

Town of Danbury

Subdivision Regulations

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ARTICLE I

General

Section 1-1 Title

This Ordinance shall be known and may be cited as the Subdivision Regulations of Danbury, North Carolina.

Section 1-2 Purpose

The purpose of these subdivision regulations is to promote the public health, safety and general welfare by providing for the orderly subdivision of land in Danbury and its extraterritorial planning jurisdiction. More specifically, these regulations are 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 dedication or reservation of road rights-of-way, utility easements, and public facility sites; (4) assure the proper installation of roads and utilities; (5) avoid undue concentrations of population; and (6) insure proper legal description, identification, monumentation, and recordation of property boundaries.

Section 1-3 Authority and Jurisdiction

1-3.1 **Authority.** The enactment of these regulations is authorized under provisions pursuant to Chapter 160A, Article 19, Part 2, Sec. 371 et seq. of the General Statutes of North Carolina.

1-3.2 **Jurisdiction.** These regulations shall govern the platting and recording of any subdivision of land within Danbury and its extraterritorial planning jurisdiction.

Section 1-4 Conflicting Ordinances

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

Section 1-5 Separability

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

Section 1-6 Abrogation

It is not intended that these regulations repeal, impair, abrogate, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where these regulations impose greater restrictions, the provisions of these regulations shall govern.

Section 1-7 Amendment

1-7.1 **Procedures.** These regulations may be amended or revised from time to time by the Danbury Town Council. The Council shall cause notice of the hearing to be published once a week for

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two (2) successive calendar weeks. The notice shall be published the first time not less than ten (10) days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

1-7.2 **Planning Board Review.** No amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Danbury Planning Board for review and comment. If the Board does not make any recommendation within 45 days of submission, it shall be deemed to have favorably recommended the amendment.

Section 1-8 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 NC General Statute 136-102.6 "Compliance of Subdivision Roads with Minimum Standards of the Board of Transportation," which requires that all new roads (streets), whether public or private, and all changes in roads (streets) be platted. NC General Statute 136-102.6 also requires the subdivider to furnish to each lot purchaser a Subdivision Roads Disclosure Statement revealing the status of new roads, whether or not they are constructed to NC Department of Transportation standards, and who will bear maintenance responsibility for the roads. No provisions of the Danbury Subdivision Regulations or of any other local Ordinance shall exempt a division of land from the provisions of NC General Statute 136-102.6.

Section 1-9 Effective Date

This Ordinance shall take effect from and after **August 20, 1995** and as subsequently amended by the Danbury Town Council.

Section 1-10 Pre Existing Subdivisions

This Ordinance shall not apply to subdivision plats or deeds recorded prior to the effective date of these regulations, provided the lots met the requirements of the zoning ordinance or any other local or state land regulatory ordinances in effect at the time of recording.

Section 1-11 Word Interpretation

For the purpose of these regulations, certain words shall be interpreted as follows:

- (a) The word "may" is permissive.
- (b) The words "shall" and "will" are mandatory.
- (c) The present tense includes the future tense and the future tense includes the present tense.
- (d) The singular includes the plural and the plural includes the singular.
- (e) "He" shall include the feminine "she."

ARTICLE II

Definitions

Building Setback Line. A line parallel to the front property line in front of which no structure shall be erected.

Dedication. A gift or donation of property by the owner to another party without any consideration being given for the transfer. Since a transfer of property is involved, the dedication is made by written instrument and is completed with an acceptance. The dedication is often for a specific use.

Double Frontage Lot. A continuous (through) lot which is accessible from both roads upon which it fronts.

Dwelling, Townhouse. A one-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more common fire resistant walls.

Easement. A grant by the property owner of one (1) or more of the property rights to the public, a corporation, entity, or another person. (*see also private easement*)

Flag Lot. A lot in the shape of a flag and pole with the pole providing the narrow connection between the lot and a public or private road.

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.

Major Subdivision. All other subdivisions not classified as minor. Major subdivisions shall be approved, approved conditionally, or disapproved by the Danbury Planning Board as specified in these regulations.

Minor Subdivision. The subdivision of land into six (6) lots or less, not involving development or extension of a new public or private road with all lots having access to an existing state maintained road. Minor subdivisions shall be approved, approved conditionally, or disapproved by the Danbury Planning Board as specified in these regulations.

Official Maps or Plans. Any maps or plans officially adopted by the Town Council as a guide to the development of Danbury and its extraterritorial planning area.

Open Space. An area (land and/or water) generally lacking in man-made structures and reserved for enjoyment in its unaltered state.

Phase Development. A large scale project developed over time. To avoid unnecessary hardship to the property owner, a phase or section may be approved for recording before completion of the total project.

Planned Unit Development (PUD). An area of a minimum contiguous size, as specified in the zoning ordinance, to be planned and developed as a single entity containing one (1) or more residential clusters with common open space and commercial uses that provide goods and services to the residents of the development.

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

Private Easement. A right of access to two lots or less that do not front directly on a public or private road.

Private Road. Any road or other way of passage that has not been irrevocably dedicated to the public or in which the public has not acquired rights by prescription without regard to whether it is open for travel

Public Road. Any road, street, highway, thoroughfare, or other way of passage that has been irrevocably dedicated to the public or in which the public has acquired rights by prescription, without regard to whether it is open for travel.

Public or Community Wastewater System. A single system of wastewater collection, treatment and disposal, owned and operated by a sanitary district, a metropolitan sewage district, a water and sewer authority, a county or municipality, or a public utility.

Public Water Supply. A system or the provision of piped water for human consumption which Serves 15 or more service connections, or which regularly serves 25 or more individuals. Two or more water systems that are adjacent and are owned or operated by the same supplier of water and that together serve 15 or more service connections or 25 or more persons.

Reservation. A reservation of land does not involve any transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period of time

Reserve Strip. A strip of land along the outside edge of a subdivision controlled by the developer to prevent the extension of roads from adjoining subdivisions into his development

Reverse Frontage. Lots where the structure is facing away from the road access side. This type of lot is common on lots facing lakes, rivers, or on mountainsides.

Right-of-Way. The legal right of public passage, especially vehicular, over land.

Road. A dedicated and accepted public right-of-way for vehicular traffic.

Road classifications applicable to Danbury and its extraterritorial planning jurisdiction:

Principal Arterial. A rural road in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel, and existing solely to serve traffic. This network would consist of interstate routes and other routes designated as principal arterials.

Minor Arterial. A rural road in a network joining cities and larger towns and providing interstate and intercounty service at relatively high (55mph) overall travel speeds, with minimum interference to through movement. This network would primarily serve traffic.

Major Collector. A road which serves major intercounty travel corridors and traffic generators, and provides access to the arterial system.

Minor Collector. A road which provides services to small local communities, and links the locally important traffic generators with their rural hinterland.

Local Road. A local road serves primarily to provide access to adjacent land, and for travel over relatively short distances.

Specific types of rural roads:

Cul-de-sac. A cul-de-sac is a short road having but one (1) end open to traffic and the other end being permanently terminated with a vehicular turn-around provided.

Frontage Road. A frontage road is a local street or road that is parallel to a full or partial access-controlled facility, and functions to provide access to adjacent land.

Sketch Development Plan. An initial subdivision proposal prepared by the subdivider and reviewed by the political jurisdiction. No formal action is taken, but the process allows an informal exchange of information between the subdivider and the local reviewing body.

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.

