

ARTICLE 8 – SUBDIVISIONS & INFRASTRUCTURE STANDARDS

8.01 PURPOSE AND INTENT

This ordinance is designed and enacted to provide for the orderly development of the City of Eden, North Carolina, and its environs through the regulation of the subdivision of land. The regulations contained herein are intended to promote the orderly growth of the City; to coordinate proposed development with existing development and with officially adopted plans for the future development of the City; to insure the provision of adequate facilities for transportation, water, sewerage, appropriate building sites, and other public facilities to subdivisions and new development; to insure proper legal description, monumentation, and recording of subdivided land; and to create conditions essential to public health, safety, and general welfare.

8.02 AUTHORITY AND APPLICABILITY

A. AUTHORITY

According to the provisions of G.S. §160D-801, the City of Eden has the authority to regulate the subdivision of land within its jurisdiction.

B. JURISDICTION

On and after May 20, 1969, the regulations contained herein shall govern each and every subdivision of land within the corporate limits of the City of Eden, North Carolina, as now or hereafter established, and within the extraterritorial area as established by the City Council.

C. REGISTRATION

In accordance with G.S. §160D-803 (formerly G.S. §160A-373) the City of Eden shall file a copy of this ordinance with the Register of Deeds of Rockingham County. The Register of Deeds shall not thereafter file or record a plat of any subdivision located within the territorial jurisdiction of the City of Eden without the approval of the legislative body as required in this ordinance. The filing or recording of a plat of a subdivision without approval of the municipal legislative body shall be null and void. The Clerk of Superior Court of Rockingham County shall not order or direct the recording of a plat where such recording would be in conflict with this section.

D. SUBDIVISION DEFINED

For the purpose of this ordinance “subdivision” shall be as defined in G.S. §160D-802, and subject to the restrictions therein. Any subdivisions expressly exempted from all or a portion of the standards of this Ordinance shall still be required to meet the standards of G.S. §160D Article 8, including the filing of a Final Plat with the City.

E. CONFORMITY REQUIRED

From and after the adoption of this ordinance, no real property lying within the jurisdiction of the City of Eden shall be developed or subdivided except in conformance with all applicable provisions of this Ordinance. In addition, after the effective date of this Ordinance, no plat for subdivision of land within the jurisdiction of the City of Eden shall be certified for recording by the Administrator until it has been submitted and approved in accordance with the provisions of this Article.

F. NO SERVICES OR PERMITS UNTIL PLAT APPROVED

No street shall be accepted and maintained by the City nor shall any street lighting, water, or sewer be extended to or connected with any subdivision of land nor shall any permit be issued by an administrative agent or department of the City of Eden for the construction of any building or other improvement requiring a permit, upon any land concerning which a plat or subdivision plat is required to be approved, unless and until the requirements set forth in this Article are met.

G. COMPLIANCE WITH OFFICIAL PLANS

When a proposed subdivision embraces any part of a thoroughfare which has been designated on the officially adopted Thoroughfare Plan of the City of Eden, as provided G.S. 136-66.2, such part of such planned thoroughfare shall be platted and dedicated by the subdivider in the location shown on the plan and at the width specified in this ordinance.

H. PENALTIES FOR TRANSFERRING LOTS IN UNAPPROVED SUBDIVISIONS.

Any person who, being the owner or agent of the owner of any land located within the jurisdiction of the City of Eden, thereafter subdivides his land in violation of this Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this Ordinance and recorded in the office of the Rockingham County Register of Deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The City of Eden shall bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this Ordinance.

8.03 IMPROVEMENTS REQUIRED

All development which does not qualify as a minor subdivision according to the criteria in *Article 3 - Development and Administrative Review Procedures* shall be required to install or construct the improvements specified in the table below. The developer shall be responsible for the installation and construction of required improvements according to the provisions of this ordinance and other applicable City, County or State specifications, except as may otherwise be specifically provided herein or by policy or agreement. The following shall be considered minimum standards of design for subdivisions within the City's jurisdiction.

Required Improvement	RA	RA-20	R-12	R-6	RMX	NMX	BC	BH	LI	HI	OS
Underground Drainage*		•	•	•	•	•	•	•	•	•	
Curb & Gutter*		•	•	•	•	•	•	•	•	•	
Public Water & Hydrants		•	•	•	•	•	•	•	•	•	
Public Sewer		•	•	•	•	•	•	•	•	•	
Street Lights		•	•	•	•	•	•	•	•	•	
Paved Streets	•	•	•	•	•	•	•	•	•	•	

Street Trees		•	•	•	•	•	•	•	•	•	
Street Signs	•	•	•	•	•	•	•	•	•	•	•
Underground Wiring	•	•	•	•	•	•	•	•	•	•	
Park/Open Space	•	•	•	•	•	•	•				
Sidewalks	See Section 8.04										
*The Administrator may waive or alter requirements for underground drainage and curb and gutter according to the stormwater management exemptions granted in this ordinance. In certain situations, such waiver or alteration may be dependent upon the use of approved Low Impact Development Infrastructure.											

A. GENERAL PROVISIONS

1. Prior to approval of a final plat for the subdivision of land within the corporate limits of the City of Eden, the subdivider shall have installed improvements specified in this Article or guaranteed their installation as provided.
2. No municipal services or utilities shall be extended or furnished to any subdivision either within or outside the City until the subdivider shall have installed the improvements specified in this Article or guaranteed their installation as provided.

B. GUARANTEES OF IMPROVEMENT

1. **Performance Guarantee:** In lieu of prior construction of the improvements required by this Article, the City of Eden may, for the purpose of approving a final plat, accept a guarantee from the subdivider that such improvements will be carried out at his expense. Such guarantee may be in the form of a surety bond or certified check drawn in favor of the City, or cash deposited with the City, or by an irrevocable letter of credit issued by a banking institution authorized to do business in the State of North Carolina. Such guarantee shall be in an amount of 125 percent of the estimated cost of the construction of the required improvements. The amount shall be determined by the Administrator or City Engineer.
2. **Defects Guarantee:** The City shall require a bond guaranteeing utility taps, curbs, gutters, sidewalks, drainage facilities, water and sewer lines, and other improvements against defects for one (1) year. This bond shall be in the amount determined by the Administrator and shall be in cash or be made by a Surety Company authorized to do business in North Carolina.
3. **Maintenance Guarantee:** The Administrator shall secure from all subdividers a letter in which said subdivider shall agree to maintain the backfill and any improvements located thereon and therein and any ditch which has been dug in connection with the installation of such improvements. Such letter shall be binding on the subdivider for a period of one (1) year after the acceptance of such improvements by the City of Eden.

