

# **CHAPTER 160. SUBDIVISION ORDINANCE**

## **160.1.1 GENERAL PROVISIONS**

This Subdivision Ordinance is adopted in accordance with the authority granted to the Town of Warrenton, North Carolina, by Chapter 160D of the General Statutes of North Carolina as amended.

## **160.1.2 TITLE**

These regulations shall be known, cited, and referred to as the Subdivision Ordinance of the Town of Warrenton, North Carolina and may be referred as the “Subdivision Regulations” of “this Ordinance.”

## **160.1.3 CONSISTENCY WITH ADOPTED POLICY**

- A.** It is hereby declared to be the policy of the Town of Warrenton to consider the subdivision of land and the subsequent development of the subdivided plat as subject to control of the Town pursuant to the prevailing comprehensive plan in an effort to ensure that orderly, planned, and efficient growth is realized.
- B.** Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until appropriate facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and improvements.
- C.** The proposed public improvements to be provided by the developer shall conform to the recommendations of the prevailing comprehensive plan or other applicable studies which address said improvements.

## **160.1.4 PURPOSE**

The Regulations are adopted for the following purposes:

- A.** To establish procedures and standards of design for the development and subdivision of land within the territorial jurisdiction of the Town of Warrenton.
- B.** To protect and provide for the public health, safety, and general welfare of the citizens of Warrenton and its extraterritorial jurisdiction.

- C.** To provide for the orderly growth and development of the Warrenton planning area in accordance with the prevailing comprehensive plan.
- D.** To prevent the pollution of air, streams, and parks; to secure safety from fire, flood, and danger; to assure the adequacy of drainage facilities; to protect the water table; and to encourage the rational and efficient utilization and management of natural resources in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- E.** To coordinate the use of land and buildings and the circulation of traffic, with particular regard for the avoidance of congestion in the streets and highways, and the creation of pedestrian facilities appropriate for the various uses of the land and buildings.
- F.** To facilitate adequate provision of water, sewerage, schools, parks, playgrounds, recreation and other public requirements and facilities sufficient to accommodate the needs of the proposed subdivision.
- G.** To provide for the dedication or reservation of recreation areas and open spaces serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for street and utility purposes.
- H.** To protect and conserve the value of land, the value of buildings or other improvements thereupon, and to minimize the conflicts among the uses of land and buildings.

### **160.1.5 JURISDICTION**

- A.** The subdivision regulations shall govern each and every subdivision of land lying within the Town of Warrenton and its extraterritorial jurisdiction.
- B.** No land shall be subdivided within the subdivision jurisdiction of the Town until said subdivision has received the approval of the Town of Warrenton pursuant to the provisions of this Ordinance.
- C.** No plat for the subdivision of land within the Town of Warrenton shall be filed, accepted for recording, or recorded without the approval of the Town of Warrenton pursuant to the provisions of this Ordinance.
- D.** No building permit, Certificate of Occupancy or any other permit required by other applicable laws or ordinances shall be issued for any parcel or plot of land which was created by subdivision after the date of adoption of this Ordinance, that is not in conformity with the provisions of this Ordinance, and, no excavation of land or

construction of any public or private improvements shall commence except in accordance with the provision as herein expressed.

### **160.1.6 COMPLIANCE WITH ZONING**

Subdivisions of land must comply in all respects with the requirements of the Zoning Ordinance in effect in the area to be subdivided, and any other officially adopted plans.

### **160.1.7 LEGAL PROVISIONS**

#### **A. SEPARABILITY**

Should any section or provision of these Regulations be for any reason held void or invalid by the courts, such decision shall not affect the validity of this Ordinance as a whole or any part other than the part so declared to be unconstitutional or invalid.

#### **B. ABROGATION**

1. It is not intended that this Ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law, provided such provisions remain lawful.
2. Wherever the provisions of any other lawfully adopted ordinance, regulation, rules, deed restrictions, or covenants impose higher standards than are required by the provisions of this Ordinance, the provisions of such law, ordinance, or regulations shall govern.

#### **C. EFFECTIVE DATE**

This Ordinance, adopted by the Board of Commissioners of Warrenton, North Carolina, shall take effect and be in force from and after March 10, 2025.

### **160.1.8 DEFINITIONS AND INTERPRETATION OF TERMS**

#### **A. GENERAL PROVISIONS**

For the purpose of interpreting this Ordinance, certain words or terms are defined in this article. Except as defined herein or in other sections of this Ordinance, all words used in this Ordinance shall have their customary dictionary definition. Unless the context clearly indicates otherwise, the terms defined in this Ordinance shall have the meanings indicated below.

#### **B. INTERPRETATION OF TERMS**

1. Words used in the present tense include the future tense.

2. Words used in the singular number include the plural and words used in the plural number include the singular. Words used in the masculine gender include the feminine gender.
3. The word "person" includes a firm, joint venture, association, organization, partnership, corporation, trust, and company, as well as an individual.
4. The word "lot" includes the words "plot," "parcel," or "tract."
5. The word "building" includes the word "structure."
6. The word "shall" is always mandatory and not merely directory.
7. The word "use," as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used."
8. The word "may" is conditional and should not be construed as mandatory.
9. The word "street" includes the words "road and highway."
10. The words "Town Board," "governing body," and "Warrenton Board of Commissioners" shall refer the Board of Commissioners of the Town of Warrenton, North Carolina.
11. The words "Planning Board" shall refer to the Planning Board of the Town of Warrenton, North Carolina.

## C. DEFINITIONS

TABLE 1: DEFINITIONS	
TERM	DEFINITION
<b>A</b>	
Alley	A minor right-of-way or easement privately or publicly owned, primarily for service access to the rear or side of properties, which have principal frontage on some other street.
<b>B</b>	
Block	A tract of land bordered by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines, or water courses or boundary lines of municipalities.
Board of Adjustment	The Board of Adjustment of the Town of Warrenton, North Carolina.

TABLE 1: DEFINITIONS	
TERM	DEFINITION
Board of Commissioners	The Board of Commissioners of the Town of Warrenton, North Carolina.
Bond	See Performance Guarantee.
Building	Any structure, either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal, or property of any kind, including tents, awnings, or vehicles situated on private property and used for purposes of building.
Building Inspector	The person designated by the Town of Warrenton to enforce the building codes within its territorial jurisdiction.
Building Permit	A permit which is issued before a building or structure is started, improved, enlarged, or altered as proof that such action is in compliance with the building code.
Building Setback Line	A line located a minimum horizontal distance from the street right-of-way or parallel property line between which no parts of a building may be erected, altered, or maintained except as otherwise provided herein.
Buffer Strip	An area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing trees, shrubs, fences, and/or berms, designed to limit the view of, and/or the sounds from the site to adjacent sites and properties.
<b>C</b>	
Capital Improvements	Any building or infrastructure project that will be owned by a governmental unit and purchased or built with direct appropriations from the governmental unit, or with bonds backed by its full faith and credit, or in whole or in part, with federal or other public funds, or in any combination thereof.
Central Sewer System	Any sewage disposal system whether operated publicly or privately other than a pit privy or a septic tank located on the lot

TABLE 1: DEFINITIONS	
TERM	DEFINITION
	and approved by the Warren County Health Department or State of North Carolina, as appropriate.
Central Water System	A system operated publicly or privately, whereby the watercourse is not located on lot of the consumers and the number of connections must be at least ten (10) and approved by the Warren County Health Department or the State of North Carolina, as appropriate.
Certificate of Occupancy	A statement signed by the Building Inspector setting forth that the building, structure, or use complies with this Ordinance, and any applicable construction codes, and that the same may be used for the purposes authorized by the original approval.
Common Area	Land within a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development. They may include complementary structures and improvements.
Condominium	A development containing individually owned dwelling units and jointly owned and shared areas and facilities that is subject to the North Carolina Unit Ownership Act (North Carolina General Statutes Section Ch. 47A) and/or the North Carolina Condominium Act (North Carolina General Statutes Section Ch. 47C).
Construction Plan	The maps of drawings accompanying a subdivision plat, depicting the specific location and design of infrastructure improvements to be installed therein.
Crosswalk	A public right-of-way used primarily for pedestrian travel through or across any portion of a street.
<b>D</b>	
Dedication	An offer of real property, in fee simple by its owner(s) for public use.

TABLE 1: DEFINITIONS	
TERM	DEFINITION
Developer	The owner of land proposed to be subdivided or their representative.
Dwelling	Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses or appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any manufactured home, mobile home, or recreational vehicle if used solely for a seasonal vacation purpose.
<b>E</b>	
Easement	Authorization by a property owner for the use of a designated part of property by another for a specified purpose.
Extraterritorial Jurisdiction (ETJ)	An area adjacent to and outside of the Town of Warrenton corporate limits in which the town has authority to exercise planning, zoning, and subdivision regulations.
<b>F</b>	
Fee In-Lieu Dedication	Means cash payments that may be required of an owner or developer as a substitute to provision of some other required site or development feature.
Frontage	All property abutting on one (1) side of a street measured along the street line.
<b>G</b>	
Grade	The slope of a road, street, or other public way specified in percentage (%) terms.
Grading	The act of excavating, filling, or any combination thereof, or any leveling to smooth horizontal or sloping surface on a property.
<b>I</b>	

TABLE 1: DEFINITIONS	
TERM	DEFINITION
Improvements	Any building, object, street, utility or other addition to real property that is situated such that it contributes a physical betterment of real property.
Individual Septic System	All components of a septic system such as the tank, distribution box, drainfield, pumps, and pipes that serves one building and/or use.
<b>L</b>	
Lot	A contiguous parcel of land in identified ownership throughout, bounded by other lots or streets, and used or set aside for use as the site of buildings or other definite purpose.
Lot, corner	Any parcel of land having frontage on more than one street or road which abuts an intersection of those streets or roads.
Lot, double frontage	A continuous lot of the same depth as the width of a block, accessible from both rights-of-way upon which it fronts.
Lot, flag	A tract or lot of land of uneven dimensions in which the portion fronting on a street is less than the required minimum width required for construction of a building or structure on that lot.
Lot line	Any perimeter boundary of a parcel of land.
Lot line, front	The boundary of a lot running along a street right-of-way used to assign the lot's street address
Lot line, rear	The property line(s) which is (are) opposite the front lot line.
Lot line, side	A boundary line which is not defined as a front or rear lot line which intersects a front lot line.
Lot of Record	A lot which has been recorded in the Office of the Register of Deeds of Warren County or a lot described by metes and bounds,



TABLE 1: DEFINITIONS	
TERM	DEFINITION
	the description of which has been recorded in the aforementioned office.
Lot Width	The horizontal distance between the side lot lines measured along the front building line as specified by the applicable front yard setback in this Ordinance.
<b>N</b>	
Nonresidential Subdivision	A subdivision having intended use other than residential, such as commercial, industrial, institutional, or recreational.
<b>O</b>	
Official Plan	Any plan officially adopted by the Board of Commissioners of the Town of Warrenton as a guide for the development of the Town consisting of maps, charts, and/or texts.
Open Space	Land or water areas retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state.
Ordinance	Any legislative action, however denominated, of a local government, which has the force of law, including any amendment or repeal thereof.
Owner	Any person, firm, partnership, association, estate, trust, or corporation or any other legal entity having legal title to, or sufficient proprietary interest in the land sought to be subdivided under these regulations.
<b>P</b>	
Performance Guarantee	Any form of performance guarantee including a cash deposit, surety bond, or instrument of credit in an amount and form satisfactory to the Town of Warrenton as authorized by State law.
Plat	A map or plan of a parcel of land which is to be, or has been subdivided.