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

Subdivision. For the purposes of this Ordinance the term “subdivision” shall mean all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions 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 road or a change in existing roads, but the following shall not be included within this definition nor be subject to the regulations established herein:

- (a) the combination or recombination of portion of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the jurisdiction as shown in its subdivision regulations;
- (b) the division of land into parcels greater than ten (10) acres where no road right-of-way dedication is involved;
- (c) the public acquisition by purchase of strips of land for the widening or opening of roads;
- (d) the division of a tract in single ownership whose entire area is no greater than 90,000 square ft. and into not more than three (3) lots, where no road right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of these subdivision regulations.
- (e) The division of property among heirs for the sole purpose of settling an estate;
- (f) The division of a lot into a cemetery and grave sites;
- (g) The division of a lot from an original tract provided the new lots conform to the standards of the Danbury Zoning Ordinance. The number of divisions out of the original tract shall

be limited to one (1) per 12 month period. Should additional divisions be requested, subdivision procedures shall apply.

ARTICLE III

Application and Enforcement

Section 3-1 Application of Subdivision Regulations

- 3-1.1 These subdivision regulations are applicable to all divisions of a tract or parcel of land into two (2) 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 road or a change in existing roads.
- 3-1.2 No new lot resulting from a subdivision of land (except as provided by section 3-2 below) within Danbury's subdivision jurisdiction shall be transferred, nor shall a plat thereof be recorded by the Stokes County Register of Deeds until a final plat of the subdivision has been submitted to and approved by the Danbury Planning Board for minor subdivisions (*see Article V, Section 5-7*) or major subdivisions (*see Article V, Section 5-2 thru 5-6*). Such approval shall be indicated on the face of the plat and signed by an authorized representative of the Danbury Planning Board. (*see Appendix B, Item B for minor subdivisions and Appendix B, Item K for major subdivisions*)

Section 3-2 Exemptions

- 3-2.1 The following shall not be subject to these regulations:
- (a) The combination or recombination of portions of previously platted lots where the total number of lots are not increased, and the resultant lots are equal to or exceed the standards of the Town as described herein.
 - (b) The division of land into parcels greater than ten (10) acres, where no road right-of-way dedication is involved;
 - (c) The public acquisition by purchase of strips of land for the widening or opening of roads;
 - (d) The division of a tract in single ownership into not more than three (3) lots, where the entire area is no greater than 90,000 square ft, no road right-of-way dedication is involved, and where the resultant lots are equal to or exceed the standards of these subdivision regulations;
 - (e) The division of property among heirs for the sole purpose of settling an estate;
 - (f) The division of a lot into a cemetery and grave sites; and
 - (g) The division of a lot from an existing tract, provided both lots conform to the standards of local development ordinances (*zoning and subdivision regulations*). The number of divisions out of the existing tract shall be limited to one (1) per 12 month period. Should additional divisions be requested, the subdivision regulations shall apply.
- 3-2.2 Plats not subject to the provisions of these regulations may be recorded provided the owner obtains a Certificate of Exemption (*see Appendix B, Item A*) from the Danbury Planning Board, and presents such certificate to the Register of Deeds as proof that one of the conditions or

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exceptions noted above is present. The property owner shall submit maps, deeds, or other materials in sufficient detail to permit a conclusive determination by the Danbury Planning Board.

- 3-2.3 Plats not involving a subdivision shall contain a legend on the face of the plat to the effect that the plat is not subject to the provisions of the Danbury Subdivision Regulations.

Section 3-3 Approval Prerequisite to Plat Recordation

No final plat of a subdivision within Danbury planning jurisdiction shall be recorded by the Register of Deeds until it has been approved as provided herein after the adoption and effective date.

Section 3-4 Plat Approval not to Constitute Acceptance of Road (Street) or Public Utility

The approval of a plat pursuant to these regulations shall not constitute or affect the acceptance by the Town of Danbury or the public of the dedication of any road (street) or other ground, public utility line, or other public facility shown on the plat.

Section 3-5 Approval Required for Building Permit

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

Section 3-6 Waivers to Standards

- 3-6.1 The Danbury Planning Board or the Town Council, on appeal, can issue waivers to the standards specified in these regulations.
- 3-6.2 Waivers may be granted under the following conditions:
- (a) Where because of the size of the tract to be subdivided, its topography, the conditions or nature of adjoining areas, or the existence of other physical conditions, strict compliance with the provisions of these standards would cause unusual and unnecessary hardship on the subdivider;
 - (b) Where a waiver will result in equal or better performance in furtherance of the purposes of these regulations;
 - (c) Where through unintentional error by the applicant or his representative, there is a minor violation of a standard in these regulations where such violation is not prejudicial to the value or development potential of the subdivision or adjoining properties; and
 - (d) In granting waivers, the approval authority may require such conditions that will secure, insofar as possible, the purposes of the standards or requirements waived.

Section 3-7 Enforcement of Ordinance

3-7.1 General Authority

- (a) **Civil Penalty.** The Town has the power to impose fines and penalties for violation of any provision of the Danbury Subdivisions Regulations as they may be amended from time to time, and may secure injunction and abatement orders to further insure compliance with the regulations, as provided by N.C., General Statute 14-4.
- (b) **Criminal Penalty.** Violation of any of the provisions of the subdivision regulations is a misdemeanor as provided by N.C. General Statute 14-4. The offender shall be subject to the maximum fine, term of imprisonment, and infraction penalty as provided in N.C. General Statute 14-4 et seq.

3-7.2 Civil Penalty Procedure

- (a) **Offender.** An offender is any person or entity who violates any provisions of the Subdivision Regulations.
- (b) **Warning Citation.** Prior to issuing a civil citation for violation of the subdivision regulations, the Enforcement Officer shall issue and serve upon the offender a warning citation which shall provide the following information: (i) nature of the violation; (ii) the ordinance (s) violated; (iii) a reasonable period of time within which the violation(s) shall be cured, which reasonable time shall be deemed to be 30 days unless there is risk to public safety or health, in which case the warning citation can require the violations to be cured immediately; (iv) shall state that if the violations are not cured within the prescribed time, that subsequent citation(s) shall be issued causing the offender to incur penalties in the amount of \$50.00 per day until the violations are cured; and (v) a time, place and date for a hearing to be held before the Enforcement Officer, which is no more than 30 days from the date of the warning citation.
- (c) **Warning Citation Hearing.** At the hearing noticed in the warning citation, the offender and any party in interest shall have the right to appear before the Enforcement Officer and give evidence concerning the alleged violations. Rules of evidence applicable in courts of law and equity shall not apply. At the hearing, the Enforcement Officer can rescind, modify, or take no action with respect to the warning citation. If no action is taken, or if the offender fails to attend the hearing, the warning citation shall remain in full force and effect, and the violations cited therein must be cured within the time prescribed by the original warning citation.
- (d) **Civil Citation.** If the violations are not cured within the time prescribed by a warning citation, the Enforcement Officer may issue a civil citation, which shall be served upon the offender requiring the offender to pay the sum of \$50.00 on or before the date that is 15 days after the date of service of the civil citation.
- (e) **Subsequent Civil Citations.** Each day's continuing violation shall be a separate and distinct offense. Provided, however, that once a warning citation has been issued for a continuing violation, subsequent civil citations may be issued to the offender, concerning the violations without issuing additional warning citations, or without having warning citation hearings.

