

If the 2nd year of the service is cancelled, an additional \$49,925.00 will be due.
If the 3rd year of the service is cancelled, an additional \$26,349.00 will be due.
If the 4th year of the service is cancelled, an additional \$30,649.00 will be due.
If the 5th year of the service is cancelled, an additional \$52,664.00 will be due.
If the 6th year of the service is cancelled, an additional \$28,889.00 will be due.

Each year represents a 12 month period beginning with the effective date of the contract, rather than the actual calendar year. The Owner will be given the opportunity to schedule the yearly work at any time during the 12 month period that represents the contract term. The annual premium is due within 30 days of the contract date.

INCOME MAINTENANCE II POSITION

County Manager Heath stated that this request was not received until after the Agenda Packet was mailed out. Susan Chaney is recommended the promotion of Beverly Pulley to the Income Maintenance II (Family & Children’s Medicaid) position effective November 1, 2012. She will be working against the status until April, 2013 and then become eligible for full Income Maintenance II. She will be paid at a Grade 61/Step 3 at \$26,020 effective November 1, 2012 until April, 2013. In April, 2013, she will be paid at Grade 63/Step 1 at \$27,061. On motion made by Sue Weimar, seconded by Edward R. Muzzulin, the Board unanimously approved Ms. Chaney’s recommendation.

PLANNING ITEM

Donna Godfrey, Planner, presented a request from Albemarle Plantation Property Owners’ Association to release Subdivision Bond and Surety Rider for the water, sewer and roads in Belmont (Section JJ) Blocks, 2, 3, and 4. She had received a verbal request from Kip Peregoy, General Manger of Albemarle Plantation, to release the \$873,542.50 Subdivision Bond currently being held to guarantee completion of the water, sewer and roads in Belmont, Section JJ, Blocks 2, 3, and 4. Mr. Kip Peregoy was present if the Board had any questions. Ms. Godfrey had received and is reviewing the following documentation: (1) Road Maintenance Agreement; (2) Articles of Incorporation of Albemarle Plantation Property Owners Association, Inc. (APPOA); (3) Change of Registered Agent (for AAPOA); (4) Non Warranty Deed from Albemarle Plantation Holdings, LLC, to APPOA (conveying Common Areas in Phase I); (5) Subdivision Bond in the amount of \$873,542.50; (6) Surety Rider; and (7) Construction Materials Testing Report for Thoroughbred Way Extension and Associated Connector Roadways. Ms. Godfrey explained that Mr. Peregoy had brought her the minutes of the APPOA Board meeting that she had requested. Ms. Godfrey said that the Planning staff had no problem with releasing this bond pending the following things being accomplished: (1) Albemarle Plantation needs to redo the Road Maintenance Agreement to remove the County Manager’s signature; (2) she would like to do one more site visit to make sure she was okay with the improvements; and (3) verify with County Attorney that there were no other concerns regarding the release of the Subdivision Bond. County Manager Heath asked if all the roads have been paved and all the water lines installed. Ms. Godfrey said that the roads have been paved and she had talked with Russ Chappell, Water Distribution Supervisor, and he told her that the waterlines were installed. County Manager Heath asked if APPOA was going to be responsible for maintaining the roads and any improvements. Ms. Godfrey said that they understood that. Commissioner Muzzulin asked who the actual owner of the roads was. Ms. Godfrey said Albemarle Plantation Property Owners Association. Mack E. Nixon made a motion to approve request for release of Subdivision Bond for Belmont, Section JJ, Blocks 2, 3, and 4, conditioned upon submittal of additional materials or information as follows: (1) revision of Road Maintenance Agreement to remove County Manager’s signature line; (2) site visit by County staff to verify that the roads are in keeping with the horizontal alignment shown on recorded Final Plats Under Bond; (3) and concurrence by County Attorney of no other concerns regarding the release of Subdivision Bond. The motion was seconded by Sue Weimar. Commissioner Tammy Miller-White asked if the Minutes that Ms. Godfrey was provided tonight are valid. Ms. Godfrey said that would be one thing that the County Attorney will review and verify that they are in compliance with what is required. The Chairman called for a vote and the motion was unanimously approved by the Board.

PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

There being no further business to discuss, the Regular Meeting was adjourned by the Chairman at 8:30 p.m.

Benjamin C. Hobbs, Chairman

Clerk to the Board

REGULAR MEETING
December 3, 2012
6:45 p.m.

The Perquimans County Board of Commissioners met in a regular meeting on Monday, December 3, 2012, at 6:45 p.m. in the Commissioners’ Room located on the first floor of the Perquimans County Courthouse Annex.

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| MEMBERS PRESENT: | Benjamin Hobbs, Chairman | Janice McKenzie Cole, Vice Chair |
| | Tammy Miller-White | Mack E. Nixon |
| | Edward R. Muzzulin | Sue Weimar |
| MEMBERS ABSENT: | none | |
| OTHERS PRESENT: | Frank Heath, County Manager | Will Crowe, County Attorney |
| | Mary Hunnicutt, Clerk to the Board | |

After the Vice Chair called the meeting to order, Commissioner Nixon gave the invocation and the Vice Chair led the Pledge of Allegiance. The meeting was turned over to the Chairman who stated that the first item of business was to hold several Public Hearings.

PUBLIC HEARINGS

Administrative Text Amendment TXT-12-01SR

Chairman Hobbs opened the first Public Hearing stating that the purpose of the public hearing was to receive public comments on the proposed Administrative Text Amendment TXT-12-01SR to establish a Road Classification System and Map to identify street types defined by the Subdivision Regulations and NCDOT – to be used for reference purposes in making future land use and transportation decisions, with changes to Articles IV & VII and creation of Appendix A. There were twenty-five people present. The Chairman recognized Donna Godfrey, County Planner, who gave an overview of the proposed Administrative Text Amendment. Ms. Godfrey said that, at their meeting on November 13th, the Planning Board recommended approval of the proposed Draft Ordinance, to establish the Rural Road System Classification and Map and related definitions and cross references, and to reformat and correct typographical errors in Articles IV and VII and create Appendices “A-1” and “A-2” of the Subdivision Regulations. The proposed Road System Classification and Map was produced seven years ago but never adopted by the County. The Board’s adoption of the updated Map is recommended at this time as a prerequisite to changes proposed in the proposed Administrative Text Amendment TXT-12-02SR being considered later in the meeting tonight. In anticipation of the Board’s approval tonight, said Map has been updated by the staff of the North Carolina Division of Community Assistance (NCDCA), to reflect North Carolina Department of Transportation (NCDOT)’s 2011 AADT (Annual Average Daily Traffic) data. In addition, NCDCA staff recommended adding a “Minor Arterial” designation for NC Highway 37 as reflected on the map. The Draft Ordinance proposed to do the following:

- 1) Rename Section 402K from “Access to Streets” to “Access Management,” and new Subsection 401K1) to establish the “Rural Road System Classification;”
- 2) Add new and revised definitions in Article VII which are easier to understand and which apply to the County’s existing road network;
- 3) Create Appendix to identify existing facilities by road type, including Exhibit A-1, Road System Classification (map dated 10-30-12) and Exhibit A-2, Roadway Functional Classifications (listing dated 11-26-12 to remove the names of Local Roads); and
- 4) Reformat and correct typographical errors throughout Section 402 (form over substance changes).

Ms. Godfrey said that Commissioner Cole had given her several typographical errors on the Draft Ordinance. She would ask that the Board consider these also when taking action on this Draft Ordinance. The proposed Draft Ordinance No. 84 is as follows:

*-Beginning of Ordinance document to be recorded-
 Administrative Text Amendment No. TXT-12-01SR
 Perquimans County Subdivision Regulations,
 Articles IV and VII and Appendix A
 Establish Road System Classification System Map & related Road definitions*

DRAFT ORDINANCE NO. 84

AN ORDINANCE OF PERQUIMANS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF NORTH CAROLINA, AMENDING, ADDING AND REPEALING SECTIONS OF THE PERQUIMANS COUNTY SUBDIVISION REGULATIONS AS ADOPTED BY ORDINANCE NO. 19, AS PREVIOUSLY AMENDED; THIS ORDINANCE ESTABLISHES THE RURAL ROAD SYSTEM CLASSIFICATION AND RELATED DEFINITIONS AND REFORMATS AND CORRECTS TYPOGRAPHICAL ERRORS IN ARTICLES IV AND VII, AND CREATES APPENDICES “A-1” MAP & “A-2” LISTING OF EXISTING ROADWAY FUNCTIONAL CLASSIFICATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PERQUIMANS COUNTY, NORTH CAROLINA THAT:

Section 1. Perquimans County Ordinance No. 19 (Subdivision Regulations), as previously amended, is hereby amended by revising **Articles IV and VII to establish the Rural Road System Classification and related definitions and reformatting and correcting typographical errors therein and creating Appendices “A-1” Map & “A-2” Listing of existing Roadway Functional Classifications**, by adding and/or substitution the following excerpts of Articles IV and VII and new Appendices A-1 & A-2 attached hereto as **Exhibits A, B and C**, respectively, and incorporated herein by reference, in its stead;

Section 2. Severance Clause. It is the intent of the Board of County Commissioners of Perquimans County, North Carolina, and it is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance; and

Section 3. Effective Date. This Ordinance shall take effect upon its passage and enactment. This Ordinance shall be recorded in a book kept and maintained by the Clerk of the Board of County Commissioners of Perquimans County, North Carolina.

