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*Town of Ramseur, NC*  
*Subdivision Ordinance (with proposed edits)*

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**Article I  
Short Title**

This ordinance shall be known and may be cited as the Subdivision Ordinance of the Town of Ramseur, North Carolina.

**Article II  
Purpose**

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

**Article III  
Authority and Jurisdiction**

**3.1 Authority and Enactment**

The enactment of this ordinance is authorized under provisions pursuant to Chapter 160D, Article 8 of the General Statutes of North Carolina.

**3.2 Jurisdiction**

This ordinance shall govern the platting and recording of any subdivision of land within the corporate limits of the Town of Ramseur and any extraterritorial zoning areas within which the Town exercises jurisdiction.

**Article IV**  
**Definitions**

**Alley:** A roadway which affords only a secondary means of access to abutting property.

**Base Flood Elevation:** The elevation to which structures and uses regulated by this Ordinance are required to be elevated or flood proofed.

**Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given one-year period.

**Basement:** A story of a building or structure having one-half or more of its clear height below grade. The lowest level or story which has its floor subgrade on all sides. (This definition applies only with respect to flood damage prevention regulations.)

**Berm, Erosion Control:** A mound of material and/or ditch the purpose of which is to divert the flow of run-off water.

**Block:** The land lying within an area bounded on all sides by streets.

**Board of Town Commissioners:** The governing board of the Town of Ramseur.

**Buffer:** An area of land set aside along the perimeter of a parcel of land in which landscaping is required to provide an aesthetic transition between different land uses and to eliminate or reduce the adverse environmental impact, and incompatible land use impacts.

**Buffer Zone:** The strip of land adjacent to a lake or natural watercourse, the width of which is measured from the edge of the water to the nearest edge of the disturbed area, with the twenty-five (25%) percent of the strip nearer the land-disturbing activity containing natural or artificial means of confining visible siltation.

**Buildable or Zoning Lot:** One or more lots of record in one undivided ownership with sufficient total area, sufficient area exclusive of easement, flood hazards, well and septic tank fields, total dimensions, and street access to permit construction thereon of a principal building together with its required parking and planting yards.

**Building:** Any structure used or intended for supporting or sheltering any use or occupancy.

**Building Height:** The vertical distance measured from the average elevation of the finished grade to the topmost section of the roof.

**Building Inspector:** An inspector employed by the Randolph County Inspections Department authorized to enforce state building, plumbing, heating, and other codes within the Town of Ramseur under Randolph County's central permitting system.

**Building Line:** A line perpendicular to the lot depth which establishes the horizontal distance between the structure and the front property line excluding the outermost steps, uncovered porches, gutters, and similar fixtures.

**Building Separation:** The minimum required horizontal distance between buildings.

**Condominium:** Portions of real estate which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

**Detention Pond:** A pond which collects stormwater runoff, filters the water, and releases it slowly over a period of hours or days. It does not have a permanent pool and is sometimes referred to as a dry pond or wet weather pond.

**Developer:** A person engaging in development.

**Development:** Any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.

**Development, Density of:** The density of development shall be determined using a gross acreage system. The total area of the tract, including areas to be used for new streets, rights-of-way, drives, parking, structures, recreation areas, dedicated areas, and required setbacks shall be used for density calculations.

**Discharge Point:** The point at which runoff leaves a tract of land.

**Drainageway:** Any natural or man-made channel that carries surface runoff from precipitation.

**Drainage Way and Open Space Area, Dedicated:** The area designated for floodplain and open space purposes on a recorded subdivision plat and thereby dedicated to the public for such purposes.

**Dwelling:** A building that contains one or two dwelling units used, intended, or designed to be used, rented, leased, let, or hired out to be occupied for living purposes.

**Dwelling Unit:** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**Easement:** A grant of one or more of the property rights, by the property owner to, or for use by, the public, a corporation, or other entity.

**Easement, Access:** An easement which grants the right to cross property.

**Elevated Building:** A non-basement building built to have the top of the elevated floor above the ground by means of fill, solid foundation with openings sufficient to facilitate the unimpeded flow of floodwaters, perimeter walls, pilings, columns (post and piers), shear walls, or breakaway walls.

**Enforcement Officer:** Either a building inspector with the Randolph County inspections department or the Town of Ramseur enforcement officer who enforces zoning, subdivision, and other development ordinances of the Town.

**Fence:** A physical barrier or enclosure consisting of wood, stone, brick, block, wire, metal, or similar material used as a boundary or means of protection or confinement, but not including a hedge or other vegetation.

**Flood Plain:** The relatively flat area or low land adjacent to the channel of a river, stream, or watercourse, lake, or other body of standing water, which has been or may be covered by flood water.

**Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Floor Area, Gross:** The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles or any space where the floor-to-ceiling height is less than six (6) feet.

**Floor:** The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

**Grade:** A reference plane representing the average of finished ground level adjacent to any structure.

**Grading:** Any operation or occurrence by which the existing site elevations are changed, or where any ground cover, natural or man-made, is removed, or any buildings or other structures are removed, or any water course or body of water, either natural or man-made, is relocated on any site, thereby creating an unprotected area. The term “grading” is interchangeable with “land-disturbing activity.”

**Greenway:** Public open space owned and maintained by the local government which has been designated on an officially adopted greenway plan.

**Group Development:** A development in which, in lieu of division of a tract of land into separate lots of record for separate principal buildings, a tract of land is divided into two (2) or more principal building sites for the purpose of building development for residential, office or manufacturing or industrial uses. In Ramseur, a shopping center is not considered a group development for purposes of granting special use permits. The requirements for special use permits, for group developments and shopping centers, are different.

**Lake or Natural Watercourse:** Any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.

**Land-disturbing Activity:** See “grading.”

**Lot:** A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law to be separately owned, used, developed, or built upon.

**Lot, Abutting:** Any lot or parcel which has a common boundary, right-of-way or easement with the subject lot.

**Lot, Corner:** A lot abutting two or more streets at their intersection.

**Lot Coverage:** The portion of a lot covered by buildings(s) and/or structure(s).

**Lot Depth:** The distance measured along the perpendicular bisector of the smallest possible rectangle enclosing the lot.

**Lot, Flag:** A lot, created by a subdivision, with less street frontage than is required by Article V of the Zoning Ordinance and composed of a narrow “flagpole” strip extending from the street and a much wider



“flag” section lying immediately behind a lot or lots having the required street frontage for a conventional lot. In the case of a flag lot, the lot line at the end of the flagpole lying generally parallel to the street to which the flagpole connects shall be considered to be the front lot line for setback purposes.

**Lot Front:** That part of the lot abutting to the street.

**Lot of Record:** A lot, plot, parcel, or tract recorded in the Office of the Register of Deeds in conformance with the ordinance(s) in effect at the time of recordation.

**Lot, Reverse Frontage:** A through lot which is not accessible from one of the parallel or nonintersecting streets upon which it fronts.

**Lot, Through:** A lot abutting two (2) streets that do not intersect at the corner of the lot.

**Lot Width:** The mean width measured at right angles to its depth at the building line.

**Manufactured Dwelling:** A structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or 40 body feet or more in length, when erected on site, is 320 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to utilities, and includes the plumbing, heating, and electrical systems contained therein; or a structure that otherwise comes within the definition of a “manufactured home” under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445).