- (f) ***Failure to Comply.*** If the offender fails to pay the fine assessed in the civil citation within 15 days from the date of service, the Town may institute a civil action in the nature of debt, and shall be entitled to collect the fine or fines upon which the suit is brought, interests, costs, and attorney's fees.
- (g) ***Service.*** Warning citations and civil citations shall be served upon the offenders by any manner allowed under Rule 4 of the North Carolina Rules of Civil Procedure. Additionally, if the identities or whereabouts of any offenders are unknown and cannot be ascertained by the Enforcement Officer after due diligence, or if the offenders refuse service, and the Enforcement Officer makes and affidavit to that effect, then service of the warning citation or civil citation may be made by posting the citation in a conspicuous place on the affected property. With respect to the issuance of a warning citation, service must be perfected ten (10) days prior the hearing scheduled therein, unless the Enforcement Officer deems the public health and safety are at risk, in which case service must be perfected 24 hours prior to the time of the hearing.

3-7.3 Injunction and Abatement

- (a) ***Appropriate Equitable Remedy.*** Any provision of this Ordinance may be enforced by an appropriate equitable remedy, issued from a court of competent jurisdiction. In such case, the General Court of Justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the Town of equitable relief that here is an adequate remedy at law.
- (b) ***Enforcement by Injunction or Abatement.*** Any provision of this Ordinance may be enforced by injunction and order of abatement by a General Court of Justice. When a violation of such a provision occurs, the Town may apply to the appropriate division of the General Court of Justice for a mandatory prohibitory injunction and order of abatement, commanding the defendant to correct the unlawful condition upon, or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general, and Rule 65 in particular.
- (c) ***Abatement as Part of a Judgment in the Cause.*** In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished or removed; that fixtures, furniture or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this Ordinance.
- (d) ***Failure to Comply.*** If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the Town may execute an order of abatement. The Town shall have a lien on the property for the cost of executing an order of abatement, in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the Clerk of Superior Court, in an amount approved by the judge before whom the matter is heard, and shall be conditioned

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on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction.

3-7.4 **Method of Enforcement**

These regulations may be enforced by any one, all, or a combination of the remedies authorized and prescribed herein.

ARTICLE IV

Administrative Organization

Section 4-1 Planning Board

- 4-1.1 The Planning Board shall approve, approve with conditions, or disapprove all subdivisions as defined in these regulations.
- 4-1.2 Minor and major subdivision plats shall be submitted to the Planning Board and acted upon within 30 days. Any applicant may appeal the decision of the Planning Board to the Town Council.

Section 4-2 Town Council

The Danbury Town Council shall not have direct involvement with the approval or disapproval of subdivision plats. However, appeals from the Planning Board may be taken to the Town Council.

ARTICLE V

Procedures for Approval of Preliminary and Final Plats for Subdivisions

Phase I

Section 5-1 Pre-application Sketch Plan, Major Subdivisions

- 5-1.1 **Purpose.** The sketch plan review is an informal process that allows for an exchange of information between the developer and the regulating body. Normally, it is an informal discussion between the developer and the Planning Board. The process is simply an opportunity for the developer and representatives from the Planning Board to review the project, in light of the Town's development practices and requirements. This is a voluntary procedure, for all subdivisions containing 50 lots or less. For subdivisions containing more than 50 lots, a sketch plan shall be mandatory.
- 5-1.2 **Application and Fees.** No formal application or fee is required. *(Any fees schedule shall be established by the Danbury Town Council in a free standing document.)*
- 5-1.3 **Sketch Plan Criteria**
- (a) **Size and Scale.** None specified, however, it is suggested that plans should be on the same size paper and scale as required for preliminary and final plats.
- (b) **Contents.**
1. a sketch vicinity map showing the location of the subdivision in relation to neighboring tracts and roads;
 2. boundaries of the tract and portion to be subdivided with specific references to the tax map(s) where the project is located;
 3. total acres to be subdivided;
 4. proposed general road and lot layout;
 5. zoning classification of tract and adjacent properties; and
 6. name, address and telephone number of owner and/or his agent.
- 5-1.4 **Review Process.** The Planning Board shall review the sketch plan and recommend changes, if necessary, prior to the development of a preliminary plat. One (1) copy of the sketch plan shall be returned to the subdivider and one (1) copy shall remain on file in Town Hall.
- 5-1.5 **No Official Action.** It is important to remember that this review shall not in any way be construed as constituting an official action of approval for recording of the subdivision plat.

Phase II

Section 5-2 Preliminary Plat-Major Subdivisions

5-2.1 Submission of Information to Other Agencies

- (a) Before submission to the Planning Board, the developer or his agent shall submit a copy of the plat to the County Health Department, Environmental Health Section, for review and comment (*only the environmental health specialist with the Stokes County Health Department, or a qualified soil scientist shall submit an approval certificate for individual lots for septic tanks at the preliminary plat phase*).
- (b) After approval of the preliminary plat, but before the final plat is submitted, comments from the following agencies shall be forwarded to the Danbury Planning Board:
 - 1. NC Department of Transportation (NCDOT), District Engineer, In Winston-Salem;
 - 2. NC Department of Environment and Natural Resources, Land Quality Section, Winston-Salem Regional Office, when the development involves one (1) acre or more of land disturbing activities (*See also Section 6-15 Stormwater Management*); and
 - 3. Municipal or private utility company (if lines are to be extended to the proposed subdivision).

5-2.2 Submission to Danbury Planning Board. A preliminary plat of major subdivisions shall be prepared by the developer, or his agent, and submitted to the Planning Board for review and action.

5-2.3 Review Procedure. The subdivider, or his authorized agent, shall submit six (6) copies of the preliminary plat, along with the county health department's approval, to the Town Clerk, at least 15 working days prior to a regular meeting of the Planning Board.

5-2.4 Planning Board Action. Following a review of the preliminary plat and other submitted materials and, if necessary, a conference with the subdivider regarding changes deemed advisable and the kind and extent of improvements to be made by him, the Planning Board shall approve, conditionally approve, or disapprove the plat within 45 days after first consideration. If approved, the subdivider may begin the project. If conditionally approved, the subdivider shall make changes and resubmit a revised plat to the Planning Board before any construction activities begin. However, when the subdivider refuses to make changes within 45 days, the plat shall be denied. If the final plat is denied, the reasons shall be in writing. The subdivider may appeal as specified in subsection 5-2.5 below.

5-2.5 Appeal. If denied approval, the subdivider may revise and resubmit his plat to the Planning Board within 45 days. If he considers the changes unnecessary, or if the Board has not acted within the prescribed 45 days, the developer may appeal to the Town Council for approval. Any plat denied by the Town Council may be revised and resubmitted within six (6) months, without any additional costs to the subdivider.

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- 5-2.6 **Number of Copies and Graphic Media.** Six (6) black or blue line prints of the proposed subdivision shall be submitted to the Planning Board.
- 5-2.7 **Authorized Preparer of Plats.** The preliminary plan shall be prepared by a registered architect, landscape architect, engineer, land surveyor or land use planner. *(No registration or licensing is required for the land use planner)*
- 5-2.8 **Administrative Fees.** At the time of submission of the preliminary plat, the subdivider shall pay to Danbury a filing fee as established by the Danbury Town Council.
- 5-2.9 **Certification Required.** No certification shall be required on the preliminary plat.
- 5-2.10 **Criteria for Preliminary Plats.** The preliminary plat shall depict or contain the information specified in Appendix A. *(Plats not illustrating or containing the information required shall be returned to the subdivider or his authorized agent for completion and resubmission)*
- 5-2.11 **Disposition of Copies.** If the preliminary plat is approved or approved conditionally, approval and conditions shall be noted on at least three (3) copies of the plat by the Danbury Planning Board. One (1) copy shall be retained by the Danbury Planning Board. When a plat is approved with conditions, the subdivider shall indicate those conditions on the plat and resubmit copies of the revised plat to the Planning Board before any construction activities begin. If the preliminary plat is disapproved, the Planning Board shall specify the reasons for such actions in writing. One (1) copy of such reasons shall be returned to the subdivider, one (1) copy submitted to the Town Council and one (1) copy retained by the Danbury Planning Board.