TABLE 1: DEFINITIONS	
TERM	DEFINITION
Plat, Final	The final map or plan of a subdivision and any accompanying material as described herein submitted to the Zoning Administrator, and in such a form as required by Warren County Register of Deeds for the purpose of recording.
Plat, Preliminary	The preliminary map or plan, accompanied by relevant materials, depicts the proposed layout of the subdivision in sufficient detail for consideration and approval.
<b>R</b>	
Reserve Strip	A strip of land overlying or abutting a street for the purpose of controlling access to adjacent property.
Right-of-Way	A strip of land dedicated for use by a government, a public utility, a railroad, or a private entity for access or other stated purpose. In addition to the roadway, this commonly accommodates curbs, crosswalks, lawn strips, sidewalks, roadway shoulders, lighting, utility lines, and drainage facilities.
<b>S</b>	
Setback	The distance between the minimum building line and the closest property line.
Sidewalk	An improved pedestrian surface that is typically located adjacent to a roadway.
Site	A lot or group of lots with frontage on a street, devoted or intended for use or occupied by a building or group of buildings.
Sight Triangle	A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.
Sketch Plan	A drawing of a proposed subdivision or site, showing roads, lots, and any other information with sufficient accuracy to be used for

TABLE 1: DEFINITIONS	
TERM	DEFINITION
	discussion of the road system and the proposed development pattern.
Special Purpose Lot	A parcel reserved on a plat for a specific use other than a building lot such as parking areas, amenity sites, open space areas, cluster mail box units, stormwater BMPs, off-site septic areas, existing cemeteries, or other utilities that are to be maintained by a utility, private individual or owners' association.
Street	A paved or unpaved vehicular accessway intended for the movement of vehicles and bicycles and is designated as public or private on a recorded final plat.
Street, Collector	A street whose principal function is to carry traffic between local streets and streets of higher classification, but which may also provide direct access for abutting properties.
Street, Cul-de-sac	A short local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.
Street, Dead End	A street generally less than 2,500 feet in length, open only at one end without special provision for turning around and have no collector street characteristics.
Street, Private	A vehicular right-of-way not dedicated or offered for dedication as a public street, serving lots within a subdivision, and reserved for the use of property owners abutting the street therein and permitted guests. Private road maintenance responsibilities are shared jointly by abutting property owners, commonly by an organized property owners association.
Street, Public	A dedicated public right-of-way for vehicular traffic which has been accepted by NCDOT or the Town of Warrenton for maintenance, or has not yet been accepted, but which is designed and constructed in accordance with public standards for vehicular traffic. Alleys are specifically excluded from this definition.

TABLE 1: DEFINITIONS	
TERM	DEFINITION
Street, Residential Collector	A street whose principal function is to provide access to abutting properties, but which is also designed to be used or is used to connect local streets and streets of higher classification.
Street, Local	A street which has been designed primarily to afford access to abutting properties.
Street, Marginal Access	A street which is parallel to and adjacent to major highways; and which provides access to abutting properties and protection from through traffic.
Street, Major Thoroughfare	A thoroughfare consisting of interstate, other freeway, expressway, or parkway links, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.
Street, Minor Thoroughfare	A thoroughfare that collects traffic from collectors and local streets and carries it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating movement of moderate volumes of traffic within and through urban areas and may also serve abutting property.
Street, Stub	A nonpermanent dead-end street intended to be extended in conjunction with the subdivision and development of the adjacent land.
Subdivider	Any person, firm, partnership, association, estate, trust, or any other group or combination, acting as a unit, dividing, or proposing to divide land so as to constitute a subdivision, as defined herein, and including any agent of the subdivider.
Subdivision	All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose, whether immediate or future, of sale or building development, and all division of land involving the dedication of new streets or a change in existing streets.

TABLE 1: DEFINITIONS	
TERM	DEFINITION
Zoning Administrator	The person charged with the administration of this Ordinance and appointed by the Town of Warrenton Board of Commissioners.
Subdivision, Exempt	<p>The following divisions of land that is exempted from review and approval by the Town in accordance with the North Carolina General Statutes:</p> <p>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 as contained herein.</p> <p>B. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.</p> <p>C. The public acquisition by purchase of strips of land for the widening or opening of streets.</p> <p>D. The division of a tract 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 as prescribed herein.</p> <p>E. 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 North Carolina General Statutes.</p> <p>F. The division of land for use as gravesites.</p>
Subdivision, Expedited	Any division of land that is not exempted under NCGS 160D-802(a)(20), that would not result in more than three (3) lots including the residual or parent lot, that the land area is at least five (5) acres in size; that no extension or streets, water, sewer, or other utility is proposed, all lots are provided a permanent means of ingress and egress, and all lots comply with applicable dimensional requirements for the zoning district where located.
Subdivision, Major	All subdivisions not classified as a minor subdivision including but not limited to subdivisions of five (5) or more lots, or any size subdivision requiring any new street or extension of local

TABLE 1: DEFINITIONS	
TERM	DEFINITION
	government infrastructure, or the creation of any public improvements.
Subdivision, Minor	Any subdivision containing not more than four (4) lots fronting on an existing street, not involving any new street or road, or the extension of municipal infrastructure, or the creation of any public improvements.
<b>V</b>	
Vested Right	A right pursuant to North Carolina General Statutes Section 160D-102 to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan.
<b>Z</b>	
Zoning Ordinance	The Zoning Ordinance adopted by the Board of Commissioners of the Town of Warrenton, North Carolina.

## 160.2 REVIEW AUTHORITIES

### 160.2.1 ZONING ADMINISTRATOR

The Zoning Administrator shall be appointed by the Warrenton Board of Commissioners and is duly charged with the enforcement of the provisions of this Ordinance. If the Zoning Administrator finds that any of the provisions of this Ordinance are being violated, they shall notify in writing the person(s) responsible for such violations, indicating the nature of the violation and ordering the action(s) necessary to correct it. They shall also take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

### 160.2.2 TECHNICAL REVIEW COMMITTEE

- A. There is hereby created a Technical Review Committee (TRC) consisting of the Zoning Administrator, and representatives of the following agencies as designated by the Director of the Public Works Department, Police, and Fire Departments.

- B.** Additional agencies including but not limited to the Warren County Health Department, the North Carolina Department of Transportation Division of Highways, Warren County Emergency Services, Warren County Soil and Water Conservation Service and the Warren County School Board, may be asked for review as applicable to the specific subdivision.
- C.** The Technical Review Committee (TRC) shall have the following duties:
  - 1. To review and comment on the technical aspects of all applications for approval of subdivision plats.
  - 2. To provide the Zoning Administrator with reports and recommendations regarding plans submitted for review.
  - 3. To perform any other related duties that this Ordinance may authorize or that the Warrenton Planning Board may direct.
- D.** The Zoning Administrator or their designee shall serve as the chairperson of the TRC.
- E.** The Zoning Administrator shall determine the most effective means of communicating with members of the TRC for review and recommendations regarding subdivision plats. Communication with TRC members can be in the form of in-person meetings, written correspondence, phone consultations, or other means of communication as deemed appropriate by the Zoning Administrator.

### **160.2.3 PLANNING BOARD**

As directed by the Board of Commissioners, the Planning Board shall have the following duties with respect to administration of the Subdivision Ordinance:

- A.** Review and make recommendations to the Board of Commissioners on amendments to the Subdivision Ordinance.
- B.** Review and approve preliminary plats for major subdivisions in accordance with this Ordinance.
- C.** Perform any other duties assigned by the Board of Commissioners.

### **160.2.4 BOARD OF COMMISSIONERS**

- A.** The Board of Commissioners shall have authority to accept streets and other public infrastructure that has been dedicated to the Town and found to comply with all standards required by the Town.

- B.** The Board of Commissioners may amend this Ordinance after all statutory requirements regarding notice have been met.

## **160.3 ADMINISTRATIVE PROCEDURES**

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### **160.3.1 APPLICABILITY**

#### **A. PLAT REQUIRED**

No subdivision plat as defined in Section 160.1.8: Definitions and Interpretation of Terms shall be recorded with the Warren County Register of Deeds when any portion of the property is within the municipal limits and ETJ of the Town of Warrenton unless it has been approved as provided in this Ordinance.

#### **B. SUBDIVISION EXEMPTIONS**

1. Upon confirmation that a plat is an exemption as specified below, the Zoning Administrator shall sign the “Certificate of Exemption” certificate on the face of the plat to be recorded with the Warren County Register of Deeds.
2. The following divisions of land are exempted from review and approval by the Town in accordance with the North Carolina General Statutes:
  - 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 as contained herein.
  - 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.
  - d. The division of a tract 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 as prescribed herein.
  - e. 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 North Carolina General Statutes.
  - f. The division of land for use as gravesites.

#### **C. EXPEDITED SUBDIVISION**

1. Plats qualifying as an expedited subdivision as defined below shall be recorded after the Zoning Administrator reviews the plat and determines that it plat qualifies for expedited



review and that all lots meet or exceed all of the dimensional requirements for the zoning district in which the property is located.

2. Any divisions of land that meets the following criteria shall qualify as an expedited subdivision:
  - a. The division of land is not exempted under NCGS 160D-802(a)(20),
  - b. The division of land would not result in more than three (3) lots including the residual or parent lot,
  - c. The land area is at least five (5) acres in size;
  - d. No extension of streets, water, sewer, or other utility is proposed,
  - e. All lots are provided a permanent means of ingress and egress,
  - f. All lots comply with applicable dimensional requirements for the zoning district where located, and
  - g. No part of the tract or parcel to be divided has been divided in the 10 years prior to the division.

### **160.3.2 SUBDIVISION APPLICATION**

The subdivision application shall be submitted to the Zoning Administrator and shall include the following:

- A.** A complete application form provided by the Town.
- B.** A filing fee, paid by the subdivider, in accordance with the Town's fee schedule.
- C.** The required number of expedited subdivision plats, preliminary subdivision plats, or final subdivision plats in accordance with the application submittal policy of the Town.

### **160.3.3 MINOR AND EXPEDITED SUBDIVISION REVIEW**

#### **A. APPLICATION**

1. The applicant for minor subdivision plat approval is encouraged to confer with the Zoning Administrator prior to submitting a minor subdivision plat for a determination of whether the approval process authorized by this section can and should be utilized. The Zoning Administrator may require the applicant to submit information necessary to determine whether or not the proposed subdivision is eligible for approval under the minor subdivision approval process.

2. In addition to the requirements outlined in Section 160.3.2: Subdivision Application Submission, the following shall be required:
  - a. A copy of any existing or proposed deed restrictions, covenants, liens, and other encumbrances.
  - b. Evidence that all applicable local county, state, and federal regulatory approvals and permits have been obtained, if applicable.

## **B. DECISION BY ZONING ADMINISTRATOR**

1. The Zoning Administrator or their designed agent shall review the final plat of the proposed minor subdivision and shall determine if said plat constitutes a minor subdivision and meets all requirements of this Ordinance.
2. The Zoning Administrator shall approve or disapprove the proposed final minor subdivision plat. The Zoning Administrator shall render a decision within ten (10) working days after receipt of the proposed minor subdivision.
3. If the subdivision is disapproved, the Zoning Administrator shall promptly furnish the applicant with a written statement of the reasons for disapproval, specifying the provisions of this ordinance with which the final plat does not comply.
4. If the final plat is approved by the Zoning Administrator, written confirmation shall be made on all copies of the plat and the applicant shall be notified in writing.

## **C. APPEAL OF DECISION**

The subdivider may appeal the decision of the Zoning Administrator to the Board of Adjustment in accordance with the Town of Warrenton Zoning Ordinance.

