



# **TOWN OF BERMUDA RUN**

## **Subdivision Ordinance**

Subdivision Ordinance: Adopted March 10, 2009,  
as amended through May 13, 2014

## **CHAPTER 1. PURPOSE AND APPLICABILITY**

### **1.1 Short Title**

This ordinance shall be known and may be cited as the Bermuda Run Subdivision Ordinance or, within this text as the “Subdivision Ordinance” or “this ordinance”.

### **1.2 Purpose**

The provisions of this ordinance are adopted pursuant to the authority conferred by Section 160A-371 through Section 160A-376 of the General Statutes of North Carolina for the purpose of providing for the orderly development of the Town of Bermuda Run, North Carolina and its environs by regulating the subdivision of land. The regulations contained herein are intended to coordinate proposed development with existing development and with officially adopted plans for future development of the Town; to coordinate transportation networks and utilities within subdivisions with existing or planned streets or with public facilities; to secure or protect adequate rights-of-way and easements for street or utility purposes including the dedication of rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11; to secure adequate spaces for recreation areas; to provide for the distribution of population and traffic in a manner which shall avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare; and to insure the proper legal description, monumentation, and recording of subdivided land.

### **1.3 Jurisdiction**

The provisions of this ordinance shall apply to all subdivision activities, as defined in Chapter 2 of this Ordinance, within the corporate limits and the extraterritorial zoning jurisdiction of the Town of Bermuda Run, North Carolina as now or hereafter established. Any subdivision for which a preliminary plat has been approved by Davie County prior to becoming subject to the Bermuda Run Subdivision Ordinance, may, at the option of the developer, be developed in its entirety in accordance with the Davie County Subdivision Ordinance. Any subdivision for which a preliminary plat has been submitted to Davie County, but not approved prior to becoming subject to the Bermuda Run Subdivision Ordinance, shall comply with Bermuda Run ordinance standards.

### **1.4 Separability**

If any section, paragraph, subdivision, clause or provision of this ordinance is adjudged invalid by a court of competent jurisdiction, such adjudication will apply only to such section, paragraph, subdivision, clause or provision so adjudged and the remainder of this ordinance will be deemed valid and effective.

### **1.5 Compliance with Ordinance**

All plats for the subdivision of land must conform to the requirements of this ordinance, and be submitted in accordance with the procedures and specifications established herein. The description by metes and bounds in an instrument of transfer or other document used in the process of selling or transferring land will not exempt the transaction from compliance with this ordinance. No utility shall be extended nor any permit be issued by

an administrative agent of the Town of Bermuda Run for the construction of any building or other improvement upon any land for which a plat is required until the requirements of this ordinance have been met and the final plat approved.

**1.6 Conflicts with Other Provisions**

Whenever the text of this amendment conflicts with any provision of the ordinance or Code of Ordinances not herein amended or repealed, the more stringent provision or regulation shall prevail.

**1.7 Effective date**

These regulations shall become effective upon the date of their adoption by the Town Council of the Town of Bermuda Run.

## CHAPTER 2. DEFINITIONS AND RULES OF CONSTRUCTION

### 2.1 Definitions

As used in this ordinance, the following terms will have the meanings indicated in this section:

**ALLEY.** A vehicular way used for providing service access along rear or side property lines of lots which are also served by one of the listed street types defined herein. An alley may be accepted for public maintenance only if it serves a broad public function. Residential alleys will generally remain private.

**APPEAL.** An action requesting reversal or modification of an interpretation or decision made by Town staff or administrative agent in the application of these regulations.

**BUILD-TO LINE.** A line extending through a lot which is generally parallel to the front property line and marks the location from which the principle vertical plane of the front building elevation must be erected; intended to create an even building façade line on a street. The build-to line is established on the record plat (final plat).

**BUILDING FACE.** The dominant structural plane of the elevation of any side of a building. For example, the building face of a two-story dwelling with one-story porch is considered to be the two-story elevation of such structure.

**BUILDING PRESENTATION.** The direction of the architectural front façade of a building in relation to the street or public space.

**BUILDING SETBACK LINE.** A line extending through a lot which is parallel to the front property line and between which and such line no building shall be erected.

**COLLECTOR STREET PLAN.** The system of streets which indicates the conceptual network of primary connecting streets expected to connect arterials and/or provide access to public institutions within the Bermuda Run planning area.

**COMPREHENISVE TRANSPORATION PLAN.** North Carolina's multi-modal transportation plan developed in conjunction with the Metropolitan Planning Organization (MPO). The CTP represents a community's consensus on the future transportation system (including the existing system and improvements) needed to support anticipated growth and development over a 25- 30 year timeframe. A CTP is a mutually adopted legal document between the state and the local area partner(s). When a CTP is adopted by NCDOT, it represents the state's concurrence with the identified transportation needs and proposed recommendations. However, it does not commit the Department to funding or constructing those project proposals, or to a particular cross-section. CTPs replace the thoroughfare plans that have been developed since the 1950's. Both the processes for developing a CTP and the products (CTP maps and document) are different than the thoroughfare plan.

**CONSULTING ENGINEER.** A North Carolina registered engineer appointed from time-to-time by the Town Council of Bermuda Run.

**DESIGNATED ADMINISTRATIVE AGENT (ALSO DESIGNEE).** A government agency or consulting professional who has been designated by Bermuda Run's Town Council through contract or agreement to administer the Subdivision Ordinance.

**EASEMENT.** A grant of one or more of the property rights for a specific purpose by the property owner to, or for the use by, the public or another person.

**EXCEPTION.** Relief from the requirements of this ordinance granted by the Planning Board.

**LAND CLEARING AND INERT DEBRIS (LCID) LANDFILL.** A landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth or other solid wastes meeting the standards of the State of North Carolina.

**LOT.** A parcel of land or any combination of several parcels of land occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such accessways, parking area, yards, and open spaces required in these regulations.

**LOT, CORNER.** A lot located at the intersection of two or more streets, or abutting a curved street or streets in such a way that the front building line meets either side lot line at an interior angle of less than one hundred thirty-five degrees.

**LOT COVERAGE.** That portion of the lot area, expressed as a percent that is covered by impervious surface cover.

**LOT, DOUBLE FRONTAGE.** A lot having frontage and access on two or more public streets. A corner lot shall not be considered as having double frontage unless it has frontage and access on three or more streets.

**LOT, INTERIOR.** A lot other than a corner lot with frontage on only one street.

**LOT, REVERSE FRONTAGE.** A lot having frontage on two or more streets, one of which is a minor or less important street in the community, the access to which is restricted to the minor street.

**LOT, THROUGH.** A lot other than a corner lot with frontage on more than one street. See "Lot, Double Frontage."

**LOT LINE.** A line or series of connected line segments bounding a lot.

**LOT LINE, FRONT.** The line which separates the lot from a street right-of-way. Corner lots shall have only one front lot line.

**LOT LINE, INTERIOR.** A side lot line, which separates one lot from another lot.

**LOT LINE, REAR.** That lot line which is opposite and most distant from the front lot line, except in the case of a triangular lot, a line ten feet in length, entirely within the lot, parallel to, and at the maximum distance from the front lot line, or a chord thereof if the front lot line is curved, shall be considered as the rear lot line for purposes of determining the required rear yard. In cases where neither of these conditions is applicable, the zoning administrator shall designate the rear lot line.

**LOT LINE, SIDE.** A lot line other than a front or rear lot line.

**LOT OF RECORD.** A lot described by plat or by metes and bounds which has been recorded in the office of the Davie County register of deeds.

**LOT WIDTH.** The horizontal distance between the side lot lines at the building setback line as measured along a straight line parallel to the front lot line or parallel to the chord thereof.

**LOT, ZONING.** A parcel or contiguous parcels of land which is indicated by the owner at the time of application for a building or zoning permit as being that land which is proposed for development under a single development plan.

**OPEN SPACE.** Land used for recreation, natural resource protection, amenities, and protection of important rural and Town vistas and/or buffer yards. Open space may include, but is not limited to lawns, walkways, active recreation areas, playgrounds, wooded areas, and greenways.

**PLANNING AREA.** The land located within the boundaries of the most recently adopted Bermuda Run land development plan, and consistent generally with the Town's extraterritorial jurisdiction (ETJ).

**PLANNING BOARD.** The Planning Board of the Town of Bermuda Run.

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

**STREET.** A right-of-way for vehicular travel.

**STREET, ARTERIAL.** A federal and/or state highway designed primarily for the movement of large volumes of vehicular traffic from one area or region to another; a thoroughfare. Also referred to as a major thoroughfare.

**STREET, COLLECTOR.** A public way designed primarily to connect minor streets with arterial streets and/or to provide direct connection between two or more arterial streets

and which may be designed to carry significant volumes of vehicular traffic having neither origin nor destination on the street.

***STREET, MINOR RESIDENTIAL.*** Those streets whose primary function is to provide direct access to residential property.

***STREET, MINOR NON-RESIDENTIAL.*** Those streets whose primary function is to provide direct access to commercial/industrial property.

***STREET, CUL-DE-SAC.*** A short minor street having one end open to traffic and the other permanently terminated by a vehicular turnaround.