C. PERMANENT REFERENCE POINTS

1. **General:** Prior to the approval of the final plat the following survey reference markers shall be installed.
2. **Monuments and Control Corners:** Permanent monuments shall be placed at not less than two (2) corners of the subdivision, provided that additional monuments shall be placed where necessary to insure that no

point within the subdivision shall lie more than 500 feet from a monument. Two (2) or more of the monuments shall be designated as control corners. Such monuments may be of concrete or iron pipe. Where concrete monuments are employed, they shall be four (4) inches in diameter and three (3) feet long, and further, have an indented cross metal pin or plate at the top to properly identify the point. Iron pipe monuments shall be not less than three-fourths (3/4) inches in diameter, three (3) feet long, and driven so as to be within one (1) inch of finished grade. All monuments and control corners shall be shown on the final plat.

3. **Markers:** All lot corners, all points where the street lines intersect the exterior boundaries of the subdivision, all angle points and points of curve in each street shall be marked with iron pipe not less than three-fourths (3/4) inches in diameter and 30 inches long, driven so as to be within one (1) inch of finished grade.
4. **Property Corner Tie:** At least one (1) corner of the property surveyed shall be designated by course and distance (tie) from a readily discernible reference marker. If a corner is within 2,000 feet of a U. S. Coast and Geodetic Station or N. C. Grid System coordinated monument, then this corner shall be marked with a monument so designated and shall be accurately tied to the Station or Monument by computed x and y coordinates which shall appear on the map with a statement identifying the Station or Monument and to an accuracy of 1:5000. When such Monument or Station is not available, the tie shall be made to some pertinent and readily recognizable landmark or identifiable point, physical object, or structure.
5. **Subdivision Survey Accuracy:**
 - a. Angular error of closure shall not exceed 25 seconds times the square root of the number of angles turned.
 - b. Linear error of closure shall not exceed one (1) foot per 10,000 feet of perimeter of the lot of land (1:10,000).

D. REQUIRED IMPROVEMENTS

The City recognizes that under the General Statutes of North Carolina municipalities may not require improvements to the land beyond the corporate limits as a condition of plat approval. However, where these improvements are not made at the expense of the developer in accordance with this Article, the City shall bear no responsibility to extend any municipal services, including water and sanitary sewer, to the subdivision.

1. **Street Improvements:**
 - a. **Grading:** The subdivider shall bear the costs of grading all streets within the subdivision to their full right-of-way width except on major thoroughfares where the subdivider shall bear the costs of grading to a width of 60 feet. Finished grade, cross-section, and profile shall be approved by the Administrator.
 - b. **Base Material and Paving:** The subdivider shall bear the costs of the installation of base material and paving for all streets within the subdivision in accordance with the specifications and standards of the City of Eden. For Major Thoroughfares, the subdivider shall be responsible only for the cost of base materials and paving equal to that required to construct a Minor Thoroughfare.

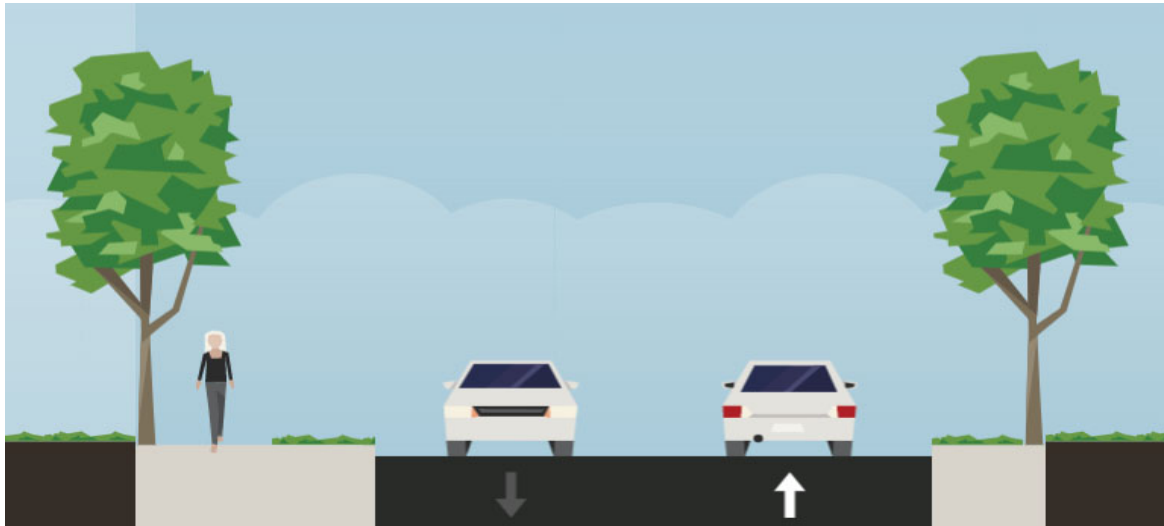
- c. **Shoulders and Valley Ditches:** The subdivider, at his own expense, shall construct shoulders on each side of the pavement and the shoulder shall be eight (8) feet in width with three-fourths (3/4) inch per foot slope from the edge of the pavement.

The subdivider, at its own expense, shall construct valley ditches adjacent to each shoulder and the valley ditch shall be 12 feet in width with 3:1 slope from the outside edge of the ditch and the edge of the shoulder to the centerline of the ditch.