PASSED AND ENACTED by the Board of County Commissioners of Perquimans County, North Carolina, this _____ day of _____, 20____.

**BOARD OF COUNTY COMMISSIONERS OF
PERQUIMANS COUNTY, NORTH CAROLINA**

By: _____
Chairman

ATTEST:

Mary P. Hunnicutt, Clerk to the Board
Effective Date: _____

**Exhibit “A”
“ARTICLE IV: MINIMUM DESIGN STANDARDS**

Section 401 Suitability of Land: Land subject to flooding, improper drainage, erosion, or that is for topographical or other reasons unsuitable for residential use as determined by the Planning Board, shall not be platted for residential use nor for any other uses that will continue or increase the danger to health, safety, or property unless the hazards can be and are corrected.

Section 401.1 Prevention of Flood Damage: All development must comply with the requirements of the Perquimans County Flood Hazard Ordinance.

Section 401.2 Fill Areas: Areas that have been used for the disposal of solid waste shall not be subdivided into commercial or residential building sites. This shall include those areas that have been used for the disposal of trash, demolition waste, and other waste materials.

Section 402 Improvement Design Standards: The following shall be considered the minimum requirements for all new subdivisions.

- A) **Streets:** All streets shall be constructed to meet North Carolina Department of Transportation Standards regarding paved roads.
- In any new subdivision, the street layout shall conform to the arrangement, width and location indicated on any official plans or maps for Perquimans County. In areas for which such plans have not been completed, the streets shall be designed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, and to the proposed use of land to be served by such streets.
- The proposed street layout shall be made according to good land planning practice for the type of development proposed, and shall be coordinated with the street system of the surrounding areas. All streets must provide for the continuation of appropriate projection of principal streets in surrounding area and provide reasonable means of ingress and egress for surrounding acreage tracts.

Any tract of land containing in total five acres or more may leave at least one 45 ft right-of-way in the center of the lots platted. Depending on the configuration of the property, the developer may be required by the Planning Board to plat and/or construct two 45 ft right of ways at points to be determined by the board prior to recording of lots.

- 1) Minimum Street Right-of-Way Width
 - (a) Minimum street right-of-way width shall be as required by the Department of Transportation, Division of Highway Standards.
 - (b) For all subdivisions of 5 or more lots fronting on an existing State maintained road from single tract of land, the developer shall designate a right-of-way acceptable to the Planning Board to provide access to any remaining land behind the road front lots. In any case, the width of the right-of-way shall not be less than 45 feet.
 - 2) Pavement Width: Pavement width shall be constructed as required by the Department of Transportation, Division of Highway Standards.
 - 3) Street Grades: Unless necessitated by exceptional topography and subject to the approval of the Planning Board, the grades shall meet the requirements of the Department of Transportation, Division of Highway Standards.
 - 4) Radii of Curvature: When a continuous street centerline deflects at any point by more than 10 degrees, such centerline shall follow the arc of a circle having a radius as follows:
 - (a) Major Streets 300 feet
 - (b) Collector Streets 200 feet
 - (c) Minor Streets 100 feet
 - 5) Tangents: A tangent at least 100 feet long shall be provided between reverse curves on all streets.
 - 6) Intersections
 - (a) Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than 60 degrees.
 - (b) Street jogs with centerlines offsets of less than 125 feet shall be avoided.
 - (c) Intersections with a major street or highway shall be at least 1000 feet apart.
 - (d) Property lines at street intersections shall be rounded with a minimum radius of 20 feet or of a greater radius when required by the Planning Board.
 - 7) Cul-de-sacs: Permanent dead end streets or cul-de-sacs shall be no longer than 1,000 feet in length and shall be provided at the closed end with a turn-around which meets the requirements of the Department of Transportation, Division of Highway Standards.
 - 8) Street Names and Street Signs: Street names for all subdivision plats shall be subject to approval of the Planning Board. New street names shall not duplicate or be similar to existing street names and existing street names shall be projected wherever possible. It shall be the responsibility of the developer to install street signs at the intersection of streets within his development. All signs shall be in accordance with the specifications as provided by the Perquimans County Board of Commissioners.
 - 9) Access Roads: Where a tract of land to be subdivided adjoins a federal or state highway, the subdivider may be required to provide a marginal access street parallel to the highway or reverse frontage on an interior street for the lots to be developed adjacent to the highway. If reverse frontage is required, then the subdivider shall be required to provide a ten-foot (10') easement parallel and adjacent to the right-of-way of the highway. Such easement shall be restricted to the planting of trees or shrubs for screening purpose and shall be in addition to all other easements required by this ordinance.
- B) Lots: Lot sizes, shapes and locations shall be made with due regard to topographic conditions, contemplated use, and the surrounding area. Land subject to flooding and land deemed by the Planning Board to be uninhabitable for other reasons shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard; but such land may be set aside for such uses as will not be endangered by periodic or occasional flooding, or will not produce unsatisfactory living conditions.
- 1) Every lot shall front or abut on a public or private street. Each lot shall have a minimum width and depth as established by the Perquimans County Zoning Ordinance, Article VII, Dimensional Requirements.
 - 2) Lots fronting on the turnaround portion of a cul-de-sac (dead-end) road may have a reduced lot width of no less than fifty (50) feet as measured at the front property line/road right-of-way as long as the standard lot width is provided at the actual building line, as applicable to the zoning district, including ninety (90) feet in the RA-15 Zone, one hundred twenty-five (125) feet in the RA-25, RA-43 and RA Zones, etc.
 - 3) Residential lots served by a community water system but lacking service by a community sewer system shall be at least 43,000 square feet.
 - 4) The subdivider, at his own expense, shall have the site investigated under the supervision of the Albemarle Regional Health Services and shall present proof in their Application for Subdivision that appropriate soil tests have been conducted and that each lot in the subdivision not served by a public sewage disposal systems has been approved by the Albemarle Regional Health Services for individual sewage disposal systems.
 - 5) All residential lots must be graded to allow for proper drainage. At a minimum, each residential lot must be properly graded to provide for adequate drainage of water away from the lot; each lot having a gradual slope of one (1) inch of increase in height for each ten (10 feet) and part thereof when measuring the lot from both side lot lines to the center point of the lot. The results of this requirement will be to create a contoured lot. Each lot must also be provided a 4':1' slope at the property lines; this will provide for adequate drainage of water away from the residential lot.
 - 6) Double frontage and reverse frontage lots shall be avoided, except where required to separate residential development from through traffic.
 - 7) Side Lot lines shall be substantially at right angles or radial to street lines.
 - 8) All lots shall conform to the minimum standards or dimensions noted herein and those contained in an applicable zoning ordinance, building codes, and other official regulation.
 - 9) Flag Lots shall be approved only where the configuration of the parcel or site features warrant such a lot design. Authorizing a flag lot design is intended to accommodate a particular extenuating circumstance which makes conventional lot design infeasible. Therefore, flag lots should be judiciously approved. Requests for the creation of more than one flag lot from the same parcel shall be reviewed by the Planning Board using the Major Subdivision review procedures. Flag lots requirements are as follows:
 - (a) Access shall be provided from the public road or an approved private road to the flag lot by means of an easement with a minimum width of 25 feet along the "pole."
 - (b) The area inside the "Flag" portion of the lot must satisfy the minimum lot area requirements for a conventional development within the underlying zoning district." The area considered the "Flag Pole" consists of that area from the road right-of-way to the "Flag" portion of the lot and shall not exceed 1,000 feet.
 - (c) Use of a single driveway to serve a flag lot and an adjoining conventional lot is permitted provided that a Shared Access Agreement is recorded in the Register of Deeds Office on the plat or in a separate document, in order to acknowledge the conditions under which the shared access will operate. The preferred location for the driveway is in the flagpole easement, with the Flag Lot granted an access easement over the flagpole.
 - (d) The flag portion of the flag lot must satisfy the minimum yard requirements of the applicable zoning district. The "building setback line" for the Front Yard runs parallel to the street and is measured from within the "Flag" part of the lot, not the "pole" part.
 - (e) Where applicable, a Driveway Permit shall be required from the North Carolina Department of Transportation (NCDOT). Failure to obtain a driveway permit shall result in denial of the flag lot.
 - (f) The minimum separation between the flagpole portion of the lot and that of another flag lot shall be guided by the minimum design standards governing lots.
- C) Blocks: Blocks shall be laid out with special attention given to the type of use contemplated.
- D) Easements: Easements centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least 10 feet wide.
- 1) 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 course, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.
 - 2) Lakes, ponds, creeks, and similar areas will be accepted for maintenance 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 acceptance of such dedicated area must be endorsed by the Planning Board before the Board of Commissioners will consider accepting it.
- E) Buffer Strips: A buffer strip of at least twenty (20) feet in width may be required by the Planning Board adjacent to a major street, railroad, farm, or a commercial or industrial development. This strip shall be in addition to the normally required lot dimension and shall be part of the platted lot. As directed by the Planning Board, this buffer strip shall be utilized by the subdivider for the planting of

vegetative screening or shall be reserved to the lot purchased for such purpose. The construction of buildings of any type within the buffer strip is prohibited.