***STREET, RURAL.*** A street designed for and located in non-urban and non-urbanizing areas as classified by the Town.

***STREET, URBAN.*** A street designed for and located in urban or urbanizing areas as classified by the Town.

***STREET, PARALLEL FRONTAGE ROAD.*** A public or private street adjoining or parallel to an arterial street designed to provide access to abutting property in place of the arterial.

***STREET, PRIVATE.*** An interior circulation road designed and constructed to carry vehicular traffic from public streets within or adjoining a site to parking and service areas; it is not maintained nor is it intended to be maintained by the public.

***STREET, PUBLIC.*** A right-of-way or fee simple tract of land which has been set aside for public travel, dedicated to the public by the recording of a subdivision plat, built to public street standards, and eligible for maintenance by either the Town of Bermuda Run or the State of North Carolina.

***STREET LINE.*** The outer boundary of a street right-of-way.

***STREET ORIENTATION.*** See “*Building Presentation.*”

***STREET RIGHT-OF-WAY.*** Street right-of-way shall mean any public right-of-way set aside for public travel which is accepted or eligible to be accepted for maintenance by the State of North Carolina or the Town of Bermuda Run or Davie County, if so authorized; or has been dedicated for public travel by the recording of a plat or a subdivision which has been approved or is subsequently approved by the Town of Bermuda Run; or has otherwise been established as a public street prior to the adoption of this ordinance.

***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 are created for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in

existing streets; provided, however, that the following shall not be included within this definition:

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town of Bermuda Run subdivision regulations;
- (2) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved;
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets or the location of public utility rights-of-way;
- (4) 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 of the Town of Bermuda Run subdivision regulations;
- (5) The division of land into plots or lots for use as a cemetery; and
- (6) Subdivisions resulting from proceedings to partition interests in lots or parcels pursuant to Chapter 46 of the North Carolina General Statutes (or any successor statute) resulting in the division of a lot or parcel into two or more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this ordinance or the Town of Bermuda Run subdivision regulations.

***SUBDIVISION, MAJOR.*** A subdivision not otherwise exempt from these regulations that involves the creation of any new public street or street right-of-way, or improvements to an existing street.

***SUBDIVISION, MINOR.*** A subdivision that is not otherwise exempt from the provisions of this ordinance and that does not meet the criteria for the definition of a major subdivision.

***THOROUGHFARE.*** See “*Street, Arterial.*”

***TOWN COUNCIL (TOWN BOARD).*** The Town Council of the Town of Bermuda Run.

***TOWN MANAGER.*** The Town Manager of the Town of Bermuda Run.

## **2.2 Rules of Construction**

For the purposes of these regulations, the following rules of construction apply:

- (A) These regulations will be construed to achieve the purposes for which they are adopted.
- (B) In the event of any conflict in limitations, restrictions, or standards applying to a project, the provision more consistent with the Bermuda Run Zoning Ordinance shall apply.
- (C) The words “shall”, “must”, and “will” are mandatory in nature, implying an obligation or duty to comply with the particular provision.
- (D) The word “may” is permissive in nature except when used in the negative.
- (E) References to “days” will always be construed to be business days, excluding weekends and holidays, unless the context of the language clearly indicates otherwise.

## **CHAPTER 3. DECISION MAKING AND ADMINISTRATIVE BODIES**

### **3.1 Town Staff**

In addition to any authority granted to the Town Manager by other ordinances of the Town of Bermuda Run, the Town Manager and the employees under his or her direction, and such agent as may, from time to time, be designated by the Town Council to administer the Subdivision Ordinance (designee), will have the following duties in accordance with these regulations.

- (A) To review all requests for subdivision within the Town's jurisdiction and decide whether such requests meet the requirements and intent of this Ordinance. If such do meet the requirements and intent, staff shall approve the request. If such do not meet the requirements and intent, staff shall deny the request.
- (B) To accept and file petitions for exceptions.
- (C) To review and provide comments on exception petitions.
- (D) To maintain files and other public records related to the administration and enforcement of these regulations.
- (E) To recommend and prepare amendments to the text of these regulations.
- (F) To accept and file notices of appeal of an administrative interpretation or decision.
- (G) To interpret the provisions of these regulations.
- (H) To coordinate all local, state, and other appropriate agency review and comment on all subdivisions proposed under these regulations.
- (I) To establish such procedures as necessary and proper for the administration of their responsibilities under these regulations.
- (J) To approve for recordation in the Davie County register of deeds those divisions of land which, according to the definition of subdivision found in 2.1, are not subject to the requirements of this Ordinance.
- (K) To approve for recordation in the Davie County register of deeds those divisions of land which meet the standards of the Subdivision Ordinance and Zoning Ordinance.

### **3.2 Planning Board**

In addition to any authority granted to the Planning Board by other ordinances of the Town of Bermuda Run, the Planning Board shall have the following powers and duties to be carried out in accordance with these regulations:

- (A) To hear and make advisory recommendations on proposed amendments to the text of these regulations; to propose, as needed, amendments to change the text of these regulations.
- (B) To hear and decide requests for exceptions from the standards of this ordinance in accordance with the provisions of Section 4.5.
- (C) To hear and decide requests for appeal from the interpretation of any provisions of this Ordinance by the Town staff or designated administrative agent. The Planning Board may recommend reversal or modification of any action under appeal upon finding an error in the application of these regulations.
- (D) In all of these matters, the Planning Board may recommend approval of the request, denial of the request, or approval of the request with conditions relating to the intent and standards of this ordinance.

### **3.3 Town Council**

In addition to all other authority reserved to the Town Council by other ordinances, the Town Council shall have the following powers and responsibilities in accordance with these regulations.

- (A) To hear and decide proposed amendments to the text of these regulations.
- (B) To hear and decide all petitions for appeals from a decision by the Planning Board regarding this Ordinance.

## **CHAPTER 4. APPEALS AND EXCEPTIONS**

### **4.1 Authority**

The Planning Board shall decide petitions for appeals from an interpretation or decision made by the Subdivision Administrator and petitions for exceptions from the requirement of these regulations. The Town Council shall hear and decide all petitions for appeals from a decision by the Planning Board regarding this Ordinance. Any reversal, modification or affirmation of an interpretation or any decision regarding a variance shall be entered in writing in the minutes of the board making such decision clearly indicating the justification set forth.

### **4.2 Initiation**

A petition for an appeal of an administrative interpretation or decision may be initiated by any person aggrieved or by any officer or department of the Town of Bermuda Run. A petition for exception may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or a person having a written contractual interest in the affected property.

### **4.3 Filing of Notice of Appeal**

A notice of appeal, in the form prescribed by the Subdivision Administrator, must be filed with the Subdivision Administrator within 30 days of the day an administrative interpretation or decision is issued. The notice filed with the Subdivision Administrator must be accompanied by a non-refundable filing fee as established by Bermuda Run's Town Council. Failure to timely file such notice and fee will constitute a waiver of any rights to appeal under this article. The filing of such notice will require the officer whose action is appealed to transmit to the Town Manager and Subdivision Administrator all administrative papers, records, and other information regarding the subject matter of the appeal.

### **4.4 Standards for Granting an Appeal**

The Planning Board may decide to reverse or modify the decision or interpretation under appeal upon finding an error in the application of these regulations on the part of the officer rendering the decision or interpretation.

### **4.5 Subdivision Exceptions**

#### **(A) Filing of Exception Petition**

A petition for exception, in the form prescribed by the Subdivision Administrator, must be filed with the Subdivision Administrator, accompanied by a non-refundable filing fee as established by the Town Council.

(B) Standards for Granting an Exception

Before granting an exception, the Planning Board must determine that:

- (1) The difficulty or hardship would result only from these regulations and from no other cause, including the actions of the owner or previous owners of the property; and
- (2) The difficulty or hardship is peculiar to the property in question and is not generally shared by other properties used for the same purposes; or
- (3) The relationship of the property to natural topography or to the nature of adjoining properties warrants relief from the standard in question; or
- (4) The difficulty or hardship from the application of these regulations would prevent the owner from making a reasonable use of the property. The fact that the property could be utilized more profitably with the exception than without the exception will not be considered as grounds for granting the exception; or
- (5) The granting of an exception would permit the preservation of an historic structure or site, or a significant natural feature.; or
- (6) In the case of exceptions from the pedestrian improvements required in Section 7.2 (D), the request is consistent with the vision of the *Walkable Bermuda Run Plan* and does not disrupt or impair the non-motorized network; and one or more of the following:
  - (a) Infill development in neighborhoods or on streets where the sidewalks and bicycle facilities should match the dominate pattern on the street or in the neighborhood; or
  - (b) Physical features of the area including the availability of existing or new public rights-of-way (including NCDOT encroachment), grades, rocks/ledges, specimen trees or other important natural features which should be preserved, etc. In these cases, the Planning Board may approve alternate locations, buffer widths, path widths, pavement, or path types; or
  - (c) Shared use paths, including greenways, may be constructed using boardwalks in wet areas or finely crushed stone or granite screening (rock dust) in low traffic areas; or
  - (d) A sidewalk along a cul-de-sac is not necessary because the street characteristics and nearby facilities will provide adequate levels of service for pedestrians; or

- (e) The developer can demonstrate that imminent road or public improvements planned by NCDOT, the Town, or a public utility would compromise or destroy a required sidewalk, path, or greenway. In such case, the required improvements may be delayed up to one (1) year as long as the improvements are guaranteed with a surety bond, letter of credit or similar instrument acceptable to the Town; or
- (f) Construction of the facilities required along an existing street would impose an obligation that is not roughly proportional to the need for such facilities created by the proposed development.