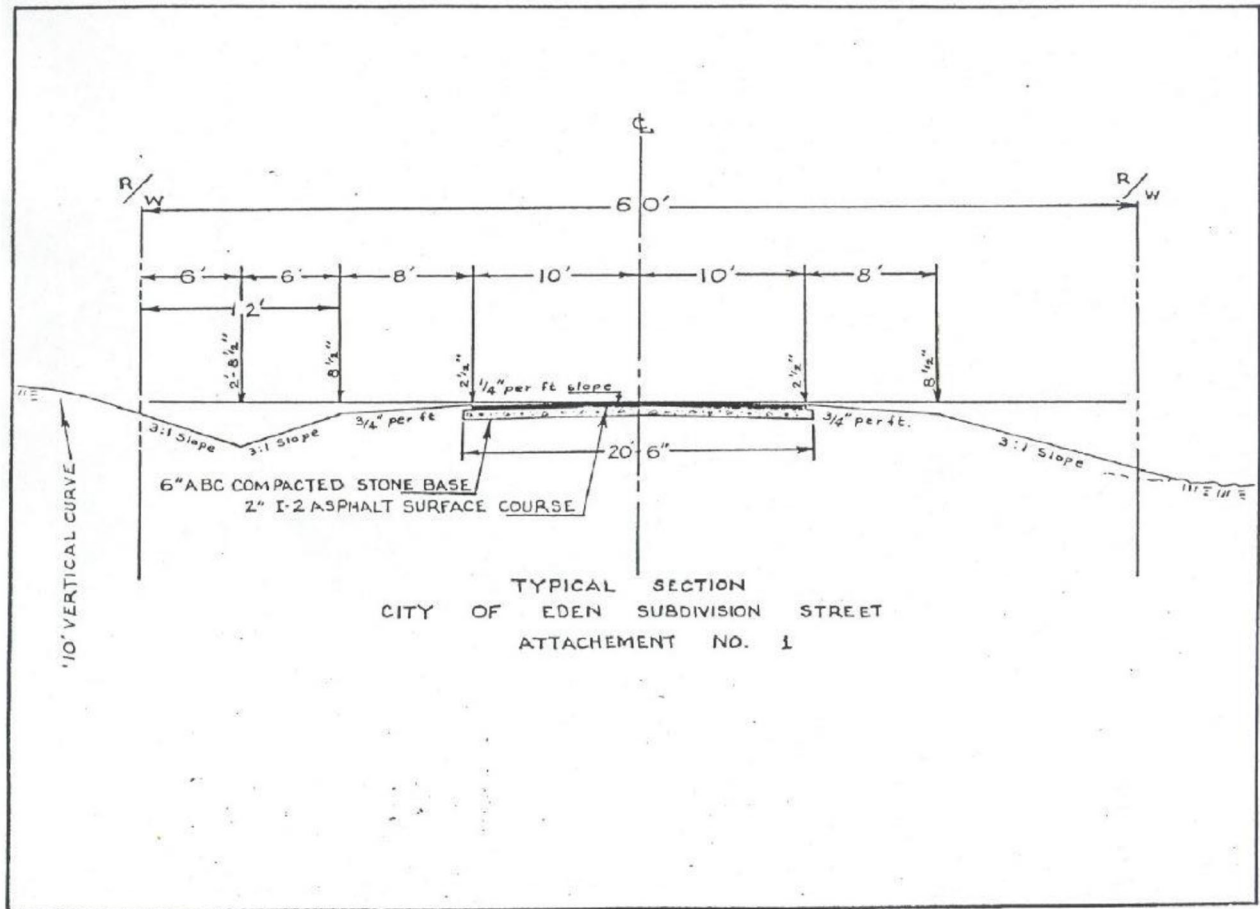
The subdivider shall bear the cost of seeding and mulching the shoulder and valley ditches. Seeding shall be done in such a manner so as to produce 85 percent grass coverage.

In lieu of constructing shoulders and valley ditches, the subdivider may at its own expense, install curb and gutter which shall be installed according to the specifications and standards of the City of Eden.

(See sketch "Shoulders and Valley Ditches" below.)



This graphic is for general illustrative purposes only to indicate a typical residential streets with sidewalk, curb/gutter and front yard trees. All streets shall be designed to conform to the City of Eden or NCDOT standards as determined by the City.



2. Sanitary Sewer and Water:

- a. **Within the Corporate Limits:** If a subdivision lies within the Eden corporate limits, and within 200 feet of the municipal water or sanitary sewer system, the subdivider shall, at his expense, connect every lot of the subdivision to the municipal water and sewer systems. Sufficient taps shall be extended to lot lines to prevent subsequent cutting of pavement. All materials, design, and installation shall be made in accordance with specifications and standards of the City of Eden.
- b. **Beyond the Corporate Limits:** If a subdivision lies beyond the Eden corporate limits, the subdivider may, at his expense, connect the subdivision lots to the municipal sewer and water system if all required improvements and standards of subdivision design set forth by the ordinance are complied with. Where municipal sewer and water facilities are not available beyond the corporate limits at the time subdividing occurs, such facilities may later be extended on petition and at the expense of the lot owners if all required improvements and standards of subdivision design set forth by the ordinance were originally employed by the subdivider. For the purposes of this subsection, water and sewer, "required improvements" shall be deemed to include approval by the Rockingham County Health Department, in writing, of any individual or community water supplies and waste disposal systems to be used on an interim basis.

3. **Storm Drainage:** The subdivider shall provide an adequate drainage system for the proper drainage of all surface water in order to protect the proposed development from water damage. The design of such system shall be subject to the approval of the City Manager.
 - a. No surface water shall be channeled or directed into a sanitary sewer.
 - b. Where feasible, the subdivider shall connect to the municipal storm drainage system.
 - c. Where the municipal storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to complement surface drainage systems on surrounding properties.
 - d. Cross pipes under streets and driveways shall be reinforced concrete or corrugated metal. Where corrugated metal is used, the gauge shall be in accordance with the specifications of the North Carolina Department of Transportation.
 - e. Surface drainage courses shall have side slopes of at least one (1) foot of horizontal distances for each one (1) foot of vertical distance.
 - f. The minimum grade along the bottom of a surface drainage course shall be a vertical fall of approximately one (1) foot in each 300 feet of horizontal distance.
4. **Street Signs:**
 - a. Appropriate name signs which meet City specifications shall be placed at all street intersections. The developer shall bear the expense.
 - b. Proposed street names shall be submitted and subject to the approval of the City of Eden and/or Rockingham County as appropriate. New names shall not duplicate or be similar to existing street names. Existing street names, however, shall be extended where appropriate.
5. **Utilities:**
 - a. The Administrator may require all overhead wiring be placed along rear property lines or underground.
 - b. Underground gas, electrical or telephone service shall be installed prior to the installation of street paving.
 - c. Sufficient gas taps shall extend to lot lines to insure against subsequent cutting of pavement.
6. **Front Yard Trees:**
 - a. **Purpose:** The planting of trees is considered a duty of the subdivider as well as good business practice. Front yard trees are protection against excessive heat and glare and enhance the attractiveness and value of the property. Trees should be placed inside the property lines where they are less subject to injury, decrease the change of motor accidents, and enjoy more favorable conditions for growth.
 - b. Front yard trees shall be planted in all subdivisions at a rate of one per lot or one per 50' on-center, whichever results in more trees planted. Where lots are less than 50' wide, one tree is required per 40 linear feet of lot frontage.
 - c. Front yard tree species and planting location shall be preliminarily reviewed by the Technical Review Committee as part of their review of any subdivision plat. Understory and mid-sized canopy trees are recommended. Trees should be chosen by a landscape architect, landscaping

professional, or planner based on their growth habits and located so that they are not reasonably expected to interfere with infrastructure.

- d. A strip easement shall be recorded recognizing that these trees contribute to the public streetscape and are required.
7. **Ownership:** All water, sanitary sewerage, and storm drainage facilities installed under the requirements of this ordinance shall be the sole property of the City of Eden upon City acceptance. A deed to the City for such facilities, including easements pertaining to right-of-entrance for maintenance, shall be executed prior to connections to the respective municipal services.
 8. **Oversized Improvements and Reimbursement:** Where the City Council deems it necessary, in the interest of the health, safety, and general welfare of the residents of the Eden's jurisdiction, the subdivider shall make certain improvements at sizes in excess of those which would normally be required to serve only this subdivision. Where oversized improvements are required, the City shall reimburse the subdivider for the cost of materials incurred over and above those required to serve his subdivision. Such reimbursement shall be made in 12 equal payments during a period of two (2) years. Improvements subject to reimbursement are the following:
 - a. The cost of materials for water mains over six (6) inches in diameter including the extra cost of lines over six (6) inches in diameter incurred to reach the particular subdivision.
 - b. The cost of materials for sanitary sewer over eight (8) inches in diameter including extra cost of lines over eight (8) inches in diameter incurred to reach the particular subdivision.
 - c. Storm drainage facilities shall be determined at the time of plan review.