- F) Utilities: Easements for underground utilities shall be provided where necessary across lots or preferably centered on rear or side lot lines and shall be at least ten (10) feet in width; or if located inside the street right-of-way shall meet the standards established by the N.C. Department of Transportation, Division of Highways.
- G) Fire Hydrants: Fire hydrants are to be installed every 1,000 feet apart, or no further than 500 feet from any lot within the subdivision.
- H) Monuments: Permanent monuments and other control points shall be installed in conformance with the North Carolina General Statutes and the Manual of Practice of Land Surveyors of North Carolina, State Board of Registration for Professional Engineers and Land Surveyors.
- I) Drainage (*formerly Subsection 402(18)*): See Currently Article V, Stormwater and Drainage Management Standards, Plan Requirements and Wetland Specifications.
- J) Erosion: Cut and fill shall be limited to affecting no more than fifty percent (50%) of the site. No cut or fill shall encroach closer than ten (10) feet to any exterior property line, or two (2) feet if part of an engineered Storm Water Management Plan. Fill shall not encroach on natural water courses, their floodplains or constructed channels in a manner so as to adversely affect water bodies or adjacent property owners. Sediment traps, basins and other control measures for limiting erosion will be installed per a state approved Erosion and Sedimentation Control Plan and will be reviewed and inspected by County Technical Staff members.

K) Access ~~to Streets~~ Management:

1) Rural Road System Classification: The Rural Road System Classification is established to help guide long range land use and planning decisions in order to recognize areas with future growth potential and to provide a framework for application of land development regulations. See Roadway Functional Classifications in Appendix A.

2) Traffic service and land access are necessary but conflicting functions of a highway system. Although minor collectors streets (such as secondary state roads) must provide both traffic service and land access, access is a secondary function and should be controlled to avoid jeopardizing the primary traffic service function. The following provisions are an attempt to lessen congestion, increase safety, promote quality development, and improve drainage by achieving access control. The provisions of this subsection do not apply to single-family residential dwellings on lots approved prior to December 1, 2004 or abbreviated plat review subdivisions of 4 lots or less.

- (a) The term “access control” refers to all techniques intended to minimize the traffic interference associated with driveway access, whether the use is commercial, industrial, or residential.
- (b) To separate basic conflict areas and gain some semblance of access control, techniques which will allow the reduction of driveway numbers or directly increase the spacing between driveways or between driveways and intersections will be required to the extent reasonably practicable to achieve the following limitations for driveway access in relation to highway frontage:

Number of Driveways	Frontages
1	For frontages less than 500 feet
2	For frontages between 500 feet and 1,000 feet
3	For frontages greater than 1,000 feet

- (b) Where highway speed is 55 mph, driveway spacing should be at 300 foot intervals or greater. Where highway speed is 45 mph or less, spacing should be at 230 feet or greater. All other driveway installation details (i.e. width, curve radius, etc.) shall be in accordance with NCDOT standards.

11-26-12: NOTE TO THE READER: Reference is made to the other Planning Item (Case No. TXT-12-02SR) for other Text Amendments proposed to Section 402K(2). The County's current regulations under Section 402K are shown above, along with proposed Section 402K(1) in underlined and/or highlighted fashion, for this current Case No. TXT-12-01SR only.

Exhibit “B”
“ARTICLE VII: DEFINITIONS

Section 701 Definition of a Subdivision: All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) as pertaining to Abbreviated (Minor) or Major Subdivisions 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 nor be subject to the regulations prescribed by this ordinance:

- A) The combination or re-combination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown by the regulations prescribed by this ordinance.
- B) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.
- C) The public acquisition by purchase of strips of land for the widening or opening of streets.
- D) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved, and where the resultant lots are equal to or exceed the standards of the County, as shown by the subdivision regulations contained in this ordinance.
- E) The gift by a property owner of a single lot to his or her child or grandchild or to each of his or her children or grandchildren where no new road is involved, provided that only one such gift per child or grandchild be made during a ten year period and where the resultant lot is equal to or exceeds the standards of the County as shown in these subdivision regulations and provided that the following restrictions are placed in the Deed of Gift to the child or grandchild:

"But this conveyance is made subject to the following restrictions which shall run with the land:

That prior to the sale or transfer of the aforesaid lot and right-of-way to anyone other than the Grantors or either of them or to a child or grandchild of the Grantors, the aforesaid lot shall be brought into compliance with the Subdivision Regulations of Perquimans County in effect at the time of the recording of the present Deed of Gift, including, but not limited to, regulations that require the construction of a paved access road to the lot and the installation of required utilities. However, these restrictions will not apply to any transfer made to secure a loan or to any sale or transfer of the property as part of a foreclosure proceeding or to any subsequent sale or transfer by a Mortgagee who or which has purchased the property at a foreclosure sale."

The burden shall be on any conveyor of land to provide proof why their conveyance does not constitute a subdivision. This proof must be presented to the Subdivision Review Officer.

Section 702 General Definition of Terms

- A) This Article contains most of the definitions for use with the Subdivision Regulations. Other definitions, however, may be located elsewhere in these regulations and should be used as indicated. For the purpose of this ordinance, certain terms and words used herein shall be used, interpreted and defined as follows:
 - 3) AADT: As defined by the North Carolina Department of Transportation, an AADT is an Annual Average Daily Traffic volume for all lanes in both directions passing a point on the highway system. It represents the average of all days during the year with typical traffic conditions. An AADT estimate is generated using procedures that comply with the standards specified in the Traffic Monitoring Guide published by the Federal Highway Administration.
 - 8) Collector Street: A street, which serves as the connecting street system between local residential streets and the thoroughfare system.
 - 30) Rural Roadway Classifications:
 - a) Arterial: A part of the roadway system serving as a principal network for through traffic flow:
 - (1) Principal Arterial: A rural link in a highway system serving travel, and having characteristics indicative of substantial statewide or interstate travel and existing solely to serve traffic. This network would consist of interstate routes and other routes designated as principal arterials (>/=5,000 AADT).
 - (2) Minor Arterial: A rural roadway joining cities and larger towns and providing intrastate and intercounty service at relatively high overall travel speeds with minimum interference to through traffic. This network would primarily serve traffic (2,500 to 4,999 AADT).