## 160.3.4 MAJOR SUBDIVISION REVIEW

REVIEW PROCESS FOR MAJOR SUBDIVISIONS			
Type of action: C=Comment; R=Recommendation; D=Decision			
PROCESS STEP	TECHNICAL REVIEW COMMITTEE	ZONING ADMINISTRATOR	PLANNING BOARD
SKETCH PLAN	C	D	
PRELIMINARY PLAT	R	C	D
FINAL PLAT	C	D	

### A. APPLICATION

1. Major subdivisions with lots of 25 or more are reviewed in three steps: sketch plan, preliminary plat and final plat.
2. The sketch plan step is optional for subdivisions of less than 25 lots.
3. The sketch plan shall include the general layout for the entire project and include proposed phase lines.
4. The preliminary plat may include only the portion of the development proposed to be constructed for phased developments. Nothing shall limit the Town from requiring the establishment of public infrastructure in a physical location outside of the active phase(s) of development if such provision is necessary, in the sole discretion of the review authority, for the development to function as required.
5. A final plat may be submitted for any number of lots from an unexpired preliminary plat.
6. In addition to the requirements outlined in **Section 160.3.2: Subdivision Application Submission**, additional information is required as specified in the procedures below.

### B. SKETCH PLAN REVIEW

1. The Zoning Administrator shall review the sketch plan for general compliance with the requirements of the Subdivision and Zoning Ordinances and transmit the plan to the Technical Review Committee for review and comment.
2. Once all comments are received, the Zoning Administrator shall advise the subdivider of the regulations applicable to the proposed subdivision and procedures to be followed in preparation and submission of the preliminary plat.

### C. PRELIMINARY PLAT REVIEW

## **1. SUBMISSION REQUIREMENTS**

- a. In cases where lots in the subdivision will utilize on-site wastewater, the subdivider shall provide a report from a licensed soil scientist in the form of a letter, signed and dated, that describes the possibilities of lot sizes the site can support and their general locations within the subdivision.
- b. Subdivisions seeking to utilize public sewer shall include a wastewater allocation request completed in accordance with Town local requirements.
- c. A preliminary plat shall be submitted for each phase of a development as shown on the sketch plan and there is no limitation on the number of phases that may be included in a preliminary plat.
- d. Applications complying with a Town-mandated fee-in-lieu or anticipated to include an applicant-requested fee-in-lieu as specified in this Ordinance shall include the required information and/or request.

## **2. REVIEW AND RECOMMENDATION BY TECHNICAL REVIEW COMMITTEE**

- a. Upon receipt of the requisite copies of the preliminary plat, the Zoning Administrator or a designated agent shall distribute copies of the preliminary plat of the proposed major subdivision to various agencies representing the Technical Review Committee (TRC) for review of street design, erosion and sedimentation control, sewage disposal systems, water and sanitary sewer systems, stormwater management, public safety, public services., and compliance with all applicable Town requirements.
- b. The Zoning Administrator shall consult with members of the TRC to review the preliminary plat. Following its review, the TRC shall provide its findings and recommendations in writing to the Zoning Administrator.
- c. The Zoning Administrator shall forward the TRC findings and recommendations to the Planning Board for review and approval at least five (5) days prior to the Planning Board meeting. If the TRC determines that the preliminary plat is incomplete, the Zoning Administrator shall notify the applicant of the deficiencies, in writing.

## **3. PLANNING BOARD REVIEW AND DECISION**

After considering any input and/or recommendations received in connection with the proposed subdivision, in addition to any comments from the subdivider, the Planning Board shall approve, disapprove, or conditionally approve the proposed major subdivision preliminary plat in accordance with the following:

- a. If the Planning Board grants the conditional approval of the preliminary plat, the conditions and reasons thereof shall be stated in writing.
- b. If the Planning Board disapproves the preliminary plat, the reasons for disapproval shall be stated in writing and references shall be made to the specific section(s) of this Ordinance with which the plan does not comply. The subdivider may make the recommended changes and resubmit the revised preliminary plat.

- c. If approval is granted, written confirmation shall be made on two (2) copies of the preliminary plat. One (1) copy of the approved preliminary plat shall be returned to the applicant and one (1) copy retained on file with the Town of Warrenton.

#### **4. APPROVAL CRITERIA**

Applications for a preliminary plat approval shall be decided in accordance with the following:

- a. The major subdivision preliminary plat includes all applicable certifications and declarations;
- b. All lots are served by a Town-maintained, NCDOT-maintained, or private street configured in accordance with NCDOT or Town standards, as appropriate;
- c. All lots have been certified by the County Health Department as capable of accommodating the wastewater generated from the proposed use, in cases when the lot(s) are served by on-site wastewater systems;
- d. The lots shown on the preliminary plat are in conformance with all applicable requirements in the zoning district where located;
- e. The preliminary plat complies with all standards and conditions of any applicable master plans, permits and development approvals from outside agencies, utilities, volunteer fire departments, and any other applicable agency or service provider;
- f. The name of the subdivision does not duplicate or is not phonetically similar to the name of an existing subdivision in the Town's planning jurisdiction or Warren County;
- g. Street names comply with all applicable Town and County requirements; and
- h. The major subdivision preliminary plat complies with all other applicable requirements in this Ordinance and Town policy.

#### **5. EFFECT OF APPROVAL**

- a. Approval of a major subdivision does not constitute the approval for recording a subdivision with the Register of Deeds, or approval for the conveyance of lots, but nothing shall prohibit the landowner or the subdivider, as appropriate, from entering into contracts to sell or lease land by reference to an approved major subdivision in accordance with NCGS§160D-807(c).
- b. Approval of a major subdivision authorizes the subdivider to begin installation of public infrastructure provided that the subdivider has received an Erosion and Sedimentation Control Permit from the State of North Carolina, if applicable.
- c. An approved preliminary plat shall be valid for twenty-four (24) months from the date of its approval. The Planning Board, at its discretion, may grant an extension for a period not to exceed one (1) year beyond the date of the original preliminary plat approval. Due consideration shall be given for the health, safety, and welfare of the

public in granting extensions. Preliminary plats whose approval has lapsed shall be resubmitted in the same manner as a new project.

- d. Prior to approval of the final major subdivision plat, the subdivider shall have installed the improvements specified on the plat or guaranteed their installation as provided for in Section 160.3.6: Performance Guarantee.

## **6. APPEAL**

If a preliminary plat is disapproved by the Planning Board, the applicant may appeal the decision by requesting that the preliminary plat be scheduled for review by the Board of Adjustment as set forth in the Right of Appeal section of the Warrenton Zoning Ordinance.

## **D. FINAL PLAT REVIEW**

### **1. SUBMISSION REQUIREMENTS**

- a. An applicant with an approved preliminary plat shall not file an application for final plat review until all required improvements serving the subdivision are installed and inspected by the Town, or the developer provides a performance guarantee for those required improvements in accordance with Section 160.3.6: Performance Guarantee.
- b. The final plat shall be prepared by a licensed professional land surveyor.
- c. The applicant shall provide copies of all required State, federal, or other applicable County or Town permit approvals.

### **2. REVIEW BY TECHNICAL REVIEW COMMITTEE**

- a. The Zoning Administrator shall consult with members of the Technical Review Committee (TRC) to review the final plat. Following its review, the TRC shall provide its findings and recommendations in writing to the Zoning Administrator.
- b. The Zoning Administrator shall forward the TRC findings and recommendations to the applicant in writing.

### **3. DECISION BY ZONING ADMINISTRATOR**

- a. If the major final plat is in compliance with this Ordinance and consistent with the preliminary plat, or any approved amendments made from a conditionally approved preliminary plat, the Zoning Administrator shall approve the final plat. If approval is granted, written confirmation shall be provided to the applicant.
- b. When deficiencies are found, the Zoning Administrator shall provide the applicant with a written statement of deficiencies with a timeline for the applicant to provide correction to the plat or submit additional documentation to include the performance guarantee.

- c. If the final plat is disapproved, the applicant shall be furnished with a written statement of the reasons for disapproval and reference shall be made to the specific section(s) of this Ordinance with which the plat does not comply.

#### **4. APPROVAL CRITERIA**

Applications for a final plat shall be decided by the Zoning Administrator in accordance with the following:

- a. The final plat is on a sheet or sheets suitable for recording with the Warren County Register of Deeds;
- b. The final plat complies with the standards in NCGS 47-30;
- c. The final plat includes all required certifications and declarations (see Appendix for certificate and declarations);
- d. All lots shown on the plat have an assigned street address in accordance with Town and County requirements;
- e. All required infrastructure improvements (e.g., streets, sewer lines, water lines, drainage, etc.) depicted on the construction drawings are installed, inspected, and accepted by the Town, or are subject to a performance guarantee (see Section 160.3.6: Performance Guarantee);
- f. All required easements and rights-of-way are properly depicted on the final plat;
- g. If no public wastewater service is associated with the subdivision, all lots have been certified by the Warren County Health Department as capable of accommodating the wastewater generated from the proposed use;
- h. The final plat is in substantial conformance with the associated preliminary plat(s);
- i. The final plat complies with all standards and conditions of any applicable permits and development approvals; and
- j. The final plat complies with all other applicable requirements in this Ordinance and Town policy.

#### **5. RECORDATION OF FINAL PLAT**

- a. Once a final plat is approved, a signed statement by the Zoning Administrator shall be entered on the face of the plat. The final plat may not be recorded without this and all other required certifications or declarations.
- b. Following certification by the Zoning Administrator, the applicant shall record the final plat and all associated protective covenants and deed restrictions in the office of the Register of Deeds for Warren County. Failure to record the final plat within 60 days shall render the plat null and void.
- c. Recordation of a final plat allows the sale or conveyance of lots within the subdivision following recordation in the office of the Register of Deeds.

- d. Building permits may be issued following the recordation of the final plat.

## **6. ACCEPTANCE OF PUBLIC INFRASTRUCTURE**

- a. Approval and recordation of a final plat constitutes an offer of dedication by the owner of the right-of-way of each public street and any other public infrastructure shown on the plat.
- b. Approval of the final plat does not constitute acceptance for maintenance responsibility of any improvements within a right-of-way or easement and the Town assumes no responsibility to open, operate, repair, or maintain any improvements until it is in the public interest to do so.
- c. Improvements within rights-of-way or easements, such as streets, drainage facilities, or sidewalks may be accepted for maintenance by the Town, when deemed appropriate, in the Town's sole discretion.
- d. The Town Council may, by resolution, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes.
- e. Acceptance of dedication of lands or facilities located within the extraterritorial jurisdiction but outside the corporate limits of the Town shall not place on the Town any duty to open, operate, repair or maintain any street, utility line, or other land or facility, and the Town shall not be held responsible in any civil action or proceeding for failure to open, repair, or maintain any street located outside its corporate limits.
- f. A final plat shall not be recorded until public water and sewer service is accepted and in service, if lots in the subdivision are served by public water and sewer service.

## **7. APPEAL**

If a final plat is disapproved by the Zoning Administrator Board, the applicant may appeal the decision by requesting that the final plat be scheduled for review by the Board of Adjustment as set forth in the Right of Appeal section of the Warrenton Zoning Ordinance.

## **160.3.5 RECORDATION OF FINAL PLATS**

### **A. RECORDING OF FINAL PLAT**

Upon approval of the final plat for a minor, expedited or major subdivision, the subdivider shall file the plat with the Warren County Register of Deeds within 60 days or such action shall become null and void.