(C) Action by Planning Board

The Planning Board may approve or deny the exception application, or approve with conditions relating to the intent and standards of the ordinance. The reasons that the Planning Board used to reach its decision shall be recorded in the minutes.

(D) Rehearing

When the Planning Board has denied any petition for an exception, it will not thereafter accept any other petition for the same exception affecting the same subdivision or any portion thereof, unless it finds that there have been substantial changes in the conditions or circumstances relating to the matter.

(E) Effect of grant of exception

After the approval of an exception by the Planning Board, the petitioner will be required to follow the procedures for preliminary and final plat approval in order to proceed with development of the subject property. All decisions made by administrative officers under those procedures will comply with the exception to these regulations granted to the petitioner by the Planning Board.

## **CHAPTER 5.           AMENDMENTS**

- (A)    The Subdivision Administrator may from time-to-time, and at the request of the Bermuda Run Town Council or Planning Board prepare certain improvements to the text of the Subdivision Ordinance to correct errors, update or modify the requirements, or otherwise improve the operation of the ordinance in regulating the subdivision of land.
  
- (B)    Amendments to this Ordinance may only be enacted pursuant to public notice and public hearing on the proposed amendments. Notice of such public hearing shall be published once per week for two (2) successive weeks in a newspaper of general circulation in the Town of Bermuda Run. The notice shall be first published not less than 10 days nor more than 25 days prior to the date fixed for the hearing. The notice shall indicate the date, time, and place of the hearing and shall include a statement of the substance of the proposed amendment.
  
- (C)    All text amendments must be referred to the Planning Board for a recommendation prior to final action by the elected officials. Failure of the Planning Board to act within 30 days following referral of the amendment will be deemed to constitute an affirmative recommendation on the proposed amendment. An action to defer a recommendation for cause will constitute an action for the purposes of this Ordinance.

## **CHAPTER 6. SUBDIVISION PROCESS**

### **6.1 Compliance Required**

After the effective date of this Ordinance, no plat of a subdivision of land subject to the jurisdiction of this ordinance will be filed or recorded by the Davie County Register of Deeds until it has been submitted to and approved by the Town of Bermuda Run in accordance with these regulations. This applies to all subdivision activities included in the definition of subdivision, found in Section 1.2.

### **6.2 Sketch Plan**

(A) Prior to the filing of an application for approval of a major subdivision preliminary plat, a sketch plan shall be submitted to the Subdivision Administrator and any designated administrative agent for review. When submitted, this sketch plan shall be on a topographical map showing original contours at intervals of not less than four (4) feet and existing tree lines. It shall show in sketch form the proposed layout of streets, lots, and other features in relation to existing conditions. It shall also include the following information:

- (1) The boundary lines of the property being subdivided;
- (2) Water courses on the land to be subdivided;
- (3) The location, names, and rights-of-way of any existing streets on or within three hundred feet of the land to be subdivided;
- (4) The location of all property lines which intersect the boundaries of the property being subdivided; the zoning district of each adjacent property;
- (5) Rough finished grades, the location of proposed streets, lots, parks or other open spaces, reservations, building lines, street cross-sections, number and type of buildings, and the location of any building restriction flood lines required by the Bermuda Run Flood Damage Prevention Ordinance.
- (6) Zoning information for the proposed project site;
- (7) Proposed front, rear, and side yard dimensions for each building type along each street type;
- (8) For projects within a regulated watershed protection area, the location of required buffers, if applicable;
- (9) The location of general buffers or screens required for the project area, as a whole;

- (10) The scale of the plan, which shall not be smaller than 100 feet to the inch; north point; date;
  - (11) A small-scale vicinity map.
- (B) Upon submission, the Subdivision Administrator and any designated administrative agent shall have 21 working days to review and comment on the sketch plan. A technically deficient sketch plan shall be returned to the subdivider with comments.

### **6.3 Preliminary Plat Procedures for Approval**

- (A) A preliminary plat of the proposed subdivision must be submitted to the Subdivision Administrator. The plan shall be accompanied by an application signed by the owner or his duly authorized agent on application forms to be furnished by the Subdivision Administrator or designated administrative agent. At the time of submission, the applicant will be advised as to the number of copies of the plan and related data required by this Ordinance. The application for preliminary plat approval shall be accompanied by the appropriate development review fee(s) as established by the Town Council.
- (B) The Subdivision Administrator or designee shall have 30 working days to review the preliminary plat, provide the preliminary plat to the Technical Review Committee for review, and take action on the preliminary plat. If subsequent corrections or changes to the initial preliminary plat are necessary, the reviewer shall have 20 working days to review and take action on any revised plan. The preliminary plat time limits listed above do not apply to plans for which no sketch plan has been submitted, nor to plans which contain any proposed school, park, greenway, or other public facility for which reservation is required. The applicant may consent to an extension of any of the time limits.
- (C) Upon determination by the Subdivision Administrator or designee and the Town Engineer, or such other engineering agent designated by the Town Council to review subdivision plans, that the preliminary plat is complete, correct, and in compliance with this Ordinance as submitted, or has been resubmitted and found complete and correct, the plan shall be approved. If the preliminary plat is different from the approved sketch plan, the Subdivision Administrator or staff under his direction is authorized to approve the plan, approve with conditions, or deny the plan.
- (D) The Town of Bermuda Run reserves the right to approve, disapprove in whole or in part, or condition its approval of the whole or any of its parts upon such requirements of this Ordinance as may be necessary for the health, safety and general welfare. If a preliminary plat is disapproved, the Subdivision Administrator shall furnish a written notice of the denial and the reasons for the denial upon

request of the applicant. An administrative disapproval may be appealed in accordance with the provisions of Section 4.3.

#### **6.4 Preliminary Plat Requirements**

- (A) The preliminary subdivision plat shall be drawn to the following specifications and shall contain or be accompanied by the information listed below. No processing or review of a preliminary plat will proceed without all of the information listed.
- (1) The boundary of the area to be subdivided and the location within the area, or contiguous to it, of any existing streets, railroad line, water courses, easements or other significant features of the tract.
  - (2) The location, size, elevations of existing sanitary sewers, storm drains, and culverts within the tract and immediately adjacent thereto.
  - (3) Original contours, including tree lines, shown at intervals of not less than four (4) feet for the entire area to be subdivided and extended into adjoining property for a distance of three hundred feet at all points where street rights-of-way connect to the adjoining property. These contours shall be referenced to mean sea level datum established by the U.S. Coast and Geodetic Survey. Proposed contours for the full width of all street rights-of-way, along open drainage channels and in all other portions of the subdivision where extensive grading is proposed must be shown. These requirements shall not apply where the size of the subdivision and the topography make such information unnecessary.
  - (4) The location of proposed streets, alleys, easements, lots, parks or other open spaces, reservations, other property lines, front build-to lines and rear and side yard dimensions for each lot, street dimensions, tentative building locations, and the location of any building restriction flood lines required by the Town of Bermuda Run Flood Damage Prevention Ordinance.
  - (5) Stormwater calculations and the location of all proposed storm drains and appurtenances with grades, inverts, and sizes indicated, together with a map of the drainage area or areas tributary to the proposed storm drains, a copy of the data used in determining the sizes of drainage pipes and structures, and the building restriction floodline and flood protection elevation for each lot subject to flooding as defined in the Town of Bermuda Run Flood Damage Prevention Ordinance.
  - (6) The name of the subdivision; the name and signature of the owner or the owner's duly authorized agent; the name of the surveyor, engineer or designer; the names of proposed streets; the names of adjoining subdivisions or property owners. The name assigned to the subdivision and the names assigned to

streets at this time will be used throughout the review and approval process for preliminary and final plats and may not be changed without approval of the Subdivision Administrator and or designated administrative agent.

- (7) The scale of the plan which shall not be smaller than 100 feet to the inch, north point, date.
- (8) Typical cross sections of internal or abutting streets showing width, sidewalk, and planting details and proposed construction of roadways.
- (9) Proposed profiles of roadways. Where a proposed street is an extension of an existing street the profile shall be extended to include 300 feet of the existing roadway and storm drains, if present, and a cross section of the existing street shall be shown. Where a proposed street within the subdivision abuts a tract of land that adjoins the subdivision and where said street may be expected to extend into said adjoining tract of land, the profile shall be extended to include three hundred feet of the said adjoining tract.
- (10) The proposed method of water supply and sewage disposal.
- (11) A small-scale vicinity map showing the location of the subdivision with respect to adjacent streets and properties.
- (12) The location of any existing LCID landfills on the site and the location of any proposed LCID landfills on the site.
- (13) A timetable for estimated project completion of the area covered by the preliminary plan.
- (14) The zoning district(s) in which the project is located.
- (15) For projects in the watershed overlay district, the calculated built-upon area permitted for each building lot, taking into account permanently preserved open space, is required.
- (16) For subdivisions within which open space is required, a draft of the documents by which irrevocable preservation of open space shall be assured.