(A) Class “A” Manufactured Homes:

- (1) Class A manufactured home is a doublewide or multi-sectioned manufactured housing unit which meets the U.S. Department of Housing and Urban Development manufactured home construction standards and satisfies the following criteria:
  - (a) Is occupied only as a single-family dwelling;
  - (b) Has a length not exceeding four (4) times its width, with length measured along the longest axis and width measured perpendicular to the longest axis at the narrowest part;
  - (c) Has a minimum of 700 square feet of enclosed and heated living area;
  - (d) Has the towing apparatus, wheels, axles, and transporting lights removed and not included in length and width measurements;
  - (e) Is set up in accordance with the standards established by the North Carolina Department of Insurance. In addition, a continuous, permanent brick or stone foundation or masonry curtain wall constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One- and Two-Family Dwellings, unpierced except for required ventilation and access, shall be installed under the perimeter;
  - (f) Has exterior siding, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential

construction, consisting of one or more of the following: 1) vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint); 2) cedar or other wood siding; 3) wood grain, weather resistant press board siding; 4) stucco siding; or 5) brick or stone siding;

- (g) Has a roof pitch minimum with a vertical rise of four (4) feet for each 12 feet of horizontal run;
- (h) All roof structures shall provide an eave projection no less than six (6) inches, which may include a gutter; and
- (i) Stairs, porches, entrance platforms, ramps and other means of entrance and exit installed or constructed in accordance with the standards set by the North Carolina State Building Code, attached firmly to the primary structure and anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum area of 24 square feet. The use of wood stairs only is prohibited at any entrance.

(B) Class “B” Manufactured Homes:

- (1) Class B manufactured home is a singlewide manufactured housing unit which meets the U.S. Department of Housing and Urban Development manufactured home construction standards that meet or exceed criteria (e) and (g) for Class A manufactured dwellings above.

(C) Class “C” Manufactured Homes:

Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured dwellings above.

**Manufactured Dwelling Park:** A group development site with required improvements and utilities for the long-term location of three or more manufactured dwellings for rental purposes, which development may include services and facilities for the residents.

**Manufactured Dwelling Space:** A designated area of land within a manufactured dwelling park designed for the accommodation of a single manufactured dwelling in accordance with the requirements of this Ordinance.

**Modular Dwelling:** A dwelling unit that is composed of components substantially assembled in an off-site manufacturing plant, transported to the building site for final assembly on a permanent foundation, and is constructed in compliance with the North Carolina State Building Code. Minimum design standards for modular dwellings specified in N.C.G.S. 143-139.1 require:

- a) Roof pitch. – For homes with a single predominant roofline, the pitch of the roof shall be no less than five feet rise for every 12 feet of run.
- b) Eave projection. – The eave projections of the roof shall be no less than 10 inches, which may not include a gutter around the perimeter of the home, unless the roof pitch is 8/12 or greater.
- c) Exterior wall. – The minimum height of the exterior wall shall be at least seven feet six inches for the first story.

- d) Siding and roofing materials. – The materials and texture for the exterior materials shall be compatible in composition, appearance, and durability to the exterior materials commonly used in standard residential construction.
- e) Foundations. – The home shall be designed to require foundation supports around the perimeter. The supports may be in the form of piers, pier and curtain wall, piling foundations, a perimeter wall, or other approved perimeter supports. (1971, c. 1099; 1989, c. 653, s. 2; 2003-400, s. 17.)

**Multi-family Dwelling:** A building or portion thereof used or designed as a residence for two (2) or more families living independently of each other with separate housekeeping and cooking facilities for each, and includes apartment, townhouses and condominiums.

**North Carolina Department of Environment and Natural Resources (DENR):** A state agency having jurisdiction over environmental permits and activities, as well as permits for drinking water, stormwater and wastewater systems.

**Owner:** The holder of the title in fee simple. Absent evidence to the contrary, a local government may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals.

**Pedestrian Way:** A right-of-way or easement dedicated to public use to facilitate pedestrian access to adjacent streets and properties.

**Person:** Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, or public or private institution, utility, cooperative, interstate body or other legal entity.

**Planned Unit Development:** An area of land under unified ownership or control to be developed and improved as a single entity under a Unified Development Plan in accordance with and subject to the requirements of this Ordinance.

**Planning Board:** The Town planning board appointed by the Board of Town Commissioners to carry out the duties set forth in G.S. 160D-301. In Ramseur, the Planning Board and the Board of Adjustment are comprised of the same individuals, who function as separate bodies according to the stated function and purpose for which a meeting is called.

**Plat:** A surveyed map or plan of a parcel of land which is to be or has been subdivided.

**Public Sewer:** A system which provides for the collection and treatment of sanitary sewage from more than one property and is owned and operated by a government organization or sanitary district.

**Public Water:** A system which provides distribution of potable water from more than one property and is owned and operated by a government organization or sanitary district.

**Roof Line:** The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

**Setback:** The minimum required horizontal distance between a structure or activity and the property line, street right-of-way line, or street centerline.

**Setback, Interior:** A setback from any property line not alongside a street.

**Setback, Rear:** A setback from an interior property line lying on opposite side of the lot from the front street setback.

**Setback, Side:** Any interior property line setback other than a rear setback.

**Setback, Street:** Any setback from a street, road or lane.

**Setback, Zero Side:** An alternate form of dimensional requirements that allows a dwelling unit to have one side setback of zero (0) from a side property line. This definition does not include townhouses.

**Site:** All contiguous land and bodies of water in one ownership, or contiguous property in diverse ownership graded or proposed for grading or development as a unit.

**Site Plan:** A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site-plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review.

**Sleeping Unit:** A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a *dwelling unit* are not sleeping units.

**Storm Water Runoff:** The direct runoff of water resulting from precipitation in any form.

**Stream:** A water course that collects surface runoff.

**Street, Public:** A right-of-way or fee simple tract of land that has been set aside for public travel, dedicated to the public by the recording of a subdivision plat, built to public street standards, and eligible for maintenance by either the Town of Ramseur or the NCDOT. Alleys are specifically excluded.

**Subdivider:** Any person, firm, or corporation, or entity that subdivides any land deemed to be a subdivision as herein defined.

**Subdivision:** All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions when any one (1) or more of those divisions are created for the purpose of sale or building development (whether immediate or future) and includes all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition and are not subject to and exempt from any regulations enacted pursuant to this ordinance:

- (A) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town Subdivision Regulations.
- (B) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.
- (C) The public acquisition by purchase of strips of land for the widening or opening of streets

- or the location of public utility rights-of-way.
- (D) The division of a tract of land in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved, and where the resultant lots are equal to or exceed the standards of the Town Subdivision Regulations.
  - (E) The division of land into plots or lots for use as a cemetery.
  - (F) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

**Subdivision, Major:** All divisions of tracts of land meeting the definition of “subdivision” that are: (a) non-residential, or (b) residential involving construction or extension of a public street, or (c) residential and five or more lots in size. Final plats of major subdivisions must be approved for recording by the Town of Ramseur Board of Commissioners.

**Subdivision, Minor:** All divisions of tracts of land meeting the definition of “subdivision” that are residential, less than five lots in size, and do not involve construction or extension of a public street and in which all lots have access to an existing publicly maintained street or highway. Final plats for minor subdivisions may be approved for recording by the Planning Board.

**Subdivision Administrator:** Either a building inspector with the Randolph County inspections department or the Town of Ramseur enforcement officer who enforces zoning, subdivision and other development ordinances of the Town.