- b) Collector Road: A road which serves as the connecting road system between local residential roads and the arterial system.
- (1) Major Collector: A part of the roadway system serving as a principal network for through traffic flow. The routes connect areas of principal traffic generators (see Roadway Functional Classifications in Appendix A). A road which serves major intra-county travel corridors and traffic generators and provides access to the arterial system (1,001 to 2,499 AADT).
 - (2) Minor Collector: A distributor and collector roadway servicing traffic between Major Collectors and Local Roads (see Roadway Functional Classifications in Appendix A). In addition, roadways serving as major entrances to residential or commercial developments will be classified as Minor Collectors when the traffic volume is projected to exceed two thousand (2,000) vehicles per day (VPD) at build out. A road which provides service to small local communities and locally important traffic generators and provides access to the major collector system (101 to 1,001 AADT).
- c) Local Road: Any link not part of a higher-order system, which serves over relatively short distances primarily to provide direct access to adjacent or abutting land and access to higher systems. A local Roadway used primarily for direct access to Residential Driveways, Commercial Driveways, or other abutting roads. Some typical local roads may include but are not limited to cul-de-sacs, loop streets less than 2,500 feet in length, or streets less than one mile in length that do not connect collector roads, do not serve major traffic generators, and do not collect traffic from more than 100 dwelling units (<=100 AADT).
- 31) Roadways, Private:
- a) A street or road constructed in accordance with the County's Subdivision Regulations which is located within a right-of-way or access easement, owned by a property owners' association, private individuals or any entity other than Perquimans County, the State of North Carolina, or another local government. Ownership of Private Roadways serving residential development shall be vested jointly by all abutting land owners or in a property owners' association whose voting members include such abutting land owners. A developer retaining ownership of private roadways after construction and approval shall grant a recorded easement to all abutting properties which will provide for the use of the private roadways by all future lot owners, their guests, invitees, successors and assigns. The grant of easement may be accomplished by recorded plat; or
 - b) An undedicated private right-of-way which affords access to abutting properties pursuant to a State-mandated exception and which requires a subdivision streets disclosure statement in accordance with G.S. 136-102.6.
- 32) Roadway, Public: A street or road within a right-of-way owned by the North Carolina Department of Transportation or a local government entity. The roadway must have been dedicated or deed to, and accepted by, the governmental entity.
- 33) Shall: The word "shall" is always mandatory and not merely directory.
- 34) Single-Tier Lot: A lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.
- 35) Streets: A right-of-way dedicated to the public for vehicular traffic.
- ~~36) Freeway, Expressway, or Parkway: Divided multi-lane roadway designed to carry large volumes of traffic at relatively high speeds. A freeway providing for continuous flow of vehicles with no direct access to abutting property or streets and with access to selected crossroads provided via connecting ramps. An expressway is a divided highway with full or partial control of access and generally with grade separations at major intersections. A parkway is a highway for non-commercial traffic, with full or partial control of access, and usually located within a park or a ribbon of park-like development.~~
- 36) Frontage Road: A street that is parallel to a fully or partially access controlled street which functions to provide controlled access to adjacent land.
- 37) Half Street: A street whose center line coincides with a subdivision plat boundary, with one-half (1/2) the street right-of-way width being contained within the subdivision plat. Also, any existing street to which the parcel of land to be subdivided abuts on only one side.
- ~~38) Principal Arterial: A rural link in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel and existing solely to serve traffic. This network would consist of interstate routes and other routes designed as principal arterials.~~
- 38) Residential Collector Street Road: A local access street road, which serves as a connector street road between local residential streets and the thoroughfare system. Residential collector streets roads typically collect traffic from 100 to 400 dwelling units.
- ~~39) Private Street: An undedicated private right-of-way, which affords access to abutting properties and requires a subdivision streets disclosure statement in accordance with G.S. 136-102.6.~~
- ~~40) Major Collector: A road, which serves major intra-county travel corridors and traffic generators and provides access to the arterial system.~~
- ~~41) Major Thoroughfares: Major thoroughfares consist of interstate, other freeway and expressway links, and major streets that provide for the expeditious movement of volumes of traffic within and through urban areas.~~
- ~~42) Minor Arterial: A rural link in a network joining cities and larger towns and providing intrastate and intercounty at relatively high overall travel speeds with minimum interference to through movement. This network would primarily serve traffic.~~
- ~~43) Minor Collector: A road, which provides service to small local communities and links locally important traffic generators with their rural hinterland.~~
- 39) Minor Street Road: A street or road whose primary function is to provide access to abutting properties and is designed to discourage use by through traffic. Minor streets roads may also be referred to as "neighborhood" streets roads.
- ~~40) Minor Thoroughfares: Minor thoroughfares are important streets in the urban system and perform the function of collecting traffic from local access streets and carrying it to the Major Thoroughfare system by facilitating a minor through traffic movement and may also serve abutting property.~~
- ~~41) Local Residential Street: Cul-de-sacs, loop streets less than 2,500 feet in length, or streets less than one mile in length that do not connect thoroughfares, or serve major traffic generators, and do not collect traffic from more than 100 dwelling units.~~
- ~~42) Local Street: A local street is any link not part of a higher-order urban system, which serves primarily to provide direct access to abutting land and access to higher systems.~~
- ~~43) Arterial Street: A street connecting widely separated areas and designed to carry a large volume of traffic, which may be fast, heavy or both. Arterial streets are sometimes referred to as "major thoroughfares", "freeways", etc. and are usually numbered State or Federal Highways.~~
- 40) Structure: Anything constructed or erected, the use of which requires more or less permanent location on the ground of which is attached to something having more or less permanent location on the ground.
- 41) Subdivision: All divisions of a tract or parcel of land that does not qualify as an exempt subdivision according to Article VI VII: Definitions.
- 42) Subdivision, Abbreviated: A subdivision involving four or less lots (or one lot or more lots previous to a fifth lot from any given parent tract) fronting on an existing approved public street(s), not requiring any new public or private street(s) nor easements for access to interior property, not requiring extension of a public sewer or water line, and not requiring a waiver or variance from any requirement of this Ordinance. The term "Abbreviated Subdivision" is interchangeable with the term "Minor Subdivision."
- 43) Subdivision, Major: A subdivision involving more than four lots (or one or more lots subsequent to a fourth lot from any given parent tract) or requiring an access easement(s), or requiring a new public or private street(s) for access to interior property, or requiring extension of a public sewer or water line, or requiring a waiver or variance from any requirement of this Ordinance.
- 44) Subdivision, Minor: See definition of "Abbreviated Subdivision." The term "Minor Subdivision" is interchangeable with the term "Abbreviated Subdivision."
- 45) Subdivider/Developer: Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as defined in this ordinance.
- 46) Subdivision Review Officer or Subdivision Administrator: That person appointed by the County Commissioners to administer the provisions of this ordinance.

47) Through Lot or a "Double Frontage Lot": A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lot.

B) Reserved"

APPENDIX A – EXHIBIT 1: ROADWAY FUNCTIONAL CLASSIFICATIONS

Principal Arterials:	Ocean Highway North (U.S. Highway 17 North) Ocean Highway South (U.S. Highway 17 South)
Minor Arterials:	N.C. Highway 37 North (Belvidere Road) N.C. Highway 37 South (unnamed)
Major Collectors:	Center Hill Road (SR 1110) Old U.S. 17 Road (SR 1367) Woodville Road (SR 1329) New Hope Road (SR 1300) Harvey Point Road (SR 1336) Burgess Road (SR 1348) Holiday Island Road – between Burgess & Mathews Roads (SR 1347) Snug Harbor Road – north of Hemlock Road? (SR 1340)
Minor Collectors:	Joppa Road (SR 1203) Poplar Neck Road (SR 1115) Chinquapin Road (SR 1114) Hunters Fork Road (SR 1116) Beech Springs Road – east of Goodwin Mill Road (SR 1111) Goodwin Mill Road (SR 1111) County Line Road (SR 1002) Hickory Cross Road (SR 1205) Perrys Bridge Road (SR 1202) Bethany Church Road (SR 1200) Ridge Road (SR 1211) Sandy Cross Road (SR 1204) Turnpike Road (SR 1001) Bagley Swamp Road – between Fowler Fork & Belvidere Roads (SR 1215) Two Mile Desert Road (SR 1218) Four Mile Desert Road (SR 1223) Lake Road (SR 1221) Foreman Bundy Road (SR 1221) Swing Gate Road – between Lake & Hurdletown Roads (SR 1228) Old Hickory Road (SR 1226) Chapanoke Road (SR 1225) Weight Station Road (SR 1224) Body Road – easternmost segment (SR 1305) Hog Neck Road – southernmost segment (SR 1334) Woodland Church Road (SR 1303) Union Hall Road (SR 1302) Olde Neck Road – easternmost segment (SR 1302) Wynne Fork Road (SR 1338) Pender Road (SR 1339) Holiday Island Road – west of Burgess Road (SR 1347) Holiday Lane – south of Mathews Road (SR 1429) Perry Long Road (SR 1342) Hopewell Road – between Ocean Hwy. South & Burnt Mill Roads (SR 1343) Snug Harbor Road – south of Hemlock Road? (SR 1340)

Table created 11-26-12. Note: "Minor Collectors" and "Local Roads" may be reclassified based upon the AADT (Annual Average Daily Traffic) maps as published by the NCDOT, subject to AADT numbers supporting such reclassification in conjunction with road types as defined elsewhere in these Subdivision Regulations. Reclassification of other road types will require public hearing and approval by the Planning Board and Board of County Commissioners."

Insert here:
Appendix A – Exhibit 2
Map created 10-30-12

*-End of Ordinance document to be recorded-
Administrative Text Amendment No. TXT-12-01SR
Perquimans County Subdivision Regulations,
Articles IV and VII and Appendix A*

Establish Road System Classification System Map & related Road definitions

The Chairman opened up for public comments. There being none, the Chairman closed the first Public Hearing and proceeded with the second Public Hearing.

