the Town staff deems necessary.

(Ord. passed 9-9-1996), amended 2020.

APPEALS

§ 151.300 APPEALS

(A) Appeal of a decision or interpretation of the Subdivision Administrator may go to the Board of Adjustment within thirty (30) days (plus 3 additional days for mailed notice) of the written response. The procedures outlined in § 152.280 (zoning) are to be used including an evidentiary public hearing and quasi-judicial hearing procedures. A majority vote is required to override a decision of Subdivision Administrator. Or the appeal may go directly to superior court per 160D-1403.

(B) Appeal of the decisions of the Planning Board, the Town Board, or the Board of Adjustment shall be subject to review of the superior court in the nature of certiorari in accordance with G.S. 160D-1402.

(C) An appeal request stays all action on review and approval of a preliminary or final plat.

VARIANCES

§ 151.400 VARIANCES

(A) Request for a variance of the requirements or standards for a subdivision must go to the

Board of Adjustments and follow the procedures outlines in § 152.280 (zoning) utilizing the required evidentiary public hearing and the quasi-judicial hearing procedures. A 4/5 majority vote is required to grant a variance.

(B) Finding of fact

Before granting a variance, the Board of Adjustments, acting in a quasi-judicial manner, must determine that the following findings of fact are met:

(1) The difficulty or hardship would result only from these regulations and from no other cause, including the actions of the owner or previous owners of the property;

(2) The difficulty or hardship is peculiar to the property in question and is not generally shared by other properties used for the same purposes;

(3) The relationship of the property to natural topography or to the nature of adjoining properties warrants relief from the standard in question;

(4) The difficulty or hardship from the application of these regulations would prevent the owner from making a reasonable use of the property. The fact that the property could be utilized more profitably with the variance than without the variance will not be considered as grounds for granting the variance; or

(5) The granting of a variance would permit the preservation of an historic site, or prevent adverse impact on a designated flood plain or stream buffer or lessen the impact of storm water run-off.

(C) Approval of a variance request requires a 4/5 affirmative vote of the Board of Adjustments.

(D) Appeals of the decisions of the Board of Adjustment must be filed within thirty (30) day (plus 3 additional days for mailed notice) to Superior Court.