**Tract:** An area, parcel, site, piece of land, or property that is the subject of a development application.

**Use:** The purpose or activity for which land or structures are designed, arranged or intended, or for which land or structures are occupied, or maintained.

**Utility Easement:** An easement which grants to the Board of Town Commissioners or other utility providers the right to install and thereafter maintain any and all utilities including, but not limited to, water lines, sewer lines, septic tank drain fields, storm sewer lines, electrical power lines, telephone lines, natural gas lines and community antenna television systems.

**Watershed Critical Area:** That portion of a watershed within one-half mile of the normal pool elevation of a water supply reservoir.

**Watershed, Water Supply:** All other parts of a watershed in Randolph County draining directly into a water supply reservoir. A watershed is defined as an area in which all water drains to a particular body of water.

**Article V**  
**Legal Provisions**

**5.1 Application of Ordinance**

- (A) This ordinance is applicable to all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets.
- (B) No lot or plat (except as provided by Section 5.2 below) within the Town of Ramseur's subdivision jurisdiction shall be transferred, nor shall a plat or record thereof be recorded by the county Register of Deeds until a final plat of the subdivision has been submitted to and approved by the Planning Board for minor subdivisions (see Article VI, Section 6.4) or by the Board of Town Commissioners for major subdivisions (see Article VI, Section 6.3). Such approval shall be indicated on the face of the plat and signed by the Subdivision Administrator for the Town. (See Appendix E for certification forms).
- (C) The Register of Deeds shall not file a plat or record of subdivision of land within the Town's jurisdiction nor shall the Clerk of Superior Court order such recording without the required certification and signature of the Subdivision Administrator.
- (D) 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.

- (E) 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

## **5.2 Exceptions**

- (A) The following shall not be included nor be subject to the regulations prescribed by this ordinance:
  - (1) The combination or recombination of portions of previously plotted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town of Ramseur as described herein;
  - (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;
  - (4) The division of a tract in single ownership the entire area of which is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved, and where the resultant lots are equal to or exceed the standards of this Subdivision Ordinance.
  - (5) The division of land into plots or lots for use as a cemetery.
  - (6) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.
- (B) Plats not subject to the provisions of this Ordinance may be recorded provided the owner desiring to record such plats shall obtain a Certificate of Exemption (Certification #1, Appendix E) from the Subdivision Administrator and shall present such certificate to the Register of Deeds as proof that one of the conditions of exception noted above is present.

## **5.3 Plat Approval Not to Constitute Acceptance of Street or Public Utility**

The approval of a plat pursuant to this Ordinance shall not be deemed to constitute or affect the acceptance by the Town or the public of the dedication of any street or other ground, public utility line or other public facility shown on the plat.

## **5.4 Approval Required for Building Permit**

No building permit shall be issued for the erection of any building on any lot within a subdivision unless a final plat of such subdivision has been approved as required by this ordinance or a certificate of exemption obtained; provided, however, that this shall not apply to any subdivision recorded by the County Register of Deeds before the effective date of this Ordinance.

## **5.5 Variances Due to Site Conditions**

(A) Where the subdivider can show that a provision of this Ordinance would cause unnecessary hardship if strictly adhered to due to topographical or other conditions peculiar to the site, the developer may request a variance from the Board of Adjustment by filing with the Zoning Administrator. The board shall follow quasi-judicial procedures pursuant to NCGS 160D-406.

(B) Public Notice. The Zoning Administrator shall set a date and time for an evidentiary hearing before the Board of Adjustment to gather competent, material, and substantial evidence to establish the facts of the case. The Zoning Administrator shall cause to be mailed, at least ten (10) days before the hearing, a first-class letter to all adjoining property owners, the names of whom he has made a good faith effort to obtain notifying them of the Variance request. For the purpose of this section, properties are “adjoining” even if separated by a street, railroad, or other transportation corridor. The person mailing such notice shall certify that such notices have been mailed.

In addition, a notice shall be prominently posted in the Town Hall and on the property for which the Variance is requested not more than twenty-five (25) days and not less than ten (10) days before the evidentiary hearing.

The board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.

(C) Materials. The Zoning Administrator shall transmit to the board all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the board prior to the hearing if at the same time they are distributed to the board a copy is also provided to the applicant and to the landowner if that person is not the applicant. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in written or electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing.

(D) Presentation of Evidence. The applicant, the Town, and any person who would have standing shall have the right to fully participate including presenting competent, material, and substantial evidence relevant to the case at the evidentiary hearing, cross-examining witnesses, objecting to evidence, and making legal arguments. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board. Opinion testimony from a lay witness shall not be considered evidence for technical matters such as property values and traffic impacts.

Pursuant to NCGS 160D-406, the Board of Adjustment through the chair or, in the chair's absence, anyone acting as chair may subpoena witnesses and compel the production of



evidence. To request issuance of a subpoena, the applicant, the local government, and any person with standing under G.S. 160D-1402(c) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be immediately appealed to the full board. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

- (E) Oaths. The chair of the board or any member acting as chair and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board determining a quasi-judicial matter, willfully swears falsely is guilty of a Class 1 misdemeanor.
- (F) Determination. The Board of Adjustment shall only consider the application and competent, material, and substantial evidence presented at the evidentiary hearing and may grant or deny the Variance requested. In considering all proposed variances to this Ordinance, the Board of Adjustment shall, before making any finding in a specific case, first determine that the proposed variance *will not*:
- 1) allow the establishment of a use not otherwise permitted;
  - 2) extend, in area, or expand a nonconformance;
  - 3) change the district boundaries shown on the Zoning Map;
  - 4) materially diminish or impair established property values within the surrounding area; or
  - 5) in any other respect impair the public health, safety, morals and general welfare.
- (G) Findings of Fact. When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the Board of Adjustment shall vary any of the provisions of the zoning regulation upon a showing of ALL the following:
- 1) Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
  - 2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
  - 3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
  - 4) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secure and substantial justice is achieved.
- (H) Conditions. Before granting a variance, the Board of Adjustment may attach such conditions thereto which are necessary to further ensure the public health, safety, morals and general welfare. Such conditions may address the location, size and nature of

proposed buildings, structures or uses and any other development criteria the Board deems appropriate which are in harmony with the spirit and intent of this Ordinance.

- (I) Any variance thus granted by the Board of Adjustment shall be recorded in the minutes of the meeting at which the variance is granted along with the reasons for the variance.

#### **5.6 Penalties for Transferring Lots in Unapproved Subdivision**

- (A) Any persons who, being the owner or agent of the owner of any land located within the subdivision jurisdiction of the Town of Ramseur, who subdivides such land in violation of this ordinance or transfers or sells any part of such land by reference to, exhibition of, or any other use of a plat showing a subdivision of land before such plat has been properly approved under the provisions of this ordinance and recorded in the office of the Randolph County Register of Deeds, shall be guilty of a misdemeanor.
- (B) This ordinance may also be enforced by injunction, order of abatement, or other equitable remedy upon application to the General Court of Justice.
- (C) Building permits required pursuant to N.C.G.S. 160D-403, -1110 may be denied for lots that have been illegally subdivided.

#### **5.7 Conflicting Ordinances**

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

#### **5.8 Separability**

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

#### **5.9 Effective Date**

This ordinance shall take effect and be in force from and after July 1, 2021, and as subsequently amended by the Board of Commissioners of the Town of Ramseur, North Carolina.

