

TITLE XV: LAND USAGE

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CHAPTER 150: BUILDING REGULATIONS

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GENERAL PROVISIONS

§ 150.01 SCOPE.

The provisions of this chapter and of the regulatory codes herein adopted shall apply to the following:

(A) The location, design, materials, equipment, construction, reconstruction, alteration, repair, maintenance, moving, demolition, removal, use and occupancy of every building or structure or any appurtenances connected or attached to a building or structure;

(B) The installation, erection, alteration, repair, use and maintenance of plumbing systems consisting of house sewers, building drains, waste and vent systems, hot and cold water supply systems, and all fixtures and appurtenances thereof; and

(C) The installation, erection, alteration, repair, use and maintenance of electrical systems and

appurtenances thereof.
(‘77 Code, § 9-1001)

§ 150.02 BUILDING CODE ADOPTED.

The most current edition of the North Carolina State Building Code, (Volume 1, General Construction), as adopted by the North Carolina Building Code Council and as amended, is hereby adopted by reference as fully as though set forth herein.
(‘77 Code, § 9-1002)

§ 150.03 PLUMBING CODE ADOPTED.

The most current edition of the North Carolina Plumbing Code (North Carolina State Building Code, Volume 11, Plumbing) as adopted by the North Carolina Building Code Council and as amended, is hereby adopted by reference as fully as though set forth herein.
(‘77 Code, § 9-1003)

§ 150.04 ELECTRICAL CODE ADOPTED.

The most current edition of the North Carolina Electrical Code (North Carolina State Building Code, Volume IV, Electrical), as adopted by the North Carolina Building Code Council and as amended, is hereby adopted by reference as fully as though set forth herein.
(‘77 Code, § 9-1004)

§ 150.05 AMENDMENTS.

Amendments to the regulatory codes adopted by reference herein, which are from time to time adopted and published by the agencies or organizations referred to herein, shall be effective in the town at the time the amendments are filed with the Clerk or Building Inspector as provided § 150.07.
(‘77 Code, § 9-1005)

§ 150.06 COMPLIANCE.

(A) All buildings or structures which are hereafter constructed, reconstructed, erected, altered, extended, enlarged, repaired, demolished or moved shall conform to the requirements, minimum standards, and other provisions of either the North Carolina State Building Code, General Construction, Volume I or the North Carolina State Building Code, Volume I-B, Residential, whichever is applicable, or of both if both are applicable.

(B) Every building or structure intended for human habitation, occupancy or use shall have plumbing, plumbing systems or plumbing fixtures installed, constructed, altered, extended, repaired or reconstructed in accordance with the minimum standards, requirements and other provisions of the North Carolina Plumbing Code (North Carolina State Building Code, Volume II, Plumbing).

(C) All electrical wiring, installations and appurtenances shall be erected, altered, repaired, used and maintained in accordance with the minimum standards, requirements and other provisions of the North Carolina Electrical Code (North Carolina State Building Code, Volume IV, Electrical). ('77 Code, § 9-1006)

§ 150.07 COPIES OF CODES.

An official copy of each regulatory code adopted herein, and official copies of all amendments thereto, shall be kept on file in the office of the Clerk. Copies shall be the official copies of the codes and their amendments. ('77 Code, § 9-1007) (Am. Ord. passed 5-24-99)

§ 150.08 PERMITS REQUIRED.

(A) *Permits required.*

(1) *Building permit.*

(a) No person shall commence or proceed with the construction, reconstruction, alteration, repair, removal or demolition of any building or other structure or any part thereof, without a written permit from the Surry County Inspections Department. County Board of Health approval of a septic tank is required where the sewage system cannot be connected to the town sewer.

(b) In all cases of removal or demolition of a building or structure, a good and sufficient bond may be required to be posted by the property owner or by his or her contractor at the time of application for a permit, to insure complete removal or demolition, including all rubble and debris. Failure on the part of the property owner or his or her contractor to completely demolish, remove and clear the premises, after 30 days' notice by the Surry County Inspections Department, shall be cause for forfeiture of the bond.

(2) *Plumbing permit.* No person shall commence or proceed with the installation, extension or general repair of any plumbing system without a written permit from the Surry County Inspections Department. No permit shall be required for minor repairs or replacements on the house side of a trap to an installed system of plumbing if the repairs or replacements do not disrupt the original water supply or the waste or ventilating systems.

(3) *Electrical permit.* No person shall commence or proceed with the installation, extension, alteration or general repair of any electrical wiring, devices, appliances or equipment without a written permit from the Surry County Inspections Department. No permit shall be required for minor repair work, such as the replacement of lamps or the connection of portable devices to suitable receptacles which have been permanently installed. No permit shall be required for the installation, alteration or repair of the electrical wiring, devices, appliances and equipment installed by or for an electrical public utility corporation for the use of the corporation in the generation, transmission, distribution or metering of electrical energy. ('77 Code, § 9-1021)

(B) *Application for permit.* Written application shall be made for all permits required by this chapter, and shall be made on forms provided by the Surry County Inspections Department. The application shall be made by the owner of the building or structure affected or by his or her authorized agent or representative, and, in addition to other information as may be required by the Surry County Inspections Department to enable him or her to determine whether the permit applied for should be issued. ('77 Code, § 9-1022)

(C) *Issuance of permit.* When proper application for a permit has been made, and the Surry County Inspections Department is satisfied that the application and the proposed work comply with the provisions of this chapter and the appropriate regulatory codes, he or she shall issue a permit, upon payment of the proper fee or fees as hereinafter provided in division (H). ('77 Code, § 9-1023)

(D) *Revocation of permits.* The Town Manager may revoke and require the return of any permit by notifying the permit holder in writing stating the reason for the revocation. Permits shall be revoked for any material departure from the approved application, plans or specifications, for refusal or failure to comply with proper orders of the Surry County Inspections Department; for refusal or failure to comply with requirements of this chapter and the appropriate regulatory codes; or for false statements or misrepresentations made in securing the permit. ('77 Code, § 9-1024)

(E) *Time limitations on validity of permits.* All permits issued under this chapter shall be subject to the time limit standards set forth by the Surry County Inspections Department. No work authorized by any permit which has expired shall thereafter be performed until a new permit therefor has been secured. ('77 Code, § 9-1025)

(F) *Changes in work.* After a permit has been issued, changes or deviations from the terms of the application and permit, or changes or deviations from the plans or specifications involving any work under the jurisdiction of this chapter or of any regulatory code adopted herein, shall not be made until specific written approval of changes or deviations have been obtained from the Surry County Inspections Department. ('77 Code, § 9-1026)

(G) *Zoning permit required.* A zoning permit shall be obtained from the Town Manager prior to receiving a building permit from Surry County.

(H) *Fees.* Permit fees will be determined by the Board of Commissioners and filed with the Town Clerk. (Am. Ord. passed 5-24-99)

DANGEROUS BUILDINGS

§ 150.20 MAINTENANCE PROHIBITED.

Pursuant to the provisions and procedures as prescribed by G.S. § 160A-441, it shall be unlawful to maintain or permit the existence of any dangerous building in the town. It shall be unlawful for the owner, occupant or person having custody of any dangerous building to permit the same to remain in a dangerous condition, or to occupy the building or permit it to be occupied while it is or remains in a dangerous condition. ('77 Code, § 9-2001) (Ord. 7, passed 1-24-77)

§ 150.21 DEFINITION.

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

DANGEROUS BUILDINGS.

(1) Any building, shed, fence or other manmade structure which is dangerous to the public health because of its condition, and which may cause or aid in the spread of disease, or injury to the health of the occupants of it or neighboring structures;

(2) Any building, shed, fence or other manmade structure which because of faulty construction, age, lack of proper repair or any other cause, is especially liable to fire and constitutes or creates a fire hazard;

(3) Any building, shed, fence or other manmade structure, which by reason of faulty construction or any other cause, is liable to cause injury or damage by collapsing or by a collapse or fall of any part of the structure;

(4) Any building, shed, fence or other manmade structure, which because of its condition or because of lack of doors or windows is available to and frequented by malefactors or disorderly persons who are not lawful occupants of the structure.

('77 Code, § 9-2002) (Ord. 7, passed 1-24-77)

§ 150.22 NOTICE PROCEDURE.

(A) Whenever the Building Inspector, the Fire Marshal or the health officer shall be of the opinion that any building or structure in the town is a dangerous building, he or she shall file a written statement to this effect with the Clerk. The Clerk shall thereupon cause written notice to be served upon the owner thereof, and upon the occupant thereof, if any, by registered mail or by personal service. The notice shall state that the building has been declared to be in a dangerous condition, and that the dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it; and that the condition must be remedied at once. The notice may be in the following terms:

“To _____ (owner-occupant) of the premises known and described as
(You are hereby notified that _____ (describe building) on the premises abovementioned has been condemned as a nuisance and a dangerous building after inspection by _____. The causes for this decision are _____ (here insert the facts as to the dangerous condition). You must remedy this condition or demolish the building immediately, or the town will proceed to do so.”

(B) If the person receiving the complied therewith or taken a notice has not appeal from the determination of the officer or employee finding that a dangerous building exists, within ten days from the time when this notice is served upon the person by personal service or registered mail, the Building Inspector, may upon orders of the Town Manager, proceed to remedy the condition or demolish the dangerous building and charge the owner for the cost thereof.

('77 Code, § 9-2003) (Ord. 7, passed 1-24-77)

ADMINISTRATION AND ENFORCEMENT

§ 150.35 INSPECTIONS DEPARTMENT; DUTIES.

(A) It shall be the duty of the Town Manager to enforce all of the provisions of this chapter and of the regulatory codes adopted herein.
(‘77 Code, § 9-1011)

(B) The Town Manager shall keep complete, permanent, and accurate records in convenient form of all applications received, permits issued, Zoning inspections and reinspections made, and all other work and activities of the Inspection Department. Periodic reports shall be submitted to the Board of Commissioners, as required. (‘77 Code, § 9-1012)
(Am. Ord. passed 5-24-99)

§ 150.35 INSPECTION PROCEDURE.

(A) The Surry County Inspections Department shall inspect all buildings and structures and work therein for which a permit of any kind has been issued as often as necessary in order to determine whether the work complies with this chapter and the appropriate codes.

(B) All holders of permits, or their agents, shall notify the Town Manager at each of the following stages of construction so that approval may be given before work is continued.
(‘77 Code, § 9-1013) (Am. Ord. passed 5-24-99)

§ 150.36 OVERSIGHT NOT TO LEGALIZE VIOLATION.

No oversight or dereliction of duty on the part of the Town Manager or other official or employee of the town shall be deemed to legalize the violation of any provision of this chapter or any provision of any regulatory code herein adopted.
(‘77 Code, § 9-1014)

CHAPTER 151: MINIMUM HOUSING STANDARDS

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GENERAL PROVISIONS

151.01 FINDING; PURPOSE.

(A) Pursuant to G.S. § 160A-441, it is hereby declared that there exist in the town dwellings which are unfit for human habitation due to dilapidation; defects increasing the hazards of fire, accidents and other calamities; lack of ventilation, light and sanitary facilities; and other conditions rendering such dwellings unsafe or unsanitary, dangerous and detrimental to the health, safety and morals, and otherwise inimical to the welfare of the residents of the town.

(B) In order to protect the health, safety and welfare of the residents of the town as authorized by G.S. §§ 160A-441 through 160A-450, it is the purpose of this chapter to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by G.S. § 160A-444.