## **6.5 Effect of Approval of Preliminary Plat**

- (A) An approved preliminary plat will be valid for a period of two (2) years from the date of approval. If no work in furtherance of the plan except grading on the site has commenced within the two (2) years year period, the preliminary plat approval will become null and void and a new application will be required to develop the site. If work on the site in furtherance of the plan has commenced, and such work

involves any utility installations or street improvements except grading, the plan will remain valid and in force.

- (B) Preliminary plat approval is required for the issuance of a grading permit for any grading work on the site for the installation of any improvements in furtherance of the development. Once the preliminary plat is approved, further approvals under this provision are not required for grading permits for individual sites within the development, so long as grading conforms to the approved preliminary plan.

## **6.6 Final Plat Procedures of Approval**

- (A) Upon approval of the preliminary subdivision plan, the subdivider may proceed to comply with the other requirements of this ordinance, and the preparation of the final subdivision plat. The final plat may include all or only a portion of the subdivision as proposed and approved on the preliminary subdivision plan, provided that all required improvements to any existing or new streets shown on the preliminary plat within the boundaries of the final plat have been provided for or been assured by the posting of a surety bond prior to any final plat approval.
- (B) The final subdivision plat must be developed in accordance with the specifications set forth in Section 1.6.(H). The official plat or plats, together with copies thereof sufficient for distribution, shall be presented for approval to the Subdivision Administrator or designated administrative agent for review. The plat shall be accompanied by an application for final plat approval, submitted in duplicate and signed by the owner and/or his duly authorized agent. The Town shall have 30 working days to review and comment on the final plat.
- (C) Staff shall approve, disapprove, approve with conditions or deny the approval of the final plat.
- (D) If a final plat is disapproved, the Subdivision Administrator shall furnish a written notice of the denial and the reasons for the denial upon request of the applicant. An administrative disapproval may be appealed in accordance with the provisions of Section 1.4.
- (E) Upon approval, the final plat will be noted approved and shall be recorded in the office of the Register of Deeds for Davie County, North Carolina.

## **6.7 Final Plat Requirements**

- (A) The final plat will be prepared by a registered surveyor and must be drawn to scale not smaller than one hundred feet equals one inch, and must contain the following information:

- (1) The exact boundary of the tract of land being subdivided, showing clearly the disposition of all portions of the tract.
- (2) The lines and names of all streets, alley lines, lot lines, lot and block numbers, front build-to line and side and rear yard dimensions for each lot, easements, reservations, and areas dedicated to public purposes with notes stating their purposes. In addition, on-site LCID landfills must be shown on the final plat and on deed(s) for affected lot(s). Also, the plat for all lots located within a designated special flood hazard area (floodplain) shall include a statement as follows:

“This lot is located in a designated special flood hazard area and the construction of buildings or structures below the base flood elevation prohibited”, as further described by the Town of Bermuda Run Flood Damage Prevention Ordinance. Plats for multiple lots may include the base flood elevations in tabular form.

In areas where the floodway regulations are applicable, the following statement shall be inscribed on the plat:

“Any construction or use within the areas delineated by floodway fringe district boundary line and floodway district encroachment line is subject to the restrictions imposed by the Town of Bermuda Run Flood Damage Prevention Ordinance.”

- (3) For subdivisions within which open space is required, a designation on the plat denoting the area of preservation and the limitations on its use and a reference to the recorded documents by which irrevocable preservation of open space shall be assured. A copy of such documents shall also be provided to the planning department.
- (4) Any amendment to a previously approved final plat must note in writing on the amended plat the nature and extent of the changes and the deed or plat book and page number where previously recorded.
- (5) Sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, building line, easements required hereunder or of record in Davie County or ascertainable by physical inspection of the property, and boundary lines of reserved or dedicated areas. All linear dimensions shall be in feet and hundredths thereof. The maximum allowable error of linear closure shall not be in excess of 1:10,000. In closed traverses the sum of the measured angles shall vary with the theoretical sum by a difference not greater than an average of 7.5 seconds per angle, or the sum of the total shall not differ from the theoretical sum by more than ninety seconds, whichever is smaller.

- (6) Sufficient data to determine readily and reproduce accurately on the ground the location and extent of open space to be preserved, the method of preservation, and any limits on use. In addition, the subdivider shall provide to the Bermuda Run Subdivision Administrator a copy of any covenants and restrictions governing disposition and use of preserved open space.
- (7) “As-built” drawings and plans of all water system, sewer system, and storm drainage system facilities. Water and sewer system as-built drawings shall also be filed with Davie County Utilities and the North Carolina Department of Environment and Natural Resources (NCDENR). Such plans shall show all easements and rights-of-way to demonstrate that the facilities are properly placed. These drawings need not be placed on the final plat but must be submitted at the time of request for final plat approval or release of any surety for required improvements, whichever comes later.
- (8) “As-built” cross-sections of each street in the development. Such cross-sections shall show improvements in the public rights-of-way and in any easement associated with the detail of the street. Features to be shown will usually include: travel lanes, parking lanes (if any), curb and gutter (or ditch), planting strip, sidewalk, utility allocation. These drawings need not be placed on the final plat, but must be submitted at the time of request for final plat approval or release of any surety for required improvements, whichever comes later.
- (9) For projects in designated water supply watersheds, the calculated built-upon area permitted for each building lot, taking into account permanently preserved open space.
- (10) The name of the Township in which the subdivision is located, the name of the subdivision, the zoning district, the name of the owner, the name, registration number and seal of the registered surveyor under whose supervision the plat was prepared, the date of the plat and north point, with indication of whether the north point is true, magnetic, or grid, and a small vicinity map showing the location of the subdivision with respect to adjacent streets and properties.
- (11) Control corners and permanent markers with adequate and sufficient description to enable a surveyor to locate such control corners or markers shall be shown on the plat. One or more corners shall be designated as control corners, and shall establish two or more street center lines or offset lines within or on the street right-of-way lines to be permanently monumented at intersecting center line or offset lines, points of curvature or such other control points, which monuments shall also be designated as control corners. In addition to the above, control corners must be established along the rear property lines of lots with a minimum of two (2) per block located along a

common line. Coordinates must be computed from the North Carolina Plane Rectangular Coordinate System, as extended therefrom, provided such a control monument is within two thousand feet of the subdivision. The corners of all lots and parcels must be marked with iron pins driven flush with the ground. The iron pins must be placed where lot boundaries intersect railroad and public street rights-of-way.

(12) The following signed certificates (lettered or stamped) shall appear on each copy of the final plat submitted by the subdivider:

(a) *Certificate of ownership and 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, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I dedicate all utility lines to the applicable utility provider.

\_\_\_\_\_  
Date

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

(b) *Certificate of approval for recording.*

I hereby certify that the subdivision plat shown heron has been found to comply with the subdivision regulations for Bermuda Run, North Carolina, and that this plat has been approved for recording in the office of the register of deeds of Davie County.

\_\_\_\_\_  
Date

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

Final written approval by the Subdivision Administrator or staff under his direction must be entered on the plat for recording. Changes or amendments to an approved final plat which already bears the written approval prior to recording the plat constitutes a violation of this ordinance. A copy of the sealed and recorded final plat must be delivered to the Town of Bermuda Run within five (5) days of recording.

(c) *Certificate of survey and accuracy.*

I, \_\_\_\_\_, certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book \_\_\_\_, Line \_\_\_\_, Page \_\_\_\_, etc.) (other); that the error of closure as calculated by latitudes and departure is 1: \_\_\_\_; that the boundaries not surveyed are shown as broken lines plotted from information found in



- (f) *NCDOT Construction Standards Certification (if applicable)*

Department of Transportation  
Division of Highways  
Proposed Subdivision Road Construction Standards Certificate

Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
District Engineer

- (g) *Onsite Water and/or Sewer Note (where appropriate)*

Note:(ALL the LOTS) or (LOTS# \_\_\_\_\_) as shown on this Plat are proposed to be served with on-site water and/or sewer systems. The lots as shown meet the minimum size prescribed by the Davie County Health Department for such system(s). However, the recording of this Plat does not guarantee that any such lots will meet the requirements for the approval by the Health Department for such on-site system(s).

\_\_\_\_\_  
Engineer/Survey License or Registration #

- (h) *Special Flood Hazard Area Note (Word to represent actual situation)*

Note: (Part of) this property (does/does not) lie in a Special Flood Hazard Area

Reference: Floodway Panel # \_\_\_\_\_

Date: \_\_\_\_\_ (of Panel)

(If part of the property is in a Special Flood Hazard Area it shall be shown graphically on the Plat and comply with the Flood Damage Prevention Ordinance)

## 6.8 Plats Already Established By Survey and Record

- (A) Plats already established by survey and recorded in the Davie County Register of Deeds office prior to the effective date of this ordinance will be eligible for development and other administrative permits without complying with the requirements of this ordinance, but must be developed in accordance with the provisions of the Subdivision Ordinance in effect at the time of the approval.
- (B) A subdivision for which a preliminary plat has been approved and remains valid but for which a final plat has not been recorded in the Davie County Register of Deeds prior to the effective date of this ordinance shall be approved for recording without complying with the requirements of this ordinance if final plats conform to the requirements of the Subdivision Ordinance in effect at the time of preliminary plat approval. Such subdivision will be inspected and must be developed in accordance with the provisions of the Subdivision Ordinance in effect at the time of preliminary plat approval.