#### **5.10 Amendment Procedure**

- (A) This ordinance may be amended or revised from time to time by the Town of Ramseur Board of Commissioners as provided by N.C.G.S. 106D-601, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Town of Ramseur Planning Board for review and recommendation. If the Planning Board fails to provide a recommendation within 30 days of submission to the Board, it shall be deemed to have favorably recommended the amendment.
- (B) Before amending the Ordinance, the Board of Commissioners shall hold a public hearing. Notice shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days or more than 25 days before the date set for the hearing.

**5.11 State Platting and Disclosure Statement Requirement**

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

**5.12 Moratoria**

The provisions of Article XV Section 11 of the Town of Ramseur Zoning Ordinance shall also apply to the Town of Ramseur Subdivision Ordinance.

**Article VI**  
**Procedure for Approval of Preliminary and Final Plats for Subdivisions**

**6.1 Preapplication; Sketch Plan**

It is recommended that the developer of a major subdivision meet with the Subdivision Administrator in a preapplication conference. The developer should prepare a sketch plan to show general plans for the subdivision. No specific size or scale is required for the sketch plan. The sketch plan should contain:

- (A) a sketch vicinity map showing the location of the subdivision in relation to neighboring tracts and roads;
- (B) boundaries of the tract and portion to be subdivided;
- (C) total acres to be subdivided;
- (D) proposed general street and lot layout;
- (E) zoning classification of tract and adjacent properties;
- (F) name, address and telephone number of owner.

The subdivision administrator will review the sketch plan in consultation with the Planning Board chairman and recommend changes, if necessary, before development of a preliminary plat.

**6.2 Preliminary Plat, Major Subdivisions**

- (A) Submission Requirements
  - (1) The developer shall prepare a preliminary plat of a proposed major subdivision (i.e. any non-residential subdivision, a residential subdivision greater than five lots, or any residential subdivision involving public street construction/extension). Specifications for preliminary plats are contained in Appendix A.
  - (2) Two copies of the preliminary plat, along with any proposed deed restrictions shall be submitted to the Subdivision Administrator at least 20 days before the Planning Board meeting at which it is to be considered. The developer shall provide written information as to the type of development, time-stages of development, and estimated time of completion for development.
- (B) Notifications by Subdivision Administrator
  - (1) The Subdivision Administrator shall advise the school superintendent in writing of proposed new residential subdivisions and provide the school superintendent with a development letter stating the type of development, time-stages of development and the estimated time of completion.
  - (2) Where municipal water and/or sewer are not available, the Subdivision Administrator shall send a copy of the plat to the County Health Director for review.

- (3) The Subdivision Administrator shall notify in writing all adjoining property owners. Such notice shall state the date of the Planning Board meeting when the preliminary plat will be considered and shall be mailed in sufficient time to provide adequate notice.
  
- (C) Planning Board Action. Following a review of the preliminary plat and other submitted material and, if necessary, a conference with the subdivider regarding changes deemed advisable and the kind and extent of improvements to be made, the Planning Board shall act on the plat as submitted or modified. If approved, the Planning Board shall state and record in its minutes the conditions of approval, if any; or if disapproved, shall state and record in its minutes its disapproval and the reasons for disapproval.

### **6.3 Final Plat, Major Subdivisions**

When the preliminary plat has been approved by the Planning Board, the subdivider may proceed with preparation of the final plat and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this ordinance.

- (A) Submission Requirements. When the requirements of this Ordinance have been complied with, the subdivider shall submit two copies of the final subdivision plat and any deed restriction applying thereto to the Subdivision Administrator to submit to the Planning Board for its determination that the final plat conforms to the preliminary plat and other requirements of this Ordinance. (Certification #7, Appendix E) Following approval by the Planning Board, the Final Plat shall be submitted to the Board of Town Commissioners for approval of recording and acceptance of dedications. (Certification #8, Appendix E)
  
- (B) Improvements and Certificates. No final plat shall be approved by the Board of Commissioners until all improvements are installed or their execution guaranteed as permitted by this Ordinance (Certification #6, Appendix E) and all certificates required for final plats by this Ordinance or approvals by state law have been properly completed and signed.
  
- (C) Recordation. The approval of the final plat by the Board of Commissioners shall be on condition that such plat be recorded in the Office of Register of Deeds within 60 days after approval.

The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time.

### **6.4 Minor Subdivisions**

The developer of a minor subdivision (a residential subdivision of less than five lots or one not involving development or extension of a new public road and in which all lots have access to an existing publicly maintained road) may apply for final approval of any minor subdivision through the procedures set forth in this section.

- (A) Submission Requirements. Two copies of a plat, prepared according to specifications in Appendix C, shall be presented to the Subdivision Administrator for submission to the Planning Board for all minor subdivisions.

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- (B) Plats for minor subdivisions must be accompanied by a certificate of survey and accuracy as specified in Appendix E by a registered land surveyor or professional engineer licensed and registered to practice in North Carolina.
- (C) Review Procedure. The Planning Board shall review each minor subdivision and shall find that it either does or does not meet the requirements of this ordinance. Based on these findings, the Planning Board shall either approve, disapprove, or approve conditionally the proposed minor subdivision within thirty (30) days of its submission.
- (D) Certificate of Approval for Recording. If the proposed minor subdivision is approved by the Planning Board the approval shall be shown by a certificate of approval for recording (Certificate #2, Appendix E).

**Article VII  
General Requirements and Minimum Standards of Design**

**7.1 General**

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

**7.2 Compliance with Official Plans and Ordinances**

Land shall be subdivided in compliance with the Town of Ramseur Zoning Ordinance and other pertinent official development plans and ordinances. In addition, where land lies within the area of a public water supply reservoir, a proposed highway project or other public project designated by a governmental authority, subdividers of such land shall be required to give notice on the face of the final subdivision plat that land within the subdivision lies within a designated area for public development and may be the subject of future public purchase. (See Certificate #4, Appendix E for Certificate of Disclosure for Public Purchase.)

**7.3 Road Frontage**

All lots in a subdivision must front on a public paved road with a minimum road frontage of 40feet. There shall be no reserve strips controlling access to streets except where cause can be shown that such control would best serve the purpose of this Ordinance.

**7.4 Streets and Roads**

- (A) The design of all public streets and roads within the Town of Ramseur shall conform to standards set forth in the most recent edition of “Minimum Construction Standards for Subdivision Roads” published by the N.C. Department of Transportation, Division of Highways, as modified by Article VIII, Section 8.4 of this Ordinance.
- (B) Disclosure and approval by the Division of Highways shall comply with N.C.G.S. 136-102.6.
- (C) All streets shall be named, and signs conforming to Town shall be posted at intersections showing the name of every street. New streets which are obviously in alignment with others already existing and named shall bear the names of the existing streets. In no case shall the names of new streets phonetically resemble existing street names.
- (D) Subdivision Names. All subdivisions requiring the development of new public roads must be named. A sign conforming with Article XII of the Town of Ramseur Zoning Ordinance and clearly indicating the name of the subdivision shall be posted at each entrance to the subdivision.
- (E) Access to Adjoining Property. Means of ingress and egress for adjoining properties within the subdivision shall be provided.
- (F) Cul-de-Sacs. Cul-de-sacs or other dead-end streets designed to be permanently closed shall be provided at the closed end with sufficient right-of-way for vehicular turnarounds. Circular rights-of-way at the closed end shall have a minimum radius of 60 feet and the

surfacing shall have a minimum radius of 45 feet.