Administrative Text Amendment TXT-12-02SR

Chairman Hobbs opened the second Public Hearing stating that the purpose of the public hearing was to receive public comments on the proposed Administrative Text Amendment TXT-12-02SR, to change the standards, conditions and procedures pertaining to "Abbreviated" or "Minor" Subdivisions, with the intent to move the date under which such lots may be counted throughout the unincorporated County and to further increase the number of lots permitted under the process on Local and Minor Collector Roads, with changes to Articles III & IV of the Subdivision Regulations. There were thirty-one people present. The Chairman recognized Donna Godfrey, County Planner, who gave an overview of the proposed Administrative Text Amendment. Ms. Godfrey said that, at their meeting on November 13th, the Planning Board recommended approval of the proposed Draft Ordinance, to move the date under which "Abbreviated" or "Minor" Subdivision lots may be counted throughout the unincorporated County and to further increase the number of such lots on Local and Minor Collector Roads, with changes to Articles III and IV of the Subdivision Regulations. This proposed text amendment is in response to a citizen's request made during the August 14th Joint Work Session of the Planning Board and Board of County Commissioners. The Rural Road Classification System is recommended as a prerequisite to these proposed text amendments (see previous text amendment TXT-12-01SR). The text amendments, as proposed, would increase the total number of lots permitted under the Abbreviated Subdivision process on Local Roads and Minor Collector Roads (from four to six) and would provide an aggregate increase in the number of lots to all eligible parcels of land regardless of road type, by moving the date under which such lots may be counted (from October 2, 1978 to December 31, 1998). The Draft Ordinance proposes the following:

- 1) Revise Section 303.1A) to increase the number of Abbreviated Subdivision lots permitted on Local and Minor Collector Roads from four to six;
- 2) Revise Section 303.2A) to move the date under which such lots may be counted throughout the County from October 2, 1978 to December 31, 1998;
- 3) Revise Section 402K2) pertaining to Access Management, to establish the date of approval of the relaxed standards as proposed and to clarify which Abbreviated Subdivision qualify for exemptions to the driveway limitations (based on road type); and
- 4) Reformat and correct typographical errors throughout Section III.

The proposed Draft Ordinance No. 85 is as follows:

*-Beginning of Ordinance document to be recorded-
Administrative Text Amendment No. TXT-12-02SR
Perquimans County Subdivision Regulations,
Articles III and IV
Revise Abbreviated Subdivision Regulations
and related Access Management provisions*

ORDINANCE NO. 85

AN ORDINANCE OF PERQUIMANS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF NORTH CAROLINA, AMENDING, ADDING AND REPEALING SECTIONS OF THE PERQUIMANS COUNTY SUBDIVISION REGULATIONS AS ADOPTED BY ORDINANCE NO. 19, AS PREVIOUSLY AMENDED; THIS ORDINANCE AMENDS STANDARDS, CONDITIONS AND PROCEDURES IN ARTICLES III AND IV PERTAINING TO ABBREVIATED SUBDIVISIONS, BY MOVING THE DATE UNDER WHICH SUCH LOTS MAY BE COUNTED THROUGHOUT THE UNINCORPORATED COUNTY AND BY INCREASING THE NUMBER OF LOTS PERMITTED UNDER THE PROCESS ON LOCAL AND MINOR COLLECTOR ROADS, AND REFORMATTING AND CORRECTING TYPOGRAPHICAL ERRORS THEREIN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PERQUIMANS COUNTY, NORTH CAROLINA THAT:

Section 1. Perquimans County Ordinance No. 19 (Subdivision Regulations), as previously amended, is hereby amended by revising standards, conditions and procedures in Articles III and IV pertaining to Abbreviated Subdivisions by moving the date under which such lots may be counted throughout the unincorporated County and by increasing the number of lots permitted under the process on Local and Minor Collector Roads; reformatting and correcting typographical errors therein; by adding and/or substitution the following excerpts of Articles III and IV attached hereto as Exhibits A and B, respectively, and incorporated herein by reference, in its stead;

Section 2. Severance Clause. It is the intent of the Board of County Commissioners of Perquimans County, North Carolina, and it is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance; and

Section 3. Effective Date. This Ordinance shall take effect upon its passage and enactment. This Ordinance shall be recorded in a book kept and maintained by the Clerk of the Board of County Commissioners of Perquimans County, North Carolina.

PASSED AND ENACTED by the Board of County Commissioners of Perquimans County, North Carolina, this _____ day of _____, 20_____.

BOARD OF COUNTY COMMISSIONERS OF PERQUIMANS COUNTY, NORTH CAROLINA

By: _____
Chairman

ATTEST:

Mary P. Hunnicutt, Clerk to the Board
Effective Date: _____

Exhibit "A"

ARTICLE III:PROCEDURES FOR REVIEW & APPROVAL OF SUBDIVISION PLATS

Section 301 Plat Shall Be Required on Any Subdivision of Land: Pursuant to G.S. 153A-330, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this ordinance whenever any subdivision of land takes place.

Section 302 Approval Prerequisite to Plat Recordation: No final plat of a subdivision within the subdivision jurisdiction of Perquimans County as established in Section 104 of this ordinance shall be accepted for record by the Register of Deeds of Perquimans County until final approval has been given by the Board of Commissioners of Perquimans County or by the Subdivision Review Officer where he is authorized to do so in this ordinance. To secure such approval of a final plat, the subdivider shall generally follow the procedures established in this section.

Section 303 Procedure for Abbreviated Plat Review

Section 303.1 Qualification: A subdivider may apply to the Subdivision Review Officer appointed by the Perquimans County Board of Commissioners, for one step final plat review, which precludes the submission requirements for a sketch design plan and a preliminary plat.

- A) The abbreviated final plat review procedure may be used in such cases where the subdivision:
 - 1) Involves not more than four (4) lots fronting on a state maintained ~~road~~ Principal Arterial, Minor Arterial or Major Collector Road or six (6) lots fronting on a state maintained Minor Collector or Local Road; and
 - 2) Does not constitute the enlargement of a previously platted subdivision to more than four (4) or six (6) lots, as noted above; and
 - 3) Does not require extension of public water and sewage lines or the creation of new drainage deeds of easement on adjoining lands; and
 - 4) Does not adversely affect the remainder of the parcel or the adjoining property.
- B) In addition, the seller of any lot of less than ten 10 acres must submit to the Subdivision Review Officer a certificate from the Health Department stating whether or not septic systems have been approved for the lot and this certificate shall be made available to the purchaser of the property.
- C) The Subdivision Review Officer shall make determinations on eligibility of exemption under exemptions specified in the definition of subdivision (~~ARTICLE VII, Definitions, Section 701~~ (currently Article VII, Section 701)).

Section 303.2 Requirements: The use of the abbreviated final plat review is subject to the following requirements:

- A) All lots subdivided from a tract since ~~October 2, 1978~~ December 31, 1998 shall be included in determining when the four (4) or six (6) lot maximum has been exceeded and when the full review procedure shall be required by a subdivider.
- B) On application for abbreviated final plat processing, the subdivider shall pay an inspection fee to Perquimans County in an amount set by the Board of County Commissioners in a separate fee schedule.
- C) Four (4) copies of the final plat shall be presented to the Subdivision Review Officer for review under the abbreviated procedure and shall include all final plat requirements Final Plat Requirements ~~as stipulated in Article III, Section 306.3, pages 14-15~~ (currently Section 306.3A) through M).
- D) The final plat shall be reviewed by the Subdivision Review Officer for qualification under the abbreviated procedure and compliance with subdivision regulations and if the Subdivision Review Officer finds that proposed final plat qualifies for review under the abbreviated procedure and complies with all applicable subdivision regulations, the Subdivision Review Officer shall have the authority to approve the final plat for recordation in the Register of Deeds.

Section 304 Sketch Design Plan Requirements Major Subdivision Requirements: If the land to be subdivided contains more than ten (10) acres, or is waterfront property, the subdivider shall submit a sketch plan prior to submitting a preliminary plan. Smaller subdivisions may be submitted in sketch plan form if the subdivider wishes. If the sketch plan is required or the subdivider wishes to submit one to the Planning Board, it must be submitted to the Subdivision Review Officer fifteen (15) business days prior to a regular meeting of the Planning Board the Technical Review Committee (TRC) meeting. At the regular meeting meetings of the TRC and Planning Board, the subdivider or his representative should explain the plan, answer questions and advise the TRC and Planning Board of any variations from the subdivision regulations. Sketch plans shall conform to the following requirements when submitted to the Planning Board for their review.

Section 305.2 Public Water Service Requirements: All subdivisions (minor or major) that front or abut on a public road or street shall be required to connect to a public water system.

In the case of major subdivisions, the subdivider shall construct a water system and connect it to the system owned and operated by Perquimans County, subject to the following conditions:

- A) Construction plans for the proposed system shall be prepared by a registered engineer, materials and construction to be in accordance with the specifications for the Perquimans County Water System as prepared by the County Engineer, and submitted with the preliminary plat for approval by the Planning Board, County Water Supervisor and the appropriate State Agencies.
- B) The cost of the construction, connection and approval of the subdivision water system shall be paid by the subdivider.