8.04 APPLICABLE DESIGN STANDARDS

In addition to the standards of this Article, requirements of other Articles of this Ordinance shall also be met, including but not limited to, Articles 4, 5, and 6.

A. STREETS

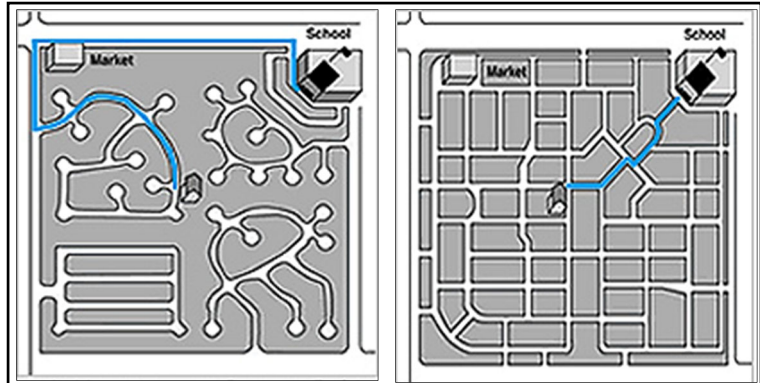
1. General:

- a. In every new subdivision, the street system shall conform to the Eden Comprehensive Transportation Plan as specified herein. In areas where the Transportation Plan does not apply, streets shall be designed and located in proper relation to existing natural features as streams and tree growth, to public safety and convenience, and to the proposed use of land to be served by such streets. All proposed streets shall provide for the appropriate projection of principal streets in surrounding areas and provide reasonable access for surrounding acreage tracts.
- b. The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets.
- c. The proposed street system shall be designed to provide vehicular interconnections in order to facilitate internal and external traffic movements in the area, improve access/egress for city neighborhoods, provide faster response time for emergency vehicles, facilitate efficient service delivery (mail, garbage pickup, etc.), and improve the connections between neighborhoods.

- d. Street arrangements and stub-outs shall facilitate the efficient and effective future development of adjacent properties and shall fit into the overall character of the neighborhood.

B. INTERNAL STREET NETWORK CONNECTIVITY

- 1. An interconnected street system is necessary in order to protect the public health, safety and welfare in order to ensure that streets will function in an interdependent manner, to provide adequate access for emergency and service vehicles, to enhance non-vehicular travel such as pedestrians and bicycles, and to provide continuous and comprehensible traffic routes.



The image on the left is an example of a poor layout with few connections and many cul-de-sacs. The image on the right shows an improved street layout with required connections and a network of streets.

(Images courtesy of the National Center for Safe Routes to School)

- 2. All proposed streets shall be continuous and connect to existing streets without offset with the exception of cul-de-sacs as permitted and except as provided herein. Whenever possible, existing streets, stub-outs, and utilities shall be extended or continued into adjoining areas.
- 3. Streets in residential subdivisions shall be designed so as to minimize the length of local streets, to provide safe access to residences with minimal need for steep driveways and to maintain connectivity between and through residential neighborhoods for autos and pedestrians.
- 4. Where necessary to provide access or to permit the reasonable future subdivision of adjacent land, rights-of-way and improvements shall be extended to the boundary of the development at regular intervals consistent with maximum allowable block lengths (§8.03(D)).
- 5. The platting of partial width rights-of-way shall be prohibited except where the remainder of the necessary right-of-way has already been platted, dedicated or established by other means.

C. RIGHT-OF-WAY WIDTHS:

- 1. Right-of-way for public streets or public transportation infrastructure shall be dedicated to the City pursuant to N.C.G.S §136 and other applicable NC State laws. When dedication cannot be required, any future street right-of-way indicated on an adopted Comprehensive or Transportation plan shall be shown on the final plat.
- 2. Minimum street right of way widths shall be in accordance with the Thoroughfare Plan and shall not be less than the following:

Street type	Min. right-of-way width (feet) ^[1]
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Major Thoroughfare	80
Minor Thoroughfare	60
Minor Street	60
Cul-de-sac	60
Cul-de-sac turnaround (diameter)	100
Marginal access street	60
Minimum street right-of-way outside the municipal limits	60
<i>[1] Right of way width may vary in mixed-use districts or conditional zoning districts. Such variation shall be approved by the Administrator.</i>	
<i>NOTE: Subdivisions along existing streets of inadequate right-of-way shall provide additional right-of-way to meet the minimum widths specified above. The entire right-of-way shall be provided where any part of a new subdivision is on both sides of an existing street, and one-half (1/2) the required right-of-way measured from the center line of the existing street shall be provided where a new subdivision is located only on one side of the existing street.</i>	

D. PAVEMENT REQUIREMENTS:

1. All streets which require a right-of-way of 60 feet in width shall be paved to a minimum width of 20 feet, the centerline of the pavement shall be the centerline of the street right-of-way, and the pavement shall consist of six (6) inches of ABC stone, two inches of binder and one and one-half (1.5) inches off topping. The pavement surface shall have one-fourth (1/4) inch per foot slope from the centerline of the street right-of-way.
2. All other streets shall be constructed according to the requirements of the City of Eden Thoroughfare Plan and/or according to specifications recommended by the Administrator.

E. GRADES AND CURVATURE:

1. Unless necessitated by exceptional topography and subject to variance from the Board of Adjustment, street grades shall not be more than 10 percent nor less than one-half (1/2) of one (1) percent on any street.
 - a. Grades approaching intersections shall not exceed five (5) percent for a distance of not less than 100 feet from the right-of-way lines of said intersection.
 - b. Street grades shall be established wherever practicable in such a manner as to avoid excessive grading, the promiscuous removal of ground cover and tree growth and generally leveling of the topography.
 - c. All changes in street grade shall be connected by vertical curves of at least 100 feet or the equivalent of 15 times the algebraic difference in the rate of grade, whichever is greater.
 - d. Where a street stubs to an adjacent, undeveloped property, the stub shall occur at the existing (pre-development) grade, or else through obtaining a variance from the Board of Adjustment. If a street stubs into a stream crossing, wetland, extreme topography, or other physical barrier, the subdivider shall pay fee-in-lieu for their portion of the crossing
2. **Radii of Curvature:** Where a street centerline deflection of more than ten (10) degrees occurs, a curve shall be introduced, having a radius of curvature on said centerline of not less than the following:

Street type	Radius of curvature (feet)
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Major Thoroughfare	300
Minor Thoroughfare	200
Minor Street	100

3. **Tangents:** A tangent of not less than 100 feet shall be provided between reverse curves on all streets.