Phase III

Section 5-3 Installation of Subdivision Improvements

- 5-3.1 All required improvements shall be installed or guaranteed before a final plat shall be submitted for final plat approval and recording.
- 5-3.2 None of the improvements shall be constructed until development plans for such improvements have been reviewed and approved by the appropriate agency. Comments from any reviewing agencies shall be forwarded to the Planning Board.

Section 5-4 Homeowner's Association

- 5-4.1 **Creation.** A homeowner's association shall be formed when necessary to fulfill the requirements of the North Carolina Condominium Act, or to accept conveyance and maintenance of all common areas and facilities within a development containing common areas.
- 5-4.2 **Conveyance.** Where developments have common areas or facilities serving more than one (1) dwelling unit, these areas shall be conveyed to the homeowner's association in which all owners of lots in the development shall be members. All areas other than public road rights-of-way, other areas dedicated to the county or state, and lots shall be shown and designated as common areas. The fee-simple title of the common area shall be conveyed by the subdivider of developer to the homeowner's association.

- 5-4.3 **Subdivision of Conveyance of Common Area.** Common areas shall not be subsequently subdivided or conveyed by the homeowner's association, unless a revised preliminary plat and a revised final plat showing such a subdivision or conveyance have been submitted and approved.
- 5-4.4 **Homeowner's Association Not Required in Special Situations.** Developments involving only two (2) units attached by a party wall shall not be required to have common areas or a homeowner's association. Developments with only two (2) units attached and not having a homeowner's association shall have an agreement between owners concerning maintenance of party walls.
- 5-4.5 **Submission of Homeowner's Association Declaration.** Prior to or concurrently with the submission of the Final Plat for review and approval, the subdivider shall submit a copy of the proposed by-laws of the homeowner's association containing covenants and restrictions governing the association, plats, and common areas. The restrictions shall include, but not be limited to, provisions for the following:
- (a) The homeowner's association shall be incorporated, and a copy of the association charter and by-laws shall be recorded in the Stokes County Office of the Register of Deeds, prior to the conveyance, lease-option, or other long-term transfer of control of any unit or lot in the development;
 - (b) Membership in the association is mandatory for each original purchaser and each successive purchaser of a lot or unit. Provisions shall be made for the assimilation of owners in subsequent sections of the development; and
 - (c) The Homeowner's Association Declaration shall contain these elements:
 1. The declaration shall state that the association is responsible for the payment of premiums for liability insurance and local taxes, maintenance of recreational and/or other facilities on the common areas, and payment of assessments for public and private improvements made to or for the benefit of the common areas;
 2. The association shall be empowered to levy assessments against the owners of lots or units within the development. Any assessment not paid shall constitute a lien on the lot of the owner;
 3. Easements over the common area for access, ingress, and egress from and to public streets and walkways and easements of the common area, and for parking shall be granted to each lot owner; and
 4. Provisions for common area maintenance and restoration in the event of destruction or damage shall be established.

Section 5-5 Guarantee of Improvements

- 5-5.1 The Danbury Planning Board shall approve subdivisions where a guarantee is accepted in lieu of improvements.
- 5-5.2 **Approval by Town Council.** All estimates shall be approved by the Danbury Town Council. As part of the approval process the Town shall insure that any guarantee does not expire before the *Town of Danbury Subdivision Ordinance*

completion of the project. All records concerning guarantees of improvements shall be located in the Town Office.

- 5-5.3 **Methods of Guarantee.** Where required improvements have not been completed, the subdivider shall guarantee the installation of such improvements by one of the following methods:
- (a) Letter of Credit from a bank or lending institution;
 - (b) Performance Bond executed by a company licensed to do business; or
 - (c) Proof of establishment of an escrow account
- 5-5.4 **Estimate of Guarantee.** The developer's guarantee shall be based upon written estimates by a licensed consulting engineer, the NC Department of Transportation, or other qualified persons as to the dollar amount necessary to secure for the Town the satisfactory construction, installation, and dedication (if required) of any uncompleted improvements.
- 5-5.5 **Compliance with Statutory Requirements.** All guarantees of improvements shall comply with applicable statutory requirements, and shall be satisfactory to the Town Attorney as to form, sufficiency (i.e. factor for inflation and rising construction costs), and manner of execution. In no case shall a guarantee exceed 150% of the estimated cost of the improvement. As the improvements are installed, the guarantees may be reduced proportionally. The period in which required improvements must be completed specified by the Planning Board before approval of the final subdivision plat and shall not in any event exceed two (2) years from date of final approval. The Danbury Town Council may, upon proof of difficulty, grant extension of the completion date set forth in its approval, for a maximum period of one (1) additional year.

Phase IV

Section 5-6 Final Plat, Major Subdivisions

- 5-6.1 **Preparation of Final Plat.** The final plat shall be prepared as specified in Appendix A by a licensed surveyor.
- 5-6.2 **Phase Development.** The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to be recorded and developed at this time. Such portions shall conform to all requirements of these regulations.
- 5-6.3 **Submission Requirements.** When the requirements of these regulations have been met, the subdivider shall submit the copies of the final subdivision plat, and any deed restrictions, to the Danbury Planning Board for review, to determine whether or not the final plat conforms to the preliminary plat and other requirements of these regulations. Submission shall be at least 15 working days prior to the regularly scheduled meeting of the Planning Board. The final plat shall be submitted not more than 12 months after the date of approval of the preliminary plat. However the Danbury Planning Board may grant an extension, if the developer applies for an extension on or before the one-year anniversary date of approval.
- 5-6.4 **Number of Copies and Graphic Media.** Six (6) copies of the final plat shall be submitted. Two (2) of these shall be on mylar or sepia suitable for reproduction.

- 5-6.5 **Authorized Preparer of Plats.** The final plat shall be prepared by a registered land surveyor licensed and registered in the State of North Carolina by the NC State Board of Registration for professional engineers and land surveyors. The final plat shall conform to the provisions for plats subdivision, and mapping requirements set forth in G.S. 47-30.
- 5-6.6 **Administrative Fees.** At the time of submission of the final plat, the subdivider shall pay to Danbury a filing fee as established by the Town Council.
- 5-6.7 **Improvements and Certificates.** No final plat shall be approved until all improvements are installed or guaranteed as set forth in these regulations, and all certificates required for final plat approval have been properly completed and signed. *(See Appendix B - Certification).*
- 5-6.8 **Criteria for Final Plats.** The final plat shall depict or contain the information specified in Appendix A. *(Plats not illustrating or containing the information required shall be returned to the subdivider or his authorized agent for completion and resubmission.)* The final plat shall conform to the preliminary plat as it was approved. Any significant changes between the preliminary and final plat shall be approved by the Planning Board.
- 5-6.9 **Disposition of Copies.** If the final plat is approved or approved conditionally, approval and conditions shall be noted on at least two (2) copies of the plat by the Danbury Planning Board. One (1) copy shall be retained by the subdivider, one (1) copy by the Town Council, and one (1) copy shall be retained by the Danbury Planning Board. If the plat is disapproved, the Planning Board shall specify the reasons for such actions in writing. One (1) copy of such reasons shall be returned to the subdivider, one copy shall be submitted to the Town Council, and one (1) copy retained by the Danbury Planning Board. When a final plat is disapproved, the subdivider may make the recommended changes and submit a revised plat to the Danbury Planning Board within six (6) months.
- 5-6.10 **Disagreement.** In any case of disagreement between the Planning Board and a developer, and/or those professional people employed by the developer, the aggrieved party may appeal to the Danbury Town Council for relief and/or a decision within 45 days after the initial decision was given.
- 5-6.11 **Recordation.** The approval of the final plat shall be on condition that such plat be recorded in the Office of Register of Deeds after approval, and shall be accompanied by a certificate of approval for recording, shown on the plat signed by the Danbury Planning Board Chairman. *(See Appendix B, Item K).* The final plat shall be recorded by the Enforcement Officer within one (1) working day after approval by the Planning Board. All recording costs shall be paid by the subdivider.