## **7.5 Blocks**

Blocks shall be laid out with due consideration given to traffic circulation patterns and contemplated use.

- (A) Length. Blocks shall be not less than 400 nor more than 1,600 feet in length, except as considered necessary to secure efficient use of land or desired features of street pattern by the Planning Board. In blocks over 800 feet in length one or more crosswalks not less than ten (10) feet in width extending entirely across the block may be required at locations deemed necessary by the Planning Board.
- (B) Widths. Blocks shall be wide enough to allow two tiers of lots of minimum depth, (reference Article VI, Dimensional Requirements Table, of the Town of Ramseur Zoning Ordinance), except where fronting on major streets or prevented by topographic conditions, in which case a single tier of lots may be approved.

## **7.6 Lots**

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

- (A) Marginal Land. Land subject to flooding or land which may aggravate the flood hazard or increase danger to life or property if developed, and land uninhabitable for other reasons, shall not be considered platted for occupancy and shall not be used in determining the minimum lot area or maximum lot depth.
- (B) Frontage on a Public Street. Every lot shall front or abut a minimum of forty (40) feet on a public street.
- (C) Double and Reverse Frontage. Double frontage and reverse frontage lots shall be avoided, except where required in unusual circumstances specifically approved by the Planning Board.
- (D) Side Lot Lines. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.
- (E) Area and Dimensions of Lots. All lots shall conform to the minimal dimensional requirements for each zoning district as prescribed in the Table of Area and Yard Requirements and related notes located in Article VI of the Town of Ramseur Zoning Ordinance. In summary, the following minimum area and dimensional requirements shall be met:



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<b>Zoning District</b>	<b>Lot Size (sq. ft.)</b>	<b>Building Line Width</b>	<b>Front Lot Line Width</b>	<b>Front Setback</b>	<b>Side Setback</b>	<b>Rear Setback</b>	<b>Maximum Height</b>
<b>RA20</b>	<b>20,000</b>	<b>100</b>	<b>100</b>	<b>50</b>	<b>20</b>	<b>30</b>	<b>35</b>
<b>RA16</b>	<b>16,000</b>	<b>100</b>	<b>100</b>	<b>40</b>	<b>15</b>	<b>20</b>	<b>35</b>
<b>RM16</b> Duplex Multi-family (3+ units)	<b>16,000</b> +4,000 +2,000	<b>100</b>	<b>100</b>	<b>40</b>	<b>15</b>	<b>20</b>	<b>35</b>
<b>I&amp;C</b>			<b>50</b>	<b>20</b>	<b>25</b>	<b>25</b>	<b>50</b>
<b>NB</b>			<b>50</b>	<b>40</b>	<b>15</b>	<b>20</b>	<b>35</b>
<b>B</b>			<b>50</b>	<b>20</b>	<b>25</b>	<b>25</b>	<b>50</b>
<b>I &amp; HI</b>			<b>50</b>	<b>20</b>	<b>25</b>	<b>25</b>	<b>50</b>

Note: See Article VI, Section 1, of the Ramseur Zoning Ordinance for complete requirements.

### **7.7 Lots Not Served by Municipal Water or Sewer**

- (A) Where public water and sewer facilities are not available and individual water supplies or individual sewage disposal systems are planned, the subdivider, at his own expense, shall have the site investigated by the Randolph County Health Department or other authorized, qualified, individual, firm, or agency, to determine whether or not such individual facilities are feasible. The developer shall present proof to the Planning Board that appropriate soil tests have been conducted and that each lot in the subdivision not served by public water or sewage disposal systems has been approved by the Randolph County Health Department for individual water supplies and/or sewage disposal systems.
- (B) Where individual septic tank systems are planned, minimum lot sizes specified in this ordinance may need to be increased as required by the results of testing and subsoil investigation.
- (C) Water supply and sewage facilities shall comply with applicable state and county health and environmental laws and regulations. (See Appendix D for water and waste disposal approval requirements).

### **7.8 Easements**

To provide for public service poles, wires, conduits, storm or sanitary sewers, storm drainage channels, surface overflow, gas, water or heat mains, or other utilities, easements when and where required not less than 15 feet wide, (30 ft. total width) shall be required along all rear lot lines, and 10 feet wide along all side lot lines (20 ft. total width) of all side lot lines, or across lots where necessary.

### **7.9 Recreation Areas and Sites for Public Facilities**

Where a school site is shown on an approved plan, recorded with the Register of Deeds, the site shall either be dedicated for public purpose at the option of the property owner or reserved for acquisition by the appropriate public body for a period not exceeding 18 months from the date of approval of the preliminary subdivision plan.

**7.10 Water Courses**

If there is any water course or dry branch of any type running through or within 150 feet of the property proposed for subdivision, the prospective subdivider shall furnish reasonable evidence to the Planning Board that residential lots within the subdivision will not be flooded. Lots located in flood plains shall not be sold for residential purposes.

**7.11 Buffer Strips – Streams**

A subdivision including within its boundaries a perennial stream shall provide for a 50 feet buffer of vegetation on both sides of the stream to retard rapid water runoff and soil erosion. Perennial streams are identified as the solid blue lines on United States Geological Survey Maps. Streets, roadways, railroads, and driveways are permitted in the stream buffer, but shall be constructed to cross the buffer as near to perpendicular as possible. Utility lines, greenways and greenway type recreation facilities are permitted within the buffer but shall be designed to have minimal impact. If the vegetative cover must be removed or disturbed, it shall be restored as soon as possible.

The 50 feet buffer shall be measured on a horizontal plane from the bank of the stream. The buffer zone may be included in calculating the lot size.

**7.12 Reservation of Lake Frontage through the Provision of Lake Access lots and Areas in Lake-Front Subdivisions**

Within any lake front subdivision lake front access shall be provided consisting of an access lot or other lake access having a width on the water that is equal to a minimum of 10% of the street frontage of lots without direct water access, or of the street frontage of unsubdivided areas without direct water access, lying within 460 feet of the pond level and a minimum depth of 70 feet. The minimum lake access shall be 20 feet wide and in no case shall any more than 25% of the lake frontage within any lake front subdivision be required for dedication for lake access purposes. This access is for the exclusive use of property owners, both now and in the future, within the particular subdivision.

**7.13 Planned Unit Developments**

The requirements of this Ordinance applicable to conventional subdivisions may be modified in the case of planned unit developments (PUDs), planned business developments (PBD), group developments, multifamily developments, industrial parks, and shopping centers. Requirements and the review process for these developments under unified control are specified in the Special Use permit provisions of the Ramseur Zoning Ordinance. The Special Use Permit procedure may be combined with the preliminary plat process required by this ordinance. A developer planning any of these types of development may therefore prepare all information and plans as required by the Zoning Ordinance along with any deed restrictions and present two copies of the information to the Subdivision Administrator at least three weeks before the Board of Commissioners meeting at which the Special Use request is to be heard. Where applicable, the Subdivision Administrator shall present the plans to the County Health Director for review before the Special Use hearing. When a Special Use Permit is granted, the preliminary plat requirements of this ordinance shall have been satisfied.

When improvements have been completed in conformance with this ordinance and the Special Use requirements, the developer shall submit two copies of the final plat and any deed restrictions

to the Board of Commissioners for review and approval of recordation of a final plat as specified in Article V, Section 5.3 of this ordinance. All applicable certifications shall be required.