F. INTERSECTIONS:

1. Street intersections shall be laid out in the following manner:
- a. No more than two (2) streets shall intersect at a point.
 - b. Streets shall intersect as nearly as possible at right angles and no street shall intersect any other street at an angle of less than 80 degrees.



- c. Intersections with major thoroughfares shall be at least 800 feet apart, measured from centerline to centerline.
- d. Street jogs with centerline offsets of less than 125 feet are prohibited, including where this condition may occur with an adjacent, existing street on the exterior boundary of the subdivision.
- e. Property lines at street intersections shall be rounded with a minimum radius of 20 feet. At an angle of intersection less than 75 degrees, a greater radius may be required by the Administrator.
- f. No on-street parking is permitted within 25' (about one car length) of any intersection.
- g. Visibility:
 - i. No planting, fence or other obstruction to visibility of vehicles shall be erected, planted, maintained or allowed to exist in any district within the range of 30 inches to ten feet above the centerline grades of the intersecting streets in the triangular area bounded by the street right-of-way lines of such corner lots and a line joining points along these street lines 2 feet from the point of intersection.
 - ii. The provisions of subsection i. (above) shall not apply to:
 - I. Permanent buildings.
 - II. Existing grades which by reason of natural topography exceed 30 inches above the level of the center of the adjacent intersection, provided that no obstruction to cross visibility not specifically excepted by this division shall be installed, set out or maintained on any existing grade which is more than 30 inches but less than 72 inches above the level of the center of the adjacent intersection.
 - III. Trees having limbs and foliage trimmed in such manner that no limbs or foliage extend into the area between 30 inches and ten feet above the level of the center of the adjacent intersection.
 - IV. Fire hydrants, public utility poles, street markers and traffic-control devices.

G. CUL-DE-SAC:

1. Permanent dead-end streets or cul-de-sac shall be no longer than 500 feet. In general, streets with one end permanently closed shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area clearly indicate that a through street is not essential in the location of the cul-de-sac. Stub-out streets to adjacent, undeveloped properties are an exception.
2. Where a cul-de-sac is proposed to terminate within 350 feet of another roadway, pedestrian facility, or pedestrian destination (church, school, shopping area, etc.), a 30-foot wide pedestrian access dedicated to the public shall be installed, centered on a minimum 6' wide sidewalk. Fences, hedges, or visual barriers along such pedestrian accessways shall not exceed 4 feet in height.

H. ALLEYS:

1. Alleys are intended to be privately maintained and to provide indirect, limited access to the rear of properties but not to accommodate through traffic. Utilities, either above ground or underground, may be located in alleyways to provide service connections to rear elevations.
2. The Administrator may permit the subdivider to construct alleys when they conform to the following specifications:

Street type	Specification (feet)
Right-of-way or easement width	20
Property line radius at alley intersections	15
Minimum radius to centerline when deflection angle of more than 10 degrees occurs	35

I. MINIMUM NUMBER OF ACCESS POINTS TO EXTERNAL STREET NETWORK

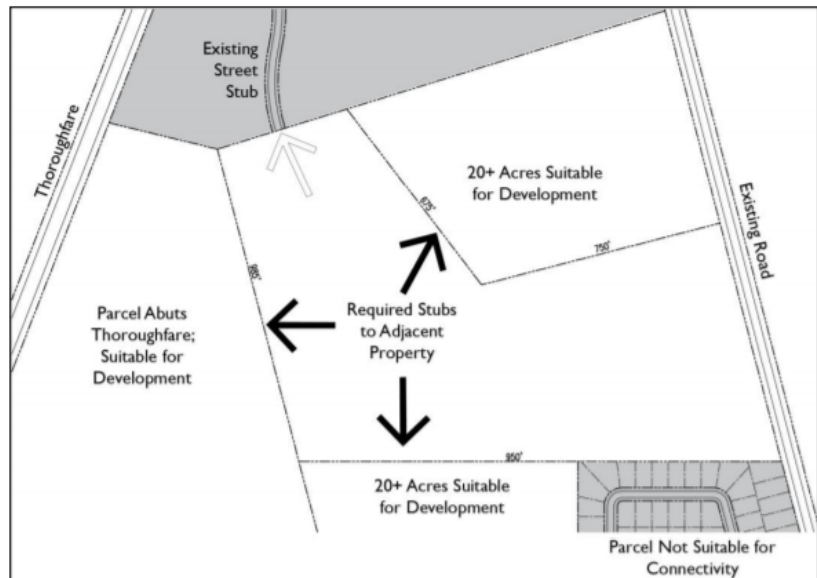
1. The minimum number of points of external street access shall be based on the number of dwelling units in the proposed development as set forth below. In instances where more than one criteria below applies, the one that provides the greater number of access external points shall apply. Nothing in this subsection shall preclude the extension of stub-out rights-of-way based on maximum block length requirements.
 - a. Single-Family residential developments with thirty (30) or more lots or dwelling units shall have at least two (2) separate, constructed and usable points of public road access.
 - b. An additional external access shall be required at 70 dwelling units, 120 dwelling units, and for every 50 dwelling units thereafter.
 - c. Multi-Family or mixed use developments with a residential component: Those developments containing 70 or more dwelling units shall be required to provide a second approved access, with an additional access required for every 50 dwelling units thereafter for developments 5 stories or lesser, and for every 70 dwelling units for developments greater than 5 stories. When all proposed buildings and dwelling units are to have fire suppression sprinkler systems, then a second approved access is not required unless the development contains more than 100 dwelling units.

J. STREET STUBS

1. New developments shall connect to any existing street stubs from adjacent properties.
2. At all locations where streets terminate with no street connection, but a future connection is planned or accommodated, a sign shall be installed at the location with the words "FUTURE ROAD CONNECTION" as indicated on the illustration to the right to inform property owners.
3. All stub streets shall include a turnaround facility in accordance Appendix D of the North Carolina State Building Code – Fire Prevention Code.
4. New development shall stub to all adjacent properties at the rate determined by road network of the subdivision created using maximum block lengths (per this section) and extending streets outward from that network. In no instance shall a stub-out be omitted based on the need to preserve lot count of the new subdivision. Where a neighboring parcel is a residential subdivision of 4 dwellings per acre or greater or a nonresidential development with 40% or greater impervious surface coverage, such properties shall be considered "developed", and a connection shall not be required.