Section 5-7 Minor Subdivisions

The developer of a minor subdivision *(See definition in Article II)* may apply for final approval of any minor subdivision through the procedures set forth in this section.

5-7.1 Submission Requirements

- (a) Two (2) copies of a final plat, prepared according to specifications in Appendix A, shall be submitted to the Danbury Planning Board for all minor subdivisions.

- (b) Plats for minor subdivisions must be accompanied by a Certificate of Survey and Accuracy, as specified in **Appendix B, Item E**, by a registered land surveyor licensed and registered to practice in North Carolina.

- 5-7.2 **Review Procedure.** The Danbury Planning Board shall review each minor subdivision and, based on these findings, shall approve, approve conditionally, or disapprove the proposed minor subdivision within 30 days of its submission. The decision of the Danbury Planning Board is subject to appeal by the subdivider to the Danbury Town Council which must act on any appeal within 30 days.

- 5-7.3 **Certificate of Approval for Recording.** If the proposed minor subdivision is approved by the Danbury Planning Board or Town Council upon appeal, such approval shall be shown by a certificate of approval for recording. *(See Appendix B, Item B)*

- 5-7.4 **Recordation in Register of Deeds Office.** The Enforcement Officer shall record the final plat in the Office of the Stokes County Register of Deeds. All recording costs shall be paid by the subdivider.

ARTICLE VI

General Requirements and Minimum Standards of Design

Section 6-1 Land Suitability

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

Section 6-2 Compliance with Official Plans and Ordinances

Land shall be subdivided in compliance with the Danbury Zoning Ordinance and other pertinent official development plans and ordinances.

Section 6-3 Subdivision Names

When a subdivision identification sign is installed, it shall be constructed of such materials as masonry, steel, or treated lumber. In addition, these signs shall comply with the sign regulations in the Danbury Zoning Ordinance and the NC Department of Transportation setback and location guidelines.

Section 6-4 Addressing

All house number shall be posted and visible in accordance with the Stokes County Addressing Ordinance(s).

Section 6-5 Roads and Streets

- 6-5.1 **Roads (Streets) Accessible to All Lots.** All lots in a subdivision must front on a public or private road. However, three (3) lots or less may access a road by means of a private driveway across an easement at least 30 ft wide.
- 6-5.2 **Road Signs.** All roads within a subdivision shall have a sign clearly identifying each road. The size, color and shape of road signs shall comply with the Town of Danbury road sign policies inside the corporate limits, and the Stokes County road sign standards in the extraterritorial Planning Jurisdiction. Road signs shall be posted at intersections showing the name of every road. New roads which are obviously in alignment with others already existing and named shall bear the names of the existing roads. In no case shall the names of new roads phonetically resemble of duplicate existing road names. Subdividers shall be responsible for the cost of the signs and installation. All road signs shall be approved by the Danbury Planning Board prior to their installation within a subdivision.
- 6-5.3 **Coordination and Continuation of Roads.** The proposed road layout within a subdivision shall be coordinated with the existing road system of the surrounding area.
- 6-5.4 **Reserve Strips.** There shall be no reserve strips controlling access to roads, except where cause can be shown that such control would best serve the purpose of these regulations.

6-5.5 **Cul-de-sacs.** Cul-de-sacs or other dead end roads (*See Appendix C for illustrations of these types of roads*) shall be designed to be permanently closed with sufficient rights-of-way for vehicular turnarounds. Circular rights-of-way at the closed end shall have a minimum radius of 50 feet and the surfacing shall have a minimum radius of 40 feet. Cul-de-sacs shall be no less than 200 feet nor more than 1320 feet (1/4 miles) in length. However, the reviewing body may modify these requirements based on existing topography, size and number of parcels, and the projected traffic generation.

6-5.6 **Intersections**

- (a) Roads shall be laid out so as to intersect as nearly as possible at right angles, and no road shall intersect any other road at any angle less than 60 degrees.
- (b) Property lines at road intersections shall be rounded with a minimum radius of 20 feet. At an angle of intersection of less than 75 degrees, a greater radius may be required. Where a road intersects a highway, the design standards of the NC DOT, Division of Highways, shall be followed.
- (c) Off-set intersections are to be avoided unless exception is granted by the Planning Board. Intersections which cannot be aligned should be separated by a minimum length of 200 feet between survey center lines.
- (d) Intersections with major or minor thoroughfares shall be at least 1,000 feet apart, measured from centerline to centerline.

6-5.7 **Grades at Intersections.** The grade on stop roads approaching an intersection shall not be less than ½% or exceed 5% for a distance of not less than 100 feet from the centerline of the intersection, unless approved by the regional DOT engineer.

6-5.8 **Sight Distance Easements.** Triangular sight distance easements shall be shown in dashed lines at all road intersections and so noted on the subdivision plat. These easements will remain free of all structures, trees, shrubbery, driveways, and signs, except utility poles, fire hydrants, and traffic control signs. The location and extent of sight distance easements will be determined by NCDOT.

6-5.9 **Temporary Turnarounds.** Roads stubbed to adjoining property or phase development lines may be required to have temporary turnarounds at the end of the road which will provide sufficient space to permit emergency vehicles and other large trucks to turn around. (*“T” type turnarounds shall comply with NCDOT standards*).

6-5.10 **Curbs and Gutters.** Curbs and gutters shall not be required on roads in any new subdivision.

6-5.11 **Public or Private Roads**

- (a) All new roads (streets) inside the corporate limits of Danbury shall be constructed to the NC Department of Transportation, Division of Highways, “Minimum Construction Standards for Subdivision Roads.” (*most recent edition*)

- (b) All new roads (streets) outside the corporate limits, but inside the extraterritorial planning area, may have either public or private streets, provided they are constructed to the standards specified in 6-5.12 below.

6-5.12 Roads (Streets) Construction Standards

- (a) **Public Road Standards.** The design of all public roads shall conform to the minimum standards of the NC Department of Transportation, Division of Highways, “Minimum Construction Standards for Subdivision Roads”. *(most recent edition)*
- (b) **Private Road Standards.** Private roads shall comply with the same rights-of-way standards as public roads, have a base of at least six (6) inches of compacted stone, and have at least an 18 ft wide gravel driving surface. Private roads in projects under single ownership such as industrial parks, etc. shall have only **paved** roadways. *(It is recommended that all private roads comply with NCDOT standards as close as possible, in order that they may be upgraded to NCDOT standards at a later date)*
- (c) All private roads shall be provided with a 50-foot right-of-way.

6-5.13 Disclosure and DOT Approval. Disclosure and approval by the NC DOT, Division of Highways shall comply with G.S. 136-102.6. Where private roads are provided, a Certificate of Disclosure shall be included on the final plat. *(See Appendix B, Item C)*

6-5.14 Criteria for Approval of Private Roads (Streets). Private roads (streets) may be allowed in the following situations:

- (a) Roads are in unified development projects such as apartment complexes, attached housing, PUDs, and commercial or industrial parks;
- (b) Roads serve subdivisions with eight (8) lots or less; (when the road serves more than eight (8) lots, the road shall be upgraded to NCDOT public road standards);
- (c) Roads which are unpaved but are maintained by the NC Department of Transportation. Division of Highways;
- (d) Roads which cannot be built to NCDOT standards without violating local, state, or federal laws (related to wetlands and marshes); or
- (e) Roads serve areas where NCDOT standards cannot be met because of steep slopes.