**7.14 Manufactured Home Subdivisions**

Manufactured housing subdivisions shall comply in all respects to the requirements of this ordinance. (NOTE: A manufactured housing park as outlined in the Zoning Ordinance and permitted by Special Use is not a manufactured housing subdivision.) Only Class A and B manufactured homes, as defined by this Ordinance, are permitted in subdivisions, the intent being to present an aesthetic, safety and construction standard comparable to all other subdivisions within the Town's jurisdiction. Electric power for the manufactured home shall not be released unless all of the requirements for Class A manufactured housing are met. Refer to the Town of Ramseur Zoning Ordinance Article VI, Section 6.1, MHO Manufactured Housing Overlay District for Manufactured Home Subdivision.

**Article VIII  
Improvements Required Before Approval of Final Plats**

**8.1 Installation of Improvements**

No subdivision plats shall be granted final approval until the required improvements have been made in accordance with the provisions of this ordinance or their installation guaranteed as set forth in Section 8.2 below.

**8.2 Performance Guarantee of Improvements**

Grading and base construction for streets must be installed prior to submission of the plat for final approval. Where other required improvements have not been completed, the approval of said plat shall be subject to the subdivider's guaranteeing the installation of said improvements in one of the following methods:

- a) Performance or surety bond executed by a company duly licensed to do business in the State of North Carolina.
- b) Letter of credit issued by any financial institution licensed to do business in the State of North Carolina.
- c) Other form of guarantee that provides equivalent security to a surety bond or letter of credit.

Duration. The duration of the performance guarantee shall initially be one year, unless the developer determines that the scope of work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one year from the date the bond is issued, unless the developer determines that the scope of work for the required improvements necessitates a longer duration.

Extension. A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension. If the improvements are not completed to the specifications of the local government, and the current performance guarantee is likely to expire prior to completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period. An extension under this subdivision shall only be for a duration necessary to complete the required improvements. If a new performance guarantee is issued, the amount shall be determined by the procedure provided in subdivision (3) of this subsection and shall include the total cost of all incomplete improvements.

Release. The performance guarantee shall be returned or released, as appropriate, in a timely manner upon the acknowledgement by the local government that the improvements for which the performance guarantee is being required are complete. The Town shall return letters of credit or escrowed funds upon completion of the required improvements to its specifications or upon acceptance of the required improvements if the required improvements are subject to Town acceptance. When required improvements that are secured by a bond are completed to the specifications of the Town, or are accepted by the Town, if subject to its acceptance, upon request by the developer, the Town shall timely provide written acknowledgement that the required improvements have been completed.

Amount. The amount of the performance guarantee shall be one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued. The Town may determine the amount of the performance guarantee or use a cost estimate determined by the developer. The reasonably estimated cost of completion shall include one hundred percent (100%) of the costs for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing. The additional twenty-five percent (25%) includes inflation and all costs of administration regardless of how such fees or charges are denominated. The amount of any extension of any performance guarantee shall be determined according to the procedures for determining the initial guarantee and shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained. The performance guarantee shall be posted prior to plat recordation.

Coverage. The performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion.

Legal Responsibilities. No person shall have or may claim any rights under or to any performance guarantee provided pursuant to this subsection or in the proceeds of any such performance guarantee other than the following:

- a) The local government to whom the performance guarantee is provided.
- b) The developer at whose request or for whose benefit the performance guarantee is given.
- c) The person or entity issuing or providing the performance guarantee at the request of or for the benefit of the developer.

Multiple Guarantees. The developer shall have the option to post one type of a performance guarantee, in lieu of multiple bonds, letters of credit, or other equivalent security, for all development matters related to the same project requiring performance guarantees.

Exclusions. Performance guarantees associated with erosion control and stormwater control measures are not subject to the provisions of this section.

### **8.3 Submission Requirements**

Data demonstrating compliance with the improvements requirements must be prepared and submitted along with the final plat for the meeting of the Board of Commissioners at which final approval is sought. Two copies of the final plat and all plans, profiles, specifications, and other required information shall be required. Specifications for final plats are listed in Appendix B.

### **8.4 Required Improvements**

The following improvement requirements shall be fulfilled or guaranteed before a final plat shall be approved by the Planning Board for recording:

- (A) New Public Streets. All streets shall be designed and built-in accordance with the current edition of the North Carolina Department of Transportation Division of Highways Minimum Construction Standards for Subdivision Roads with the following modifications (see diagrams - pages 39- 48):

- (1) Streets with Curb and Gutter Section

- (a) Curb and gutter shall be 30" concrete per N.C. Department of Transportation Standard #846.01.
- (b) Right-of-way, pavement width and typical street sections for local and collector roads shall conform to the attached illustration for shoulder section.

(2) Streets with Shoulder Section

- (a) Right-of-way, pavement width and typical street sections for local and collector roads shall conform to the attached illustration for shoulder section.
- (b) The erosion control plan for shoulder section streets must include the following items certified by a registered professional engineer:
  - (i) Stormwater quantity and velocity calculations for side ditches exceeding 5% slope.
  - (ii) Properly, designed measures for permanent erosion control of side ditches.
  - (iii) Stormwater in grassed side ditches will have a non-erodible velocity.

All streets, drainage systems and erosion control shall be built in accordance with Town of Ramseur specifications and standard details.

Streets shall be cleared and graded to the full width of the right-of-way and as required for stable side slopes.

(B) Existing Streets. From and after March 18, 1968 streets accepted into the Town's street system must conform to the following minimum specifications.

- (1) Streets to be surveyed and platted by the Town's engineers with plat of same presented to the Town.
- (2) 60 ft. right-of-way signed by all adjoining property holders.
- (3) Road constructed to NCDOT specifications and standards within the 60 ft. right-of-way, proper drainage, and culvert to be installed at points where Town engineers may require.
- (4) Dead end streets will not be accepted into the Town's street system unless approved unanimously by the Board.
- (5) All of the above specifications must be met at the expense of property owners.

(C) Driveways.

- (1) Permit required. Driveway permits are required for a driveway constructed across

a public sidewalk, walkway or parkway, or into a street, or for a curb cut. The permit application (Appendix F) may be obtained from the director of public works and shall state, among other things, the location, grade, and dimensions of the proposed driveway and its purpose. If the proposed driveway complies with the provisions of this section, the director of public works shall issue the permit.

(2) Construction Requirements. The following construction standards shall be met for driveways:

(a) Business or commercial installations

- (i) No driveway shall exceed 30 feet in width at the outer or street edge of the driveway.
- (ii) Driveway locations, the number of driveways and the radii of curves of driveways shall be diagrammed and approved by the public works director.
- (iii) No driveway apron shall extend out into the street further than the face of the curb and under no circumstances shall such driveway apron extend into the gutter area.
- (iv) At all business or commercial driveway entrances a site line, not less than two and one-half inches in width shall be maintained along the entire width of the driveway or ramp to clearly define the sidewalk area on the property side of the sidewalk and a curb shall be constructed along the balance of the property line, such curb to have a minimum thickness of four inches and a minimum height of five inches.

(b) Residential installations

- (i) No driveway for a residence shall be less than 16 feet or greater than 24 feet at the outer or street edge of the driveway.
- (ii) Residences shall not have more than two driveways except under circumstances approved by the director of public works.
- (iii) The director of public works shall, before the approval of driveway permits required by this section, examine the proposed driveway locations and determine that the driveway location does not constitute a traffic hazard.