## **CHAPTER 7. SUBDIVISION DEVELOPMENT REQUIREMENTS**

### **7.1 General Requirements**

The following statements provide general requirements and policies to be used in the design, review, and approval of any subdivision under the jurisdiction of this ordinance. Questions of interpretation of any of these provisions should be discussed with the Subdivision Administrator or designated administrative agent at the earliest possible time in the development of a subdivision proposal.

- (A) **Consistency with adopted public plans and policies**

All subdivision of land approved under these regulations shall be consistent with the most recently adopted public plans and policies for the area in which it is located. This includes general policy regarding development objectives for the area as well as specific policy or plans for public facilities such as streets, parks and open space, schools, and other similar facilities. Plans and policies for the community are on file in the offices of the Town of Bermuda Run.
- (B) **Conformity**

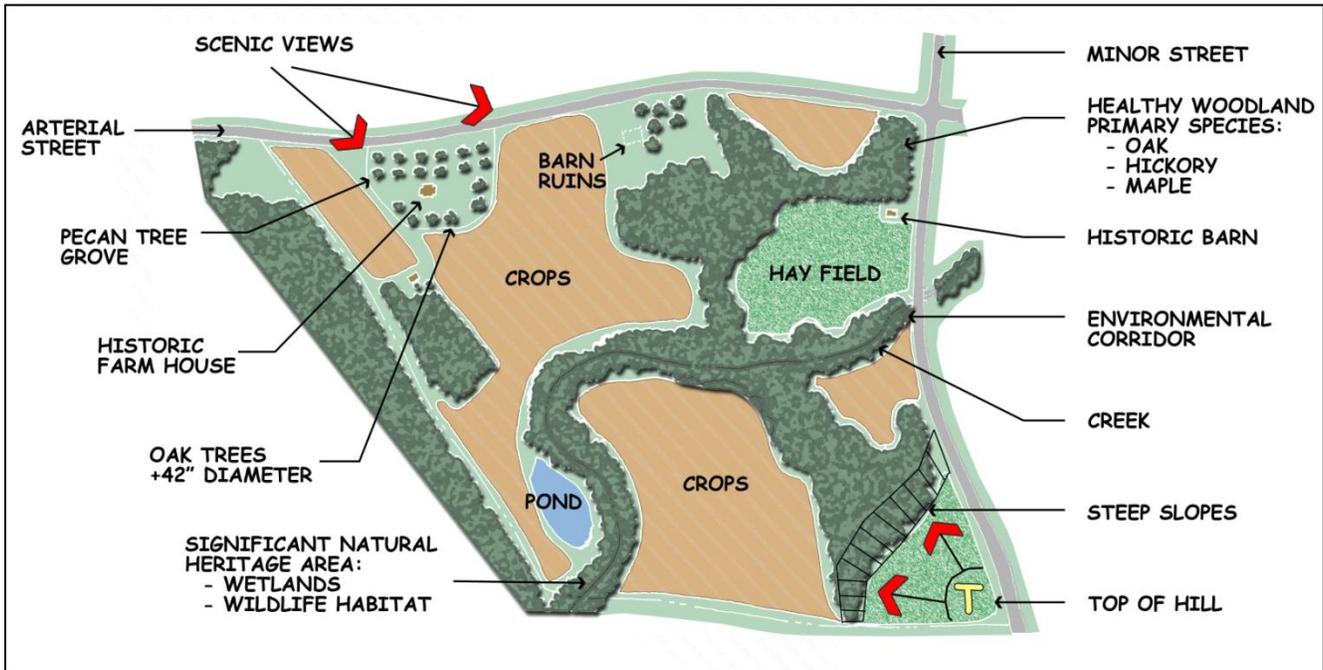
All proposed subdivisions shall be planned so as to facilitate the most advantageous development of the entire neighboring area. In areas with established development, new subdivisions shall be planned to protect and enhance the stability, environment, health, and character of neighboring areas. The geometry of streets and intersections and the location of street connections will be assessed to minimize the detrimental effects of high volume, high-speed neighborhood through traffic. This assessment will consider the location of large-scale traffic generating uses, as well as the adopted Comprehensive Transportation Plan (CTP) and the Town of Bermuda Run Comprehensive Plan.
- (C) **Access between adjoining properties**

To the maximum extent practicable, all streets shall connect to create a comprehensive network of public areas which allows free movement of automobiles, bicyclists, and pedestrians.
- (D) **Relation to topography**

In sloping terrain, streets will generally parallel the contours of the land insofar as practicable, to avoid steep grades and the concentration of surface storm water runoff. Variations are allowed to meet design objectives for the development and/or to calm vehicular speeds.
- (E) **Environmental Assessment and Suitability of Land**

Existing Features Plans are required for during the Sketch Plan step of all developments of greater than five (5) lots.

## CONCEPTUAL EXISTING FEATURES PLAN



(F) Tree Preservation Encouraged

- (1) Significant forest stands, natural vegetation, specimen trees, severe natural topography, drainage features and water courses are encouraged to be preserved to the extent that is reasonable and practical while otherwise not reasonably prohibiting development. Forested and vegetated areas whose physical site conditions render them unsuitable for development should be set aside as conservation areas or as open space. Wooded sites should be developed with careful consideration of the natural characteristics of the site. When portions of forested stands must be developed, careful consideration should be given to preserving wooded perimeters or the most desirable natural features in order to retain the aesthetic or visual character of the site. Isolated pockets of existing trees or specimen trees should be protected as a valuable asset of the property.

(G) Access to parks, schools, etc

Streets and sidewalks shall be designed to assure convenient access to parks, greenways, playgrounds, schools, and other places of public assembly. Supplemental walkways not associated with streets may not be less than ten feet in width and may be required to be large enough to provide vehicular access for maintenance vehicles.

(H) Discourage through traffic

Methods to discourage high volume, high speed through traffic shall consider street geometry, intersection design, and other traffic calming measures.

- (I) Relationship to railroad rights-of-way  
When a subdivision adjoins a railroad right-of-way the subdivider may be required to arrange the street pattern to provide for future grade separation of street and railroad crossings.
- (J) Public school and public park sites  
The subdivider shall determine if the tract of land to be subdivided appears in any adopted plan or policy document as a future public school, public park, greenway, or open space site by contacting the appropriate agency. The subdivider shall provide certification to the Subdivision Administrator or designated administrative agent to indicate whether or not the area proposed to be subdivided includes any identified future public school or public park site. If no certification is provided, the Subdivision Administrator or designee shall make the determination by contacting the appropriate agencies. If such site(s) are included in the area to be subdivided, the Subdivision Administrator or designee will notify the appropriate agency of the proposed subdivision and its effect on the future public site. The appropriate agency must decide within thirty days if it wishes to reserve the site for future acquisition. If the site is not to be reserved, then the subdivision will be processed in the normal fashion. If the agency does wish to reserve the site, then the subdivision will not be approved without such reservation. The appropriate agency will have eighteen months from the date of preliminary plat approval to acquire the site by purchase, receipt of a dedication or by initiating condemnation proceedings. If, at the end of the eighteen-month period, none of the actions listed above have commenced, the subdivider may consider the land free of any reservation.
- (K) Proposed Street Names  
Proposed street names shall be coordinated with the Davie County E-911 coordinator or other designee.
- (L) Easements  
Easements established to the width and in the locations required by the consulting engineer, utility department, or the Town of Bermuda Run, shall be provided for open or piped storm drainage, sanitary sewers, water lines, and other utilities. This requirement applies to such lines installed at the time of the development of the subdivision, and to easements for such lines which may reasonably be expected to be installed in the future.
- (M) Proposed water and sewerage system  
The preliminary subdivision plan must be accompanied by satisfactory evidence as to the proposed method of providing potable water and a system of sanitary sewage collection and disposal. Where, at the time of preliminary plat approval, these systems are to be a part of the public water and sanitary sewerage system, the

preliminary subdivision plat shall be accompanied by a complete set of construction plans for the proposed systems, prepared by a registered engineer, which shall be required to meet the standards established by said utility owner/operator for connection to the system upon completion and dedication. Where, at the time of preliminary plat approval, the proposed systems to serve more than one structure do not contemplate the use of public, the proposed systems must be reviewed and approved by the agency or agencies with jurisdiction over the approval. This shall also include, but not be limited to, review and approval by the Town of Bermuda Run, Davie County Utilities, and the North Carolina Department of Environment and Natural Resources to establish that construction plans meet public utility standards for adequacy and compatibility with the public system(s) in order to provide for the future orderly development of the Town. Whether the proposed system serves one (1) structure or more than one (1) structure, the developer must provide evidence prior to preliminary plat approval of the required discharge permit or a perk test for sewage disposal on each lot, whichever is applicable. Where lots are to be served by septic tank systems, the preliminary plat and the final plat shall clearly label any lots which do not perk and for which a building permit shall not be issued until alternate sewage disposal methods are available to such lots. Prior to final plat approval, evidence must be provided that both the sewage and water system designs have been approved for construction. Prior to the issuance of any certificate of occupancy for any structure, evidence must be provided that both the water and sewer systems have been approved and are operational for the structures in question. Where local standards exceed those of state or federal agencies and where those standards may be enforced over those of state or federal agencies, then the Town of Bermuda Run will coordinate all reviews for such standards. However, the approval of the proposed systems remains with the responsible agency or agencies, which may include the Town of Bermuda Run.