- C) All water mains, laterals, meter box and easement shall be dedicated to the County Water system. Water lines shall be installed on the street right-of-way where possible.
- D) All water mains constructed to serve the subdivision will be a minimum of 6" diameter, unless specified otherwise by the County Engineer.

The Perquimans County Planning Board and/or the Perquimans County Board of Commissioners may, in consultation with the County's Engineer and the Technical Review Committee, determine that certain improvements will be required for the County Water System due to the projected consumption of water when all proposed subdivision lots are connected to the Perquimans County Water System. The Perquimans County Board of Commissioners will require the Developers to make and pay for those improvements. The County Engineer will be the selected Engineer for the Construction Project unless otherwise approved by the Board of County Commissioners. The Engineer's Fee will be paid for by the Developer in an amount set by the Board of County Commissioners in a separate fee schedule."

Section 305.3 Preliminary Plat Approval: Unless otherwise provided herein, the Perquimans County Planning Board shall have the sole authority to review and approve or disapprove all plats presented under this ordinance prior to their submission to the Perquimans County Board of Commissioners.

Failure on the part of the Planning Board to act within forty-five (45) days after the preliminary plat is submitted shall be deemed as approved by the Planning Board.

The Board of Commissioners shall approve or disapprove the preliminary plat. If the Board of Commissioners approves the plat, such approval shall be noted on eight copies of the plat. One (1) copy of the plat shall be retained by the Board of Commissioners, five (5) copies shall be retained in the Planning Board records, and two (2) copies shall be given to the subdivider. If the Board of Commissioners shall disapprove the preliminary plat, the subdivider shall be given the reasons in writing and one (1) copy of the plat. The subdivider shall be instructed concerning resubmission of the plat to the Board of Commissioners if deficiencies can be corrected.

Upon approval of the preliminary plat by the Board of Commissioners, the subdivider may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this ordinance. Preliminary plat approval shall in no way be construed as constituting an official action of approval for recording of the subdivision as required by this ordinance.

Section 305.4 Adequate Public Facilities: A preliminary plan of subdivision must not be approved unless the Board of Commissioners determine that the proposed subdivision will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within 2 years after the initial approval of the sketch plan.

Section 306 Final Plat Review

- A) General: Prior to completion of the final plat for review by the Board of County Commissioners, the developer shall have completed the installation of all improvements in accordance with the approved preliminary plat. The only exception may be asphalt street paving and related shoulder/ditch grading and seeding, provided the developer submits an improvement guarantee in accordance with Section 306.5, Improvements Guarantees.

Upon completion of the installation of improvements or an arrangement for the installation of the improvements shown in the approved preliminary plat for the whole or in a portion of the subdivision that is acceptable to the Planning Board and Board of County Commissioners, the applicant shall submit a final plat twenty-eight (28) days prior to the regular meeting of the Planning Board showing the areas covered by such improvements. At the same time the final plat is submitted the developer shall schedule a meeting at the subdivision site with the Subdivision Administrator to inspect the project for conformance with the approved preliminary plat. Should the developer opt to provide an Improvement Guarantee rather than install street paving at final plat submittal, s/he shall have installed and graded the base materials to provide for positive drainage in accordance with the pavement cross section detail. Roadway shoulders and ditches, lot line swales, outfall ditches, etc., shall be graded and grass shall be established in accordance with the approved preliminary plat. Grass shall be mowed so that the Subdivision Administrator can verify construction conforms to the approved preliminary plat.

A final plat for the first phase of subdivision shall be submitted not more than twenty-four (24) months after the date on which the preliminary plat was approved; otherwise preliminary plat approval shall be null and void, unless a written extension of this limit is granted by the Board of County Commissioners on or before the 24th month anniversary of the preliminary plat approval. Subsequent phases shall be submitted not more than 24 months after the date of the final plat approval for the prior phase of development; otherwise preliminary plat approval shall be null and void, unless a written extension of the limit is granted by the Board of County Commissioners on or before the 24th month anniversary of the previous final plat approval.

On application for final plat processing, the subdivider shall pay an inspection fee to Perquimans County in an amount set by the Board of County Commissioners in a separate Fee Schedule.

- B) The subdivider shall submit eight (8) copies of the final plat and ten (10) reduced copies 8½" X 11" in size and one digital file.
- C) The final plat shall be reviewed by the Subdivision Administrator for compliance with the approved preliminary plan. The Planning Board may appoint an engineer to check the final plat against the subdivision's actual layout for correctness; charging the costs to the subdivider if the plat is found to be seriously in error.
- (1) If the final plat is found to be in compliance, the Subdivision Administrator shall transmit the final plat together with their recommendations to the County Board of Commissioners for final action; or
 - (2) If the final plat is found not to be in compliance, or if changes have been made from the approved preliminary plat, the Subdivision Administrator shall notify the subdivider and transmit the final plat to the Planning Board.

Section 306.1 The Planning Board Review of Final Plat

- A) If the final plat is in compliance with this ordinance, or the Planning Board approves the changes made from the approved preliminary plat, the Subdivision Administrator shall transmit the final plat, together with the Planning Board's recommendations to the County Board of Commissioners for final action.
- B) If the final plat is not in compliance with this ordinance or the Planning Board does not accept the changes from the approved preliminary plat, the subdivider shall be given an opportunity to submit a revised final plat. If a revised final plat is not submitted within 90 days, the Subdivision Administrator shall transmit the final plat together with the Planning Board's recommendations to the Board of County Commissioners for final action. Such recommendations shall specify any unaccepted changes from the endorsed preliminary plat.

Section 306.2 Final Plat Approval by County Board of Commissioners: The final plat and the recommendations of the Subdivision Administrator or Planning Board, as applicable, shall be reviewed by the Board of County Commissioners. The Commissioners shall approve or disapprove the final plat.

- A) Upon approval of the final plat the Subdivider shall have authorization to file the plat with the Register of Deeds Office. Approval shall become null and void for any plat not recorded within ninety (90) days.
- B) If the Board of County Commissioners should disapprove the final plat, the reasons for such action shall be noted and recommendations made on the basis of which the proposed subdivision would be approved.
- C) The action of the Board of County Commissioners shall be noted on two (2) copies of the final plat. One copy shall be returned to the subdivider and one copy shall be retained for the permanent file in the Planning and Zoning Office.
- D) A one-time Water System Facility Fee will be charged for each lot and paid before the final plat is recorded in the Register of Deeds' Office in an amount set by the Board of County Commissioners in a separate fee schedule. The Fee amount for lots approved under the Abbreviated Subdivision process (four lots or less) is generally less than lots approved under the Major Subdivision process. The number of lots is determined by the total number of lots that have been subdivided and recorded from the same tract of land since October 2, 1978.
- E) No final plat shall be approved until all improvements are installed or guaranteed with adequate security and the plat meets the requirements set forth in Article III, Sections 306.3 and 306.4 of this ordinance, all required fees have been paid and the certificates required by this ordinance to appear on the final plat have been properly filled out and signed.

Section 306.3 Final Plat Requirements: The final plat shall be at the same scale, same sheet size, graphic media and shall conform substantially to the preliminary plat as approved and shall constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time.

The final plat will show:

- A) The lines of all streets and roads.
- B) Lot lines and lot number.
- C) Minimum building setback lines.
- D) Reservations, easements, alleys and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.
- E) Sufficient data to determine readily and reproduce on the ground, the location, bearing and length of every street line, lot line, boundary line, block line and building line, whether curved or straight, and including true north point. This should include the radius, center angle, and tangent distance for the center line of curved streets and curved property lines that are not the boundary of curved streets.
- F) All dimensions should be to the nearest one-tenth (1/10) of a foot and angles to the nearest second.
- G) Accurate location and description of all permanent monuments and stakes.
- H) The proposed utility system:
 - (1) Water
 - (2) Gas
 - (3) Sewers
 - (4) Storm drainage
 - (5) Electric utilities
- I) The names and locations of adjoining subdivisions, and streets, and the location and ownership of adjoining unsplit property.
- J) Title, date, name and location of subdivision, graphic scale and north point (indicate if true north, magnetic north or N.C. State Grid System is used).
- K) Name of owner, surveyor or land planner.
- L) Sketch vicinity map showing relationship between subdivision and surrounding area.
- M) Other items to be submitted by the Subdivider with the final plat include the following:
 - (1) Maintenance Bond and security to guarantee street maintenance until acceptance by the North Carolina Department of Transportation, in accordance with Sections 306.5 and 306.55;
 - (2) As-Built Plan of the constructed drainage system, certified by a licensed land surveyor, shall document that the drainage improvements outlined in the drainage study and incorporated into the approved preliminary plans are constructed and installed in accordance with said study and plans. The As-Built Drainage Plan must show the following:
 - (a) The lines of all streets and roads;
 - (b) Lot lines and lot numbers;
 - (c) Locations of all ditches (including road and outfall), culverts and related drainage structures;
 - (d) High and low elevations of ditch inverts (flow arrows shall be shown along ditches);
 - (e) The inverts of ditches, culverts and swales;
 - (f) Proposed building pad and grade;
 - (g) Driveway culvert material, size and inverts;
 - (h) Locations of all fire hydrants within subdivision with benchmark elevations established on the top nut and denoted;
 - (3) Driveway Culvert Installation Plan which shows the following:
 - (a) Percent of slope on all ditches indicated to the nearest one-hundredth of one percent;
 - (b) Indicate at each lot corner that coexists with road right-of-way the ditch invert (calculated according to ditch slopes); and
 - (c) Indicate on each lot the minimum driveway culvert size that provides for proper drainage and meets requirements of the North Carolina Department of Transportation.