(D) Monuments. Permanent concrete monuments four (4) inches in diameter or square, three (3) feet long, shall be placed at not less than two (2) corners of the subdivision, provided that additional monuments shall be placed where necessary so that no point within the subdivision lies more than five hundred (500) feet from a monument. Two or more of the required monuments shall be designated as control corners. The top of each monument shall have an indented cross, metal pin, or metal plate to identify properly the location of the point. All monuments shall be shown on the final plat.

- (E) Utilities. Water mains and sanitary sewers may be installed by the subdivider. If such installation is made, the subdivider shall comply with all rules, regulations, and construction specifications of the Town.

Electrical utilities and communication lines shall be installed underground with arrangements made by the subdivider with the utility company or cooperative authorized to serve the area of the subdivision. Installation shall be in keeping with the latest accepted design standards and procedures along lot lines.

Utilities which encroach upon the State Highway system shall require an Encroachment Contract executed by the person or firm responsible for maintenance.

- (F) Erosion Control. The subdivider shall mulch, seed, sod or otherwise protect all grading, excavations, open cuts, side slopes and other land surface disturbances.

It is also the subdivider's responsibility to comply with the North Carolina Sedimentation and Pollution Control Act. The Subdivision Administrator will advise the developer to contact the N. C. Department of Environment, Health and Natural Resources, Land Quality Section, which agency provides technical assistance and enforcement of the Sedimentation and Pollution Control Act.

- (G) Removal of Rubbish. The subdivider shall remove all cut or fallen trees, stumps, or rubbish from the subdivision.

## **8.5 Street Construction**

- (A) Property owners' participation. The Town of Ramseur will not accept or adopt any new street, nor will it pave or assist in the construction or pavement of any new street other than streets shown on the map of the streets of the Town of Ramseur known as the Powell Bill Map except upon the payment of the full cost and expense of construction or of construction and pavement, as the case may be, and such cost and expense must be actually paid or amply secured (see Sec. 8.2 above) before the Town will take any action with respect thereto.
- (B) Application to new streets. The provisions of Subsection (A) above apply with full force and effect to any and all territory that may hereafter be taken into the Town by any extension or extensions of its corporate limits.



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**Appendix A**  
**Specifications for Preliminary Plat**

The preliminary plat shall be submitted, two copies, on 18" x 24" sheets drawn to a scale of not less than 200 feet to the inch and shall contain the following information:

Item #	Item Description	Preparers check here if complete
--------	------------------	----------------------------------

**TITLE DATA**

I	Title Data is shown containing:	
	A. Date of submission	
	B. Name and address of owner	
	C. Name of subdivision (Subdivision names shall not duplicate an existing subdivision name)	
	D. Location designation (township, county, state), and location map show surrounding area	
	E. Name and address of designer	
	F. Scale in figures and bar graph	
	G. North arrow	
	H. Preliminary plat notation	
	I. Proposed use of property to be subdivided	

**EXISTING CONDITIONS**

(On property to be subdivided and within 500 feet of property being subdivided)

II	Existing Conditions are shown containing:	
	A. Street rights-of-way, width of pavement, and names	
	B. Location and size of community utilities including sewer, water, electricity, and telephone facilities	
	C. Location and size of bridges, culverts, and other storm drainage facilities.	
	D. Location, width, and purpose of all easements	
	E. Bearings and distances of property boundary	
	F. Surrounding property lines, property owners, and subdivisions	
	G. Boundaries and identification of political subdivisions	
	H. Boundaries and identification of zoning districts	
	I. Buildings	
	J. Topography including water courses, wooded areas, and contours at five (5) feet intervals or less	
	K. Location, extent, and identification of floodplain, watershed, water critical area, or other restricted land	
	L. Driveways and road (in use or abandoned) leading to other property	
	M. Other natural or manmade conditions affecting site development	
	N. A list of restrictive covenants (deed restrictions) to be applied to any or all lots in the subdivision	

**PROPOSED PLANS**

III	Proposed Plans are shown containing:	
	A. Street alignments, rights-of-way, names	
	B. Community utilities, including sewer, water, electricity, gas, and telephone facilities, with connections to existing system shown	
	C. Location and sizes of bridges, culverts, and other storm drainage facilities	
	D. Location, width, and purpose of easements	
	E. Lines, numbers, and approximate dimensions of lots and blocks	
	F. Minimum building setback lines	

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Item #	Item Description	Preparers check here if complete
	G. Public use sites	
	H. Site data:	
	1. Acreage of property to be subdivided	
	2. Acreage of public use sites	
	3. Number of lots	
	4. Average lot size	
	5. Square feet of each irregularly shaped lot	
	6. Lineal feet of streets	

Where the preliminary plat submitted covers only a part of the subdivided tract, a sketch shall be submitted showing the prospective future street system and other features for ultimate development of the entire tract.

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**Appendix B**  
**Specifications for Final Plat**

The final plat, two copies and one mylar shall be submitted on 18” x 24” sheets to a scale of not less than 200 feet to the inch. If more than two sheets are required, an index sheet of the same dimensions shall be provided. The final plat shall contain the following information:

Item #	Item Description	Preparers check here if complete
--------	------------------	----------------------------------

**TITLE DATA**

I	Title Data is shown containing:	
	A. Date of submission	
	B. Name and address of owner	
	C. Name of subdivision (Subdivision names shall not duplicate an existing subdivision name)	
	D. Location designation (township, county, state), and location map show surrounding area	
	E. Name and address of designer	
	F. Scale in figures and bar graph	
	G. North arrow	
	H. Final plat notation	
	II. Certificates (see Appendix F)	

**SURROUNDING PROPERTY INFORMATION**

II	Surrounding Property Information is shown containing:	
	A. Property lines, property owners, and subdivisions	
	B. Rights-of-way, Easements, reservations, and public use sites located and identified within 500 feet of property being subdivided	

**PROPERTY BEING SUBDIVIDED**

III	Property Being Subdivided contains:	
	A. Street rights-of-way, width of pavement, and names of streets as posted on site	
	B. Property boundary lines including bearings and distances as determined by survey	
	C. Block and lot lines with dimensions, block, and lot numbers	
	D. Minimum building setback lines	
	E. Identification and dimensions of easements, reservations, and dedicated area	
	F. Location, extent, and identification of flood plain, watershed, water critical area or other restricted land	
	G. Sufficient data of monuments and markers to determine readily and reproduce on the ground, the location, bearing and length of all the above items	

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**Appendix C**  
**Specifications for Minor Subdivision Plat**

Two copies of a minor subdivision plat shall be submitted on 18" x 24" sheets to a scale of not less than 200 feet to the inch. The following information shall be included:

I	Minor Subdivision Plats containing:	
	A. Date of submission	
	B. Name and address of owner	
	C. Location designation (township, county, zoning district)	
	D. Name and address of surveyor	
	E. Scale in figures and bar graph	
	F. North arrow	
	G. Property lines, property owners, and subdivisions of surrounding property owners	
	H. Surveyed lots with all dimensions, easements, reservations, etc.	
	I. Sufficient data of monuments and markers to determine readily and reproduce on the ground, the location, bearing and length of all the above items	

**Appendix D  
Approval of Non-Municipal Water Supply and Waste Treatment Systems**

I. Water Supply Systems

- A. Water supply systems planned to serve 15 or more connections or at least 25 permanent residents are classified as community public water supplies by the state of North Carolina. Plans and specifications for such systems must be prepared by a professional engineer registered in North Carolina and submitted for approval to the Public Water Supply Branch, (Regional Office) Department of Environment, Health and Natural Resources.
- B. Water supply systems planned to serve 14 or fewer connections or less than 25 permanent residents are regulated by the Randolph County Health Department. Plans and specifications should be submitted to the County Health Department for approval.
- C. Individual water supplies (wells) are regulated by the Randolph County Health Department and should be located, constructed and operated in accordance with county and state regulations administered through the County Health Department.