5. The location of new required street stubs shall be prioritized as follows:
 - a. Adjacent parcels 20 acres or greater.
 - b. Adjacent parcels that abut or are traversed by existing or proposed arterials or thoroughfare streets.
 - c. Where any adopted transportation or land use plan recommends a street connection.
 - d. Where a required street stub necessitates the crossing of a stream or designated drainageway at the property line to make the required connection to an adjacent parcel, the owner or applicant shall provide a payment in lieu of building the stream crossing equal to half the total cost of the construction based on an engineer certified estimate. Such payment shall be set aside to offset the cost of constructing the stream crossing for future development.



K. RESERVE STRIPS

1. Reserve strips, or “spite strips”, adjoining street rights-of-way for the purpose of preventing access to adjacent property shall not be permitted under any condition.

L. DRIVEWAYS

1. No portion of any residential or mixed-use driveway intersection with a City public street shall be closer than twenty (20) feet to the corner of any intersection, measured along the right-of-way line.
2. In commercial and industrial zones, this distance shall be thirty (30) feet.
3. Where the right-of-way line is rounded at an intersection, the measurement shall be from the point of tangency.
4. The width of any driveway intersection with the public street shall not exceed thirty (30) feet at its intersection with curb and street line. Driveway connections to NCDOT controlled streets must be requested from and approved by DOT. Driveways that have double lane ingress and egress (4-lanes) shall be a minimum 60 feet width at Construction of curb cuts for purposes of ingress and egress to property abutting a City public right-of-way shall be approved by the Administrator. Provision for all access work done on state highway right-of-way is subject to approval by the DOT.

M. BLOCKS

1. **Proposed Use:** Blocks shall be laid out with special consideration given to the type of land use proposed within the block.
2. **Maximum Block Length:**
 - a. In semi-urban or urban areas, for these purposes defined as areas with residential densities of 5 or more dwelling units per acre or any street block with lot widths less than 65 feet, blocks shall not exceed 800 feet or two lots (whichever is greater).
 - b. In all other areas, blocks shall not exceed 1200 feet in length, except that large-scale industrial or Industrial Park developments may necessitate a variance.
 - c. No block shall be less than 400 feet.
3. **Width:** Blocks shall have sufficient width to provide two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic.
4. **Mid-block Crosswalks:** A pedestrian crosswalk not less than 10 feet in width, may be required near the center and entirely across any block 900 feet or more in length where deemed essential, by the Administrator, to provide the adequate access to schools, shopping centers, churches, or transportation facilities.



N. LOTS AND SETBACKS

1. **Size:** See Dimensional Standards Table in *Article 4 – Zoning Districts*.
2. **Setbacks:** See Dimensional Standards Table in *Article 4 – Zoning Districts*.
3. **Access:** Every lot shall abut a public street which has a minimum right-of-way of at least 50 feet.
 - a. Flag lots are discouraged, but if proposed they shall meet the following requirements:
 - i. A flag lot shall contain only one (1) single family dwelling and its uninhabited accessory structures.
 - ii. The maximum lot depth (length) of the flagpole portion shall be three hundred (300) feet.
 - iii. The minimum width of the flagpole portion shall be twenty-five (25) feet.
 - iv. The flagpole portion of the lot shall not be used to calculate area, width, depth, coverage, and setbacks of the lot.
 - v. Where public water is available, any building on the flag lot must be within five hundred (500) feet of a fire hydrant. The distance shall be measured along the street, then a straight line to the building location.
 - vi. Where public sewer is available, occupied buildings on the flag lot shall have a gravity service line or the sewer pump requirement shall be noted on the plat.
 - vii. The use of a single driveway to serve adjoining lots or to serve a flag lot and an adjoining conventional lot is permitted and encouraged.
 - viii. The plats recorded for flag lots shall contain a notation that the City of Eden will provide sanitation services only on the dedicated right-of-way. City service vehicles except in emergencies will not travel on the flagpole portion of the lot. Driveways shall be maintained in a manner that will accommodate an emergency service vehicle.
4. Double Frontage lots shall be avoided wherever possible. Where double frontage lots cannot be avoided, they shall provide a 25' wide landscaped buffer strip along the secondary frontage.
5. **Orientation:**
 - a. Side lot lines shall be perpendicular or radial to street right-of-way lines except where a variation will provide a better street and lot layout.
 - b. Lot boundaries shall coincide with natural and pre-existing manmade drainageways to the extent practicable to avoid lots that can be built upon only by altering such drainageways.
 - c. Major subdivisions shall not be approved that permit individual residential lots to directly access on to arterial or major thoroughfare streets. Such lots shall have vehicular access from a minor thoroughfare, minor street, local street, or local collector street only.
 - d. Corner Lots for residential use shall have additional width sufficient to provide equal setbacks from front and side streets – i.e. each street frontage is considered a front yard with an associated minimum lot width and front setback.

O. STREET LIGHTING

1. See Article 6 – General Development Standards.

P. FIRE PROTECTION EQUIPMENT

1. Fire protection equipment shall be installed at locations determined by the Technical Review Committee or other fire service agency which will have primary response responsibility within the proposed development.
2. Must meet requirements of the City's Fire Department and NC Fire Code.

Q. ENVIRONMENTAL BUFFERS AND FEATURES

1. Environmental buffer areas (such as stream buffers, drainageways, special flood hazard areas, wetlands, etc.) may be included within residential lots only when all of the following conditions are met:
 - a. The subdivision is limited in size and has no property owners' association; and
 - b. There is no reason for the formation of a property owner's association other than to retain ownership and maintenance responsibilities for the buffer area; and
 - c. The buffer is placed within a permanent conservation easement that is recorded with the plat.
2. Any required environmental buffer yard, including those required as a zoning condition, for a residential development shall not be credited toward meeting the minimum lot size requirements.

R. EASEMENTS

1. All easements as depicted on a final plat shall be so delineated on the final plat as to the type of easement and shall contain a metes and bounds description.
2. **Utility Easements:** The subdivider shall convey easements to the City or appropriate utility company for both underground and overhead utility installation where needed. Easements shall be at least 15 feet wide, and normally centered along rear or side lot lines. Wider easements may be required if the topography along the proposed right-of-way is such that maintenance equipment cannot reasonably operate within the minimum 15 foot wide easement.
3. **Drainage Easements:** Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water courses, and of such further width or construction, or both, as will be adequate for purpose. Lakes, ponds, water courses, and the land immediately adjacent thereto shall be considered for maintenance by the City only if sufficient land is dedicated as a public recreation area or park or if such area constitutes a necessary part of the drainage control system. The City reserves the right to reject any intended dedication.
4. **Access, Maintenance, and/or Construction Easements.**
 - a. The City of Eden, in the interest of its public health, safety, and welfare may, as a condition of approving a subdivision, require an access, maintenance, and/or temporary construction easement on and over the property, which is the subject matter of the subdivision. The obtaining of these easements, as may be required, shall be at no cost to the City of Eden.
5. **Easements, Appurtenances/Utility Boxes and/or Related Structures.**
 - a. Where utility boxes or easement appurtenances and/or related structures are deemed necessary, they shall not be located directly in front of the dwelling, and shall be screened by plantings, blocking their

view from both dwelling and street. Said planting and/or screening is the obligation of the developer and/or purchaser of the property, and shall be installed prior to the Certificate of Occupancy being issued.