(Ord. 121, passed 9-23-85)

§ 151.02 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning. Whenever the words “dwelling,” “dwelling unit,” “rooming house,” “rooming unit,” or “premises” are used in this chapter they shall be construed as though followed by the words “or part thereof.”

BASEMENT. A portion of a dwelling which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.

CELLAR. A portion of a dwelling which is located partly or wholly underground having an inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.

DETERIORATED. A dwelling is unfit for human habitation and can be repaired, altered or improved to comply with all of the minimum standards established by this chapter at a cost not in excess of 50% of its value, as determined by finding of the Inspector.

DILAPIDATED. A dwelling is unfit for human habitation and cannot be repaired, altered or improved to comply with all of the minimum standards established by this chapter except at a cost in excess of 50% of its value, as determined by finding of the Inspector.

DWELLING. Any building, structure, or part thereof which is wholly or partly used or intended to be used for living, sleeping or habitation by human occupants, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. Temporary housing, as hereinafter defined, shall not be regarded as a dwelling. The term shall include within its meaning the terms rooming house and rooming unit, as hereinafter defined.

DWELLING UNIT. Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

EXTERMINATION. The control and elimination of insects, rodents or other pests by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, or trapping; or by any other recognized and legal pest elimination methods approved by the Inspector.

GARBAGE. The organic waste resulting from the handling, preparation, cooking and consumption of food.

HABITABLE ROOM. A room or enclosed floor space used or to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, heater rooms, foyers, or communicating corridors, closets and storage spaces.

INFESTATION. The presence, within or around a dwelling, of any insects, rodents or other pests in such number as to constitute a menace to the health, safety or welfare of the occupants or the public.

INSPECTOR. The Surry County Building Inspector or any authorized agent of the Inspector.

MULTIPLE DWELLING. Any dwelling containing more than two dwelling units.

OCCUPANT. Any person over one year of age, living, sleeping, cooking or eating in, or having actual possession of a dwelling, dwelling unit or rooming unit.

OPERATOR. Any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

OWNER. Any person who alone, jointly, or severally with others:

(1) Shall have title to any dwelling, dwelling unit or rooming unit, with or without accompanying actual possession thereof; or

(2) Shall be a mortgagee of record for any dwelling, dwelling unit or rooming unit; or

(3) Shall have charge, care or control of any dwelling, dwelling unit or rooming unit, as owner or agent of the actual owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the actual owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

PARTY OR PARTIES IN INTEREST. All persons who have interests of record in a dwelling, dwelling unit or rooming unit and any persons who are in possession thereof.

PLUMBING. All of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinders), sewage disposal pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

PUBLIC AUTHORITY. The Town of Pilot Mountain Housing Authority or any officer who is in charge of any department or branch of the government of the Town of Pilot Mountain or of Surry County or the State of North Carolina relating to health, fire, building regulations or other activities concerning dwellings in the Town of Pilot Mountain.

ROOMING HOUSE. Any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, or brother of the owner or operator.

ROOMING UNIT. Any room, or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

RUBBISH. Organic or non-organic waste materials. The term shall include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass and dust including car parts, refrigerators, freezers, junk cars, etc.

SUPPLIED. Paid for, furnished, or provided by, or under the control of, the owner or operator.

TEMPORARY HOUSING. Any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.

UNFIT FOR HUMAN HABITATION. Conditions exist in a dwelling, dwelling unit, rooming house or rooming unit which violate or do not comply with one or more of the minimum standards of fitness or one or more of the requirements established by this chapter.

(Ord. 121, passed 9-23-85)

§ 151.03 RESPONSIBILITIES OF OWNERS AND OCCUPANTS.

(A) *Public areas.* Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

(B) *Cleanliness.* Every occupant of a dwelling or dwelling unit shall keep in clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies and controls.

(C) *Rubbish and garbage.* Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish and garbage in a clean and sanitary manner by placing it in the supplied storage facilities. In all cases, the owner shall be responsible for the availability of rubbish and garbage storage facilities.

(D) *Supplied plumbing fixtures.* Every occupant of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation of same.

(E) *Care of facilities, equipment and structure.* No occupant shall willfully destroy, deface, or injure any of the facilities or equipment, or any part of the structure of a dwelling or dwelling unit.

(Ord. 121, passed 9-23-85)

Editor's note:

The respective responsibilities of landlords and tenants under rental agreements for dwelling units are further enumerated in state law, G.S. Chapter 42, Article 5

MINIMUM STANDARDS

§ 151.15 MINIMUM STANDARDS OF FITNESS FOR DWELLINGS AND DWELLING UNITS.

Every dwelling and dwelling unit used as a human habitation, or held out for use as a human habitation, shall comply with all of the minimum standards of fitness for human habitation and all of the requirements of §§ 151.16 through 151.21 of this chapter.

(Ord. 121, passed 9-23-85)

§ 151.16 MINIMUM STANDARDS FOR STRUCTURAL CONDITION.

The following standards shall constitute the minimum standards for structural condition of a dwelling or dwelling unit:

(A) Walls or partitions or supporting members, sills, joists, rafters or other structural members shall not list, lean or buckle, and shall not be rotted, deteriorated, or damaged, and shall not have holes or cracks which might admit rodents.

(B) Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.

(C) Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or damaged.

(D) Steps, stairs, landings, porches, or other parts or appurtenances shall be in such condition that they will not fall or collapse.

(E) Adequate facilities for egress in case of fire or panic shall be provided.

(F) Interior walls and ceilings of all rooms, closets and hallways shall be finished of suitable materials, which will, by use of reasonable household methods promote sanitation and cleanliness, and shall be maintained in such a manner so as to enable the occupants to maintain privacy between various spaces.

(G) The roof, flashes, exterior walls, basement walls, floors, and all doors and windows exposed to the weather shall be constructed and so as to be weather and watertight.

(H) There shall be no chimneys or parts thereof which are defective, deteriorated or in danger of falling, or in such condition or location as to constitute a fire hazard.

(I) There shall be no use of the ground for floors, or wood floors on the ground.
(Ord. 121, passed 9-23-85)

§ 151.17 MINIMUM STANDARDS FOR BASIC PLUMBING, HEATING AND ELECTRICAL EQUIPMENT AND FACILITIES.

(A) Plumbing system.

(1) Each dwelling unit shall be connected to a potable water supply and to a public sewer or other approved sewage disposal system.

(2) Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, water closet, and adequate supply of both cold water and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply.

(3) All plumbing fixtures shall meet the standards of the state plumbing code and shall be maintained in a state of good repair and in good working order.

(4) All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet and tub or shower shall be located in a room or rooms affording privacy to the user.

(B) Heating system. Every dwelling and dwelling unit shall have facilities for providing heat in accordance with the following:

(1) *Central and electric heating systems.* Every central, solar or electric heating system shall be of sufficient capacity to heat all habitable rooms, bathroom and water closet compartments in every dwelling unit to which it is connected with a minimum temperature of 70° F. measured at a point three feet above the floor during ordinary winter conditions.

(2) *Other heating facilities.* Where a central, solar, or electric heating system is not provided, each dwelling and dwelling unit shall be provided with sufficient fireplaces, chimneys, flues, gas vents or other facilities to which heating appliances may be connected to heat all habitable rooms with a minimum temperature of 70° F. measured three feet above the floor during ordinary winter conditions.

(C) *Electrical system.*

(1) Every dwelling or dwelling unit shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least two floor or wall-type electric convenience receptacles, connected in such manner as determined by the state electrical code. There shall be installed in every bathroom, water closet room, laundry room, and furnace room at least one supplied ceiling or wall-type electric light fixture. In the event wall or ceiling light fixtures are not provided in any habitable room, then each such habitable room shall contain at least three floor or wall-type electric convenience receptacles.

(2) Every public hall and stairway in every multiple dwelling shall be adequately lighted by electric lights at all times when natural daylight is not sufficient.

(3) All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used, and installed in accordance with the state electrical code.
(Ord. 121, passed 9-23-85)

§ 151.18 MINIMUM STANDARDS FOR VENTILATION.

(A) *General.* Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be 10% of the floor area of such room. Whenever walls or other portions of structures face a window or any room and such light-obstructing structures are located less than five feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least 15% of the total floor area of such room.

(B) *Habitable rooms.* Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total operable window area in every habitable room shall be equal to at least 45% of the minimum window area size or minimum skylight type window size as required, or shall have other approved, equivalent ventilation.

(C) *Bathroom and water closet rooms.* Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms and water closet rooms equipped with an approved ventilation system.
(Ord. 121, passed 9-23-85)

§ 151.19 MINIMUM STANDARDS FOR SPACE, USE AND LOCATION.

(A) *Room sizes.* Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the state residential building code.

(1) Every dwelling unit shall contain at least 150 square feet of habitable floor area for the first occupants, at least 100 square feet of additional habitable area for each of the next three occupants, and at least

75 square feet of additional habitable floor-area for each additional occupant.

(2) In every dwelling unit and in every rooming unit, every room, occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping.

(B) *Ceiling height.* At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven feet and six inches.

(C) *Floor area calculation.* Floor area shall be calculated on the basis of habitable room area. However, closet area and wall area within the dwelling unit may count for not more than 10% of the required habitable floor area. The floor area of any part of any room where the ceiling height is less than four and one-half feet shall not be considered as part of the floor area for the purpose of determining maximum permissible occupancy.

(D) *Cellar.* No cellar shall be used for living purposes.

(E) *Basements.* No basement shall be used for living purposes unless:

(1) The floor and walls are substantially watertight;
(2) The total window area, total operable window area and ceiling height are equal to those required for habitable rooms;

(3) The required minimum window area of every habitable room is entirely above the grade adjoining such window area, except where the window or windows face a stairwell, window well or accessory.
(Ord. 121, passed 9-23-85)

§ 151.20 MINIMUM STANDARDS FOR SAFE AND SANITARY MAINTENANCE.

(A) *Exterior foundation, walls and roofs.* Every foundation wall, exterior wall and exterior roof shall be substantially watertight and rodent proof; shall be kept in sound condition and good repair; shall be capable of affording privacy; and shall be safe to use and capable of supporting the load which normal use would cause to be placed thereon. Every exterior wall shall be protected with paint or other protective covering to prevent the entrance or penetration of moisture or the weather purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over and at least 35 square feet of floor area for each occupant under 12 years of age.

(B) *Interior floors, walls and ceilings.* Every floor, interior wall and ceiling shall be substantially rodent proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use would cause to be placed thereon.

(C) *Windows and doors.* Every window exterior door, basement or cellar door hatchway shall be substantially watertight, watertight and rodent proof and shall be kept in sound working condition and good repair.

(D) *Stairs, porches and appurtenances.* Every outside and inside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use would cause to be placed thereon and shall be kept in sound condition and good repair.

(E) *Bathroom floors.* Every bathroom floor surface and water closet compartment floor surface shall be constructed and maintained so that it will be reasonably impervious to water and will permit such floor to be easily kept in a clean and sanitary condition.

(F) *Supplied facilities.* Every supplied facility, piece of equipment or utility which is required under this chapter shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.

(G) *Drainage.* Every yard shall be properly graded in order to obtain thorough drainage and to prevent the accumulation of stagnant water.

(H) *Noxious weeds.* Every yard and all exterior property areas shall be kept free of species of weeds or plant growth which are noxious or detrimental to health.