### **B. DEDICATION AND ACCEPTANCE**

#### **1. RIGHTS-OF-WAY**

The approval and recordation of a final plat does constitute an offer to dedicate but does not constitute acceptance for maintenance responsibility by the town or the public of any



public road, alley, or utility or drainage easement shown on such plat. Improvements within such rights-of-way or easements, such as utility lines, road paving, drainage facilities, or sidewalks may, however, be accepted for maintenance by the North Carolina Department of Transportation or by the private utility provider upon compliance with applicable NCDOT and private utility provider guidelines and standards.

## **2. OPEN SPACE**

Land designed as public open space on a final plat shall be considered to be offered for dedication until such offer is officially accepted by the Town. The offer shall be accepted by the Town Board of Commissioners.

### **160.3.6 PERFORMANCE GUARANTEE**

#### **A. PURPOSE**

1. These standards create the additional flexibility necessary for lots in a subdivision to be conveyed or for issuance of a Building Permit to commence with development prior to completion of all required infrastructure or site improvements, subject to the prior approval of the Town, and provided funds have been reserved for completion of these features.
2. These provisions ensure that funds are available for the Town's use to complete required public infrastructure or private site features in the event an applicant is unable to do so.

#### **B. ELIGIBLE FEATURES**

1. Performance Guarantees shall be configured and managed in accordance with the standards in this section. Acceptance of a Performance Guarantee is in the sole discretion of the Town, which is under no obligation to accept a request for or approve a Performance Guarantee for any feature or under any other circumstance.
2. Requests for submittal of a Performance Guarantee instead of completion in advance of subdivision final plat approval may be filed with the Town for any of the following public infrastructure elements or private site features:
  - a. Sidewalks, trails, and greenways;
  - b. The final lift of asphalt on a public street;
  - c. Active and passive recreation features located within open space set-aside; and
  - d. Placement or replacement of required landscaping, except when required as part of erosion control measures.

#### **C. INELIGIBLE FEATURES**

The following forms of public infrastructure may not be subject to a Performance Guarantee, and shall be completed, dedicated to the Town, and inspected prior to final plat recordation:

- i. Public potable water;
- ii. Public sanitary sewer;
- iii. Functional fire protection infrastructure;
- iv. The base and initial courses of asphalt on a street;
- v. Drainage facilities associated with a street right-of-way;
- vi. Public stormwater control measures;
- vii. Curb and gutter; and
- viii. Street signs and traffic control signals.

#### **D. FORM**

1. The form of a Performance Guarantee shall take one of the following forms, at the sole discretion of the applicant:
  - a. A surety bond issued by a firm licensed to operate in the State of North Carolina;
  - b. A letter of credit issued by a financial institution licensed to operate in the State of North Carolina;
  - c. Cash or certified check; or
  - d. Another form of guarantee that provides equivalent security to the forms listed above, as determined by the Town.
2. In cases where more than one facility or site feature is requested to be subject to a Performance Guarantee, the applicant may provide a single, consolidated Performance Guarantee for all facilities or site features. In no instance shall Performance Guarantees associated with private stormwater control mechanisms or sedimentation control be consolidated with any other Performance Guarantee.
3. If cash or other instrument is deposited in escrow with a financial institution, an agreement between the financial institution and the developer shall be filed with the Town guaranteeing the following:
  - a. That the escrow account shall be held in trust until released by the Town and may not be used or pledged by the developer for any other matter during the term of the escrow;
  - b. That in case of a failure on the part of the developer to complete or repair the improvements, the financial institution shall, upon notification by the Town, immediately pay the funds deemed necessary by the Town to complete or repair the improvements up to the full balance of the escrow account, or deliver to the Town any other instruments fully endorsed or otherwise made payable in full to the Town; and

- c. The financial institution holding the cash or other instrument shall indicate to the Town its notification requirements for release or payment of funds.

## **E. REVIEW CRITERIA**

1. An application for a Performance Guarantee shall include a map or plan showing the infrastructure and site improvements to be subject to a Performance Guarantee.
2. A Performance Guarantee application may be approved by the Zoning Administrator if the application complies with the following:
  - a. The request is for an eligible facility or site feature;
  - b. The request is in the form and the amount required; and,
  - c. The term of the guarantee is for the minimum period of time necessary.
3. The Performance Guarantee shall be conditioned on the performance of all work necessary to complete the installation of the required improvements within the term of the guarantee.

## **F. AMOUNT**

### **1. GENERALLY**

- a. The amount of the performance guarantee shall be 125% of the reasonably estimated cost of completion at the time the Performance Guarantee is issued.
- b. The Town may determine the amount of the Performance Guarantee or use a cost estimate determined by the applicant.
- c. The reasonably estimated cost of completion shall include 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.
- d. The additional 25% includes inflation and all costs of administration regardless of how such fees or charges are denominated.

### **2. ESTIMATED COSTS**

Estimated costs of completing installation of required public infrastructure or private site features shall be itemized by improvement type and certified by the developer's licensed professional.

### **3. EXTENSION**

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 125% of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.

#### **4. RENEWAL**

If a Performance Guarantee is renewed, the Zoning Administrator may require the amount of the Performance Guarantee to be updated to reflect changes in cost over time.

#### **G. MAXIMUM TERM**

Performance Guarantees shall have a maximum term of one year, unless the subdivider determines a longer term is necessary to complete the public infrastructure or private site features. Acceptance of a proposed guarantee remains at the discretion of the Town.

#### **H. EXPIRATION**

1. The applicant shall demonstrate good faith towards the completion of public infrastructure or private site features subject to a Performance Guarantee. In the event the aspects subject to a guarantee are not completed prior to the expiration of the guarantee, the applicant shall request a renewal of the Performance Guarantee in accordance with Section 160.3.6.F: Amount.
2. In the event an application for renewal of a Performance Guarantee has been filed with the Town prior to expiration of an existing guarantee, the Town shall delay the provision of notice of failure to install or complete improvements in accordance with Section 160.3.6.I: Forfeiture.

#### **I. FORFEITURE**

##### **1. NOTICE OF FAILURE TO INSTALL OR COMPLETE IMPROVEMENTS**

If the owner or developer fails to complete installation of the guaranteed improvements within the term of the Performance Guarantee (as may be extended), the Town shall give the owner or developer 30 day's written notice of the scope and degree of the default, by certified mail.

##### **2. TOWN COMPLETION OF IMPROVEMENTS**

- a. After the 30-day notice period expires, the Town may draw on the guarantee and use the funds to perform the work necessary to complete installation of the guaranteed improvements.
- b. After completing such work, the Town shall provide a complete accounting of the expenditures to the owner or developer.
- c. In the event of a default triggering the use of the performance guarantee, the Town shall return any of the unused deposited cash funds or other security.

#### **J. APPEAL**

A decision by the Zoning Administrator may be appealed by the applicant to the Board of Adjustment as set forth in the Right of Appeal section of the Warrenton Zoning Ordinance.

## **160.3.7 OWNERS' ASSOCIATIONS**

### **A. ESTABLISHMENT OF OWNERS' ASSOCIATION**

1. An owner's association shall be established in accordance with the requirements of the Warrenton Zoning Ordinance to fulfill the requirement of the North Carolina Condominium Act or to accept conveyance and maintenance of all common areas and facilities within a development containing common areas.
2. Where developments have common areas for facilities servicing more than one dwelling unit, these areas shall be conveyed to the owners' 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 Town, and lots shall be shown on required plans and plats and designated as common areas. The fee-simple title of the common area shall be conveyed by the subdivider to the owners' association.
3. Common areas shall not be subsequently subdivided or conveyed by the Owners' Association unless a revised preliminary plat and a revised final plat showing such subdivision or conveyance have been submitted and approved.

### **B. SUBMISSION OF OWNERS' ASSOCIATION DECLARATION**

Prior to or concurrently with the submission of the final plat for review and approval, the applicant shall submit a copy of the proposed bylaws of the owners' association containing covenants and restraints governing the association, plats, and common areas. The restrictions shall include provisions for the following:

1. The owners' association declaration shall be organized and in legal existence prior to the conveyance, lease-option, or other long-term transfer of control of any unit or lot in the development.
2. Membership in the owners' association shall be mandatory for each original buyer and each successive buyer of a lot or unit. Provisions shall be made for the assimilation of owners in subsequent sections of the development.
3. The owners' association declaration shall state that the association is responsible for:
  - a. The payment of premiums for liability insurance and local taxes;
  - b. Maintenance of recreational and/or other facilities within common areas; and
  - c. Payment of assessments for public and private improvements made to, or for the benefit of the common areas.

### **C. DEFAULT OF OWNERS' ASSOCIATION**

Upon default by the owners' association in the payment to the Town any assessments for public improvements or ad valorem taxes levied against common areas, which default shall continue for a period of six (6) months, each owner of a lot in the development shall become personally obligated to pay to the town a portion of the taxes or assessments in an amount determined by

dividing the total taxes and/or assessments due to the Town by the total number of lots in the development. If the sum is not paid by the owner within thirty (30) days following receipt of notice of the amount due, the sum shall become a continuing lien on the property of the owner, his heirs, devisees, personal representatives, and assigns. The Town may either bring an action at law against the owner personally obligated to pay the same, or may elect to foreclose the lien against the property of the owner.

#### **D. POWER OF THE ASSOCIATION**

The owners' association is empowered to levy assessments against the owners of lots or units within the development for the purpose of maintenance of commonly-held lands or infrastructure. Such assessments shall be for the payment of expenditures made by the owners' association for the items set forth in this Section, and any assessments not paid by the owner against whom such assessments are made shall constitute a lien on the lot of the owner.

#### **E. EASEMENTS**

Easements over the common areas for access, ingress, and egress from and to public roads and walkways and easements for enjoyment of the common areas, and for parking, shall be granted to each lot owner.

#### **F. NONRESIDENTIAL CONDOMINIUMS**

If the condominium is a nonresidential condominium, the declaration shall also contain the following provisions in addition to those described in Section 160.3.7.B: Submission of Owners' Association Declaration.

1. Parking spaces shall be allocated among the individual lots or units in such a manner that each unit is entitled to a sufficient number of parking spaces to comply with the Zoning Ordinance for the use intended to be located therein.
2. The owners' association shall maintain a register listing the total number of parking spaces in the development and the number of parking spaces allocated to each lot or unit. A copy of this register shall be available to the Zoning Administrator upon their request.
3. The owners' association shall not reduce the number of parking spaces allocated to an individual lot or unit without the express written consent of the owner thereof, and in no case shall the number of parking spaces allocated to an individual unit be reduced to a number below that required by the Warrenton Zoning Ordinance.

### **160.3.8 EFFECT OF PLAT APPROVAL ON DEDICATIONS**

- A. Pursuant to NCGS 160D-806, the approval of a plat shall not be deemed to constitute or effect automatic acceptance by any public or private entity of the dedication of any street or other ground, utility line, or other public land or facility shown on the plat.

- B.** However, the Town Board of Commissioners may by resolution accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision regulation jurisdiction.
- C.** Acceptance of dedication of lands or facilities located within the subdivision regulation jurisdiction but outside the corporate limits of the Town shall not place on the Town any duty to open, operate, repair, or maintain any street, utility line, or other land or facility, and the Town shall in no event be held to answer in any civil action or proceeding for failure to open, repair, or maintain any street located outside its corporate limits.

### **160.3.9 VARIANCES**

Where because of topographical or other conditions peculiar to the site, strict adherence to the provisions of the regulations of this Ordinance would cause an unnecessary hardship, the Board of Adjustment may authorize a variance, if such variance can be made without overturning the intent of this Ordinance. Any variance thus authorized is required to be entered in writing in the minutes of the Board of Adjustment and the reasoning on which the departure was justified shall be set forth.