6-5.15 Future Resubdivision of Lots Served by Private Roads. When the number of lots served by a private road exceeds eight (8), the private road serving the development, or any subsequent development shall be updated to NCDOT standards for subdivision roads.

6-5.16 Private Roads (Streets) Development Requirements. The developer shall sign a certificate attesting to the fact that an instrument shall be recorded with the final plat which guarantees:

- (a) A homeowners’ association has been formed that requires mandatory membership of all property owners, or a maintenance agreement involving all the lots served by the private road has been implemented;

- (b) A right of access by all lots served by the private road; and
- (c) A full disclosure of the status of the road and specific maintenance responsibilities (as required by G.S. 136-102.6) and that these listed items shall run with the land.

Section 6-6 **Blocks**

- 6-6.1 **Design Consideration.** Blocks shall be laid out with due consideration given to traffic circulation patterns and contemplated use.
- 6-6.2 **Lengths.** Blocks shall be not less than 400 feet nor more than 1,600 feet in length, except as considered necessary to secure efficient use of land or desired features of road pattern by the Planning Board.
- 6-6.3 **Widths.** Blocks shall be wide enough to allow two (2) tiers of lots of minimum depth.

Section 6-7 **Lots**

- 6-7.1 **General Design Criteria.** Lots shall be designed in shape, size and location with due regard to topographic conditions, feature of the surrounding area, contemplated use, and official plans and ordinances.
- 6-7.2 **Marginal Land.** Land subject to flooding, as specified in the Danbury and Stokes County Flood Damage Prevention Ordinances, or land which may aggravate the flood hazard or increase danger to life or property if developed, and land uninhabitable for other reasons, may be used in determining the minimum lot area of maximum lot depth. However, development shall be discouraged in these areas.
- 6-7.3 **Frontage on a Street or Road.** Every lot shall front or abut on a public road or street (except where private roads are permitted). Up to three (3) lots may be permitted that do not front on a road, provided a driveway across a private use easement, at least 30 ft. in width, has been recorded on the final plat (*See definition of a private easement in Article I - Definitions*)
- 6-7.4 **Double and Reverse Frontage**
 - (a) Double frontage lots (lots fronting on two roads) shall be avoided where possible.
 - (b) Reverse frontage lots (where the front of the structure is facing away from the street access) shall also be avoided where possible, except where the dwelling is facing a stream, lake or river or on the side of a mountain.
- 6-7.5 **Side Lot Lines.** Side lot lines shall be substantially at right angles to straight road lines or radial to curved road lines.
- 6-7.6 **Lot sizes.** Lot sizes shall be determined by the Danbury Zoning Ordinance, where private sewage systems are used, the Stokes County Environmental Health Specialist may require a larger lot.
- 6-7.7 **Flag Lots.** Flag lots shall not be allowed.

6-7.8 **Lot Access.** Lot shall have driveway access from one public or private road. On corner lots, driveway access may be allowed from both roads adjacent to the lot. Through driveways shall not be permitted.

Section 6-8 Utilities

6-8.1 **Water and Sewer.** Water mains and sanitary sewers shall be installed by the subdivider. The subdivider shall comply with all rules and regulations prescribed for private and/or community water supply and waste disposal by the North Carolina Department of Environment, Health, and Natural Resources, and the Stokes County Health Department; and with all regulations and construction specifications of the Danbury/Stokes County Sewer System to whose utility system such water mains and/or sanitary sewers may eventually be connected. *(See Appendix D)* In all subdivisions with an impoundment (i.e lake, pond, etc) dry hydrants shall be installed and an easement provided for fire trucks to access them.

6-8.2 **Electrical Utilities and Communication Lines.** Electrical utilities and communication lines shall be installed 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. *(Where feasible, all service lines shall be installed underground.)*

6-8.3 **Utilities Encroachment.** Utilities which encroach upon the state highway system shall require an encroachment contract, if necessary, executed by the person or firm responsible for maintenance.

6-8.4 **Building Lines.** All structures shall comply with the building setback lines specified in the Danbury Zoning Ordinance. On lakefront lots (other than those located in designated Watershed Critical Areas surrounding water supply lakes), there shall be a lake building line, consisting of a line located across the lot, parallel to, and 25 feet from the official lake level, measured along the natural ground surface; and in no case shall a building be located below a contour line which shall be 3 feet above normal lake level.

Section 6-9 Easements

To provide for public service poles, wires, conduits, storm or sanitary sewers, storm drainage channels, surface overflow, gas or water mains, or other utilities, easements, not less than 20 feet wide (ten (10) feet on either side), along all rear lot lines, and ten (10) feet wide (five (5) feet on either side), on all side lot lines, or across lots where necessary, shall be provided. In all cases, a ten (10) foot wide utility easement along the front property line shall be provided.

Section 6-10 Recreational Area and Sties for Public Facilities

Where a school site is shown on a publicly approved plan, such site shall either be dedicated for the public purposes 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 plat.

Section 6-11 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 Danbury Planning Board that residential lots within the subdivision will not be flooded. Data sources shall include,
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but not be limited to: FEMA (Federal Emergency Management Agency); US Department of Agriculture, Soil Conservation Service; engineering studies; or historical data. Any water bodies shall be maintained through a homeowner's association.

Section 6-12 Buffer Strips – Streams

- 6-12.1 **Stream Buffer.** A subdivision including within its boundaries a perennial stream shall provide for a 30 foot 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 State Geological Survey Maps 1:24,000 – 7.5 minute scale.*) In designated drinking water supply watersheds any development that exceeds the low density option, as defined in the NC Drinking Water Supply Watershed Regulations, shall provide a 100 foot wide vegetative buffer on both sides of any perennial stream.
- 6-12.2 **Uses in Buffer.** 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.
- 6-12.3 **Buffer Measured.** The 30 foot buffer shall be measured on a horizontal plane from the bank of the stream. The buffer zone may be included in calculating the lot size.

Section 6-13 Reservation of Lake Frontage through the Provision of Lake Access Lots and Areas In Lake Front Subdivisions

Within any lake subdivision, access to the lake shall be provided equal to a minimum of 10% of the road frontage of lots without direct water access, or of the road frontage of unsubdivided areas without direct water access. The minimum lake access shall be 20 feet wide and in no case shall be more than 25% of the lake frontage within any lake front subdivision. This access is for the exclusive use of property owners, both now and in the future, within the particular subdivision.

Section 6-14 Plats and Subdivision Mapping Requirements

All subdivision plats shall comply with G.S. 47-30, as amended, and the map requirements of the Stokes County Register of Deeds Office.

Section 6-15 Stormwater Management

- 6-15.1 The subdivider shall mulch, seed, sod, or otherwise protect all grading, excavations, open cuts, side slopes, and other land surface disturbances. These activities shall be maintained throughout the entire construction cycle.
- 6-15.2 No surface water shall be channeled into a sanitary sewer.
- 6-15.3 Where feasible, the subdivider shall connect to an existing storm drainage system.
- 6-15.4 Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be extended to the subdivision; a surface drainage system shall be designed to protect the proposed development from water damage.