(I) *Egress.* Every dwelling unit shall be provided with adequate means of egress as required by the state residential building code.
(Ord. 121, passed 9-23-85)

151.21 MINIMUM STANDARDS FOR CONTROL OF INSECTS, RODENTS AND INFESTATIONS.

(A) *Screens.* In every dwelling unit, when apparent to the Building Inspector, when danger of mosquitoes, flies and other insects, every door opening directly from a dwelling unit to outdoor space shall be equipped with screens and a self-closing device. Every window or other device with openings to outdoor spaces used or intended to be used for ventilation, shall likewise be equipped with screens.

(B) *Rodent control.* When danger of rodent infestation is present, every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be equipped with screens or such other approved device as will effectively prevent their entrance.

(C) *Infestation.* Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent proof or reasonable insect proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two or more dwelling units extermination shall be the responsibility of the owner.

(D) *Rubbish storage and disposal.* Every dwelling and every dwelling unit shall be supplied with approved containers and covers for storage of rubbish as required by town ordinances, and the owner, operator or agent in control of such dwelling or dwelling unit shall be responsible for the removal of rubbish.

(E) *Garbage storage and disposal.* Every dwelling and every dwelling unit shall be supplied with an approved garbage disposal facility, which may be an adequate mechanical garbage disposal unit (mechanical sink grinder) in each dwelling unit, or an approved outside garbage can as required by town ordinances.
(Ord. 121, passed 9-23-85)

151.22 MINIMUM STANDARDS APPLICABLE TO ROOMING HOUSES; EXCEPTIONS.

All of the provisions of this chapter and all of the minimum standards and requirements of this chapter, shall

be applicable to rooming houses, and to every person who operates a rooming house, or who occupies or lets to another for occupancy any rooming unit in any rooming house, except as provided in the following paragraphs:

(A) *Water closet, hand lavatory and bath facilities.* At least one water closet, lavatory basin and bathtub or shower, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each four rooms within a rooming house wherever these facilities are shared. All such facilities shall be located within the residence building served and shall be directly accessible from a common hall or passageway and shall be not more than one story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar.

(B) *Minimum floor area for sleeping purposes.* Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area and every room, occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over and at least 35 square feet of floor area for each occupant under 12 years of age.

(C) *Sanitary conditions.* The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for the sanitary maintenance of every other part of the rooming house. He shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.

(D) *Sanitary facilities.* Every water closet, flush urinal, lavatory basin and bathtub or shower required by division (A) of this section shall be located within the rooming house and within a room or rooms which afford privacy, are separate from the habitable rooms, are accessible from a common hall, and are accessible without going outside the rooming house or through any other room therein.

(Ord. 121, passed 9-23-85)

ADMINISTRATION AND ENFORCEMENT

§ 151.35 POWERS AND DUTIES OF BUILDING INSPECTOR.

The Building Inspector is hereby designated as the officer to enforce the provisions of this chapter and to exercise the duties and powers herein prescribed. The Building Inspector is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this chapter. The Building Inspector shall have the following powers and duties:

(A) To investigate the dwelling conditions and to inspect dwellings and dwelling units located in the town, in order to determine which dwellings and dwelling units are unfit for human habitation, and for the purpose of carrying out the objectives of this chapter with respect to the repairs, closing or demolition of such dwellings and dwelling units;

(B) To take such action together with other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation of housing which is deteriorated;

(C) To keep a record of the results of inspections made under this chapter and an inventory of those dwellings that do not meet the minimum standards of fitness herein prescribed;

(D) To administer oaths and affirmations, examine witnesses and receive evidence;

(E) To enter upon premises for the purpose of making examinations and inspections; provided, such entries shall be made in accordance with § 151.36 of this chapter and state law, and shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

(F) To appoint and fix the duties of such officers, agents, and employees as he deems necessary to assist in carrying out the purposes of this chapter and to delegate any of his functions and powers to such officers, agents and employees; and

(G) To perform such other duties as may be prescribed herein or by the Board of Commissioners.
(Ord. 121, passed 9-23-85)

§ 151.36 INSPECTIONS; DUTY OF OWNERS AND OCCUPANTS.

(A) For the purpose of making inspections, the Inspector is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming houses, rooming units and the premises associated therewith. The owner or occupant of every dwelling, dwelling unit, rooming house or rooming unit or the person in charge thereof shall give the Inspector free access to such dwelling and its premises at all reasonable times for the purposes of such inspection, examination and survey.

(B) Every occupant of a dwelling, dwelling unit, rooming house or rooming unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit and its premises at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful order issued pursuant to the provisions of this chapter.
(Ord. 121, passed 9-23-85)

Editor's note:

When permission to inspect a dwelling or its premises is denied, the Building Inspector must obtain a warrant to inspect. G.S. § 15-27.2 provides for the issuance of warrants for the conduct of inspections authorized by law. The N. C. Court of Appeals, in In Re Dwelling, 24 N.C. App. 17 (1974), has held that the consent of the tenant-occupant who was in actual possession and control of the premises was sufficient to authorize an inspection without a warrant, notwithstanding the fact that the owner had objected to the warrantless search. When faced with a situation where permission to inspect is denied, building inspectors are advised to seek the advice of the town attorney.

§ 151.37 PROCEDURE FOR ENFORCEMENT.

(A) *Preliminary investigation; notice; hearing.* Whenever a petition is filed with the Inspector by a public authority or by at least five residents of the town charging that any dwelling unit is unfit for human habitation, or whenever it appears to the Inspector, upon inspection that any dwelling or dwelling unit is unfit for human habitation he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling or dwelling unit a complaint stating the charges and containing a notice that a hearing will be held before the Inspector at a place therein fixed, not less than ten nor more than 30 days after the serving of the complaint. The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Notice of such hearing shall also be given to at least one of the persons signing a petition relating to such dwelling. Any person desiring to do so may attend such hearing and give evidence relevant in courts of law or equity shall not be controlling in hearings before the Inspector.

(B) *Procedure after hearing.* After such notice and hearing, the Inspector shall state in writing his determination whether the dwelling or dwelling unit is unfit for human habitation, and, if so, whether it is deteriorated or dilapidated.

(1) If the Inspector determines that the dwelling or dwelling unit is deteriorated, he shall state in writing his findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to repair, alter or improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter within a specified period of time, not to exceed 90 days. Such order may also direct and require the owner to vacate and close such dwelling or dwelling unit until such repairs, alterations, and improvements have been made.

(2) If the Inspector determines that the dwelling is dilapidated, he shall state in writing his findings of fact to support such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner either to repair, alter or improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter, or else to vacate and remove or demolish the same within a specified period of time not to exceed 90 days.

(C) *Failure to comply with order.*

(1) *In personam remedy.* If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the Inspector to repair, alter, or improve or to vacate and close the same within the time specified therein, or if the owner of a dilapidated dwelling or dwelling unit shall fail to comply with an order of the Inspector to repair, alter or improve or to vacate and close and remove or demolish the same within the time specified therein, the Inspector shall submit to the Board of Commissioners at its next regular meeting a resolution directing the Town Attorney to petition the superior court for an order directing such owner to comply with the order of the Inspector, as authorized by G.S. § 160A-446(g).

(2) *In rem remedy.* After failure of an owner of a deteriorated or dilapidated dwelling or dwelling unit to comply with an order of the Inspector within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in the preceding division (1), the Inspector shall submit to the Board of Commissioners an ordinance ordering the Inspector to cause such dwelling or dwelling unit to be repaired, altered, improved, vacated, closed, removed or demolished, as provided in the original order of the Inspector, and pending removal or demolition, to place a placard on such dwelling as provided by G.S. § 160A-443 and

§ 151.39 of this chapter.

(D) *Appeals from orders of Inspector.*

(1) An appeal from any decision or order of the Inspector may be taken by any person aggrieved thereby. Any appeal from the Inspector shall be taken within ten days from the rendering of the decision or service of the order, and shall be taken by filing with the Inspector and with the (Housing Appeals Board) (Zoning Board of Adjustment) a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the Inspector refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. When an appeal is from a decision of the Inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board, unless the Inspector certifies to the Board, after the notice of appeal is filed with him, that by reason of the facts stated in the certificate (a copy of which shall be furnished the appellant), a suspension of his requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except for due cause shown, upon not less than one day's written notice to the Inspector, by the Board, or by a court of record upon petition made pursuant to G. S. § 160A-446(f) and division (E) of this section.

(2) The Board shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to that end it shall have all the powers of the Inspector, but the concurring vote of four members of the Board shall be necessary to reverse or modify any decision or order of the Inspector. The Board shall have power also in passing on appeals, in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

(3) Every decision of the Board shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the Board, but not otherwise.

(E) *Petition to Superior Court by owner.* Any person aggrieved by an order issued by the Inspector or a decision rendered by the Board shall have the right, within 30 days after issuance of the order or rendering of the decision, to petition the superior court for a temporary injunction restraining the Inspector pending a final disposition of the cause, as provided by G.S. § 160A-446(f).
(Ord. 121, passed 9-23-85)

§ 151.38 METHODS OF SERVICE OF COMPLAINTS AND ORDERS.

Complaints or orders issued by the Inspector shall be served upon persons either personally or by registered or certified mail. If the whereabouts of such persons are unknown and the same cannot be ascertained by the Inspector in the exercise of reasonable diligence, the Inspector shall make an affidavit to that effect, and the serving of such complaint or order upon such person may be made by publishing the same at least once no later than the time at which personal service would be required under the provisions of this chapter in a newspaper having general circulation in the Town of Pilot Mountain. Where service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected by the complaint or order.
(Ord. 121, passed 9-23-85)

§ 151.39 IN REM ACTION BY INSPECTOR; PLACARDING.

(A) After failure of an owner of a dwelling or dwelling unit to comply with an order of the Inspector issued pursuant to the provisions of this chapter, and upon adoption by the Board of Commissioners of an ordinance authorizing and directing him to do so, as provided by G.S. § 160A-443(5) and § 151.37(C) of this chapter, the Inspector shall proceed to cause such dwelling or dwelling unit to be repaired, altered or improved to comply with the minimum standards of fitness established by this chapter, or to be vacated and closed and removed or demolished, as directed by the ordinance of the Board of Commissioners, and shall cause to be posted on the main entrance of such dwelling or dwelling unit a placard with the following words: "this building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a misdemeanor.

(B) Each ordinance shall be recorded in the office of the Register of Deeds in the county wherein the property is located, and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. § 160A-443(5).

(Ord. 121, passed 9-23-85)

§ 151.40 COSTS A LIEN ON PREMISES.

As provided by G.S. § 160A-443(6), the cost of any repairs, alterations, or improvements, or of vacating and closing, or removal or demolition, caused to be made or done by the Inspector pursuant to § 151.39 of this chapter shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, having priority, and be collected in the same manner as the lien for special assessments established by G.S. §§ 160A-216 through 160A-238.

(Ord. 121, passed 9-23-85)

§ 151.41 ALTERNATIVE REMEDIES.

Neither this chapter nor any of its provisions shall be construed to impair or limit in any way the power of the town to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this chapter by criminal process as authorized by G.S. § 14-4 and § 151.99 of this chapter, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

(Ord. 121, passed 9-23-85)

§ 151.42 ZONING BOARD OF ADJUSTMENT TO HEAR APPEALS.

(A) All appeals which may be taken from decisions or orders of the Inspector pursuant to § 151.37(D) of this chapter shall be heard and determined by the Zoning Board of Adjustment. As the appeals body, the Board shall have the power to fix the times and places of its meetings, to adopt necessary rules of procedure and any other rules and regulations which may be necessary for the proper discharge of its duties. The Board shall perform the duties prescribed by § 151.37(D) and shall keep an accurate journal of all its proceedings.