### **160.3.10 TEXT AMENDMENTS**

- A.** The text of this Ordinance may be amended from time to time by the Warrenton Board of Commissioners. Prior to consideration by the Board of Commissioners, the Planning Board shall review and provide a recommendation on the amendment.
- B.** A public hearing shall be held by the Warrenton Board of Commissioners before adoption of any proposed amendment to this Ordinance. Notice of such public hearing shall be given once a week for two (2) consecutive calendar weeks in a newspaper of general circulation in the Town of Warrenton. Said notice shall be published the first time not less than ten (10) days or more than twenty-five (25) days prior to the date established for such public hearing.

## **160.4 DESIGN AND INFRASTRUCTURE STANDARDS**

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### **160.4.1 GENERAL PROVISIONS**

#### **A. DESIGN**

All proposed subdivisions shall comply with this Article, shall be designed to promote beneficial development of the community, and shall bear a reasonable relationship to the approved plans of the Town.

#### **B. DEVELOPMENT NAME**

In no case shall the name of a proposed subdivision duplicate or be phonetically similar to an existing development name in the Town of Warrenton or Warren County, unless the proposed development lies adjacent to the existing development.

#### **C. REASONABLE RELATIONSHIP**

All required improvements, easements, and rights-of-way (other than required reservations) shall substantially benefit the development or bear a reasonable connection to the need for public facilities attributable to the new development.

#### **D. NATURAL FEATURES AND ASSETS**

In the subdividing of land, due regard shall be shown for all natural features, such as tree growth, watercourses, historic sites, or similar conditions which, if preserved, will add attractiveness to the proposed development and safety from hazards. The development shall comply with the Town of Warrenton Tree Canopy Ordinance. When the property is located with the historic district, the development shall comply with the Historic District Ordinance.

### **160.4.2 LOT STANDARDS**

#### **A. ADEQUATE BUILDABLE AREA REQUIRED**

Lot sizes, shapes, and locations shall be made with due regard to topographic conditions, contemplated uses, and the surrounding area. Each lot shall contain an adequate building site outside the limits of any existing easements or required building setback lines.

#### **B. CONFORMANCE WITH ZONING ORDINANCE**

All lots shall conform to the minimum standards or dimensions noted herein and those contained in any applicable Zoning Ordinance, building codes, or other official regulations.

#### **C. LOT REMNANTS**



All remnants of lots left over after subdivision of a larger tract and smaller than the required minimum lot size that is required, must be added to adjacent lots, rather than allowed to remain as separate parcels. The Zoning Administrator may permit a lot remnant for a specific purpose such as a stormwater pond or feature, open space or existing private cemetery, provided that access and design is appropriate, and the lot remnant is restricted to specific non-building uses. A note explaining the ownership shall be included on the plat.

#### **D. CORNER LOTS**

Corner lots for residential use shall have an extra width of ten (10) feet from the side yard that adjoins the side street to allow for adequate building setback from side streets.

#### **E. DOUBLE FRONTAGE LOTS**

All efforts should be made to avoid double frontage lots, except where required to separate residential development from existing or proposed roadways, where a recorded alley provides rear access to lots, or to overcome specific disadvantages of topography or orientation. If double frontage lots must be included, private driveways shall be prevented from having direct access through the lot.

#### **F. FLAG LOTS**

No lot shall be approved which constitutes a flag lot except through a variance approval from the Board of Adjustment due to extreme topographic or natural circumstances.

#### **G. SIDE LOT LINES**

Side lot lines shall be at or near right angles or radial to curved street lines with no lot line having an angle of less than 60 degrees.

#### **H. LOT LINES AND DRAINAGE**

Lot boundaries shall coincide with natural and pre-existing man-made drainageways to the extent practicable to avoid lots that can be built upon only by altering such drainageways.

#### **I. ACCESS REQUIREMENTS**

Every lot shall front or abut on a dedicated public or private street and have frontage meeting the requirements set forth in the Warrenton Zoning Ordinance.

#### **J. WATER AND SEWAGE DISPOSAL**

Every subdivision lot intended for building purposes shall be served by a central water supply system and central sewage disposal system that: is adequate to accommodate the reasonable needs of the proposed use of the lot and complies with all applicable health regulations.

Where public water and sewers are not available, the subdivider must provide evidence that each lot can be served by wells and sewage disposal systems.

### **160.4.3 STREET STANDARDS**

## **A. CONFORMANCE WITH PLANS**

In any new subdivision, the street layout shall conform to the arrangement, width and location included on any official plans for the Town of Warrenton. In areas for which such plans have not been completed, the streets shall be designed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, and to the proposed use of land to be served by such streets.

## **B. DEDICATION OF FUTURE RIGHT-OF-WAY**

1. The reservation and dedication of access rights-of-way shall be required to provide access to adjoining properties in locations where it appears a roadway could be constructed and as required by this Ordinance and Town policy.
2. Whenever a tract to be subdivided abuts any part of a major thoroughfare, designated in the Official Plans for Warren County or the Town of Warrenton, such part of such proposed public way shall be platted and dedicated by the subdivider in the location and at the width specified.

## **C. CONFORMANCE WITH ADJOINING ROAD SYSTEMS**

1. The proposed street layout shall be made according to good land planning practice for the type of development proposed, and shall be coordinated with the street system of the surrounding areas.
2. Proposed streets shall connect to or intersect with adjacent existing streets where possible.

## **D. STREET CLASSIFICATION**

The classification of streets within a proposed subdivision, with regard to their functional design, shall be made in accordance with NCDOT standards and/or with the most recent adopted transportation plan.

## **E. ACCESS TO THOROUGHFARES**

1. Access to major thoroughfares from lots in the subdivision shall be managed to minimize vehicle conflict points.
2. Where a tract of land to be subdivided adjoins a major thoroughfare, the subdivider may be required to provide a marginal access street parallel to the highway or reverse frontage on an interior street for the lots to be developed adjacent to the highway.
3. The subdivider shall be required to provide an easement or common area at a minimum of twenty (20) feet in width on the rear and side of the property abutting the higher volume road, parallel and adjacent to the right-of-way of the road. Such easement or common area shall be restricted to the planting of trees or shrubs for screening purposes and shall be in addition to all other easements required by this Ordinance.

## **F. ACCESS TO ADJOINING PROPERTY**

All streets shall provide for the continuation or approximate extension of streets in surrounding areas and provide reasonable means of ingress and egress for surrounding acreage tracts.

1. A proposed street shall be platted to the property line to connect with an adjacent property or a connecting street. Such street shall be designed, constructed, and dedicated as a public street to the adjacent property and located so as to best ensure the safe, convenient, and efficient movement of traffic within a local road network as well as the orderly development of adjacent properties.
2. Where stub streets have been platted and/or constructed on an adjacent property, street connections to these streets shall be provided by right-of-way dedication on the plat and construction of the street connection.
3. Reserve strips adjoining road rights-of-way that have the effect of preventing access to adjacent property shall not be permitted.

## **G. SECONDARY ACCESS FOR FIRE APPARATUS ACCESS**

In order to promote public safety, proposed residential subdivisions containing more than 30 residential units shall provide at least two points of access to the external street network for fire apparatus access. No more than 30 residential units may be platted and developed until the second point of access that meets or exceeds the standards of the NC Fire Code is constructed.

## **H. STREET DEDICATION**

1. All public streets shall be dedicated to the Town of Warrenton or the State of North Carolina.
2. All streets shown on the final plat shall be designated in accordance with NCGS 136-102.6(F) and designated as a public street and shall be conclusively presumed as an offer of dedication to the public.
3. Where streets are dedicated to the public but not accepted into a municipal or State system, a statement explaining the status of the street shall be included on the final plat.

## **I. PRIVATE STREETS**

1. Private streets shall be permitted in a proposed subdivision that is intended for non-residential, mixed-use, or multi-family residential land uses.
2. Private streets for single-family residential projects are permitted when the sketch plan design shows each of the following elements:
  - a. A proposed amenity site with a minimum of a pool house or clubhouse with bathrooms, indoor cooking facilities, and an indoor or outdoor eating area.

- b. A creative design feature such as a landscape island that may not be accepted by the Town or NCDOT; and
  - c. An entrance gate(s) at all points of access.
- 3. All private streets shall be designed and constructed to meet the standards for public streets.
- 4. All private streets shall be labeled as “private” and a street disclosure statement indicating that the streets are private and to be maintained by owners’ association shall be included on the final plat to be recorded.
- 5. An owners’ association shall be established, and the declaration of covenants shall provide for the perpetual funding of the operation and maintenance of the private streets.
- 6. All private streets in single-family subdivisions shall meet the following standards:
  - a. An entrance gate must be provided at all of the intersections with access to a public street and access to the gate must be provided to local law enforcement, emergency service agencies, and utility providers.
  - b. The construction of the street(s) shall meet or exceed the standards for public streets with a minimum road width of 20 feet.
  - c. Since public school buses, mail carriers and other agencies may have limited access to the private streets, the subdivider shall provide a dedicated parcel at the entrance(s) of the development for a bus stop and cluster mailbox unit(s).

## **J. PUBLIC STREETS**

- 1. All roads, public or private, shall be paved with asphalt, concrete, NCDOT-approved pavers, or other suitable all-weather surface as determined by NCDOT. Gravel shall not be permitted as a surface for any new street.
- 2. Streets shall be designed and constructed in accordance with the latest edition of the North Carolina Department of Transportation (NCDOT) Subdivision Roads, Minimum Construction Standards.
- 3. Once streets have been recorded as public streets on a final plat, they are prohibited from being reverted to private streets. The developer must proactively pursue full acceptance of the streets by the Town or NCDOT, as appropriate.

## **K. CURB AND GUTTER**

- 1. Curb and gutter are required in all subdivisions of 30 or more lots.
- 2. Curb and gutter are required when the new street is a continuation of a street which is developed with curb and gutter irrespective of the number of lots.

3. Standard (raised) curb and gutter is the preferred installation type, but concrete valley gutter is allowed as well, and shall be constructed in accordance with the design criteria of the North Carolina Department of Transportation.

## **L. STREET INTERSECTIONS**

1. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect with any other street at an angle less than 75 degrees.
2. Offset intersections are to be avoided. Intersections which cannot be aligned shall be separated by a minimum length of 200 feet measured at the centerlines of each intersection.
3. Intersections with arterials, collectors, and thoroughfares shall be as required by NCDOT and in accordance with any adopted transportation plan.
4. No two streets may intersect with any other street on the same side at a distance of less than 400 feet measured from the centerline to the centerline at the intersections. When the intersecting street is a major or minor thoroughfare, the distance between intersecting streets shall be at least 600 feet.
5. The grade at an intersection shall not exceed five percent for a distance of not less than 100 feet from the centerline of the intersection.

## **M. SIGHT DISTANCE EASEMENTS**

These easements shall be shown on the final plat along with notes that the easement(s) shall remain free of all structures, trees, shrubbery, signs, utility poles, fire hydrants, and traffic control signs.

## **N. CUL-DE-SACS**

1. It is the intent of this Ordinance to limit the use of cul-de-sacs while recognizing that property dimensions, environmental features, and other site design issues may require their use in order to reasonably develop the property. Cul-de-sacs shall not be used to avoid connection with an existing street where the physical ability to connect exists.
2. No more than 30 residential units shall be served by a cul-de-sac street or combination of streets where no future access is planned.
3. The maximum distance from an intersecting through street to the end of a cul-de-sac shall be 1,200 feet. A temporary cul-de-sac where the future connection is dedicated must comply with this 1,200 foot limit. This distance shall be measured from the centerline of the turnaround to the centerline of the nearest street intersection.
4. A stub street may be used as the nearest intersection provided that the stub street is dedicated and constructed to the extent of the right-of-way/property line during the initial construction of the other streets and shall be considered part of the infrastructure for the subdivision.