Section 306.35 Resubdivision Regulations: For any replatting or resubdivision of land, the same procedures, rules and regulations stated in Article II, of this ordinance shall apply as prescribed herein for an original subdivision. Lot size may, however, be varied on the approved plan after recording, provided that:

- A) Drainage, easements or right-of ways shall not be changed;
- B) Street alignments and block sizes shall not be changed;
- C) The property line between the back of the lots shall not be changed;
- D) The rear portion of lots shall not be subdivided from the front parts;
- E) The character of the area shall be maintained.

Note: Improvements in the resubdivision petitioning will be considered; but the burden of conclusiveness demonstrating that the resubdivision is an improvement will be on the petitioner. Furthermore all buyers of property in the original subdivision will be contacted and their written consent of the change will be submitted with the petition of resubdivision.

Section 306.4 Preparation of Final Plat and Installation of Improvements: Upon approval of the preliminary plat by the Perquimans County Planning Board, the Subdivider may proceed with the preparation of the final plat in accordance with the approved preliminary plat and the requirements of this ordinance. Prior to approval of a final plat, the subdivider shall have installed the improvements specified in this ordinance or guaranteed the installation as provided herein. The Perquimans County Planning Board or the Perquimans County Board of Commissioners will accept no final plat for review unless accompanied by written notice by the Subdivision Administrator acknowledging compliance with the improvement and guarantee standards of this ordinance. Should the final plat require review by the Planning Board due to discrepancies in the preliminary plat, the Subdivision Administrator shall transmit the final plat together with the Planning Board's recommendations to the Board of County Commissioners for final action. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time; such portion shall conform to all requirements of this ordinance.

Section 306.5 Improvement Guarantees

Agreement and Security Required: In lieu of required completion of asphalt street paving, shoulder/ditch grading, and seeding prior to final plat approval, the County of Perquimans may enter into an agreement with the Subdivider whereby the Subdivider shall agree to complete all asphalt street paving, shoulder/ditch grading and seeding. Once the agreement is signed by both parties and the required security is provided, the final plat may be approved by the Board of County Commissioners, provided all other requirements of this Ordinance are met. To secure this agreement, the Subdivider shall provide, subject to approval of the Board of County Commissioners, any one of the following guarantees:

- A) **Surety Performance Bond:** The Subdivider shall obtain a performance bond from a surety bonding company authorized to do business in the State of North Carolina. The bonds shall be payable to the County of Perquimans and shall be in an amount equal to 1.30 times the entire cost, as estimated by the subdivider and/or certified by a professional engineer and approved by the Perquimans Board of County Commissioners, of installing the asphalt street paving and completion of final shoulder/ditch grading and seeding. The duration of the bond shall be until such time as the improvements are determined by the Board of County Commissioners to be in compliance with the provisions of this ordinance. All improvements must be made within twelve (12) months of the date of authorization of the security bond.
- B) **Cash or Irrevocable Letters of Credit** on forms approved by the County Attorney with a banking institution insured by either FSLIC or FDIC.

The Subdivider shall deposit, an irrevocable letter of credit, or cash, with Perquimans County. The amount of the deposit shall be equal to 1.30 times the entire cost of installing the asphalt street paving and completion of final shoulder/ditch grading and seeding as estimated by the Subdivider and/or certified by a professional engineer and approved by the Perquimans County Board of County Commissioners. All improvements must be made within twelve (12) months of the date of authorization of the security.

The bank used for an irrevocable letter of credit(s) must be chartered by the North Carolina Commissioner of Banks or by the federal government, and the bank must have a branch located in North Carolina.

The Surety Performance Bond or Irrevocable Letter of Credit shall not be released or reduced until the work is completed. If any infrastructure improvements have not been completed at the end of eleven (11) months from the date of final plat approval by the Board of County Commissioners, then the County shall be paid the total amount of security plus interest, which has accrued since the time of final plat approval. The County will proceed to complete the paving and related shoulder/ditching improvements as required by the Subdivision Regulations. Any funds held by the County after the paving has been completed will be returned to the developer.

Section 306.55 Maintenance of Streets Until Acceptance: The Subdivider of any development containing streets intended for public dedication shall post a letter of credit or other sufficient surety in accordance with Section 306.56, to guarantee that such streets will be properly

maintained until the offer of dedication is accepted by the North Carolina Department of Transportation or a property owners association that is recognized and approved by the Perquimans County Board of County Commissioners.

The Perquimans County Board of Commissioners shall secure from all Subdividers a letter to guarantee street maintenance and appropriate security being acceptable by the Board of County Commissioners. In the event that the Subdivider fails to maintain the road making required improvements to keep the road within NCDOT Standards for a paved road, the Board of County Commissioners may draw against the Letter of Credit to make such improvements. The road must be maintained by the Subdivider to NCDOT Standards for a paved road until one of the following occurs: The minimum dollar amount of the posted security provided Perquimans County must be equal to 30% of the total cost of street construction when constructed (the Subdivider will submit an Engineer's Certified Cost Estimate) to serve as the basis of the amount of the security. The maintenance guarantee and security must be kept in place until the roads are transferred per the options provided or other acceptable measures are taken and approved by the Board of County Commissioners.

Prior to release of the maintenance guarantee and security, the required street improvements must be accepted for maintenance by the North Carolina Department of Transportation or a property owners association that is recognized and approved by the Perquimans County Board of Commissioners.

Section 306.56 Acceptable Guarantees for Street Maintenance: The amount of the security shall constitute thirty percent (30%) of the cost of all improvements relating to road construction (grading, ditching, culverts, stone base, asphalt, seeding, etc.). The maintenance guarantee shall be payable to the County of Perquimans and shall be in an amount equal to 1.30 times the entire cost, as estimated by the subdivider and/or certified by a professional engineer and approved by the Perquimans Board of County Commissioners. The following types of bonds/guarantees will be acceptable to the Board of County Commissioners for the purpose of satisfying maintenance of streets guarantees prior to final plat approval:

- a) Surety Bond: The Subdivider shall obtain a performance bond from a surety bonding company authorized to do business in the State of North Carolina. The bonds shall be payable to the County of Perquimans and shall be in an amount equal to 1.30 times the entire cost, as estimated by the Subdivider and/or certified by a professional engineer and approved by the Perquimans Board of County Commissioners, of installing the asphalt street paving and completion of final shoulder/ditch grading and seeding.
- b) Cash or Irrevocable Letters of Credit: on forms approved by the County Attorney with a banking institution insured by either FSLIC or FDIC.

The Subdivider shall deposit an irrevocable letter of credit, or cash, with Perquimans County. The amount of the deposit shall be equal to 1.30 times the entire cost of installing the asphalt street paving and completion of final shoulder/ditch grading and seeding as estimated by the Subdivider and/or certified by a professional engineer and approved by the Perquimans County Board of County Commissioners.

Section 306.6 Approval of Amended Subdivision Map:

- a) Minor changes to a subdivision map which has received plat approval by the Board of County Commissioners are permissible and the Subdivision Administrator may authorize such minor changes. A change is minor if it has no discernible impact of neighboring properties or the general public. Examples of minor changes are reduction in minimum building setbacks which meet or exceed the minimum requirements in this ordinance and in the Zoning Ordinance, slight lot line realignments, and the combination of previously approved lots. This is not intended to be an all-inclusive list.
- b) Major changes to a subdivision map which has received final plat approval by the Board of County Commissioners must be resubmitted to the Board of County Commissioners. The Board of County Commissioners shall approve or disapprove the amended map. Examples of major changes are an increase in the number of lots, major shifting of lot lines, and major shifting of streets. This is not intended to be an all-inclusive list.