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- 6-15.5 The ten-year storm 24-hour data should be used as a minimum basis for storm drainage design.
- 6-15.6 It is also the subdivider's responsibility to comply with the North Carolina Sedimentation and Pollution Control Act. The Danbury Planning Board will advise the developer to contact the NC Department of Environment and Natural Resources, Land Quality Section, which provides technical assistance and enforcement of the Sedimentation and Pollution Control Act. The subdivider shall provide a written statement that a sedimentation plan has been submitted and approved to the appropriate reviewing agency.
- 6-15.7 Within designated drinking water supply watersheds all stormwater drainage systems shall divert stormwater runoff from surface waters and incorporate best management practices to minimize water quality impacts.
- 6-15.8 Any drainage easement installed as part of the stormwater management program shall be maintained by the property owner.

Section 6-16 Removal of Rubbish

The subdivider shall remove, burn, or bury all cut or fallen trees, stumps, or rubbish from the subdivision. In any subdivision with a burial site under two (2) acres in size, the subdivider shall submit a Land Clearing and Inert Debris Landfill Notification to the NC Department of Environment and Natural Resources, Division of Solid Waste Management, or if over two (2) acres in size, obtain a demolition landfill permit from the same agency. *(All burial sites shall be shown on the final plat)*

Section 6-17 Planned Unit Developments

6-17.1 Modification of Standards

The foregoing requirements of the Article applicable to conventional subdivisions may be modified in the case of planned unit developments (PUDs) and planned business developments. Requirements and the review process for PUDs and planned business developments (PBDs) are specified in the conditional use permit provisions of the Danbury Zoning Ordinance. The conditional use permit procedure may be combined with the preliminary plat process required by these regulations. A developer planning either 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 six (6) copies of the information to the Danbury Planning Board, at least 15 working days before the planning board meeting at which the conditional use request is to be heard. The developer shall submit to the Planning Board, before the hearing on the conditional use, the same documents that normally are submitted for a preliminary plat to the Planning Board. When a conditional use permit is granted, the preliminary plat requirements of these regulations shall have been satisfied.

6-17.2 Final Plat Recordation Requirements

When improvements have been completed, in conformance with these regulations and the conditional use requirements, the developer shall submit six (6) copies of the final plat, and any deed restrictions, to the Danbury Planning Board for review and recordation of a final plat, as specified in these regulations. All applicable certifications shall be required.

APPENDIX A

	Preliminary and Final Plat Requirements	Preliminary Plat	Final Plat
1	Map shall not be larger than 24" x 36" (maps may be drawn on more than one sheet with appropriate match lines)	X	
2	Plats to be recorded shall be 18" x 24" sheets with 1 and 1/2" border on left side and 1/2 " borders on all other sides		X
3	Final Plat to be recorded in the Office of the Register of Deed shall be drawn on drafting film matte both sides with a thickness of 0.003 to 0.004 mil) or shall be original ink on mylar or reproduced drawing transparent and archival)		X
4	Title Block containing		
	A. Name of subdivision (title)	X	X
	B. Owner's name and address, and daytime phone number	X	X
	C. Developer's name and address, and daytime phone number	X	X
	D. Location (township, county, and state)	X	X
	E. Date map prepared or revised	X	X
	F. Scale: Drawing shall be at a scale of 1" – 100 ft. (if all Lots are greater than 3 acres a smaller scale may be used.)	X	X
	G. Bar Graph	X	X
	H. Name, address, and telephone number of prepared map (licensed surveyor)		
5	Original signature and seal of registered land surveyor		X
6	North arrow and orientation (North arrow shall not be oriented toward the Bottom of map)	X	X
7	Vicinity map showing location of site relative to surrounding	X	X
8	Plat book or deed book reference	X	X
9	Corporate limits, County lines, and other jurisdiction lines, if any on the tract (approximate location)	X	X
10	Zoning districts within the property and adjoining properties	X	X
11	Setbacks for the respective zoning classification shall be indicated on the plat	X	X
	Man-made Features		
12	Name and location of any property or building on the National Register of Historic Places or locally designated historic district, if known	X	X
13	Name of adjoining property owners (or subdivision or developments of record with plat and deed book reference)	X	X
14	Property boundaries with bearings and distances	X	X
15	Existing property lines or tract to be subdivided. If existing property lines are to change, label as "old property lines" and show as dashed lines	X	X
16	Railroad lines, including rights-of-way, if recorded	X	X
17	Electric Utility (high voltage) Transmission lines, including rights-of-way	X	X
18	Water Supply Watershed Boundaries	X	X
19	All rubbish burial sites, if known	X	X
	Natural Features		
20	Water courses, ponds, lakes or streams	X	X
21	Marshes, swamp and other wetlands	X	X
22	Areas to be dedicated or reserved for the public	X	X
23	Areas designed as common area or open space under control of a Homeowner's Association	X	X

	Preliminary and Final Plat Requirements	Preliminary Plat	Final Plat
	Natural Features (continued)		
24	Location of flood hazard areas from FEMA maps. Base flood elevation data for subdivisions which contain at least five (5) lots or at least 50 acres, whichever is less, if applicable (indicate map panel number)	X	X
25	Existing and proposed topography of tract and 100' beyond property showing existing contour intervals of no greater than 10' (5' where available) and, labeling at least 2 contours per map and all others at 20' intervals from sea level	X	
	Lots		
26	Proposed lot lines and dimensions	X	
27	Actual lot lines and dimensions		X
28	Lots numbered consecutively	X	X
29	Square footage of all proposed lots and/or acreage for all lots over one acre in size	X	
30	Site Calculations:		
	A. Acreage in total	X	X
	B. Number of lots	X	X
	C. Area in roads when in WS II Watersheds	X	
	D. Area in Public use sites	X	X
31	Roads		
	A. Road identified on plat: public or private	X	X
	B. Existing and proposed rights of way lines within and adjacent to property with dimensions	X	X
	C. Pavement width	X	X
	D. Approximate grade	X	X
	E. Cul de sac pavement radius	X	
	F. Existing and proposed road names	X	X
	G. If private road, copy of road maintenance agreement	X	X
32	Location, dimension and type of all easements	X	X
33	Utility layout plan for connection to the following types of utility Lines:		
	A. Sanitary sewer	X	X
	B. Water distribution	X	X
34	Utility Easements	X	X
35	Accurate location and description monuments, markers and control corners		X
36	Certificates and Endorsements		
	A. Certificate of Exemption		X
	B. Certificate of Approval for Recording, Minor Subdivision		X
	C. Certificate of Disclosure, Private Roads		X
	D. Certificate of Ownership and Dedication (signed by owner)		X
	E. Certificate of Survey Accuracy (signed by surveyor and attested by notary public)		X
	F. Certificate of Acknowledgement of Notary Public by County Register of Deeds		X
	G. Certificate of Approval by Division of Highways of the North Carolina Department of Transportation		X
	H. Certificate stating that no approval is required by the Division of Highways of the NC Department of Transportation		X

	Preliminary and Final Plat Requirements	Preliminary Plat	Final Plat
	Certificates and Endorsements (continued)		
	I. Certificate of approval of Roads and Utilities		X
	J. Certificate of Approval. Major Subdivision		X
	K. Certificate of Health Department Approval	X	X
	L. Certification of Purpose for Plat as required by NCGS 47-30		X

APPENDIX B

Required Certifications

A. 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 exemption to the Subdivision Regulations of Danbury, North Carolina.

(Owner(s) Date

Danbury Planning Board Chairman Date

B. Certificate of Approval for Recording, Minor Subdivision

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for Danbury, North Carolina, and that such plat has been approved according to the procedures for approval of a minor subdivision.