## **O. BRIDGES**

All bridges and approaches on public and private streets shall conform to the requirements established by NCDOT.

## **P. ALLEYS**

Alleys shall be required to serve lots used for commercial or industrial purposes except that this requirement may be waived where other acceptable provision is made for service access.

# **160.4.4 SIDEWALKS AND TRAILS**

## **A. REQUIREMENT**

1. Sidewalks or trails shall be required to be installed on all new streets in any one of the following instances:
  - a. where a subdivision is proposed that is located within ¼ mile of a public park or school, including sites for proposed parks and schools,
  - b. where the property is adjacent to a property with existing sidewalks, or
  - c. where a major subdivision takes access from a public street that is identified as a pedestrian route on an adopted plan.
2. Cul-de-sacs and stub streets of less than 600 feet in length are excluded from this requirement.

## **B. PLACEMENT AND WIDTH**

The placement of sidewalks or trails shall comply with NCDOT guidelines and shall be placed within the street right-of-way or a designated sidewalk/trail easement.

1. Sidewalks shall be constructed on both sides of the street at a minimum width of five (5) feet.
2. Trails may be provided on one side of a street in lieu of sidewalks at a minimum width of six (6) feet.

## **C. CONSTRUCTION STANDARDS**

1. Sidewalks shall consist of a minimum thickness of four (4) inches of concrete and six (6) inches at driveway crossings.
2. Trails shall consist of a compacted subgrade of four inches of compacted ABC stone and an overlay of 1 ½ inches of asphalt.
3. The sidewalk or trail shall be pitched towards the street with a consistent slope of ¼ inch per foot of surface width to ensure proper drainage.

4. In accordance with ADA requirements, all street curbs shall provide wheelchair ramps at all intersections.

#### **D. MAINTENANCE**

The owners' association documents shall include provisions for the upkeep and maintenance of sidewalks and trails.

### **160.4.5 COMMUNITY MAIL FACILITIES (CLUSTER BOX UNITS)**

- A. The preliminary plat shall include the location(s) of any community mail delivery facilities required to be installed by the United State Postal Service.
- B. Where required, such facilities shall be located on a separate lot, which shall be treated in the same manner as other open space or special purpose lots.
- C. Subdivisions that include community mail delivery facilities shall establish an owners' association to hold title to the lots upon which facilities exist.

### **160.4.6 OPEN SPACE AND CONSERVATION AREAS**

- A. Where provided, parcels dedicated to a owners' association as common open space or deeded to a conservation organization or other entity as conservation lands shall be designed and arranged in such a manner as to ensure adequate access to the property for emergency services and maintenance.
- B. In no case shall such open space parcel be designed without at least 20 feet of road frontage in a location that, if necessary, could accommodate driveway access to the property.
- C. When held in common ownership by the owners of lots within the subdivision, a owners' association shall be formed to maintain such lands, and the declaration of covenants shall provide for the perpetual funding of the maintenance of the open space property.

### **160.4.7 COMMON AMENITIES AND FACILITIES**

- A. Where at the option of the developer, recreation or other facilities are provided within a subdivision, the land containing such facilities shall be deeded to the owners' association, and the declaration of covenants shall provide for the perpetual funding for the operation and maintenance of such facilities and property.

- B.** If the developer proposes to establish a public park or other recreational facility, such land may be reserved, dedicated to the public and improved as a public park or facility only with the approval of the Town of Warrenton Board of Commissioners.

## **160.4.8 EASEMENTS**

### **A. UTILITY EASEMENTS**

1. Utility easements shall be dedicated to each utility provider serving a subdivision.
2. Utility easements shall be sized and configured in a manner required by the grantee to ensure their ability to provide ongoing maintenance of their utility lines and appurtenances to include water meters and sewer cleanouts.
3. Where practical, utility easements that are required to be located outside of the dedicated street rights-of-way shall be centered on side and rear lot lines or located parallel to the street rights-of-way.

### **B. DRAINAGE EASEMENTS**

1. Stormwater drainage easements shall be required to facilitate adequate drainage along streams and other watercourses (both natural and manmade) as well as any proposed stormwater BMPs.
2. Existing and/or natural drainage ways shall not be altered unless no practical alternative exists.

### **C. SEPTIC SYSTEM EASEMENTS**

1. Easements for off-site or shared subsurface septic systems, drain fields, repair areas and/or supply lines or wastewater systems must be established as required by the state or local permitting authority for such system(s).
2. Wastewater easements shall remain free of structures, fences, landscaping (other than grass), or any activities that would interfere with the use and maintenance of the easement.

## **160.4.9 WATER AND WASTEWATER STANDARDS**

### **A. DOMESTIC WATER SUPPLY**

1. Each lot within a subdivision shall be provided with a connection to a public water system at the subdivider's expense.
2. The design and construction of the water line extension and connections shall comply with the standards and policies of the utility providing service to the subdivision. When



provided by the Town, the design shall meet the minimum design criteria published by the State of North Carolina.

3. Special purpose lots do not have to meet this requirement.

## **B. SANITARY SEWER SERVICE**

1. Each lot in a subdivision shall be provided with a connection to a public sanitary sewer system at the subdivider's expense if the proposed development meets the distance thresholds according to the number of lots as outlined in the table below. Distances shall be measured from the closest point of the property to an existing gravity sewer main.

<b>MATRIX FOR CONNECTION TO PUBLIC SEWER</b>	
<b>PROPOSED NUMBER OF LOTS</b>	<b>DISTANCE FROM PUBLIC SYSTEM (IN FEET)</b>
Fewer than 10	200
11-20	300
21-50	600
51-100	1,000
More than 100	1,500
NOTE: This requirement applies only when a gravity connection is possible and when the utility provider has sufficient capacity to serve the development.	

2. The design and construction of the sanitary sewer line extension and connections shall comply with the standards and policies of the utility providing service to the subdivision. When provided by the Town, the design shall meet the minimum design criteria published by the State of North Carolina.
3. Special purpose lots do not have to meet this requirement.
4. When public or private wastewater system is utilized for the development, a note stating the name of the utility provider is required on the final plat.

## **C. COMMUNITY SEWER SERVICE**

1. Where a public sewer service is not available, the subdivision is permitted to be served by an off-site drain field, a community sewer system, an area-wide system, a multi-user remote system or any other form of off-site sewer treatment system. The disclosure of the type of system proposed, shall be provided on the sketch plan.
2. All other necessary and appropriate local and state permit documentation shall be submitted with the final plat as well as a performance guarantee to be held until the operations permit is issued.
3. When said system is to be operated by the property owners, the owners' association declarations shall provide for the perpetual funding of the maintenance of the system.

#### **D. SERVICE BY INDIVIDUAL SYSTEMS**

1. Sketch plans shall include a note as to the types of proposed wastewater systems and the respective permitting authority along with the general locations of any multi-user and/or off-site system or repair areas.
2. Preliminary plats shall include details on any multi-user and/or off-site systems and repair areas to include the supply lines and accessways and related easements.
3. Final plats shall include all required notes and/or certifications related to the system types for the lots shown on the plat.
4. Adequate provisions for the upkeep and maintenance of off-site septic systems shall be identified by recorded property covenants, owners' association covenants, or other recorded means approved by the Zoning Administrator. These documents shall be recorded referencing the map book and page of the subdivision plat.

#### **E. EASEMENT MAINTENANCE**

1. No structure or vegetation (except grass) may be located within access, drainage, utility easements.
2. Maintenance of easements outside of public rights-of-way are the responsibility of the property owner and/or property owners' association.

### **160.4.10 EROSION CONTROL**

Prior to the construction of the development infrastructure, the developer shall secure a sedimentation and erosion control permit from the State of North Carolina, if applicable.

### **160.4.11 STORMWATER**

The developer shall secure a stormwater permit from the State of North Carolina, if applicable.

#### **160.4.12 BUFFER STANDARDS**

- A.** A buffer strip at least 50 feet in depth, in addition to the normal lot depth required, shall be provided adjacent to all railroads and limited access highways in residential districts. This strip shall be a part of the platted lots or included in common area property but shall have the following restrictions lettered on the face of the plat: "This buffer strip is reserved for the planting of trees or shrubs by the owner; the building of structures hereon is prohibited."
- B.** Where a residential subdivision is adjacent to office, institutional, commercial, or industrial uses, landscape buffers shall be provided as specified by the Town of Warrenton Zoning Ordinance.

#### **160.4.13 SITES FOR PUBLIC USE**

To ensure orderly development of the planning area in accordance with the general principles set forth in the comprehensive plan, the subdivider shall give due consideration to the reservation of open spaces for parks, schools, fire stations, and/or playgrounds in accordance with the procedures in NCGS 160D-804.

#### **160.4.14 RESERVATION OF SCHOOL SITES**

If the Town of Warrenton Board of Commissioners and the Warren County Board of Education have jointly determined the specific location and size of any school sites to be reserved, the Planning Board shall immediately notify the Warren County Board of Education when a plat for a subdivision is submitted which includes all or part of a school site to be reserved. The Board of Education shall promptly decide whether it still wishes the site to be reserved. If the Board of Education does not wish to reserve the site, it shall notify the Planning Board. If the Board of Education does wish to reserve the site, the subdivision shall not be approved without such reservation. The Board of Education shall have eighteen (18) months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by initiating condemnation proceedings. If the Board of Education has not purchased or begun proceedings to condemn the site within eighteen (18) months, the subdivider may treat the land as free from the reservation.

#### **160.4.15 UNDERGROUND UTILITIES**

- A.** All electric, telephone, television, internet, and cable lines, both main and service connections, servicing new developments shall be provided by underground wiring within dedicated easements or dedicated public rights-of-way and be installed in accordance with the prevailing standards and practices of the utility or other companies providing such services at the subdivider's expense.

- B.** Lots that abut existing easements or public rights-of-way where overhead utility lines and service connections have previously been installed may be supplied with service from those overhead lines, but the service connections for the utilities' overhead lines shall be installed underground. In the case of existing overhead utilities, should a road widening, or an extension of service, or other such condition occur as a result of the subdivision and necessitate the replacement or relocation of such utilities, such replacement or relocation shall be underground.

## **160.5 ENFORCEMENT**

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### **160.5.1 PURPOSE**

This section establishes procedures to ensure compliance with the provisions of this Ordinance and obtain corrections for ordinance violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this section are intended to encourage the voluntary correction of violations, where possible.

### **160.5.2 COMPLIANCE REQUIRED**

Compliance with all the procedures, standards, and other provisions of this Ordinance is required by all persons owning, developing, selling, or transferring land in the Town.

### **160.5.3 STATUTE OF LIMITATIONS**

Enforcement of violations of this Ordinance shall be in accordance with §§1-49(3) and 1-51(5) of the North Carolina General Statutes.

### **160.5.4 DESCRIPTION OF VIOLATIONS**

The following shall be considered a violation of this Ordinance:

- A.** Engaging in the subdivision of land by reference to, exhibition of, or any other use of a plat showing a subdivision of land before such plat has been approved under this Ordinance.
- B.** Transferring of land by metes and bounds description or other document used in the process of selling or transferring land prior to approval under this Ordinance.

### **160.5.5 ENTITY RESPONSIBLE FOR VIOLATION**

The owner of any land, or part thereof, and any engineer, builder, contractor, surveyor, agent, or other person who participates in, assists, directs, creates, or maintains any such situation that is contrary to the requirements of this Ordinance, may be held responsible for the violation.