- (N) Utilities  
All utility lines in new subdivisions shall be buried underground in accordance with utility provider standards.
  
- (O) Restrictions on the subdivision of land subject to flooding  
Lots that are subject to flooding shall not be established in subdivisions except as provided in the Town of Bermuda Run Flood Damage Prevention Ordinance.

## 7.2 Design Standards for Streets

### (A) Compliance with State Standards and Adopted Plans

- (1) With the exception of arterials shown in the Comprehensive Transportation Plan or Town of Bermuda Run Comprehensive Plan, the developer is responsible for the construction of street improvements within a subdivision.
- (2) All public streets must be constructed to comply with all applicable Town or state requirements. The latest edition of the North Carolina Department of Transportation, Division of Highways, Traditional Neighborhood Development (TND) Guidelines, shall serve as a minimum guidelines for street design. Public improvements will be made in accordance with adopted plans, programs, and budgets. It shall not be expected that the occurrence of development will result in the immediate installation of public street improvements by the public sector unless those improvements are scheduled and funded in accordance with public policies and programs.
- (3) Minimum standards for private streets shall be as set forth by the North Carolina Department of Transportation with respect to horizontal and vertical geometry, sight distance, materials and quality of construction. The minimum street width shall be 20 feet from paving edge to paving edge. Street design and final construction quality shall be certified by a professional engineer licensed to practice in North Carolina. Geotechnical Reports indicating subgrade competence shall be provided with the street certification.

(B) Street Cross-Section Requirements

Zoning District	Street Type	Minimum Facility Requirements					
		Minimum Right-of-Way Width	Type and Location	Min. Path Width	Min. Bike Lane Width	Min. Buffer Width	Curb and Gutter
All Districts	Arterials (158 & 801)	As required by NCDOT	Shared use path on one side	8 feet	5 feet marked	7 feet	As required by NCDOT
TC	Collector	70 feet	Sidewalk and marked bike lanes on both sides	10 feet	5 feet marked	6 feet	Required
	Local	<ul style="list-style-type: none"> <li>• 60 feet-on-street parking</li> <li>• 50 feet-no on-street parking</li> </ul>	Sidewalks on both sides	6 feet	Share outside lane	6 feet	Required
GB	Collector	70 feet	Sidewalk and marked bike lanes on both sides	6 feet	5 feet marked	6 feet	Required
	Local	60 feet	Sidewalks on both sides	6 feet	Share outside lane	6 feet	Required
CM	Collector	70 feet	Sidewalk and marked bike lanes on both sides	6 feet	5 feet marked	6 feet	Required
	Local	<ul style="list-style-type: none"> <li>• 60 feet-on-street parking</li> <li>• 50 feet-no on-street parking</li> </ul>	Sidewalks on both sides	6 feet	Share outside lane	6 feet	Required
VC	Collector	70 feet	Sidewalk and marked bike lanes on both sides	6 feet	5 feet marked	6 feet	Required
	Local	<ul style="list-style-type: none"> <li>• 60 feet-on-street parking</li> <li>• 50 feet-no on-street parking</li> </ul>	Sidewalks on both sides	6 feet	Share outside lane	6 feet	Required
RM	Collector	70 feet	Sidewalk and marked bike lanes on both sides	6 feet	5 feet marked	6 feet	Required
	Local	<ul style="list-style-type: none"> <li>• 60 feet-on-street parking</li> <li>• 50 feet-no on-street parking</li> </ul>	Sidewalks on both sides	6 feet	Share outside lane	4 feet	Required
CR	Collector	60 feet	Sidewalk and marked bike lanes on both sides	6 feet	Share outside lane	6 feet	Required
	Local	50 feet	Sidewalks on both sides	6 feet	Share outside lane	4 feet	Required
OS	Collector	70 feet	Sidewalk and marked bike lanes on both sides	6 feet	Share outside lane	6 feet	Optional
	Local	50 feet	n/a	n/a	Share outside lane	n/a	Optional

(C) Access Management and Connectivity

New streets shall be designed in relationship to adjoining property and land uses. Except where the Planning Board determines that a different scheme is more appropriate, the proposed street system shall extend existing and projected streets at no less than the required minimum width for the classification of the street and shall be in conformance with the following criteria:

(1) Connection to Adjoining Property

Proposed streets shall be extended to the boundary of the development for connection to existing streets on the boundary of adjoining property or for future connection. Cul-de-sacs shall not be used to avoid connection with an existing street to avoid the extension of a thoroughfare or collector street, or to avoid connection to adjoining property. In general, cul-de-sacs shall not be used to provide access to development on the boundary of the development. Streets ending in cul-de-sacs shall not exceed 250 feet in length unless necessitated by topography or property accessibility and specifically approved by the Planning Board. Measurement shall be from the point where the centerline of the dead end street intersects with the centerline of a general circulation street to the center of the turnaround of the cul-de-sac. Where one cul-de-sac extends from another cul-de-sac, the end of each cul-de-sac shall be no more than 800 feet from a general circulation street as measured by the centerline of the streets.

(2) Connection to State Streets

An approved NCDOT permit is required to connect to any existing state system street.

(3) Restriction of Access

Where a development abuts or contains an existing or proposed thoroughfare, the Town may require marginal access streets, reverse frontage or such other treatment, as may be necessary for adequate separation of through and local traffic.

(4) Reserve Strips and Half Streets

Reserve strips and non-access easements adjoining street rights-of-way for the purpose of preventing access to or from adjacent property (except those required by the Town to prevent access to thoroughfares) and half-streets shall not be permitted under any condition.

(5) Secondary Access

At least two (2) entry points, constructed to NCDOT road standards, shall be provided in developments that contain 100 or more dwelling units and to all lots within the development. Alternatives may be allowed by the Planning Board if the curb cuts for the two (2) accesses cannot meet the minimum distance allowed according to NCDOT regulations at any location.

(6) Fire Access

For developments of greater than 30 lots, a minimum 30 foot secondary access easement is required for Fire Department access. The easement shall be cleared so that a fire truck may pass, but does not have to be improved to public road standards.

(7) Street Alignment and Separation

(a) Streets shall be designed so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle of less than 60 degrees. Streets crossing natural areas or streams shall cross at or near to right angles as possible within limits of topographic conditions. Offset intersections shall be avoided. A minimum intersection offset of 200 feet shall be maintained. See Subsection (3) for more detailed intersection offset requirements.

(b) Median breaks shall be provided to allow safe and efficient movement of traffic. The desirable spacing of median breaks shall be at 1000 foot intervals, with the minimum allowable spacing to be at 500 foot intervals.

(c) Intersections of roadways controlled by a traffic signal should be spaced along roadways at the following intervals:

Street Category	Interval Spacing
Major or Minor Arterial	2,620 feet
Collector	1,310 feet
Local	1,000 feet

(d) Four-legged intersections not controlled by a traffic signal should be spaced along roadways at the following intervals:

Street Category	Interval Spacing
Major or Minor Arterial	1,000 feet
Collector	750 feet
Local	300 feet

(e) Three legged intersections not controlled by a traffic signal should be spaced along roadways at the following intervals:

Street Category	Interval Spacing
Major or Minor Arterial	800 feet
Collector	500 feet
Local	200 feet

(D) Standards for Pedestrian and Bicycle Amenities

- (1) The standards of this Section are derived from the *Walkable Bermuda Run Plan* adopted in March 2009.
- (2) Applicability
  - (a) Only developments along existing streets where curb and gutter exist shall be required to install sidewalks along the existing street.
  - (b) All new duplex and multi-family residential developments with less than five (5) units per acre shall be exempt from meeting the standards set forth in this Section along any existing street.
  - (c) New single-family residential subdivisions shall be required to meet all sidewalk standards set forth herein for any new street constructed and to extend facilities along existing streets abutting the new subdivision whenever such streets intersect the new street(s) and such extensions will connect the new subdivision to an existing or planned sidewalk network. Where more than one existing street abuts the property, the Planning Board may waive the requirement for facilities along one of these streets.
  - (d) Existing non-residential development shall be exempt from the requirements set forth herein; however, unless otherwise exempt, redevelopment of the site into a new commercial retail or office use shall subject the new development to all requirements that may apply.
  - (e) All properties within the Open Space district are exempt from the requirements set forth herein.
  - (f) Bicycle lanes shall not be required along any existing street, but may be constructed by the Town or NCDOT as funding permits.
  - (g) Greenways shall not be required, but may be permitted according to the standards of this Section and in conformance with the Yadkin River Greenway Feasibility Study.
  - (h) The Town Council may, at its discretion, require any petitioner requesting voluntary annexation to install sidewalks, signage, or pedestrian crossings consistent with the standards set forth herein as a condition of annexation. The council may also alter or waive any standard, which, in its opinion, cannot reasonably be met by the petitioner.