(B) If the Zoning Board of Adjustment consists of more than five members, the chairperson shall designate five members to hear appeals under this chapter.

(Ord. 121, passed 9-23-85)

§ 151.43 CONFLICTS WITH OTHER PROVISIONS.

In the event any provision, standard, or requirement of this chapter is found to be in conflict with any provision of any other ordinance or code of the town, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the town shall prevail.

(Ord. 121, passed 9-23-85)

§ 151.44 VIOLATIONS.

(A) It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect, or refuse to repair, alter, or improve the same, or fail to vacate and close and remove or demolish the same, upon order of the Inspector duly made and served as herein provided, within the time specified in such order. Each day that any such failure, neglect, or refusal to comply with such order continues shall constitute a separate and distinct offense.

(B) It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to § 151.37 of this chapter, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing. Each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.

(C) In addition to the penalty established by § 151.99 and the remedies provided by other provisions of this chapter, this chapter may be enforced by an appropriate equitable remedy issued by a court of competent jurisdiction.

(Ord. 121, passed 9-23-85)

§ 151.99 PENALTY.

The violation of any provision of this chapter shall constitute a misdemeanor, as provided in G.S. § 14-4.

(Ord. 121, passed 9-23-85)

CHAPTER 152. SUBDIVISIONS

CHAPTER 152: SUBDIVISIONS

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CHAPTER 152. SUBDIVISIONS

ARTICLE 1. GENERAL PROVISIONS

§ 152.01 TITLE.

This chapter shall be known and may be cited as the Subdivision Regulations of the Town of Pilot Mountain, North Carolina.

§ 152.02 AUTHORITY AND JURISDICTION.

- (A) The Board of Commissioners to the authority conferred by an act of the General Assembly of the state (General Statutes, Chapter 160A, Article 19, Section 371 through 376), does hereby ordain and enact into law the following.
- (B) These regulations shall govern all subdivision of land, excepting those platted and recorded prior to the effective date of this chapter, within the corporate limits and extraterritorial jurisdiction of the Town of Pilot Mountain, North Carolina, as now or hereafter established.

§ 152.03 PURPOSE.

The purpose of these regulations is to establish procedures and standards for guiding and regulating the subdivision of real estate within the corporate limits and extraterritorial jurisdiction of the town in order to preserve the public health, safety and welfare. The regulations included herein are designed:

- (A) To assure the proper installation of streets and the coordination of streets within subdivisions with existing roads and other public facilities;
- (B) To secure an orderly planned street system which shall avoid traffic congestion, sharp curves and hazardous intersections;
- (C) To secure from fire and flood damage;
- (D) To provide for adequate water and sewerage systems and other utilities;
- (E) To provide space for recreation and school sites;
- (F) To avoid the overcrowding of land and extreme concentration of population;
- (G) To facilitate an orderly system for the design, layout and appropriate use of the land;
- (H) To insure the proper legal description, identification, monumentation and recordation of subdivided land; and
- (I) To provide for the re-subdivision of large land parcels.

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§ 152.04 INTERPRETATIONS AND DEFINITIONS.

- (A) Word *interpretation*. Certain words or terms used herein shall be interpreted as follows.

BUILDING. Includes the word “structure.”

CHAPTER and **REGULATIONS.** The Subdivision Regulations for Pilot Mountain, North Carolina.

HEALTH DEPARTMENT. The Surry County Health Department.

LOT. Includes the words “plot,” “parcel,” “tract” and “site.”

MAY. Is permissive.

PLANNING BOARD. The Planning and Zoning Board of Pilot Mountain, North Carolina.

REGISTER OF DEEDS. The Register of Deeds for Surry County, North Carolina.

SHALL. Is mandatory.

STREET. Includes the words “road” and “highway.”

SUBDIVISION ADMINISTRATOR. The Town Manager of Pilot Mountain, North Carolina.

TOWN COMMISSIONERS. The Board of Commissioners of Pilot Mountain, North Carolina.

TOWN. Pilot Mountain, North Carolina.

- (B) *Tense and number.*

(1) The present tense includes the future tense, and the future tense includes the present tense.

(2) The singular number includes the plural number and the plural number includes the singular number.

- (C) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALLEY. A public or private thoroughfare which affords only a secondary means of access abutting property and not intended for general traffic circulation.

BUFFER STRIP. A buffer strip shall consist of a planted strip at least ten feet in width, composed of deciduous or evergreen trees or a mixture of each, spaced not more than 20 feet apart, and not less than one row of dense shrubs, spaced not more than five feet apart. In some instances, a fence may be required by the Planning Board. Fence specifications shall be determined by the Planning Board.

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BUILDING SETBACK LINE. A line establishing the minimum allowable distance between the nearest portion of any building, excluding the outermost three feet of any uncovered porches, steps, eaves, gutters and similar fixtures, and the street right-of-way line when measured perpendicularly thereto.

DWELLING UNIT. A building, or portion thereof, providing complete and permanent living facilities for one family. **DWELLING UNIT** shall not be deemed to include a motel, hotel, tourist home, mobile home or other structure designed for transient residence.

EASEMENT. A grant by the property owner of a strip of land for a specified purpose and use by the public, a corporation or persons.

EXTRATERRITORIAL JURISDICTION. Land lying within one mile in all directions of the corporate limits of the town.

GROUP DEVELOPMENT. A group of two or more principal structures built on a single lot, tract or parcel of land not subdivided into the customary streets and lots and which will not be so subdivided, and designed for occupancy by separate families, businesses or other enterprises. Examples would be: cluster type subdivisions, row houses, apartment courts, housing projects, school and hospital campuses, shopping centers and industrial parks.

LOT. A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership or for development or both. **LOT** includes the words "plot" and:

- (1) **CORNER LOT.** A lot which occupies the interior angle at the intersection of two street lines which make an angle of more than 45 degrees and less than 135 degrees with each other.
- (2) **DOUBLE-FRONTAGE LOT.** A continuous (through) lot which is accessible from both streets upon which it fronts.
- (3) **SINGLE-TIER LOT.** A lot which backs upon a limited access highway, a railroad, a physical barrier or another type of land use and to which access from the rear is usually prohibited.

LOT OF RECORD. A lot which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of Surry County and the office of the Clerk, or a lot described by metes and bounds, the description of which has been so recorded.

MANUFACTURED HOME. A dwelling unit that is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; a dwelling unit that exceeds forty feet in length and eight feet in width; a dwelling unit that is constructed in accordance with the National Manufactured Home Construction and Safety Standards and those of the federal department of Housing and Urban Development (HUD); and a dwelling unit that is not constructed in accordance with the standards of the North Carolina State Building Code for one and two family dwellings.

PLANNED UNIT DEVELOPMENT. A permitted use designed to provide for developments incorporating a single type or a variety of residential and related uses which are planned and developed as a unit. The development may consist of

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individual lots or common building sites. Common land must be an element of the plan related to effecting the long term value of the entire development.

PLAT. A map or plan of a parcel of land which is to be or has been subdivided.

OFFICIAL MAPS OR PLANS. Any maps or plans officially adopted by the Town Commissioners as a guide to the development of Pilot Mountain.

SEWERAGE SYSTEM; PUBLIC. A system serving two or more connections. Plans for public and community sewer systems must be approved by the Office of Water and Air Resources, North Carolina Department of Natural and Economic Resources.

SEWERAGE SYSTEM, INDIVIDUAL. A septic tank arrangement of sewage disposal. **INDIVIDUAL SEWAGE DISPOSAL SYSTEMS** must be installed and maintained in accordance with the State Board of Health "Rules and Regulations Governing the Disposal of Sewage from any Residence, Place of Business or Place of Public Assembly in North Carolina" and the regulations of the County Board of Health. State Board of Health Bulletin No. 519, "Residential Sewage Disposal Plants," contains helpful information.

STREET or ROAD. A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties. The following terms shall apply:

- (1) **CUL-DE-SAC.** A short local street having, but one end open to traffic and the other end being permanently terminated and a vehicular turn-around provided. Right-of-way dedication is 60 feet.
- (2) **LOCAL STREET.** A local road serves primarily to provide access to adjacent land and for travel over relatively short distances. Right-of-way dedication is 60 feet.
- (3) **MAJOR COLLECTOR STREET.** A road which serves major intra-county travel corridors and traffic generators and provides access to the arterial system; right-of-way dedication is 100 feet.
- (4) **MARGINAL ACCESS (FRONTAGE) STREET.** A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land. Right-of-way dedication is 60 feet.
- (5) **MINOR ARTERIAL STREET.** A rural link in a network joining cities and larger towns and providing intrastate and inter-county service at relatively high (60 mph) overall travel speeds with minimum interference to through movement. This network would primarily serve traffic. The right-of-way dedication is 100 feet.
- (6) **MINOR COLLECTOR STREET.** A road which provides service to small local communities and links the locally important traffic generators with their rural hinterland. It is designed to carry light to medium traffic volumes, principally from local streets within a residential development. Right-of-way dedication is 90 feet.
- (7) **PRINCIPAL (INTERSTATE) ARTERIAL STREET.** A street designed to carry heavy volumes of traffic at relatively high speeds with access only from other intersecting streets, but not from abutting properties (controlled access). A rural link in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate and existing solely to serve

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traffic. This network consists of interstate routes and other (previously considered major arterial) routes designated as **PRINCIPAL ARTERIAL**.

- (8) **SUBDIVISION ROAD**. A local residential subdivision road is one that serves a parcel or tract of land that is subdivided into two or more lots, building sites or other divisions for sale or building development for residential purposes where the subdivisions include a new road or change an existing road. If a local residential subdivision road is 1,000 feet or less and ends in a cul-de-sac a right-of-way dedication of 45 feet for the road and 50 feet for the cul-de-sac will be allowed. (Ord. 80, passed 11-21-83)

SUBDIVIDER. Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

SUBDIVISION. "Subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this Part:

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the town as shown in its subdivision regulations.
- (2) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
- (4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality, as shown in its subdivision regulations. [G.S. 160A-376(a)]

SUBDIVISION, MINOR. A subdivision resulting in three (3) or fewer new non-exempt lots, each being equal to or exceeding all applicable standards of the town's land use code, and each fronting an existing public road with at least 75 feet of road frontage, where no new street right-of-way dedication is involved. A minor subdivision plat may be reviewed and approved for recording by the Subdivision Administrator. [G.S. 160A-371, 373]

WATER SYSTEM, PUBLIC. Water supply systems serving ten or more connections are classified as a public water supply by state law. Plans and specifications must be approved by the Sanitary Engineering Division, State Board of Health and North Carolina Department of Human Resources.

WATER SYSTEM, SEMI-PUBLIC. Water supply systems serving from two to nine connections, inclusive. This system may be regulated by the County Board of Health, and plans should be approved by the Surry County Health Department.

WATER SYSTEM, INDIVIDUAL. A drilled well which serves a single connection.

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INDIVIDUAL WATER SUPPLY SYSTEMS should be located, constructed and operated in accordance with State Board of Health Bulletin No. 476, "Protection of Private Water Supplies."

ARTICLE 2. SUBDIVISION PROCEDURES

§ 152.15 PLATS REQUIRED.