## **160.5.6 ENFORCEMENT PROCEDURE**

When the Zoning Administrator, or other Town official finds a violation of this Ordinance, they shall take following actions:

### **A. WRITTEN NOTICE OF VIOLATION**

A written notice of violation shall be prepared, in writing, and delivered to the person(s) responsible for the violation. The notice shall include all of the following:

1. That the land, or activity is in violation of this Ordinance;
2. The nature of the violation, and citation of the section(s) of this Ordinance violated;
3. The measures necessary to remedy the violation;
4. The time period in which the violation must be corrected;
5. That penalties or remedies may be assessed; and
6. That the party cited has the right to appeal the notice in accordance with the appeal provisions of the Town of Warrenton Zoning Ordinance.

### **B. DELIVERY OF NOTICE**

1. The notice of violation shall be delivered to the holder of the development approval and to the landowner of the property involved by personal delivery, electronic delivery, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity.
2. The notice of violation may be posted on the property.
3. The Town official providing the notice of violation shall certify that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud.

### **C. REMEDY UPON NOTICE**

Upon delivery of a written notice of a violation, the landowner or any other responsible person shall remedy the violation within the time period allotted by the Town.

### **D. FAILURE TO COMPLY**

If the landowner, occupant, or any other responsible person fails to comply with a notice of violation from which no appeal has been taken, or a final decision by the Board of Adjustment

following an appeal, the landowner, occupant, or other responsible party shall be subject to such remedies and penalties as may be provided for by State law.

#### **E. EACH DAY A SEPARATE VIOLATION**

Each day a violation continues following notice or failure to comply is considered a separate and distinct violation of this Ordinance.

### **160.5.7 REMEDIES**

Any of the following remedies may be applied by the Town, whether individually or in combination, in response to a violation of this Ordinance:

#### **A. CIVIL PENALTIES**

Any responsible person who violates any provision of this Ordinance shall be subject to the assessment of a civil penalty under the procedures provided in Section 160.5.8: Assessment of Civil Penalties.

#### **B. DENIAL OF PERMIT OR CERTIFICATE**

The Zoning Administrator may withhold or deny a building permit, certificate, or other authorization for the same land, subdivision, or development activity in which there is an uncorrected violation of this Ordinance.

#### **C. CONDITIONAL APPROVAL**

The Zoning Administrator or other Town staff or agent, as appropriate, may condition a permit, certificate, or other authorization for land, subdivision, building, structure, sign, use, or development activity with a violation in order to compel:

1. Correction of the violation;
2. Payment of civil penalties; and
3. Posting of a compliance security, as approved by the appropriate governmental authority.

#### **D. REVOCATION OF PERMITS**

1. The Town may, in its sole discretion, initiate a process to revoke a prior development approval or permit in response to a violation of this Ordinance.
2. The Zoning Administrator may initiate the revocation process by notifying the permit holder in writing, at least ten days prior to the commencement of revocation proceedings, stating the reason for the proposed revocation.
3. Permits or certificates may be revoked, in accordance with NCGS160D-403(f) for any of the following:

- a. Any substantial departure from the approved application, plans, or specifications;
- b. Refusal or failure to comply with the requirements of State or local laws; or
- c. For making false statements or misrepresentations in securing the permit, certificate, or approval.
- d. Any permit or certificate mistakenly issued in violation of an applicable State or County law may also be revoked by the appropriate authority.
- e. Revocation of a permit or approval shall be processed in the same manner as the permit or approval was granted.

## **E. INJUNCTIVE RELIEF**

### **1. ACTION BY TOWN BOARD OF COMMISSIONERS**

Whenever the Town Board of Commissioners has reasonable cause to believe that any person is violating or threatening to violate this Ordinance, it may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action in the name of the Town, for injunctive relief to restrain, correct, abate, mandate, or enjoin the violation or threatened violation.

### **2. SUPERIOR COURT**

The action shall be brought in the Warren County Superior Court. Upon determination by the court that an alleged violation is occurring or is threatened, it shall enter such orders or judgments as are necessary to abate the violation or to prevent the threatened violation.

## **F. ORDER OF ABATEMENT**

- 1. In addition to an injunction, the Town may apply for, and the court may enter an order of abatement as part of the judgment in the case.
- 2. An order of abatement may direct any action to be taken as necessary to bring the property into compliance with this Ordinance.

## **G. EQUITABLE REMEDY**

The Town may apply to a court of law for any appropriate equitable remedy to enforce the provisions of this Ordinance. The fact that other remedies are provided under general law, or this Ordinance shall not be used by a violator as a defense to the Town's application for equitable relief.

## **H. STATE AND COMMON LAW REMEDIES**

In addition to other enforcement provisions contained in this section, the Town Board of Commissioners may exercise any and all enforcement powers granted to it by State or Common Law.

## **160.5.8 ASSESSMENT OF CIVIL PENALTIES**

### **A. AMOUNT OF CIVIL PENALTIES**

The minimum civil penalties for violation of this Ordinance shall be as follows:

1. \$250.00 per day for the first 15 days;
2. \$250.00 per day for the next 15 days;
3. \$2,500.00 per day for the remainder of the violation.
4. In addition to any civil remedies set out in this section the Town, in its sole discretion, may seek, as an alternative and/or additional relief the recovery of its actual investigative cost where those administrative costs are determined to be greater than \$500.00.

### **B. GENERAL PROCEDURE**

1. Civil penalties may not be assessed until the responsible person in violation has been notified. Nothing shall prevent the notice of violation from serving as the written notice of penalty assessment of civil penalties.
2. Notice of the civil penalty assessment shall be served in the same manner as a notice of violation.
3. The assessment notice shall state the nature of the violation, the civil penalty to be imposed upon the violator, and shall direct the violator to pay the civil penalty within 10 days of the date of the notice of penalty assessment.
4. Civil penalties may be assessed until compliance is achieved.

### **C. CONTINUING VIOLATION**

For each day the violation is not corrected, the violator will be guilty of an additional and separate offense and subject to additional civil penalty.

### **D. DEMAND FOR PAYMENT**

1. If compliance is not achieved, then the Zoning Administrator or other Town staff or agent, as appropriate, shall make written demand for payment of penalties that have accrued while the property has been in violation.
2. The demand for payment shall be sent to the responsible person in violation and must include a description of the violation for which the civil penalties have been imposed.

### **E. NONPAYMENT**



If payment is not received or equitable settlement reached within 10 days after final notice to demand for payment is made, the Town may recover any unpaid civil penalty by filing a civil action in the nature of debt or by placing a lien on the property.

## 160.6 APPENDICES

### 160.6.1 APPENDIX I

#### A. APPLICATION REQUIREMENTS

In addition to a completed application form and fee, applications shall include the following information:

TABLE OF REQUIRED APPLICATION MATERIALS				
REQUIRED DOCUMENTATION	SKETCH PLAN	MINOR SUBDIVISION	PRELIMINARY PLAT	FINAL PLAT
Documentation of ownership and authority to submit application when applicant is not the property owner		X	X	X
Proof from appropriate utility provider of ability to serve development		X	X	X
Cost estimates of infrastructure, if applicable				X
Performance guarantee(s), if applicable				X
Owners' association document when private streets or other common areas are proposed to include stormwater BMPs		X		
Time schedule for proposed phased developments	X		X	
NCDOT driveway permit, when development proposes a direct connection to a NCDOT roadway		X		X
Erosion Control Permit, if applicable		X		X

TABLE OF REQUIRED APPLICATION MATERIALS				
REQUIRED DOCUMENTATION	SKETCH PLAN	MINOR SUBDIVISION	PRELIMINARY PLAT	FINAL PLAT
Stormwater Permit, if applicable		X		X
Approval from US Army Corps of Engineers, if applicable		X		X
Waterline Extension approval, if applicable		X		X
Wastewater Approval, NCDEQ or Warren County Health Dept		X		X

## B. PLAN AND PLAT CONTENT REQUIREMENTS

1. All plans and plats filed under this Ordinance shall contain the following information.
2. Failure to include one or more required elements may result in the application being considered incomplete.
3. An "X" in a cell in the table below indicates that the noted information is required on the particular type of plan or plat.

TABLE OF REQUIRED PLAN/PLAT ELEMENTS				
REQUIRED INFORMATION	EXEMPT PLAT	FINAL PLAT	PRELIMINARY PLAT	SKETCH PLAN
PRIMARY INFORMATION				
Name of Development/Project				

TABLE OF REQUIRED PLAN/PLAT ELEMENTS				
REQUIRED INFORMATION	EXEMPT PLAT	FINAL PLAT	PRELIMINARY PLAT	SKETCH PLAN
Type of Development Application	X	X	X	X
Property Reference (recorded plat book/page and/or deed book/page number) and Tax ID	X	X	X	X
Location of Property (township, county, and state)	X	X	X	X
Property owner's name(s) and address(es)	X	X	X	X
Developer's name and address (if different from owner)		X	X	X
Name, address, phone number, and registration number of map preparer	X	X	X	X
Scale of drawing in feet per inch (by text and bar graph)	X	X	X	X
VICINITY INFORMATION				
Vicinity Map showing location of site relative to surrounding area	X	X	X	X
Zoning District(s) within the property and on adjacent properties	X	X	X	X
Name of adjoining property owners (or subdivisions of record with plat book reference)	X	X	X	X
Corporate limits, county lines, or other jurisdictional lines, if any	X	X	X	X
North arrow and orientation	X	X	X	X
EXISTING CONDITIONS				

TABLE OF REQUIRED PLAN/PLAT ELEMENTS				
REQUIRED INFORMATION	EXEMPT PLAT	FINAL PLAT	PRELIMINARY PLAT	SKETCH PLAN
Existing property lines with bearings and distances (lines to be removed should be dashed and labeled as “old property lines”)	X	X	X	X
Location and descriptions of all monuments, markers, and control corners	X	X	X	X
Easements, rights-of-way and railroad lines	X	X	X	X
Water bodies, ponds, lakes, streams, or wetlands	X	X	X	X
Flood zones (both graphically with FIRM in notes)	X	X	X	X
Existing buildings, driveways, wells, septic systems, cemeteries, and other man-made improvements	X		X	X
Existing trees subject to tree protection requirements			X	
Existing topography with contour intervals no greater than 3 feet			X	
Location of any property or building on the National Register of Historic Places	X	X	X	X
PROPOSED USE				
Proposed lot lines and dimensions	X	X	X	
Area of proposed lots	X	X	X	
Lot sequenced or numbered consecutively	X	X	X	
Addresses of new lots	X	X		

TABLE OF REQUIRED PLAN/PLAT ELEMENTS					
REQUIRED INFORMATION		EXEMPT PLAT	FINAL PLAT	PRELIMINARY PLAT	SKETCH PLAN
Proposed building locations for zero lot-line developments		X	X		
Location areas to be dedicated for the public or local jurisdiction		X	X	X	
Location of designated open space set-asides including type of recreation areas and facilities to include dimensions and construction details			X	X	
Site calculations, including	Total acreage of tract(s)	X	X	X	X
	Total number of proposed lots or units	X	X	X	X
	Linear feet of new streets		X	X	
	Area in newly dedicated rights-of-way		X		
	Area of designated open space		X	X	
STREETS, ROADS, SIDEWALKS, AND TRAILS					
Existing rights-of-way within and adjacent to the property, including width		X	X	X	X
Proposed rights-of-way, including width and labeled as public or private		X	X	X	
	Pavement and curb lines			X	