### (3) Sidewalk Standards

- (a) For Town maintained streets, the North Carolina Department of Transportation, Division of Highways, Traditional Neighborhood Development (TND) guidelines, as amended, shall serve as a minimum guideline for design. In addition, street standards as set forth in this section of the subdivision regulations shall control.
- (b) Any new or expanding development along a thoroughfare designated in the Winston-Salem Metropolitan Planning Organization (MPO) Comprehensive Transportation Plan (CTP) shall dedicate the right-of-way necessary to meet the minimum right-of-way requirements for the designated cross section in the CTP.
- (c) All pedestrian and bicycle improvements shall meet AASHTO standards unless otherwise specified by NCDOT.
- (d) All pedestrian improvements shall be installed (or bonded as allowed by the Town) as required by this section.
- (e) Sidewalks shall be installed on both sides of all streets, except local streets in the OS district.
- (f) Sidewalks shall be the minimum width as indicated in the table in Section 7.2 (B).
- (g) Sidewalks shall be constructed of concrete, brick, or stone paving materials on a case-by-case basis or when consistent with an adopted Town streetscape plan.
- (h) Sidewalks shall remain clear of obstructions and shall maintain a minimum four (4) foot horizontal clearance. Outside of the throughway, the Town may permit sandwich board signs, street furniture, planters, and similar items to be placed on the sidewalk on a case-by-case basis whenever such items would not pose a threat to the health, safety or general welfare of the public using the sidewalk or adjacent street. Application to place any such items on a public sidewalk shall be made in writing to the Town Manager prior to placement.
- (i) Vertical clearance along all sidewalks shall be at least eight (8) feet.

### (4) Bike Lane Standards

- (a) Bikes shall share the road along all local streets and collector streets. New vehicle travel lanes and improvements shall be wide enough (12-14 feet)

to accommodate the cyclist. Where bikes share the road, signs shall be installed along roads at regular intervals reminding motorists to watch for cyclists.

- (b) Unless a shared use path is installed, bike lanes shall be designated and installed on arterials by NCDOT or the Town as funding and right-of-way permit.
- (c) Vertical clearance along all bike paths shall be at least 10 feet.

(5) Street Buffer Standards

- (a) Street buffers shall be located in the street right-of-way between sidewalks or paths and vehicle travel lanes shall meet the width standards set forth in Section 7.2 (B).
- (b) Buffers along collector streets shall be planted with canopy trees. Planting requirements for street trees shall meet the standards set forth in Chapter 5 of the Zoning Ordinance.
- (c) Buffers in the Town Center district may include below ground utilities and, on the day of trash pickup, trash cans. Street furniture (benches, waste receptacles, etc.) and mail boxes are permitted provided they are free of advertising or attribution.
- (d) Signage in the buffer is prohibited, except for traffic or identification signs erected by the Town or NCDOT.
- (e) Parking in buffers shall be prohibited.

(6) Greenway Standards

Greenways shall be constructed to the standards set forth in Chapter 10 of the Zoning Ordinance.

(7) Signalization, Crossings, and Traffic Calming

- (a) All sidewalks, bike lanes, and shared use paths shall use pavement markings, signage and signalization that conforms to the standards set forth in the *Manual on Uniform Traffic Control Devices*.
- (b) All road crossings shall be designed to safely and conveniently accommodate all users of the facility intersecting the roadway.
- (c) Midblock crossings shall be required along local streets and collector streets where the Town determines that the length of the street and/or the

amount of non-motorized traffic demand such a crossing and where such crossing can be installed safely.

- (d) Traffic calming design and devices are encouraged and may be required along certain streets where the Town or NCDOT determines that the potential speed of motorized traffic may be dangerous or discouraging to non-motorized traffic.

(E) Design standards for alleys

For alleys, whether public or private, the North Carolina Department of Transportation, Division of Highways, Traditional Neighborhood Development (TND) Guidelines, as amended, shall serve as a minimum guideline for design. In addition, standards as set forth in the Town of Bermuda Run Zoning Ordinance and this section of the subdivision regulations shall control. The Town may impose additional standards or waive one or more required standards whenever, in its opinion, such standards are necessary to ensure public safety and the integrity of the public street system or, conversely, the waiver of such standards will not result in a degradation of public safety or the integrity of the public street system.

(F) Existing Streets

Along existing streets, neither right-of-way dedication nor reservation is required unless:

- (1) An existing street has a right-of-way less than 60 feet wide and will provide access to the subdivision, in which case a right-of-way up to thirty feet on each side of the centerline may be required to be dedicated; or
- (2) An existing street will provide access to the subdivision and volume of traffic projected to be generated by the subdivision necessitates intersection and/or other improvement(s), in which case dedication of right-of-way sufficient for the subdivision developer to make intersection and/or other improvements to serve said subdivision may be required.
- (3) The Town Council, after consulting applicable plans and programs and appropriate county, state, and/or federal officials, is responsible for classifying streets or segments thereof within the zoning and subdivision jurisdiction of the Town of Bermuda Run.

(G) Arterial street right-of-way (new streets)

Whenever a tract of land to be subdivided includes any part of a planned arterial or extension of an existing arterial street shown on the adopted Comprehensive Transportation Plan (CTP) or Town of Bermuda Run Comprehensive Plan, and whenever a right-of-way for such a street has been further defined by acceptable locational procedures sufficient to identify properties to be affected, a right-of-way for the arterial street must be platted in the location and to the width specified in the plan. The subdivider is responsible for the dedication and/or reservation of the

right-of-way in accordance with the provisions of this section. The entire right-of-way (that which has been reserved and that which has been dedicated) must be shown as such on the final plat. All measurements involving minimum lot standards under this ordinance and under the Zoning Ordinance will be made at the edge of the full right-of-way.

- (H) **Block Lengths and Widths**  
Block lengths and widths shall comply with the Bermuda Run Zoning Ordinance.
- (I) **Street Trees**  
The developer shall install street trees in accordance with the requirements of the Bermuda Run Zoning Ordinance.
- (J) **Street Lights**  
Street lighting will be installed in each new subdivision pursuant to a street lighting plan which shall be submitted to the Town Manager for approval. This shall be the responsibility of the developer. Street lights shall comply with minimum standards for lighting set forth in the Bermuda Run Zoning Ordinance.
- (K) **Street Signs**  
Standard street markers must be installed by the developer at one corner of all street intersections, including private streets, before any certificates of occupancy may be issued for buildings or residences along those streets. The design, material, location and installation of the signs must be in accordance with standards specified by the Town of Bermuda Run unless an alternative design is approved. Alternatives to the standard design for street markers may be submitted by the developer for consideration by the Town Council. If an alternative design is approved by the Town Council, responsibility for the installation, maintenance, and replacement of non-standard street markers remains with the developer and subsequently with the homeowners. If maintenance and replacement of non-standard street markers is not provided by the developer or homeowners, the Town shall install standard street markers as replacements are needed. All standard street markers will be maintained and replaced by the Town once initial installation has been completed by the developer.
- (L) **Barricades**  
Barricades must be installed at the end of all dead-end stub streets except cul-de-sac streets, which have been improved with a permanent turnaround, as required by this ordinance. Design, material and installation of the barricades must be in accordance with the Town of Bermuda Run standards. A sign shall be installed in accordance with Town standards stating the following: “This is a street stub that may connect to future development.”

(M) Installation

- (1) Unless specifically noted, before any final plat of a subdivision is eligible for final approval, and before any street is accepted for maintenance by the Town or the State Department of Transportation, minimum improvements (including drainage and soil erosion) must have been completed by the developer and approved by the Town of Bermuda Run, or other designated engineer, in accordance with state or Town standards whichever applies. Minimum improvements not completed and approved must be bonded in accordance with the provisions of Section 7.7 (B) (3) prior to final plat approval.
- (2) Satisfactory completion of these improvements, attested by approval of the Town of Bermuda Run, will qualify streets in the Town to be accepted for maintenance by the Town, and streets in the extraterritorial jurisdiction to be accepted for maintenance by the Town upon annexation or, in the case of state-standard streets, to be considered for maintenance by the state.

### **7.3 Design Standards for Lots**

- (A) Frontage on street  
Each lot shall have frontage on a street as required by the Bermuda Run Zoning Ordinance.
- (B) Side lines  
Side lot lines shall, as nearly as practicable, be at right angles or radial to street lines. Where side lot lines intersect at the rear of the lot, the angle of intersection shall not be less than sixty degrees.
- (C) Lot sizes  
Lot dimensions and yard dimensions are controlled by the Bermuda Run Zoning Ordinance.
- (D) Building lines  
Building lines shall be established on all lots in residential subdivisions and shall be determined on the basis of zoning district and classification of any abutting streets, existing or planned, in accordance with the Bermuda Run Zoning Ordinance.
- (E) Driveway connections  
Prior to the construction of any driveway or other connection within the right-of-way of a public street, a driveway permit must be secured from the North Carolina Department of Transportation or the Town of Bermuda Run, for a state or a local road respectively. However, in a residential major subdivision, access to individual lots from streets constructed as part of the subdivision shall be reviewed and approved at the time each zoning permit is issued and individual driveway permits will not be required on a lot-by-lot basis.