- (A) No real property within the jurisdiction of this chapter shall be subdivided and offered for sale or a plat thereof recorded until a preliminary plat and final plat have been reviewed and approved by the Planning Board as provided hereinafter. Plans of group developments for housing, commercial, industrial or other uses, or for any combination of uses shall first be submitted to the Zoning Enforcement Officer for approval under the zoning chapter; and subsequent to zoning approval shall be submitted to the Planning Board for review in cases where subdivision of land is proposed.
- (B) Approval of a final plat by the Planning Board shall be required before issuance of any building permit for a structure to be erected in a subdivision, except in cases involving minor subdivisions as defined herein, subject to approval by the Subdivision Administrator; and except in cases where streets, utilities and other required improvements are to be constructed concurrently with buildings. In such cases, approval of a preliminary plat shall be a sufficient basis for issuance of a building permit. The preliminary approval shall in no way alter the requirement that the final plat be approved by the Planning Board prior to the sale of land in the development or the recording of a plat.

§ 152.16 SKETCH PLAN.

The submission of a sketch plan is not a mandatory requirement of this chapter, rather it is one method to expedite the developer's time spent in complying with these regulations. The procedure for submitting a sketch plan and the information to be contained thereon is as follows:

- (A) *Submission of the sketch plan.* Prior to preliminary plat application, the subdivider may submit to the Planning Board a simple sketch plan of the proposed subdivision. The subdivider may at this time discuss the proposed development with the Subdivision Administrator or Planning Board and become familiar with the regulations affecting the land to be subdivided. This procedure does not require formal application or fee.

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- (B) *Information to be shown on the sketch plan.* A simple freehand sketch plan drawn at an approximate scale of not more than 200 feet to one inch will be sufficient to show the tentative street layout, approximate street rights-of-way width, lot arrangement, drainage and utility easements, sites for schools, parks, wooded areas and total acreage.

§ 152.17 SUBMISSION OF PRELIMINARY PLAT; APPROVAL.

(A) *Submission.*

- (1) A preliminary plat meeting the requirements of § 152.26 shall be submitted for review and approval by the Planning Board before any improvements shall be made in a subdivision. This plat shall be submitted to the secretary of the Planning Board or to the Subdivision Administrator in six copies at least 15 days before the meeting of the Planning Board at which time it shall be reviewed.
 - (a) One copy of the plat shall be retained in the records of the Planning Board;
 - (b) One copy shall be transmitted to the Surry County Health Department for recommendation concerning water and sewerage systems;
 - (c) One copy shall be directed to the District Engineer of the North Carolina Department of Transportation for recommendations and approval of the street and drainage systems;
 - (d) One copy shall be transmitted to the town's School Superintendent or the Surry County School Superintendent where appropriate, for review in light of the effects of the proposed development on schools; and
 - (e) One copy shall be reserved for review by any other officials or agencies as may be deemed necessary and desirable.
- (2) The Planning Board shall give at least five working days notice to the developer as to the date of the preliminary plat review and the preliminary plat shall be reviewed on the date designated. If the Planning Board review reveals any discrepancies in complying with this regulation, the Board shall negotiate with the subdivider for any changes required in order that the subdivision plat complies with the provisions of this chapter and for other changes as may be found desirable. The Planning Board shall take formal action on the preliminary plat within 35 days after the initial plat review. Within five days after its action on the preliminary plat, the Planning Board shall notify the subdivider by letter of its decision.
 - (a) *Actions of the Planning Board.*
 1. Decisions on approval or denial of preliminary or final plats may be made only on the basis of standards explicitly set forth in this ordinance. Where the ordinance includes criteria for decisions that require application of judgment, such judgment shall be based upon those criteria. **[G.S. 160A-371]**
 2. If approved, notice of approval shall be noted on at least four copies of the plat. One copy shall be retained by the

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Planning Board, one copy shall be transmitted to the Subdivision Administrator, one copy shall be given to the subdivider and one copy shall be forwarded to the Commissioners.

3. In the case of conditional approval, the reasons for the conditional approval and the conditions for compliance shall be specified in writing. One copy of the reasons and conditions shall be retained by the Planning Board, one copy shall be transmitted to the Subdivision Administrator, one copy shall be given to the developer and one copy shall be forwarded to the Town Commissioners.
 4. If disapproved, the Planning Board shall specify the reasons for the action in writing. One copy of the reasons shall be retained by the Planning Board, one copy shall be transmitted to the Subdivision Administrator, one copy shall be given to the subdivider and one copy shall be forwarded to the Town Commissioners. If the preliminary plat is disapproved, the subdivider may make the necessary recommended changes and submit a revised preliminary plat.
- (b) *Certification of the Planning Board.* Upon approval of the preliminary plat by the Planning Board, the following certificate of approval shall appear (lettered or stamped) on at least four copies of the preliminary plat. Disposition of these four certified copies shall be as directed above.
- (c) *Certificate of Planning Board approval.* The certificate of approval shall read as follows:

“The Planning Board of the Town of Pilot Mountain hereby approves the preliminary plat of the subdivision.”

Date_____ Chairman_____

- (C) *Installation of improvements.* After receiving approval of the preliminary sketch plan by the Planning Board (and not before that time), the subdivider may proceed to construct improvements in accordance with the requirements of this chapter as shown on the approved preliminary plat, and to prepare and submit the final plat. The subdivider shall submit the final plat to the Planning Board no later than 120 days from the date construction of improvements begin. ('77 Code, § 9-3024)

§ 152.18 SUBMISSION OF FINAL PLAT; APPROVAL.

(A) *Submission of final plat to Planning Board.*

- (1) Unless a final plat is submitted to the Planning Board within one year from the date of the preliminary plat approval, action on the preliminary plat shall become void and of no effect. A final plat complying with the requirements of § 152.25 (B) shall be submitted to the Planning Board or the Subdivision Administrator in six copies at least 15 days prior to the

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meeting of the Planning Board at which it shall be considered. Copies of the final plat shall be distributed in the same manner as the copies of the preliminary plat.

- (2) The Planning Board shall give at least five working days notice to the developer as to the review date of the final plat. The final plat shall be reviewed by the Planning Board for compliance with the provisions of this chapter and other specifications as required by the preliminary plat review.
- (3) Within five days after its action on the final plat, the Planning Board shall notify the subdivider by letter of its decision.
 - a) Decisions on approval or denial of preliminary or final plats may be made only on the basis of standards explicitly set forth in this ordinance. Where the ordinance includes criteria for decisions that require application of judgment, such judgment shall be based upon those criteria. **[G.S. 160A-371]**
 - (b) *Actions of the Planning Board.* Upon completion of the final plat review, the Planning Board shall approve, approve conditionally or disapprove the plat. The disposition of the Planning Board's actions shall be noted on four copies of the final plat and these four copies shall be distributed as prescribed in § 152.26 (C).

(C) *Approval/disapproval by Planning Board.*

- (1) *Approval by Planning Board.* Upon approval of the final plat by the Planning Board, the following certification shall be recorded on four copies.
- (2) *Certification of approval for recording:*

“I hereby certify that the plat for the subdivision shown hereon has been found to comply with the subdivision regulations of the Town of Pilot Mountain, North Carolina, and has been approved by the Planning Board for recording in the Office of the Register of Deeds of Surry County and the Office of the Town Clerk of Pilot Mountain. The Town accepts the dedication of streets, easements, and public parks, but assumes no responsibility to open or maintain any streets, easements, rights-of-way, or other lands shown thereon and accepted hereby for public purposes until in the opinion of the Pilot Mountain Commissioners it is in the public interest to do so.

Date _____ Clerk, Town of Pilot Mountain _____

- (2) *Disposition of copies.* Disposition of the four copies approved by the Town Commissioners shall be as directed in § 152.26 (C).
- (3) *Disapproval of final plat by the Planning Board.* If the final plat is disapproved by the Planning Board, the reasons for the disapproval shall be stated in writing, specifying the provision(s) of this chapter with which the plat does not comply. Disposition of the reasons for disapproval shall be in accordance with § 152.26 (C).

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(D) *Pre-sale contracts.*

The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved under the subdivision ordinance or recorded with the register of deeds, provided the contract does all of the following:

- (1) Incorporates as an attachment a copy of the preliminary plat referenced in the contract and obligates the owner to deliver to the buyer a copy of the recorded plat prior to closing and conveyance.
- (2) Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary and final plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final recorded plat differs in any material respect from the preliminary plat.
- (3) Provides that if the approved and recorded final plat does not differ in any material respect from the plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than five days after the delivery of a copy of the final recorded plat.
- (4) Provides that if the approved and recorded final plat differs in any material respect from the preliminary plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than 15 days after the delivery of the final recorded plat, during which 15-day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.

The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease land by reference to an approved preliminary plat for which a final plat has not been properly approved under the subdivision ordinance or recorded with the register of deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential, commercial, or industrial buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under the subdivision ordinance and recorded with the register of deeds. **[G.S.160A-375(b)]**

(E) *Minor Subdivisions*

A minor subdivision is defined as having all of the following characteristics:

- (1) Creation of a total of three (3) or fewer new lots, each equal to or exceeding all applicable standards of the town's land use code. New lots exempt from subdivision regulation under state law shall not count toward the lot limit.
- (2) All the new proposed, non-exempt lots abut an existing public road with at least 75 feet each of road frontage.
- (3) No new street right-of-way dedication is involved.

A minor subdivision plat may be reviewed and approved for recording by the Subdivision Administrator or his designee. The applicant shall meet the requirements of § 152.25(B) for final plat specifications. Upon determination that the submitted plat meets the above criteria for minor subdivisions, and contains all required specifications, the Subdivision Administrator shall certify as follows:

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“The Subdivision Administrator of the Town of Pilot Mountain hereby approves this plat under the provision for Minor Subdivisions, Chapter 152, Article 2, § 152.18(E) of the town development code.”

Date _____ Signed: _____

[G.S.160A-371]

§ 152.19 RESUBDIVISION PROCEDURES.

For any re-platting or re-subdivision of land, the same procedures, rules and regulations shall apply as prescribed herein for an original subdivision. Lot sizes may, however, be varied on an approved plat after recording, provided that:

- (A) No lot or tract of land shall be created or sold that is smaller than the size shown on the approved plan;
- (B) Drainage, easements or rights-of-way shall not be changed;
- (C) Street alignment and block sizes shall not be changed;
- (D) The property line between the back of the lots shall not be changed;
- (E) The rear portion of lots shall not be subdivided from the front part; and
- (F) The character of the area shall be maintained.

§ 152.20 PLATS ALREADY ESTABLISHED BY SURVEY.

- (A) Plats already established by survey or in the process of being established by survey but not recorded by the Surry County Register of Deeds prior to the effective date of this chapter shall be approved for recording only by compliance with this chapter. The Planning Board may consider a variance in a case of undue hardship where surveying has been done and a plat is being drawn on the effective date of this chapter. The Planning Board shall only grant a variance upon receiving a written request and proof of undue hardship but only in the event the plat is recorded within 60 days of the effective date of this chapter.
- (B) Any subdivision platted and recorded with the Surry County Register of Deeds prior to the effective date of these regulations shall be excluded from these regulations.

§ 152.21 PERMANENT REFERENCE POINTS.

Prior to the approval of the final plat, permanent reference points shall have been placed in accordance with the following requirements:

- (A) *Subdivision corner tie.* At least one corner of the subdivision shall be designated by

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course and distance (tie) from a readily discernible reference marker. If a corner is within 2,000 feet of a United States Coast and Geodetic Station or North Carolina grid system coordinated system, then this corner shall be marked with a monument so designated by computed “x” and “y” coordinates which shall appear on the map with a statement identifying this station or monument and to an accuracy of 1:5000. Where the monument or station is not available, the tie shall be made to some pertinent and readily recognizable land mark or identifiable point, physical object or structure.