TABLE OF REQUIRED PLAN/PLAT ELEMENTS					
REQUIRED INFORMATION		EXEMPT PLAT	FINAL PLAT	PRELIMINARY PLAT	SKETCH PLAN
Existing and proposed streets and roads showing:	Pavement widths(curb face-to-face)			X	
	Cul-de-sac pavement radius			X	
	Existing and proposed street names	X	X	X	
	Street profiles			X	
Location of proposed sidewalks and/or trails including easements, widths, grades and typical cross-sections				X	
Sight triangle easements		X	X	X	
Location of proposed transportation corridors as shown on adopted transportation plan		X	X	X	X
<b>UTILITIES</b>					
Location, dimensions, and types of all easements, existing and proposed		X	X	X	
Type of wastewater disposal		X	X	X	X
Type of potable water supply		X	X	X	X
Utility plans for and locations of sanitary sewers, storm sewers, drainage ways, water distribution lines, fire hydrants, natural gas lines, communication lines, and electric lines				X	

TABLE OF REQUIRED PLAN/PLAT ELEMENTS				
REQUIRED INFORMATION	EXEMPT PLAT	FINAL PLAT	PRELIMINARY PLAT	SKETCH PLAN
Utility easements for sanitary sewer, storm sewers and drainage ways, water distribution lines, natural gas, and electric lines	X	X	X	
Name of Electric provider		X	X	
Location of off-site and multi-user septic systems and related easements, if applicable	X	X	X	
<b>STORMWATER MANAGEMENT AND EROSION CONTROL</b>				
Calculations of area to be disturbed noting graded areas and percentage			X	
Location of erosion control devices			X	
Maximum allowable built -upon area for each lot or tract (if applicable)	X	X	X	
Total impervious surface area, including roads, roofs, patios, parking areas, sidewalks, and driveways			X	
Location of stormwater BMPs to include mining areas, if applicable			X	
Stormwater network, including swales, culverts, inlet and outlet structures with grades, elevations, dimensions, and hydraulic calculations			X	
Engineering certification statement, when required by this Ordinance		X	X	



TABLE OF REQUIRED PLAN/PLAT ELEMENTS				
REQUIRED INFORMATION	EXEMPT PLAT	FINAL PLAT	PRELIMINARY PLAT	SKETCH PLAN
Location, dimensions, and of all erosion control and stormwater easements, existing and proposed	X	X	X	
<b>LANDSCAPING</b>				
Location and screening of features required to be screened			X	
Location and size of required planting yard, walls, berms, and fences			X	
Location, species, size, number, spacing, height of trees and shrubs in required planting areas (If existing vegetation is to be preserved, indicate approximate height and species mix)			X	
<b>OFF-STREET PARKING</b>				
Provide number of required and provided parking spaces			X	
Location and dimensions of all parking areas, aisles, driveways, service areas, off-street loading facilities for multi-family, mixed use, and nonresidential developments			X	
Location of pedestrian walkways and crosswalks within the site			X	

## 160.6.2 APPENDIX II

This appendix includes the required language and format for subdivision plat certifications and declarations required under this Ordinance. The exact wording of these statements may change from time to time as conditions warrant and/or agency policies change. Failure to include a required certification or declaration shall be cause for declaring an application to be incomplete.

### A. CERTIFICATES

TABLE OF REQUIRED CERTIFICATES AND NOTES			
TYPE OF CERTIFICATE	EXEMPT PLAT	FINAL PLAT	PRELIMINARY PLAT
Certificate of Survey Accuracy signed by surveyor	X	X	X
Plat Certificate by Surveyor	X	X	
Certificate of Ownership		X	
Certificate of Ownership and Dedication	X	X	
Certificate of Approval`		X	
Certificate of Exemption	X		
Review Officer's Certificate	X	X	
Certificate of Flood Information	X	X	
Certificate of Street Status		X	
Certificate of Public Utilities		X	
Design and Installation of Utilities and Other Required Improvements		X	

## 1. CERTIFICATE OF APPROVAL

To be used for all non-exempt plats approved for recordation.

### CERTIFICATE OF APPROVAL

I hereby certify that this plat has been found to comply with the requirements of the Subdivision Ordinance of the Town of Warrenton, North Carolina, and that this plat has been approved for recording in the Office of the Warren County Register of Deeds.

---

Zoning Administrator

---

Date

## **2. CERTIFICATE OF EXEMPTION**

To be used for all exempt plats for recordation.

### **CERTIFICATE OF EXEMPTION**

This plat is exempt from the provisions of the Subdivision Ordinance of the Town of Warrenton, North Carolina, and may be recorded in the Office of Warren County Register of Deeds.

---

Zoning Administrator

---

Date

## **3. CERTIFICATE OF FLOOD INFORMATION**

This property (or a portion of this property) is (is not) located within a Special Flood Hazard Area as indicated on the plat.

FLOOD INSURANCE RATE MAP (FIRM) PANEL NUMBER:

FIRM EFFECTIVE DATE:

---

Surveyor

---

Date

## **4. CERTIFICATE OF OWNERSHIP**

To be used when no easements, rights-of-way, or other properties are to be dedicated to the public or a private entity.

### **CERTIFICATE OF OWNERSHIP**

I (We) hereby certify that I am (we are) the owner(s) of the property described hereon, which property is within the subdivision regulation jurisdiction of Warrenton, North Carolina, and that I (we) freely adopt this plan of subdivision.

---

Owner(s), printed name(s)

---

Owner, signature

---

Date

## 5. CERTIFICATE OF OWNERSHIP AND DEDICATION

To be used when a plat includes the dedication of easements, rights-of-way, or any other property or property interest.

### CERTIFICATE OF OWNERSHIP AND DEDICATION

I (We), \_\_\_\_\_, hereby certify that I am (we are) the owner(s) of the property described hereon, which property is located within the subdivision regulation jurisdiction of the Warrenton, that I (We) hereby freely adopt this plan of subdivision and dedicate to all areas shown on this plat as roads, alleys, walks, parks, open space, and easements to the public or for private use as specifically indicated, and that I (we) will maintain all such areas until the offer of dedication is accepted by the appropriate public authority or private entity. All property shown on this plat as dedicated for public use shall be deemed to be dedicated for any other public use authorized by law when such other use is approved by the Town of Warrenton in the public interest.

---

Owner(s), printed name(s)

---

Owner, signature

---

Date

## 6. CERTIFICATE OF PUBLIC UTILITIES

All obligations and requirements for the public water and/or sewer to serve \_\_\_\_\_ Subdivision, Section \_\_\_\_\_, lots \_\_\_\_\_, as set forth by Warrenton, North Carolina, have been met and are satisfactory for the purpose of recording the subdivision plat.

---

Owner

---

Date

## **7. CERTIFICATES AND NOTES PERTAINING TO STREETS**

One or more of the Certificates and related notes may be required depending on the status of the new streets within the development.

### **CERTIFICATE OF APPROVAL OF THE DESIGN AND INSTALLATION OF STREETS, UTILITIES, AND OTHER REQUIRED IMPROVEMENTS**

I hereby certify that the Town of Warrenton, North Carolina has approved this plat for recording in the Office of the Warren County Register of Deeds, and accepts the dedication of streets, easements, rights-of-way, and public lands shown thereon, but assumes no responsibility to open or maintain the same until, in the opinion of the Town Board of Commissioners of Warrenton, it is in the public interest to do so.

---

Zoning Administrator

---

Date

### **DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS CERTIFICATE**

PROPOSED SUBDIVISION ROAD CONSTRUCTION STANDARDS CERTIFICATION.

APPROVED:

---

NCDOT District Engineer

---

Date

### **ROAD MAINTENANCE STATEMENT OF UNDERSTANDING**

I, \_\_\_\_\_, developer/owner am responsible for the construction, maintenance and required road improvements of subdivision streets until:

Approved/taken over by North Carolina Department of Transportation for public roads,

Or

Approved/taken over by homeowners association for private roads maintenance,

Or

Private road maintenance agreement is signed and recorded by owners of each lot.

---

Owner/Developer

---

Date

**a. NOTES**

- i. Only North Carolina Department of Transportation approved structures are to be constructed on public right-of-way.
- ii. Site triangle takes precedent over any sign easement.
- iii. Owner, developer, or contractor shall set the centerline of the existing roadway ditch back to a minimum of 12 feet from the existing/proposed edge of pavement along all road front lots.
- iv. All drainage easements shall be dedicated as public and it shall be the responsibility of the property owners to maintain the drainage easements and any drainage structures therein, so as to maintain the integrity of the drainage system and insure positive drainage.

## **8. CERTIFICATE OF SURVEY AND ACCURACY**

### **CERTIFICATE OF SURVEY AND 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 clearly indicated as drawn from information found in Book \_\_\_\_\_, page \_\_\_\_\_; that the ratio of precision as calculated is 1:\_\_\_\_\_; that this plat was prepared in accordance with NCGS 47-30 as amended. Witness my original signature, registration number and seal this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

---

Signature

Seal or Stamp Surveyor

---

Registration Number

## 9. PLAT CERTIFICATE BY SURVEYOR

### PLAT CERTIFICATION BY SURVEYOR

I, \_\_\_\_\_, certify to one of the following:

- A. This survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
- B. This survey is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;
- C. Any of the following:
  - 1. This survey is of an existing parcel or parcels of land and does not create a new road or change an existing road;
  - 2. This survey is of an existing building or other structure, or natural feature, such as a water course;
  - 3. This survey is a control survey;
- D. This survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision; or
- E. The information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in (a) through (d) above.

\_\_\_\_\_  
Surveyor Signature

\_\_\_\_\_  
Date

## 10. DESIGN AND INSTALLATION OF UTILITIES AND OTHER REQUIRED IMPROVEMENTS

I hereby certify that all streets, utilities, and other required improvements have been installed in an acceptable manner and according to the required specifications and standards of the town, or that a financial guarantee has been posted with Town of Warrenton to assure the completion of all required improvements in the case of default.

\_\_\_\_\_  
Public Works Director

\_\_\_\_\_  
Date

## 11. REVIEW OFFICER'S CERTIFICATION

All plats to be recorded shall have the following certificate which must be signed by a review officer.

## REVIEW OFFICER'S CERTIFICATE

STATE OF NORTH CAROLINA

COUNTY OF WARREN

I, \_\_\_\_\_, Review Officer of Warren County, certify that the plat to which this certification is affixed meets all statutory requirements for recording.

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

\_\_\_\_\_  
Date

## B. NOTES

The following notes are required for all plats, when applicable.

### 1. EASEMENTS

- a. No structure or vegetation (except grass) may be located within access, drainage, utility easements.
- b. Maintenance of easements outside of public rights-of-way are the responsibility of the property owner and/or property owners' association.
- c. Sight Distance Easements shown hereon shall remain free of all structures, trees, shrubbery, signs, fire hydrants, and traffic control signs.
- d. Wastewater easements shall remain free of structures, fences, landscaping (other than grass), or any activities that would interfere with the use and maintenance of the easement.

### 2. WETLANDS

This tract is not subject to the presence of 404 wetlands. Or

Prospective buyers are cautioned that portions of the lots shown on this plat are restricted in use by wetlands pursuant to the US Army Corps of Engineers Section 404 regulations. Individual lot reviews to ensure compliance with Federal laws and regulations are encouraged.

### 3. WASTEWATER

- a. When public or private wastewater system is utilized for the development, a note stating the name of the utility provider is required.
- b. When lots are to be served by a subsurface system, a note specifying the type of system(s) and the permitting authority, the corresponding lot numbers with off-site systems and/or repair areas, and multi-user systems is required.