II. Waste Treatment

Plans for waste treatment must first be presented to the Randolph County Health Department. Whenever possible non-discharging septic tanks will be required with location, lot size, and installation regulated by the county Health Department. If septic treatment (or hook-up to a municipal sewer system) is not possible, a letter must be obtained from the county health department to this effect. Thereafter, the developer may apply to the Division of Environmental Management, (Regional Office) Department of Environment, Health and Natural Resources for a permit to install a community sewer system. The number of hook-ups approved for treatment and the level of treatment required is regulated by the permit process of the Division of Environmental Management.

All private sewage treatment plants are required to be enclosed with a chain-link fence a minimum of 7 feet in height and locked when the plant is unattended. This requirement is applicable to all existing and new private sewage treatment plants.

**Appendix E  
Required Certifications**

**1. Certificate of Exemption (Subdivision not Subject to Regulations of this Ordinance)**

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon, which was conveyed to me (us) by deed recorded in Book \_\_\_\_\_, Page \_\_\_\_\_, and that the subdivision of the property shown on this plat is an exception to the Subdivision Ordinance of the Town of Ramseur, North Carolina under Article V, Sec. 2.

\_\_\_\_\_  
Owner(s) \_\_\_\_\_  
Date

\_\_\_\_\_  
Subdivision Administrator \_\_\_\_\_  
Date

**2. Certificate of Approval for Recording, Minor Subdivision**

I hereby certify that this subdivision plat has been found to comply with the Subdivision Ordinance of the Town of Ramseur, North Carolina, that all procedures for approval of minor subdivisions have been complied with, and that the Planning Board approved this plat for recording on \_\_\_\_\_

\_\_\_\_\_  
Subdivision Administrator \_\_\_\_\_  
Date

**3. Certificate of Ownership and Dedication**

I hereby certify that I (we) am (are) the owner(s) of the property shown and described hereon, which is located in the subdivision jurisdiction of the Town of Ramseur and that I hereby adopt this plan of subdivision with my (our) free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted.

\_\_\_\_\_  
Owner(s) \_\_\_\_\_  
Date

North Carolina, Randolph County

**4. Certificate of Disclosure of Public Purchase**

I hereby certify that land identified within the subdivision plat shown hereon lies within the area of a designated proposed (highway, public water supply, other applicable project) and may be subject to public purchase at a future date.

\_\_\_\_\_  
Subdivision Administrator \_\_\_\_\_  
Date

**5. Certificate of Accuracy**

I, \_\_\_\_\_ certify that under my direction and supervision this Map was drawn from an actual field land survey; that the Error of Closure is calculated by latitudes and departures is 1:\_\_\_\_; that the boundaries not surveyed are shown as broken lines plotted from information in book \_\_\_\_\_, page \_\_\_\_\_; that this Map was prepared in accordance with G.S. 47-30 as amended.

WITNESS my hand and Seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signature \_\_\_\_\_  
Engineer or Land Surveyor

Registration Number \_\_\_\_\_

**6. Certificate of Approval of Design and Installation of Streets, Utilities and Other Required Improvements**

I hereby certify that all streets, utilities, and other required improvements in the Subdivision have been installed in an acceptable manner according to the Town of Ramseur specifications, or that guarantee of the installation of the required improvements in an amount and manner satisfactory to the Town has been received, and that the filing fee for this plat has been paid.

\_\_\_\_\_  
Subdivision Administrator

\_\_\_\_\_  
Date

**7. Certificate of Approval by the Planning Board**

I hereby certify that the Planning Board of the Town of Ramseur fully approved the final plat of \_\_\_\_\_ this subdivision, identified as \_\_\_\_\_ at its meeting of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Subdivision Administrator

\_\_\_\_\_  
Date

**8. Certificate of Approval, Major Subdivision**

I hereby certify that this subdivision plat has been found to comply with the Subdivision Regulations for the Town of Ramseur, North Carolina and that all procedures for approval of major subdivisions have been complied with. I further certify that on \_\_\_\_\_ the Town Board of Commissioners approved this plat for recording and accepted the dedication of streets, easements, rights-of-way, and any other sites shown hereon for public purposes.

\_\_\_\_\_  
Subdivision Administrator

\_\_\_\_\_  
Date

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**9. Certificate of Plat Review Officer**

I, review officer of Randolph County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

\_\_\_\_\_  
Review Officer

\_\_\_\_\_  
Date



**Appendix F**  
**Town of Ramseur Street & Driveway Access Permit Application**

Location of Property:

County: \_\_\_\_\_ Access to Route No.: \_\_\_\_\_  
Exact Distance \_\_\_\_\_ Miles/Feet (circle one) N S E W (circle one)  
From the intersection of Route No.: \_\_\_\_\_ & Route No.: \_\_\_\_\_ Toward \_\_\_\_\_

Property use: Special Commercial Regular Commercial Residential/Subdivision Other

Property \_\_\_ is \_\_\_ is not within city zoning area.

Property is located in what kind of development classification? \_\_\_\_\_

---

**AGREEMENT**

I, the undersigned property owner, request access and permission to construct driveway(s) or street(s) on public right-of-way at the above location.

I agree to construct and maintain driveway(s) or street entrance(s) in absolute conformance with the current "Policy on Street and Driveway Access" to the Town of Ramseur streets as adopted by the Board of Commissioners.

I agree that the driveway(s) or streets) will be constructed as shown on the sketch on the reverse side of this application.

I agree to construct and maintain the driveway(s) or streets) in a safe manner so as not to interfere with or endanger the public travel.

I agree to provide during construction proper signs, signal lights, flaggers, and other warning devices for the protection of traffic in conformance with the current "Manual on Uniform Traffic Control Devices for Streets or Highways." Information as to the above rules and regulations may be obtained from the Public Works Director of the Town of Ramseur.

I agree to indemnify and save harmless the Town of Ramseur from all damages and claims for damage that may arise by reason of this construction.

I agree that the Town of Ramseur will assume no responsibility for any damages that may be caused to such facilities, within the town streets right of way limits, in carrying out its construction.

I agree to notify the Public Works Director when the proposed work begins and when it is completed.

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Entrance Width(s)	Size	Length	Inspection Satisfactory	Installation By:
1. _____	_____	_____	Yes or No	
2. _____	_____	_____	Yes or No	

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Property Owner: Name: _____ Signature: _____ Address: _____ _____	Witness: Name: _____ Signature: _____ Address: _____ _____
---	--

Applicant: Name: _____ Signature: _____ Address: _____ _____ Phone: _____	Witness: Name: _____ Signature: _____ Address: _____ _____ Phone: _____
--	--

_____	_____
Town Official	Date

Note: Submit two copies of application to the Public Works Director,  
Town of Ramseur, PO Box 545, Ramseur NC 27316