- (B) *Monuments.* Within each block of a subdivision at least two monuments designed as control corners shall be installed. The surveyor shall employ additional monuments when necessary. Monuments shall be constructed of concrete and shall be at least four inches in diameter or square, and not less than three feet in length. Each monument shall have imbedded in its top or attached by a suitable, means a metal plate of non-corrosive material and marked plainly with the point, and surveyor's registration, and the word “monument” or “control corner.” A monument shall be set at least 30 inches in the ground with at least six inches exposed above the ground unless this requirement is impractical because of vehicular traffic or other factors.
- (C) *Property markers.* A steel or wrought iron pipe or equivalent not less than ¾-inches in diameter and at least 30 inches in length shall be set at all corners, except those located by monuments. A marker shall also be set at a point of curve, point of intersection, property corner, point of tangency, reference point and tangent unless a monument has already been placed at these points. Additional markers shall be placed at other points of importance. The markers shall be driven so as to be at least one inch above the finished grade.
- (D) *Accuracy.* Land surveys, except subdivision corner ties, beyond the corporate limits of any municipality that is not subject to these regulations shall be as follows:
- (1) Angular error of closure shall not exceed 30 seconds time the square root of the number of angles turned.
 - (2) Linear error of closure shall not exceed one foot per 5,000 feet of perimeter of the lot of land (1:5000).

§ 152.22 INSTALLATION OF IMPROVEMENTS.

Prior to approval of the final plat, the subdivider shall have complied with the following requirements:

- (A) *Streets and storm drainage facilities.* All streets and storm drainage facilities in the subdivision shall be constructed in accordance with specifications and standards of the town and/or the North Carolina Department of Transportation and requirements of this chapter.
- (1) The subdivider shall construct storm water drainage facilities, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, water retention structures and settling basins as required to adequately serve the subdivision. All facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazard to life or property.
 - (2) Unpaved road ditches and street gutters shall be shaped and seeded and/or sodded as grassed waterways. Where the velocity of flow is in excess of

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four feet per second on soils having a severe or very severe erosion hazard and in excess of six feet per second on soils having moderate, slight or very slight erosion hazard, the subdivider shall install a paved invert or check dams, flumes or other energy dissipating devices.

(B) *Water lines.*

- (1) Where public water is reasonably accessible, the subdivider shall connect with the public supply and shall provide water mains and a suitable water connection at each lot. Where a public water supply is not reasonably accessible, the subdivider shall provide a central water system meeting the requirements and approval of the Surry County Health Department and the state Board of Health. It shall be the responsibility of the subdivider to establish a satisfactory method of insuring the continuing operation and maintenance of the system.
- (2) In certain cases, subject to the approval of the Planning Board and the Surry County Health Department, the subdivider may provide individual water supplies. These supplies shall be located, constructed and operated in accordance with standards of the Surry County Health Department, North Carolina Board of Health, and the State Department of Water and Air Resources; the plans and specifications shall be approved by these agencies.

(C) *Sanitary sewers.*

- (1) Where a public sanitary sewer system is reasonably accessible, the subdivider shall connect with the public supply and shall provide a connection for each lot. Where a public sanitary sewer system is not accessible, the subdivider shall provide a central package sewer system to serve the subdivision and shall establish a satisfactory method of insuring the continuing operation and maintenance of the system. A system shall meet the requirements and approval of the Surry County Health Department, North Carolina Board of Health, and State Department of Water and Air Resources.
- (2) In certain cases, subject to approval of the Planning Board and the Surry County Health Department, individual sewage disposal systems may be provided. Approval of individual systems shall be based on site investigations and tests of the absorption capacity of the soil and subsoil conditions. Where an individual sewage disposal system is provided on a lot abutting a stream, river or lake, the septic tank or similar facility shall be installed at least 100 feet upland from the ordinary high water line.

(D) *Utility Easements.* To allow for planned, orderly growth of the town's utility systems, the subdivider shall be required to dedicate general public utility easements ten feet (10') in width along the interior of every property line of each new lot. Additional easements may be required across residential lots as a condition of plat approval when such easements are deemed necessary by the town for provision of public streets and utilities to serve the proposed subdivision.

(E) *Street trees.* The subdivider shall plant at least one tree of approved species and of at least six feet in height for each 50 feet of frontage on all streets proposed to be

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dedicated. Tree plantings shall be completed in accordance with plans and specifications approved by and at a time as directed by the Planning Board.

- (F) *Erosion control.* The subdivider shall comply with the North Carolina Department of Environmental Health and Natural Resources standards and obtain any required permits.
- (G) *Existing flora.* The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines and grasses not actually lying in public roadways, drainage ways, building foundation sites, private driveways, soil absorption waste disposal areas, paths and trails.
 - (1) Trees are to be protected and preserved during construction in accordance with sound conservation practices recommended by the United States Department of Agriculture in Agricultural Information Bulletin No. 285, Protecting Trees against Damage from Construction Work, United States Government Printing Office, 1964. Trees are to be preserved by well islands or retaining walls whenever abutting grades are altered.
 - (2) Temporary vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.
 - (3) Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.
 - (4) Sediment basins shall be installed and maintained at all drainage ways to trap, remove and prevent sediment and debris from being washed outside the area being developed.

§ 152.23 DEFERMENT OF IMPROVEMENTS.

Where it is in the best interest of all parties concerned to defer the installation or completion of some required improvements, the Town Commissioners may approve the final plat if the subdivider posts a bond with surety, a letter of credit or letter of intent, or posts other guarantees satisfactory to the Town Commissioners in an amount equal to or greater than the estimated cost of the deferred improvements. The guarantees shall assure either the performance of the specified work or payment of the specified sum to the town if the improvements have not been installed within the time specified on the final plat. The Town Commissioners may require that the bond or other guarantee be greater than the estimated cost of the improvements to allow for cost increases. [G.S 160A-372(c)]

§ 152.24 WATER AND SEWER REIMBURSEMENT.

The town may reimburse the developer for construction of water and sewer lines where the construction of these lines results in adding new occupied housing units within the corporate limits of the town. Procedure shall follow the provisions of § 51.08(C).

§ 152.25 SPECIFICATIONS FOR DRAWINGS.

- (A) *Preliminary plat.* The preliminary plat shall be at a scale not greater than 100 feet to one inch and shall be on a sheet not smaller than 8.5 inches by 11 inches, nor larger than 21 inches by 30 inches. The plan shall show the following information:

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- (1) A vicinity map showing the relationship between the proposed subdivision and the surrounding area;
- (2) The location of existing and platted property lines, streets, buildings, water courses, railroads, transmission lines, sewers, bridges, culverts and drain pipes, water mains, town and country lines (if adjoining), and any public utility easements;
- (3) Boundaries of the tract shown with bearings and distances;
- (4) Wooded areas, marshes and any other conditions affecting the site;
- (5) Names of adjoining property owners or subdivisions;
- (6) The preliminary plat shall be accompanied by a copy of any proposed deed restrictions or restrictive covenants;
- (7) Zoning classification, if any, both on the land to be subdivided and on adjoining land;
- (8) Site data:
 - (a) Acreage in total tract;
 - (b) Acreage in parks;
 - (c) Total number of lots; and
 - (d) Lineal feet in streets.
- (9) Proposed streets, street names, rights-of-way, roadway widths and approximate grades;
- (10) Other proposed rights-of-way or easements showing locations, widths and purposes;
- (11) Proposed lot lines, lot and block numbers and approximate dimensions;
- (12) Proposed minimum building setback lines;
- (13) Topography with contour intervals of at least ten feet (if available);
- (14) Proposed parks, open spaces or any other public areas;
- (15) The plans for proposed utility layouts, including sanitary sewers, storm sewers, water distribution lines, natural gas, telephone and electric service, illustrating all connections to existing systems. Plans for water supply and/or sewage disposal must be accompanied by letters of preliminary approval by the appropriate county and state authorities. Plans must show line sizes, the location of fire hydrants, blow-offs, manholes, pumps, force mains and gate valves, and shall include profiles based upon mean sea level data for sanitary sewers and storm sewers;
- (16) Name of owner, engineer, registered surveyor and land planner;
- (17) Title, date, north point and graphic scale;
- (18) When an area covered by the plan includes or abuts a water area (stream, river or lake) the following additional information is required:
 - (a) Normal and ordinary high water lines;
 - (b) Any proposed dock lines beyond which no dock structure may be constructed;
 - (c) Methods of producing ingress and egress to water area; Names of the owners of the water area.
- (19) In reference to § 152.40, a document shall be prepared by the Surry County Health Department and/or office of water and air

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resources as to the adequacy of water and sewerage systems proposed by the developer.

(B)*Final plat.* The final plat shall be drawn on reproducible Mylar with permanent drafting ink at a scale the same as the preliminary plat, of a sheet size suitable for recording by the Surry County Register of Deeds: eighteen by twenty-four inches (18" x 24"), with a border at least 1 inch in width along the left or top side, and of at least one-half (1/2) inch along the other three sides; and meeting all state requirements for recording. The final plat shall constitute only that portion of the approved preliminary sketch plan which the subdivider proposes to record, provided that the portion conforms to all requirements of this chapter. The final plat shall be prepared by a registered surveyor or engineer and shall 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) The right-of-way lines of all streets and roads;
- (3) Lot lines and block numbers;
- (4) Minimum building setback lines;
- (5) Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line and building line, whether curved or straight, and including true north point. This should include the radius, central angle and tangent distance for the centerline of curved streets and curved property lines that are not the boundary of curved streets;
- (6) All dimensions should be to the nearest tenth of a foot and angles to the nearest minute;
- (7) Accurate location and description of all monuments and markers;
- (8) The names and locations of adjoining subdivisions and streets, and the location and ownership of all adjoining property, including water areas;
- (9) Title, date, name and location of subdivision, graphic scale and true north point;
- (10) Name of owner, developer, engineer and land planner;
- (11) Reservations for easements, including public utility easements required under § 152.22(D) and areas to be dedicated to public use or sites for other than residential use shall be shown on the plat with notes stating their purpose. All covenants governing the maintenance of open spaces shall bear the certification of approval of the town attorney as to their legal sufficiency;
- (12) The name of the engineer or engineering firm responsible for construction of the subdivision;
- (13) Where applicable, normal and ordinary high water lines of water areas and any proposed dock lines;
- (14) Utility plans shall be provided for the following: water, sanitary sewerage, storm drainage, and electrical distribution system;
- (15) The subdivider shall submit a draft of any protective covenant proposed to regulate land use in the subdivision and otherwise protect the proposed development;
- (16) The following certificates shall be shown on the final plat:

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(a) Certificate of accuracy. A certificate signed by the engineer or surveyor meeting the requirements of G.S. § 47-30 for proof upon oath that the plat is in all respects correct, written as follows:

“The undersigned surveyor being duly sworn, deposes and says that the plat is in all respects and says that the plat upon which this certificate appears was prepared in accordance with G.S. § 47-30 as amended, is in all respects correct according to the best of his knowledge and belief, and was prepared from all actual survey made by him on the day of , , with maximum linear error of closure of and a maximum field error of angular closure of .”

(b) Certificate of ownership and dedication.

“I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish all lots, and dedicate all streets, alleys, walks, parks and other open spaces to public or private use as noted.”

Date _____ Owner _____

(c) Certificate of approval of water and sewage system.

“I hereby certify that the water supply and sewage disposal utility systems installed or proposed for installation, in each lot of the subdivision entitled , fully meets the requirements of the North Carolina State Health Department and/or the Department of Water and Air Resources, and/or complying with the necessary public health requirements and are hereby approved as shown.”