6. Widths

- a. If easement width is not specified elsewhere in this section, then utility easements shall be provided at a minimum width of thirty (30) feet for electric, telecommunication, television/internet, gas service conduits, greenways, and water and sewer lines. The location of such easements shall be reviewed and approved by the Technical Review Committee, with advice from utility providers, before final plat approval. The Administrator or utility provider may require wider easements and shall be determined on a case-by-case basis.

7. Restrictions on Improvements

- a. Utility easements shall be kept free and clear of any buildings or other improvements, including landscaping, that would interfere with the proper maintenance or replacement of utilities. Fences are permitted provided that portion over the easement has access gates wide enough for the City to properly maintain the easement and associated infrastructure. The City shall not be liable for damages to any improvement located within the utility easement area caused by maintenance or replacement of utilities located therein.

S. SIDEWALKS:

1. Where required, sidewalks shall be located within street rights-of-way and constructed in accordance with the specifications and standards of the City of Eden.
2. **Construction Standards.**
 - a. All sidewalks, whether required by this ordinance or installed voluntarily, shall be constructed to City and/or NCDOT standard specifications for sidewalks and have a minimum thickness of six (6) inches of concrete.
 - b. Minimum sidewalk width is 6', unless otherwise specified in this ordinance.
3. **Sidewalks are not required:**
 - a. Along alleys.
 - b. Along service roads used exclusively for materials loading and unloading.
 - c. Along roads without curb and gutter as approved by the Administrator.
4. **Sidewalks are required:**
 - a. On one side of every City street.
 - b. On both sides of any street where any lot is less than 60' wide.
 - c. On both sides where the gross dwelling unit density is greater than 4 dwellings per acre.
 - d. On both sides of every block with a multi-family development, including duplexes.
 - e. On both sides of any arterial or major or minor thoroughfare.

- f. In all commercial, office, and mixed use districts, including but not limited to: BC, BH, NMX, RMX, and CZ with any residential or commercial component.
 - g. Within ½ mile of any pedestrian destination, including but not limited to schools, libraries, public facilities, shopping centers or commercial areas, parks, greenways, and recreational fields.
 - h. From the public right-of-way to business or building entrances.
 - i. Between adjacent businesses with main entrances within 150' of each other, preferably as cross-access, including between adjacent parcels.
5. Sidewalks shall be at least 2' inside the right-of-way and at least 2' from back of curb and/or any active vehicular area. The following modifications or conditions may also apply:
- a. Where head-in (90-degree) or angled parking areas do not have wheel stops and abut sidewalks, an additional 2' of sidewalk width shall be provided to accommodate vehicle overhang and to provide an ADA accessible sidewalk width.
 - b. Where on-street parking abuts sidewalk, there shall be an additional 2' sidewalk width provided to accommodate the "shy area" and to accommodate opening doors, etc.
 - c. Where parking areas are flush with walking surfaces, wheel stops or other physical separation are required.
6. **Payments-in-lieu**
- a. A payment-in-lieu (or "fee-in-lieu") may be paid for sidewalks where the Administrator or City Council determines that the public good is better served by coordinating sidewalk installation at a later date that would coincide with other major infrastructure repair or investment along a particular right-of-way. If the payment-in-lieu is requested by the subdivider, the amount of payment-in-lieu shall be for 125% of the City Engineer's estimate of the cost. If the payment-in-lieu request is made by the City, the amount is 100% of the City Engineer's estimate of the project cost. Any payment-in-lieu is reserved exclusively for the dedicated infrastructure, administration, and installation.

T. PUBLIC FACILITIES

1. In the event that a proposed park, school, or other public facility site shown on any part of the officially adopted comprehensive plan for City of Eden is located in whole or in part within a proposed subdivision, the City Council shall require that the subdivider grant an option to purchase such land for such public use. Purchase options so granted shall be executed for a period of two (2) years from the date of final plat approval. Options so granted must be fully exercised and consummated within two (2) years of the date of final plat approval, otherwise they shall become null and void.
2. **Cluster Mailbox Units**
 - a. Where required, cluster mailbox units, or CBUs, shall be provided in accordance with the United States Postal Service regulations. Units may not encroach into the public right-of-way and if placed on private property, must be accompanied by an easement for maintenance.
 - b. Design standards for these areas are outlined in *Article 6 – General Design Standards*.
3. **Waste Management**

- a. The developer shall provide for adequate waste collection and disposal facilities.
- b. Any multi-family, mixed use, or attached housing with greater than 8 dwelling units per building or site shall provide a consolidated dumpster court area.
- c. Garbage storage or collection areas shall be screened by an opaque visual barrier (fencing, wall, or evergreen shrubs).

8.05 PROPERTY OWNERS' ASSOCIATION

A. CREATION

An Owners' Association shall be established to fulfill requirements of the NC Condominium Act, NC Planned Community Act, or to accept conveyance and maintenance of all common elements (common areas) within a development. The Owners' Association shall be in legal existence prior to the conveyance, lease-option, or other long-term transfer of control of any unit or lot in the development.

B. CONVEYANCE

Where developments have common elements serving more than one residence, 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 street rights-of-way, other areas dedicated to the City, and lots shall be designated as common elements. In a condominium development the common elements shall be platted in accordance with the NC Condominium Act. In other developments, the fee-simple title shall be conveyed by the subdivider or developer to the Owners' Association prior to the sale of the first lot.

C. SUBDIVISION OR CONVEYANCE OF COMMON ELEMENTS

Common elements shall not subsequently be subdivided or conveyed by the Property Owners' Association unless a revised Final Plat showing such subdivision or conveyance have been submitted and approved.

D. MINIMIZE NUMBER OF ASSOCIATIONS

Developments, whether including different land uses, different types of housing, or simply different sections, shall hold the number of Owners' Associations to a minimum. An association may establish different categories of membership, different budgets for the categories, and different rates of assessment when different kinds of services are provided to different categories. Smaller associations under an umbrella (master) association are permitted.

E. EXEMPTION FROM OWNERS' ASSOCIATION REQUIREMENT

1. A development involving only two units attached by a party wall (or two separate walls back-to-back) shall not be required to have common elements or an Owners' Association. Such developments without an Owners' Association shall establish a binding agreement between owners to govern any party walls and to ensure reciprocal easement rights needed for maintenance.