- (F) Lots Subject to Flooding  
Subdivisions and buildings are subject to the requirements of the Town of Bermuda Run Flood Damage Prevention Ordinance.

#### **7.4 Design Standards for Open Space**

Open space for residential subdivision shall be allocated and designed in accordance with the standards set forth in Chapter 10 of the Zoning Ordinance.

#### **7.5 Design Standards for Single-family Residential Driveways and Parking Areas**

- (A) All driveways and parking areas shall meet the design requirements established in the Zoning Ordinance.
- (B) The entrance to driveways and parking areas shall be paved with a minimum 10 foot wide apron made of asphalt or concrete which in material and installation meets NCDOT requirements as set out in 5-1.7(A) for street surfaces and which extends at least 10 feet from the edge of the public street to prevent washout into the public street and to protect the edge of pavement.
- (C) All driveways shall be set a minimum of 50 feet from the nearest street intersection corner.

#### **7.6 Design Standards for Drainage**

- (A) Storm drainage adequate to accommodate a 10-year storm must be provided throughout the subdivision by means of storm drainage pipe or properly graded channels or natural drainage. Where adequate storm drainage has been provided by means of approved storm drainage pipe and the necessary easements to provide access to the drainage facilities, in accordance with the standards of the Town, and has been dedicated and accepted or otherwise conveyed to the Town, the Town will assume the responsibility for maintenance of the drainage pipe. Where adequate storm drainage has been provided by means of properly graded channels or ditches, the maintenance thereof will remain the responsibility of the property owner and must be so noted on the final plat and on deeds for the affected lots.
- (B) In addition to drainage improvements as required by this section, the subdivider may provide for stormwater detention to serve the entire subdivision as part of the drainage plan to be approved by the Town of Bermuda Run. For the purposes of this Section, the subdivision shall include the streets, sidewalks, driveways, rooftops and other impervious surfaces proposed to be constructed upon completion of the subdivision.

- (C) Curb and gutter are required on new streets with the exception of rural street applications in the OS zoning district. Standard (raised) curb and gutter must be constructed on all arterial and commercial streets, and on Town streets or portions of Town streets which serve primarily urban functions. Standard or valley curb is permitted on all street types. This requirement may be waived for development sites if sheet flow drainage is directed into rain gardens or other bioretention cells constructed to the standards of Low Impact Development (LID): A Guidebook for North Carolina State University.

## **7.7 Installation, Acceptance and Maintenance of Improvements**

### **(A) Street Acceptance**

No department, officer, agent, or employee of the Town will accept for maintenance, lay out, open, improve, grade, pave or light any streets or authorize the laying of water mains, sewers, electrical service extensions or other facilities or utilities in any street within the Town unless:

- (1) Such street has been accepted or opened as, or has otherwise received the legal status of, a public street prior to the effective date of this ordinance; or
- (2) For any new street, such street corresponds in its location and lines with a street shown on a preliminary subdivision plan, tentatively approved by the Town Manager or designated administrative agent; or
- (3) Such street has been accepted as a public street by a vote of a majority of all the members of the Town Council or by the State of North Carolina; or
- (4) Such street has been accepted as a public street by the State of North Carolina; or
- (5) Such street is an approved private street built in conformance with the provisions of all applicable ordinances.

### **(B) Modification of Requirements; Bond**

- (1) In subdivisions adjoining already established streets that have been accepted for maintenance by the North Carolina Department of Transportation, the requirements of this Ordinance will apply as hereinafter provided; those requirements that would necessitate the general removal and reconstruction of established permanent pavements will not be applicable; where the adjoining established street is a part of the North Carolina Department of Transportation's street system, the adjoining street must be improved in accordance with either the requirements of the Town of Bermuda Run or the North Carolina Department of Transportation, whichever establishes the higher standard.

- (2) Plats for new lots fronting on already dedicated or established streets or roads that have not been accepted for maintenance by the Town Council or the North Carolina Department of Transportation or which have been accepted for maintenance by the North Carolina Department of Transportation, but have not been improved with a paved roadway, will be eligible for final approval when the requirements of this Ordinance have been complied with as closely as may be reasonably required considering the existing condition of the road, the extent of area to be platted and the cost of required improvements in relation to the comparative benefits to accrue to the subdivider and the other owners of property on both sides of the street or road.
- (3) Where the improvements required by this Ordinance have not been completed prior to the submission of the final subdivision plat for approval, the approval of the plat will be subject to the owner filing a surety bond or an irrevocable letter of credit with the Town Manager or designated agency, in an amount to be determined by the Town Manager in consultation with the Town's consulting engineer, and affected agencies such as the department of environmental health, with sureties satisfactory to the Town Manager in order to guarantee the installation of the required improvements, allowing credit for improvements completed prior to the submission of the final plat. For landscaping required by this Subdivision Ordinance, the developer shall provide a contractor's estimate for provision and installation of such landscaping, the estimate shall be reviewed for adequacy, and a surety bond or irrevocable letter of credit sufficient to guarantee the provision and installation of required landscaping shall also be filed in the manner provided above. Upon completion of the improvements and the submission of "as built" drawings, written notice thereof must be given by the subdivider to the Town of Bermuda Run. The Town Manager will arrange for an inspection of the improvements and if found satisfactory, will within 30 days of the date of such notification authorize in writing the release of the security given, subject to the warranty requirement below.

(C) Maintenance Guarantee

All improvements required by this Ordinance shall be guaranteed against defects in workmanship and materials by the subdivider for a period of one (1) year from the date of the filing of the final plat or the date of the completion of the improvement, whichever is later. The subdivider shall file with the Town Manager a maintenance bond with adequate sureties in an amount determined by the Town Manager or consulting engineer to be sufficient to assure proper maintenance and repair of such improvements for the one (1) year warranty period.

(D) Inspection

- (1) The Town of Bermuda Run must be notified two (2) days in advance of the work to be started so that an authorized representative of the Town or other responsible agency may be assigned to make any and all necessary inspections of the work performed.

- (2) The inspector must be allowed access to all parts of the work, and must be furnished with every reasonable facility to ascertain whether or not the work as performed is in compliance with the specifications.
- (3) No materials may be placed nor any work performed except in the presence of the inspector without special permission of the appropriate agency. Such inspection, however, does not relieve the contractor from any obligation to perform all of the work strictly in accordance with the specifications.
- (4) In the case of any disputes arising as to the material furnished or the manner of performing the work, the inspector will have authority to reject materials or suspend work until the question or issue can be referred to and decided by the appropriate agency. The contractor must remove any work or material condemned as unsatisfactory by the inspector and must rebuild and replace the work or material to the standard required by the specifications, all at his or her own expense.

## **CHAPTER 8. ENFORCEMENT**

- (A) After the effective date of this ordinance, a plat of a subdivision within the jurisdiction of this ordinance which is filed or recorded in the office of the register of deeds of Davie County without the approval of the Town of Bermuda Run will be null and void for purposes of this ordinance.
  
- (B) Any person who, being the owner or the agent of the owner of any land located within the area of jurisdiction of this ordinance, subdivides 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 register of deeds of Davie County except in strict conformity with G.S. 160A-375(b) shall, upon conviction, be guilty of a misdemeanor which shall be punishable by a fine not to exceed five hundred dollars, or imprisonment for not more than thirty days for each and every offense. The Town of Bermuda Run through the Town attorney may enjoin such transfer or sale by action for injunction. All administrative actions relating to such land, including the issuance of any grading, construction, building, or occupancy permit will be suspended. This ordinance will not affect the sale or transfer of any land, a plat of which was recorded prior to the effective date of this ordinance.
  
- (C) In order to properly enforce the provisions of the subdivision regulations as stated in this ordinance prior to the beginning of any construction, reconstruction, use, or alteration of any land, building, or structure, the appropriate permit must be obtained from the planning department. No permit will be issued unless there has been a determination made that the proposed use, building, or structure complies with the requirements of this ordinance. The Town may request that all building permits for any portion of an illegal subdivision be denied.

## **CHAPTER 9. APPLICATION AND PROCESSING FEES**

- (A) Fees for the submittal of preliminary and/or final subdivision plats shall be established, and from time to time revised, by the Town Council of the Town of Bermuda Run and shall be collected when a subdivision application is submitted. Fees shall be collected by the Town Manager, employees under his or her direction, or an administrative agent designated by the Town Council to administer the Subdivision Ordinance.
  
- (B) Fees for variances and appeals of administrative decisions or interpretations shall be in accordance with the fee schedule established by Bermuda Run's Town Council and shall be collected by the Town Manager or employees under his or her direction at the time a variance or appeal is submitted.