Date _____, Surry County Health Officer, or his authorized representative _____

(d) Certification of approval of streets and utilities.

“I hereby certify:

(1) That streets, utilities and other improvements have been installed in an acceptable manner and according to town specifications in the subdivision entitled ;

or

(2) That a security bond in the amount of \$ or cash in the amount of \$ has been posted with the Town of Pilot Mountain to assure completion of all required improvements in case of default.”

Date _____, Superintendent, State Highway Engineer, or Town Superintendent _____

Town Clerk _____

(e) Certificate of approval for recording. This certification shall be as stated in Section 65.1.

(f) Certificate of approval and acceptance of dedications.

“I, the County Register of Deeds of Surry County, North Carolina, do certify that the Town of Pilot Mountain approved this plat or map and accepted the dedication of the streets, easements, rights-of-way, and

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public parks shown hereon, but assume no responsibility to open or maintain the same until, in the opinion of the governing body of Pilot Mountain, it is in the public interest to do so.”

Date _____, Register of Deeds, Surry County _____

§ 152.26 SUBDIVISIONS WITHIN A WATERSHED.

(A) *Preliminary plat review.*

- (1) The Zoning Enforcement Officer shall review the completed preliminary plat application and submit recommendations to the Planning Board for further review and final action.
- (2) The application shall, where required, be accompanied by a written statement that a sedimentation and erosion control plan has been submitted to and approved by the North Carolina Division of Land Quality.
- (3) Road construction within the critical area or balance of the watershed shall be designed and constructed so as to minimize their impact on water quality. Where possible, roads should be located outside the watershed area.

(B) *Zoning applications.* All lots shall provide adequate building space in accordance with the residential and/or non-residential development standards contained in § 152.048 (D). Non-residential lots which are smaller than the minimum required for residential lots shall be identified on the plat as, “NOT FOR RESIDENTIAL PURPOSES.”

(C) *Certificate of approval for recording.* A modification of the certification of approval for recording (§ 152.18 (D)(1)) shall be made so as to reflect whether or not development occurred within the watershed. This modification shall appear prominently and contain phrasing of one or the other:

“Notice: This property is located within a public water supply watershed development. Restrictions may apply;” or

“Notice: This property is not located within a public water supply watershed.”

(D) *Undefined rights-of-way.* Any area of lot within of a street or road shall be excluded in determining compliance with the minimum requirements of this chapter. In the event a right-of-way is not defined among the public records, the lot line shall be located 15 feet from the edge of the wear surface of the street or road.

(E) *Lot of record.* No building or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this chapter until all requirements of this chapter have been met. The subdivider, prior to commencing any work within the subdivisions, shall make arrangements with the Zoning Enforcement Officer to provide for adequate inspection.

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ARTICLE 3. DESIGN STANDARDS

§ 152.40 GENERAL REQUIREMENTS.

The subdivider shall observe the following general requirements and principles of land subdivision:

- (A) *Suitability of land.* Land subject to flooding, improper drainage, erosion or that is for topographical or other reasons unsuitable for residential use as determined by the planning board, shall not be platted for residential use nor for any other uses that will continue or increase the danger of health, safety or property unless the hazards can be and are corrected.
- (B) *Conformity to existing plans.* All proposed subdivisions shall conform to any adopted plans for the town and to any applicable regulations of the zoning chapter. Whenever a tract to be subdivided embraces any part of a primary arterial, major arterial or collector street so designated on any officially adopted plan, part of the public right-of-way shall be platted by the subdivider in the location and at the width indicated by the plan and provisions of this chapter.
- (C) *Perimeter land reservation.* Any reservation of land at the perimeter of the subdivided tract so as to prevent access to adjacent property shall be prohibited.
- (D) *Relation to railroad right-of-way.* When a subdivision adjoins a railroad right-of-way, the subdivider may be required to arrange the road pattern to provide for future grade separation of road and railroad crossings.
- (E) *School sites.* Where a tract of land that has been approved by the School Board as, a proposed school site lies wholly or partially within an area proposed to be subdivided, and provided the School Board has notified the Planning Board and the property owner of its approval of the school site prior to or within ten days after the review of a preliminary subdivision plat by the Planning Board, the subdivider shall reserve the proposed school site for a period of not more than 60 days from the date of the preliminary plat approval.
- (F) *Recreation sites.* When a tract of land that has been approved by the Pilot Mountain Planning Board as a site for a recreation facility lies wholly or partially within an area proposed to be subdivided, and provided the Planning Board has notified the property owner of its approval of the recreation site prior to or within ten days after the presentation of the preliminary plan for Planning Board approval, the subdivider shall reserve the proposed recreation site for a period of not more than 30 days from the date of Town Commissioners' approval of the preliminary plat.
- (G) *Easements.* Easements to the width and in the locations required by the Town Superintendent, but in any case not less than ten feet wide, shall be provided for open or piped storm drainage, sanitary sewers, water lines and other utilities.
- (H) *Walkway access to parks, schools, etc.* Where, along proposed streets, in the opinion of the Planning Board, a hazard to pedestrian safety exists, walkway

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easements shall be provided to assure convenient access to parks, playgrounds, schools and other places of public assembly. Walkway easements shall not be less than ten feet in width.

- (I) *Lots.* All lots shall front upon a public street. Double-frontage lots shall be avoided except as designed in § 152.41.
- (J) *Preservation of vegetation cover.* In order to prevent soil erosion and sedimentation of stream and other drainage networks, the subdivider shall retain the natural vegetation cover whenever possible. Land cleared of natural vegetation shall be reseeded or replanted to an appropriate vegetation cover specified by the Planning Board, within one (1) year of receiving final plat approval.
- (K) *Natural assets.* In any subdivision due consideration will be given to preserving natural features such as trees, ponds, streams, rivers, lakes and for any historical sites which are of value not only to the subdivision but to the citizenry as a whole.
- (L) *Name of subdivision.* The name of a subdivision shall not duplicate nor closely approximate the name of an existing subdivision within the town.
- (M) *Proposed water and sewerage systems.* The following agencies are involved with the approval of water and sewerage systems: the Surry County Health Department, North Carolina State Board of Health, and the North Carolina Office of Water and Air Resources. The preliminary subdivision plat must be accompanied by satisfactory evidence as to the proposed method and system of water supply and sanitary collection and disposal.
 - (1) Where the system is to be connected to the system owned and operated by the town, county or a sanitary district, but not constructed by the county or town, the preliminary subdivision plat shall be accompanied by a complete set of construction plans for the proposed system, prepared by a registered engineer, and approved by the engineer of the public water system or sewer system, and the appropriate state agency. Water and sewer lines should be installed in the street right-of-way where possible.
 - (2) Where the proposed system does not contemplate the use of facilities owned and operated by any of the above, the proposed facilities shall be approved by the appropriate agency.
 - (3) Where public or community water supply and/or sewerage systems are not available or to be provided, a written statement from the Surry County Health Department shall be submitted with the preliminary plat indicating that each lot has adequate land area and soil conditions suitable to accommodate the proposed methods of water supply and sewage disposal. The statement from the health department shall be based upon a field investigation. The field investigation for sewage disposal shall include a sufficient number of percolation tests (at least one per acre) to determine the absorption capacity of the soil and test holes at least six feet deep (as needed) to determine the depth of the ground water table, and the presence of rock formations or other impervious strata.

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- (N) *Storm water drainage.* In the opinion of the Town Superintendent, where inadequate natural drainage exists, the subdivider shall provide adequate drainage system for the proper drainage of all surface water. The design of a system shall be subject to the approval of the Town Superintendent.
- (1) No surface water shall be channeled or directed into a sanitary sewer.
 - (2) Where feasible, the subdivider shall connect to an existing storm drainage system.
 - (3) Where an existing storm drainage system cannot feasibly be extended to the subdivision and where the natural surface drainage is inadequate (in the opinion of the Town Superintendent), a surface drainage system shall be designed to protect the proposed development from water damage.
 - (4) Surface drainage courses shall have side slopes of at least three feet of horizontal distance for each one foot of vertical distance, and courses shall be of sufficient size to accommodate the drainage area without flooding.
 - (5) The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one foot in each 300 feet of horizontal distance.
 - (6) During construction, preparation, arrangement and installation of subdivision improvements, and facilities in subdivisions located at or along a stream bed, the developer shall maintain the stream bed or 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 storm water drains, culverts or bridges shall not be construed as obstructions in the stream.
- (O) *Lands made, altered or filled.* Areas that have been used for the disposal of solid wastes shall not be subdivided into commercial or residential building sites. This shall include those areas that have been used for the disposal of trash, demolition waste and other waste materials.

§ 152.41 STREETS.

The following are the design standards for the streets within the jurisdiction of the town. These standards shall comply with the adopted thoroughfare plan for the town. In the event that these standards conflict with those of the North Carolina Department of Transportation, the more stringent requirements shall apply.

- (A) *Street arrangement.* Street layouts shall be designed and located with proper consideration of and coordination with: existing and planned streets, topographical conditions, natural terrain features such as streams, lakes, floodplains, other waterway features, existing tree growth and other local environmental factors, public convenience and safety and other proposed uses of the land to be served by the street layout.

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- (B) *Coordination and continuation of streets.* The proposed street layout within a subdivision shall be coordinated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established on any officially adopted plans. Further, the proposed street layout shall extend existing streets on their proper projection at the minimum width required in this chapter, or at the option of the subdivider, a greater width than the minimum required by this chapter.
- (C) *Street patterns.* Provided that due consideration is given to the coordination and continuation of existing and proposed street networks, there shall be no requirement for the subdivider to adhere to a rectangular grid street pattern, rather, in many cases, due to the irregular shape of land parcels being developed, patterns may be a more desirable layout.
- (D) *Road access to adjacent and unsubdivided property.* The proposed street layout shall be designed to provide for desirable access to and not to impose undue hardship upon unsubdivided property adjoining the subdivision, thus proposed streets shall be extended and/or extended by dedication to the boundary of the subdivided tract and a temporary turn-around shall be provided to the extension.
- (1) Where street extensions are prevented by topographical or other natural features, or where, in the opinion of the Planning Board, the extensions are not necessary or desirable for the coordination of the proposed street layout with existing road networks or the most advantageous future development of adjacent tracts, the Planning Board may grant a variance to this requirement.
 - (2) Reserve strips adjoining road rights-of-way for the purpose of preventing access to adjacent property shall be prohibited.
- (E) *Road names.* Proposed road names shall not duplicate nor too closely approximate phonetically the name of any road or street within Pilot Mountain. Where proposed roads are extensions of existing roads, the existing road names shall be used except where a new name can reasonably be used to facilitate the proper house numbering or to avoid further road name duplication.
- (F) *Traffic flow.* Local roads shall be laid out so as to discourage through traffic.