8.06 OWNERSHIP & MAINTENANCE OF COMMON AREAS

All developments containing land, amenities or other facilities under private common ownership shall provide for the ownership & maintenance of such areas. Multi-family developments that are subject to fee-simple lot/unit ownership shall convey all such common areas to a non-profit corporate property owner's association with a membership of 100% of the lots/units in the development. The developer shall file with the Rockingham County Register of Deeds a "dedication of covenants" and must meet the following criteria:

1. The property owners' association must be established before the units are sold;
2. The property owners' association is established as the responsible entity for the liability insurance, pertinent local taxes, and maintenance of all recreation and other facilities;
3. Sums levied by the property owners' association that remain unpaid shall become a lien on the delinquent property;
4. For condominium development, documents must meet the requirements of NCGS 47A Unit Ownership;
5. All easements over common areas for access, ingress, egress and parking shall be shown and recorded on a final plat with the Rockingham County Register of Deeds.
 - a. *See Article 6 – General Development Standards for ownership & maintenance requirements specific to open space.

8.07 NULLIFICATION OF PLAT OR PORTION OF A SUBDIVISION

- A. Any plat or any part of any subdivision may be nullified by the owner at any time before the sale of any lot in the subdivision by a written instrument to which a copy of such plat shall be attached, declaring the same to be vacated.
- B. Such an instrument shall be approved by the same agencies as approved the final plat. The governing body may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.
- C. Such an instrument shall be executed, acknowledged or approved, and recorded and filed in the same manner as a final plat; and being duly recorded or filed, shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.

8.08 RESUBDIVISION PROCEDURES

- A. For any replotting or resubdivision of land, the same procedures, rules and regulations shall apply as prescribed herein for an original subdivision. Per G.S. §160D-403 and article 3.05.B.5.e. (substantial changes [in a subdivision preliminary plat]) however, lot sizes may be varied on an approved plan after recording, provided that:
 1. No lot or tract of land shall be created or sold that is smaller than the size shown on the approved plan or according to other requirements of this Ordinance, as appropriate;
 2. Drainage, easements or rights-of-way shall not be changed;

3. Street alignment and block sizes shall not be changed;
4. The property line between the back of the lots shall not be changed;
5. The rear portion of lots shall not be subdivided from the front part;
6. The character of the area shall be maintained;
7. No increase in density or new lots formed.

8.09 CERTIFICATIONS FOR FINAL PLATS

The following certifications shall appear on all subdivision final plats:

A. CERTIFICATE OF OWNERSHIP & DEDICATION

I hereby certify that I am the owner of the property shown and described hereon and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I dedicate all sewer and water lines to the City of Eden.

Owner

Date

B. CERTIFICATION OF WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS

I hereby certify that the water supply and sewage disposal systems installed, or proposed for installation in Subdivision fully meets the requirements of the N. C. Board of Health and are hereby shown:

Date _____, 20____

City of Eden Administrator, County Health Officer or Other Authorized Representative

C. CERTIFICATE OF SURVEY & ACCURACY

"I, _____, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded in Book _____, Page _____, etc.) (other); that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, Page _____; 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____." (within thirty days or it becomes void)

Surveyor

"I, _____, Professional Land Surveyor, certify to one or more of the following as indicated:

___1. That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;

___2. That the survey is located in such portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;

___3. That the survey is of an existing parcel or parcels of land;

___4. That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, and other exception to the definition of a subdivision;

___5. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of his or her professional ability as to provisions contained in 1-4 above.

{Seal or Stamp} _____

Registration Number: _____

The certificate of the Notary shall read as follows:

"North Carolina, _____ County

I, a Notary Public of the County and State aforesaid, certify that _____, a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this ____ day of _____, 20____.

Notary Public

{Seal or Stamp}

My Commission expires _____."

D. CERTIFICATE OF APPROVAL FOR RECORDING

I, _____, hereby certify that the subdivision plat shown hereon has been found to comply with the Unified Development Ordinance for Eden, North Carolina, with the exception of such variances, if any as are noted and that this plat has been approved by the Eden City Council for recording in the office of the Register of Deeds of Rockingham County.

Administrator/Review Officer
Date

E. CERTIFICATE OF APPROVAL OF THE DESIGN & INSTALLATION OF STREETS, UTILITIES, AND OTHER REQUIRED IMPROVEMENTS (*WHERE APPLICABLE*)

I, _____, hereby certify that all streets, utilities, and other required improvements have been installed in accordance with NC Department of Transportation & City of Eden specifications and standards, or that guarantees of the installation of the required improvements in an amount and manner satisfactory to the City of Eden has been received, and that the filing fee for this plat as set forth in the City's fee schedule, has been paid.

Administrator
Date

F. CERTIFICATE OF APPROVAL AND ACCEPTANCE OF DEDICATION

I, _____, hereby certify that the City Council of Eden, North Carolina, approved this plat and accepted the dedication of the streets, easements, rights-of-way, and public parks shown thereon, but assumes no responsibility to open or maintain the same until in the opinion of the Eden City Council it is in the public interest to do so.

Administrator
Date

G. CERTIFICATE OF DISCLOSURE; FLOODPLAIN MANAGEMENT REGULATIONS (*WHERE APPLICABLE*)

I (we) hereby certify that prior to entering any agreement or any conveyance with a prospective buyer, I (we) shall prepare and sign, and the buyer of the subject real estate shall receive and sign a statement which fully and accurately discloses that the subject real estate, or a portion of the subject real estate, is located within a flood hazard area and that the buyer must satisfy the requirements of the City of Eden floodplain management regulations prior to the issuance of building permits.

Date
Owner's Signature

H. ACKNOWLEDGEMENT OF COMPLIANCE (PRIVATE DEVELOPMENTS – WHERE APPLICABLE)

I, _____, (name of developer and/or seller) hereby certify that the streets, parks, open space, or other areas delineated hereon and dedicated to private use, and all traffic markings and control devices shall not be the responsibility of the public or the municipality, acting on behalf of the public, to maintain. Furthermore, prior to entering any agreement or any conveyance with any prospective buyer, I shall prepare and sign, and the buyer of the subject real estate shall receive and sign, an acknowledgment of receipt of a disclosure statement. The disclosure statement shall fully and completely disclose the private areas and include an examination of the consequences and responsibility as to the maintenance of the private areas, and shall fully and accurately disclose the party or parties upon whom the responsibility for construction and maintenance of such private areas shall rest.

Date

Signature of Developer and/or Seller

I. STREET MAINTENANCE DISCLOSURE (WHERE APPLICABLE)

Maintenance of the public street(s) shown on this plat is (are) intended to be the responsibility of the NCDOT or City of Eden, provided that all requirements for acceptance are met. Until such time as the NCDOT or City of Eden accepts the street(s), I (we) will provide for necessary maintenance. (NOTE: This statement shall not serve as a substitute for any other statutory disclosure requirements.)

Date

Owner(s) Signature