Danbury Planning Board Chairman Date

C. Certificate of Disclosure, Private Roads

I (we), the developer(s) of _____ Subdivision hereby state that the subdivision roads, in _____ Subdivision, are private roads. Ownership and maintenance of these private roads are the responsibility of _____. Right of access to private roads within said subdivision is guaranteed to all lots served by such roads. I (we), as the developer (s) further state that all ownership and maintenance agreements for the private roads have been approved by the Danbury Town Attorney and the Danbury Planning Board.

Developer Date

Attest: _____
Danbury Planning Board Chairman

D. 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 Danbury 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
_____ County

E. Certificate of Accuracy

“I, _____ certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded in Book _____ Page _____, etc (other); that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____ page _____ etc.) (other); that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this _____ day of _____ A.D., 20 _____

Seal or Stamp _____
Surveyor

Registration Number

F. Certificate Acknowledgement of Notary Public

North Carolina, _____ County.

I, a Notary Public of the County and State aforesaid, certify that _____ a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal this _____ day of _____, 20 _____.

Notary Public
My Commission expires:
Seal and Stamp _____

G. Certificate of Acknowledgement of Notary Public by County Register of Deeds

North Carolina—Stokes

The foregoing certificate(s) of a Notary of said county is (are) certified to be correct.

This the _____ day of _____ 20 _____.

Register of Deeds

Deputy Register of Deeds

H. Certificate of Approval of Water and Sewage System

I herby certify that water supply and sewage disposal utility system installed, or proposed for installation, in each lot of the subdivision entitled _____ fully meets the requirements of the undersigned agency(ies) are hereby approved as shown.

Stokes County Health Officer

Date

NC State Division of Environmental
Management Officer

Date

I. Certification of Approval of NC DOT. Division of Highways

I, _____, the Division Highway Engineer, do certify that the public roads as indicated hereon, are approved by the NC Department of Transportation, Division of Highways and will be accepted to the State of North Carolina Highway System at such time as density warrants.

Division of Highway Engineer

Date

J. Certification of the Approval of Road and Utilities

I hereby certify the (1) improvement have been installed in an acceptable manner and according to the county specifications for subdivision or (2) some type of guarantee has been given to the Town of Danbury to assure completion of all required improvements in case of default.

Mayor, Town of Danbury

Date

Town of Danbury Subdivision Ordinance

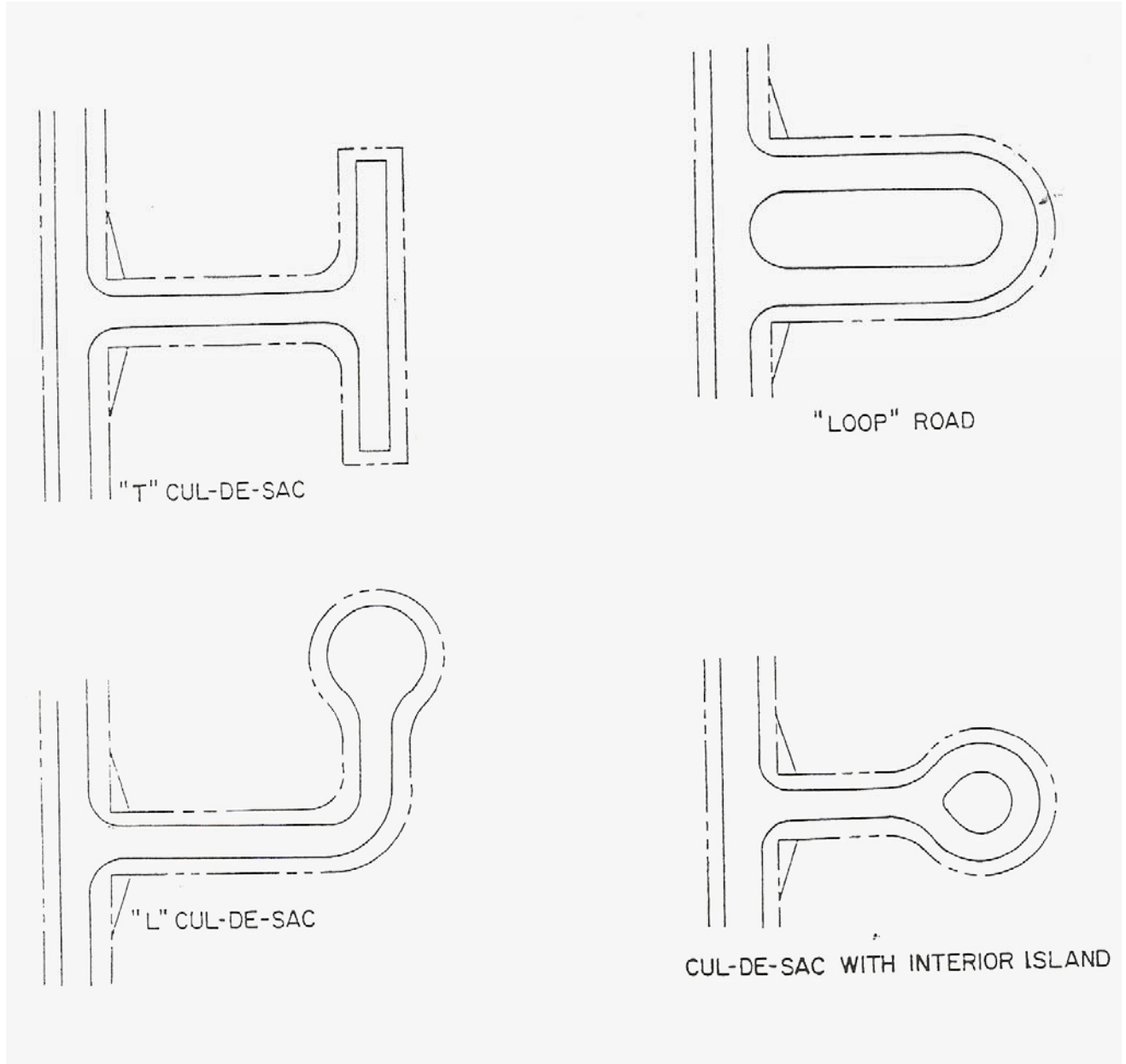
K. Certificate of Approval, Major Subdivision

This subdivision plat has been found to comply with the provisions of the Subdivision Regulations of Danbury and provided that it is recorded in the Office of the Register Deeds within 30 days of final approval by the planning board.

Danbury Planning Board Chairman

Date

APPENDIX C



Examples of Dead-End Road Designs

APPENDIX D

Approval of 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), NC Department of Environment and Natural Resources.
- B. Water supply systems planned to serve 14 or fewer connections or less than 25 permanent residents are regulated by the Stokes County Health Department. Plans and specifications shall be submitted to the Stokes County Health Department for approval.
- C. Individual water supplies (wells) are regulated by the Stokes County Health Department and should be located, constructed and operated in accordance with county and state regulations administered through the Stokes County Health Department.

II. Waste Treatment

- A. **Individual Sewage Disposal Systems.** Individual non-discharging sewage disposal systems shall be approved by the Stokes County Health Department. Any discharging system shall be approved by the NC Department of Environment and Natural Resources, Division of Environmental Health.
- B. **Sewer Lines Connecting to Existing Public Sewage System.** Plans for connecting sewer lines to an existing public sewer system require prior approval from the NC Department of Environment and Natural Resources, Division of Environmental Health.
- C. **Sewer Systems Require State Permit.** Plans for private sewage treatment systems constructed for subdivisions which will result in new discharges of effluent into surface waters require an application permit issued by the NC Department of Environment and Natural Resources, Division of Environmental Health. Permit applications must be filed at least 180 days in advance of the planned discharge.