- (G) *Right-of-way.* A proposed road right-of-way shall be of sufficient width to accommodate the required cross-section of the Pilot Mountain Thoroughfare Plan. The following road classifications indicate the right-of-way requirements of the town:

<i>Type of Street</i>	<i>Width in Feet</i>
Interstate	400
Principal Arterial	200
Minor Arterial	100
Major Collector	100
Minor Collector	60
Local Road	60
Marginal Access (frontage)	60
Cul-de-sac	60
Cul-de-sac, turn-around	60
Local Residential Subdivision Road	45
Local Residential Subdivision Cul-de-sac	50

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- (H) *Additional right-of-way widths on existing streets.* A subdivision that adjoins existing streets shall dedicate additional right-of-way if needed to meet the right-of-way width requirements. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street. When the subdivision is located on only one side of an existing street, half of the required right-of-way measured from the center line of the existing roadway shall be provided.
- (I) *Road and street surfaces.* All roads and streets within the town limits and extraterritorial jurisdiction of the town shall be of a hard surface material, and the surface materials and underlying base shall be in compliance with the specifications and standards of the town and/or those established by the North Carolina Department of Transportation.
- (J) *Pavement widths.* Roads and streets identified in the Pilot Mountain Thoroughfare Plan as major and minor thoroughfares shall conform to the appropriate dimensional requirements specified in the plan. Roads identified as local roads and streets shall have the pavement widths set out in the appendix.
- (K) *Curb and Gutters.* All roads and streets located within the town limits shall have curb and gutters, construction of which shall conform to the standards and specifications established by the town. Roads and streets located outside the town limits, but within the one mile extraterritorial jurisdiction, shall not be required to have curb and guttering. Proper storm drainage shall be constructed in accordance with specifications and standards of the North Carolina Department of Transportation and the requirements of this chapter.
- (L) *Private streets.* Private streets shall be prohibited within any platted subdivision, unless, in the opinion of the Planning Board private streets are in keeping with the spirit of this chapter, where the streets enhance the quality of the subdivision, meet all road specifications and standards of the North Carolina Department of Transportation and further, where provisions have been assured for the permanent maintenance of the streets, a variance allowing private streets may be granted by the Planning Board.
- (M) *Half streets.* The dedication of half streets at the perimeter of a new subdivision shall be prohibited. If circumstances render this impracticable, adequate provision for the concurrent dedication of the remaining half of the street must be furnished by the subdivider. Where there exists a half street in an adjoining subdivision the remaining half shall be provided by the proposed development.
- (N) *Access roads, etc.* Where a tract of land to be subdivided adjoins an arterial road, the subdivider may be required to provide a marginal access road parallel to the arterial road or reverse frontage on an interior road for the lots to be developed adjacent to the arterial road. Where reverse frontage is established, deed restrictions or other means shall be provided to prevent private driveways from having direct access to the arterial road.
- (O) *Cul-de-sacs.* Roads designed to be permanently closed at one end, or roads which may not reasonably be expected to be extended in the future unless an exception is granted by the planning board, shall not be more than 500 feet in length. The

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vehicular turn-around shall have a street right-of-way diameter of 100 feet. Cul-de-sacs shall not be used to avoid connection with an existing street or to avoid the extension of a street.

(P) *Grades.* The longitudinal grade on any proposed road shall be subject to the approval of the Town Superintendent. However, the minimum grade on any proposed road shall not be less than 0.5% and the maximum grade shall not exceed 7%. Grades approaching intersections shall not exceed 5% for a distance of not less than 100 feet from the centerline of the intersection.

(Q) *Curves.* Where a deflection angle of more than ten degrees in the alignment of a road occurs, the right-of-way shall be curved. The minimum radius of curvature at the centerline of proposed road rights-of-way shall not be less than 100 feet on local roads and 300 feet on collector streets.

(R) *Reverse curves.* Reverse curves in road right-of-way shall be connected by tangents of not less than 100 feet.

(S) *Street intersections.* Street intersections shall be laid out as follows:

- (1) All streets shall intersect as nearly as possible at right angles and no street shall intersect at less than 70 degrees.
- (2) Intersections with a major street shall be at least 1,000 feet apart measured from centerline to centerline.
- (3) Off-sets are to be avoided unless an exception is granted by the Planning Board. Intersections which cannot be aligned shall be separated by a minimum 125 feet between centerlines.
- (4) Property lines at street intersections shall be rounded with a minimum radius of 20 feet. At an angle of intersection of less than 90 degrees, a greater radius may be required.
- (5) Triangular sight distance easements at all street intersections shall be shown in dashed lines and so noted on the final plat. These easements shall remain free of all structures, trees, shrubbery, driveways and signs, except utility poles, fire hydrants and traffic control signals. There shall be a clear sight distance of 150 feet for all major streets and 75 feet for all other streets from the point of intersection as measured along the centerline.

(T) *Alleys.* An alley shall be provided to the rear of all lots used for other than residential purposes. Alleys are prohibited in residential blocks unless approved by the Planning Board. All alleys shall be designed in accordance with the North Carolina Department of Transportation specifications and standards and shall meet the following requirements:

- (1) Right-of-way width, 20 feet.
- (2) Property line radius at alley intersections, 15 feet.
- (3) Minimum centerline radius when deflection angle of more than ten degrees occurs, 35 feet.
- (4) Minimum turn-around diameter of dead-end alley (right-of-way width), 80 feet.

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§ 152.42 BLOCKS.

The lengths, widths and shapes of blocks shall be determined with due regard to: provision of adequate building sites suitable to the special needs of the type of use contemplated, zoning requirements as to lot sizes and dimensions, needs for vehicular and pedestrian circulation, control and safety of street traffic, limitations and opportunities of topography and convenient access to water areas.

- (A) *Block length.* Blocks shall not be less than 400 feet nor more than 1,320 feet in length, unless otherwise dictated by exceptional topography or other limiting factors consistent with good design. Wherever practicable, blocks along major streets and highways shall not be less than 1,000 feet in length.
- (B) *Block width.* Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth except where single-tier lots are required to separate residential development from through vehicular traffic, public parks, cemeteries, railroad rights-of-way, corporate boundaries or any other type of use, except as may be necessary due to extreme topographic conditions.
- (C) *Pedestrian walkways and crosswalks.* Where deemed necessary by the Planning Board, a pedestrian walkway and/or crosswalk at least ten feet in width may be required to provide convenient public access to public areas such as schools, recreation areas, shopping centers, churches and other public facilities, etc.

§ 152.43 LOTS.

The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

- (A) *Subject to the district regulations.* Lots in subdivisions located within a district specified by the zoning chapter shall meet and conform to all lot size, dimensions and building setback requirements of the zoning chapter.
- (B) *Orientation of residential lot lines.* Side lot lines shall be substantially at right angles or radial to street lines.
- (C) *Frontage on roads.* Each lot shall have frontage on a road.

§ 152.44 BUFFER STRIPS.

A buffer strip at least ten feet in width may be required by the Planning Board adjacent to a major street, railroad tracks or a commercial or industrial development. This strip shall be in addition to the normally required lot dimension, shall be part of the platted lot, and shall be reserved for the planting of trees and shrubs by the owners. Conditions for buffer strip requirement shall comply with the provisions of the zoning chapter.

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§ 152.45 EASEMENTS.

Easements shall be provided as follows:

- (A) *Utility easements.* Easements for underground and/or above-ground utilities shall be provided where necessary. The minimum width shall be ten feet or a width deemed adequate by the planning board for the intended purpose on the property side of front lot lines, on each side of all rear lot lines, on each side of all side lot lines or across lots where necessary or advisable for electric power and communication poles, wires, conduits, storm and sanitary sewers, street trees and gas, water and other utility lines. All utility lines for electric power and telephone service shall be placed on mid-block easements along rear lot lines whenever carried on overhead poles, except when lots border a lake, stream or other waterway.
- (B) *Drainage easements.* Where a subdivision is traversed by a drainage way or stream, an adequate easement shall be provided as may be required by the Planning Board. The location, width, alignment, and improvement of the drainage way or easement shall be subject to the approval of the Planning Board; and parallel streets or parkways may be required in connection therewith. Where necessary, storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, subject to review and approval by the Planning Board.
- (C) *Walkway and crosswalk easements.* A pedestrian crosswalk easement of at least ten feet in width shall be provided where such is deemed necessary and required by the Planning Board.
- (D) *Water and sewer easements.* Water and sewer lines (if applicable) should be installed in the street right-of-way wherever possible.

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ARTICLE 4. ADMINISTRATION AND ENFORCEMENT

§ 152.55 ENFORCEMENT; BOARD APPROVAL.

- (A) After the effective date of this chapter, the filing or recording of a plat of a subdivision by the Register of Deeds of Surry County without the approval of the Planning Board and the Board of Town Commissioners as required by this chapter shall be null and void.
- (B) Any person who, being the owner or agent of the owner of any land located within the jurisdiction of the Town, subdivides his land in violation of the ordinance 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 such ordinance and recorded in the office of the appropriate register of deeds, shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The Town may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision ordinance. Building permits required pursuant to G.S. 160A-417 may be denied for lots that have been illegally subdivided. In addition to other remedies, the Town may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct. However, this chapter shall not affect the sale or transfer of any land, a plat of which was recorded prior to the effective date of this chapter. [G.S. 160A-375(a)]

§ 152.56 INSPECTION BY MANAGER.

The Town Manager shall be notified 24 hours in advance of the work to be started so that all necessary inspections may be made. The Town Manager shall be allowed access to all parts of the work area, and shall be furnished with every reasonable facility to ascertain whether or not the works as performed are in accordance with these regulations. Further, inspection shall not relieve the contractor from any obligation to perform all of the work strictly in accordance with these regulations.

§ 152.57 EXCEPTIONS AND MODIFICATIONS.

The standards and requirements of this chapter may be modified by the Planning Board and Town Commissioners in the case of a plan and program for a complete group development, which in the judgment of the Planning Board and Town Commissioners provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provides covenants or other legal provisions that insure conformity to and achievement of the plan.

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§ 152.58 VARIANCES.

Where, because of topographical or other conditions peculiar to the site, strict adherence to the provisions of this chapter would cause an unnecessary hardship, the Planning Board may recommend and the town commissioners may authorize a variance, if the variance can be made without destroying the intent of this chapter. Any variance thus authorized is required to be entered in writing in the minutes of the Planning Board and of the Town Commissioners with the reasoning on which the departure was justified set forth.

§152.59AMENDMENTS.

These regulations may be amended by the Board of Commissioners as herein specified. All amendments not proposed by the Planning Board shall be submitted to the Planning Board for review and recommendations. If the Planning Board fails to make its recommendations to the Board within 50 days, it shall be deemed to have recommended approval of the amendment. A public hearing shall be held by the Town Commissioners before adoption of any proposed amendment to these regulations. A notice of the public hearing shall be given once a week for two consecutive weeks in a newspaper of general circulation in Pilot Mountain. The notice shall be published the first time not less than 15 days nor more than 25 days prior to the date established for the hearing.

§ 152.60 DUTY OF REGISTER OF DEEDS.

The Town Commissioners shall file a copy of this chapter with the Register of Deeds. The Register of Deeds shall not thereafter file or record a plat of subdivision located within the territorial jurisdiction of this chapter without the approval of the Commissioners as required in this chapter. The landowner shown on a subdivision plat submitted for recording or his or her authorized agent shall sign a statement on the plat stating whether or not any land shown thereon is within the territorial jurisdiction of this chapter as defined herein. The filing or recording of a plat of a subdivision without the approval of the Commissioners as required by this chapter shall be null and void. The Clerk of Superior Court of the county shall not order or direct the recording of a plat where the recording would be in conflict with this section.

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APPENDIX: PAVEMENT WIDTHS

Roads identified as local roads and streets shall have the following pavement widths. The dimensions shall be measured in feet.

<i>Roads and Streets</i>	<i>Streets with Curbs and Gutters (Measured Face-to-Face of Curb)</i>	<i>Desirable Width without Curbs and Gutters</i>	<i>Minimum Width without Curbs and Gutters</i>
Local roads	28	24	20
Marginal access (frontage)	28	24	20
One-way streets	28	24	20
Cul-de-sac street	28	24	20
Cul-de-sac turn-around	50-foot radius	50-foot radius	50-foot radius