Exhibit "B"
"ARTICLE IV: MINIMUM DESIGN STANDARDS"

Section 402 Improvement Design Standards

K) Access to Streets Management:

1) Rural Road System Classification: The Rural Road System Classification is established to help guide long range land use and planning decisions in order to recognize areas with future growth potential and to provide a framework for application of land development regulations. See Roadway Functional Classifications in Appendix A). (See Case No. TXT-12-01SR).

2) Traffic service and land access are necessary but conflicting functions of a highway system. Although minor collectors streets (such as secondary state roads) must provide both traffic service and land access, access is a secondary function and should be controlled to avoid jeopardizing the primary traffic service function. The following provisions are an attempt to lessen congestion, increase safety, promote quality development, and improve drainage by achieving access control. The provisions of this subsection do not apply to single-family residential dwellings on lots approved prior to December 1, 2004 3, 2012 or abbreviated plat review subdivisions of 4 four (4) lots or less on Principal Arterial, Minor Arterial and Major Collector Roads, and six (6) lots or less on Minor Collector and Local Roads.

- (a) The term "access control" refers to all techniques intended to minimize the traffic interference associated with driveway access, whether the use is commercial, industrial, or residential.
- (b) To separate basic conflict areas and gain some semblance of access control, techniques which will allow the reduction of driveway numbers or directly increase the spacing between driveways or between driveways and intersections will be required to the extent reasonably practicable to achieve the following limitations for driveway access in relation to highway frontage:

Number of Driveways	Frontages
1	For frontages less than 500 feet
2	For frontages between 500 feet and 1,000 feet
3	For frontages greater than 1,000 feet

- (c) Where highway speed is 55 mph, driveway spacing should be at 300 foot intervals or greater. Where highway speed is 45 mph or less, spacing should be at 230 feet or greater. All other driveway installation details (i.e. width, curve radius, etc.) shall be in accordance with NCDOT standards.

11-26-12 NOTE TO THE READER: Reference is made to the other Planning Item (Case No. TXT-12-01SR) for Text Amendments reflected herein, including Section 402K)1, shown above.

-End of Ordinance document to be recorded-
Administrative Text Amendment No. TXT-12-02SR
Perquimans County Subdivision Regulations
Articles III and IV
Revise Abbreviated Subdivision Regulations
and related Access Management provisions

The Chairman opened up for public comments. Mr. Pete Perry asked if this would change the lots sizes in any way. Ms. Godfrey said that it would not. There being no further comments, the Chairman closed the Public Hearings and proceeded with the Regular Meeting at 7:00 p.m.

AGENDA

The Agenda, as amended, was unanimously approved on motion made by Mack E. Nixon, seconded by Tammy Miller-White.

CONSENT AGENDA

The following items were considered to be routine and were unanimously approved on motion made by Sue Weimar, seconded by Edward R. Muzzulin.

- 1. **Approval of Minutes:** November 4, 2012 Regular Meeting
- 2. **Approval of Tax Release:**

PERQUIMANS COUNTY TAX RELEASES:

➤ **Sawyer, James Harrell & Brenda Stallings**.....\$145.02
Vehicle located in Gates County. Account Number: 8086468

➤ **Albemarle Trucking, Inc.** \$113.12
 Value reduced to 98,000 per Bill. Account Number: 8083505

3. **Personnel Matters:**

Employee Name	Employee Job Title	Action Required	Grade/ Step	New Salary	Effective Date
Patti White	Part-Time EMT (Rescue)	Appointment	63/1	\$13.01/hour	11/1/2012
Brian Owens	Part-Time EMT (Rescue)	Appointment	63/1	\$13.01/hour	11/1/2012
Robert James Farrar	Deputy – Certified	Appointment	65/5	\$32,581	12/1/2012

4. **Budget Amendment:**

**BUDGET AMENDMENT NO. 7
 GENERAL FUNDS**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-430-031	Salaries - Officers	5,000	
10-430-032	Salaries - Part-Time		5,000
EXPLANATION: To move funds from Part-Time Election to Officer Salary - Election (poll workers). Salary moves have to be approved by Board of Commissioners.			

5. **Resolutions:** The following Resolution was presented for approval:

RESOLUTION OF APPRECIATION

WHEREAS, Cathy Wilson has recently notified *The Perquimans Weekly* that she plans on leaving and beginning another chapter in her life; and

WHEREAS, Cathy Wilson covered Perquimans County government news for many years; and

WHEREAS, Ms. Wilson has reported those events occurring in Perquimans County in an objective, thorough and professional manner; and

WHEREAS, the Perquimans County Board of Commissioners extends a heartfelt note of appreciation for Cathy Wilson’s extraordinary media efforts in keeping the citizens of this area informed of the workings of their county government.

NOW, THEREFORE, BE IT RESOLVED that the Perquimans County Board of Commissioners does hereby express its appreciation on behalf of Perquimans County staff and citizens of Perquimans County to Cathy Wilson for her exemplary accomplishments as a newspaper staff writer who covered Perquimans County news so faithfully and well. The Perquimans County Board of Commissioners extends its best wishes to Cathy Wilson in her new endeavor.

ADOPTED this the 3rd day of December, 2012

(SEAL)

 Benjamin C. Hobbs, Chairman
 Perquimans County Board of Commissioners

ATTESTED:

 Mary P. Hunnicutt, Clerk to the Board
 Perquimans County Board of Commissioners

6. **ECBH Quarterly Fiscal Monitoring Reports:** The State requires that the Quarterly Fiscal Monitoring Report be presented to the Board for review. The report for period ending on September 30, 2012 was presented.

DONNA WINBORNE, DOUGLAS HOLLOWELL, CPA

Copies of the FY 2011-2012 Audit were given to the Commissioners prior to tonight’s meeting. Ms. Winborne reviewed several items within the audit. Ms. Winborne thanked Sharon Ward and her staff for their assistance in the preparation of this Audit. She asked if there were any questions. After Ms. Winborne answered several questions from the Board, Janice McKenzie Cole made a motion to approve the FY 2011-2012 Audit as presented. The motion was seconded by Tammy Miller-White and unanimously approved by the Board. The Board thanked Ms. Winborne for the preparation of the audit.

HOWARD WILLIAMS, RECREATION DIRECTOR

Mr. Williams presented the annual report from the Recreation Department. He said that there has been an increase in usage and he was very happy with the way that things have been going. The Board thanked him for his service.

HOMERIA JENNETTE, TELECOMMUNICATIONS

Ms. Jennette presented her monthly report.

SUSAN CHANEY, SOCIAL SERVICES DIRECTOR

Ms. Chaney presented her monthly report.

BILL JENNINGS, TAX ADMINISTRATOR

Bill Jennings presented his monthly report.

COMMISSIONER’S CONCERNS/COMMITTEE REPORTS

There were no Commissioner’s concerns or Committee Reports.

UPDATES

County Manager Heath updated the Board on the following projects:

Water System Projects: Pasquotank County held a ribbon cutting for the Pasquotank County RO Plant on November 28th and several of the Commissioners attended it. The Pasquotank County RO Connection is still on schedule.

Senior Center Update: The progress is proceeding nicely. They have checked the roof and the fasteners as requested by Commissioner Nixon last month. They all looked good. We will probably have another walk through in a couple of weeks.

Jail Project: Commissioner Muzzulin stated that he had provided a copy of the Jail Report which was placed at their seats tonight. He gave the following highlights: (1) They have received a proposal from Chowan County to become part of the Albemarle District Jail. The matter was tabled for further review; (2) Federal inmate count for November was 61 (there were 76 in October); and (3) The Jail Administrator position applications have been reviewed and the ADJ Board has chosen to leave the position open and have Sheriff Cartwright continue his duties until a more favorable candidate can be found. Commissioner Cole said that the U.S. Marshall visited the facility and was very pleased with the way things were being operated. She further stated that they are making an investment of putting cameras in so that attorneys will be able to talk to the inmates without traveling to the facility. Todd Tilley, Perquimans County Clerk of Superior Court, told the Board that they have video conferencing for Magistrate and Court System use. This will cut down on some of the expense of transporting prisoners. He further stated that we are a Pilot County for this program.

High School Athletic Complex Update: County Manager Heath said that Dr. Stallings, Superintendent of Schools, wants to meet with the new Chairman of the Board of Commissioners, the Board of Education Chairman, and County Manager Heath to review a scaled back version of the proposed High School Athletic Complex. A date will be set up at a later date.

PLANNING STAFF MOVE

County Manager Heath informed the Board that, at the first of the year, the Planning Staff will be moving into the Dobbs Street Building where the former Emergency Management Coordinator's Office was. This will be better for individuals who need zoning permits and building permits and will give Donna Godfrey more space. He just wanted the Board to be aware of the move and to notify the public of the move.

REINSTATEMENT OF REGISTER OF DEEDS' SALARY

Following the General Election in which the Register of Deeds ran unopposed, the Board needs to reinstate the Register of Deeds' salary to \$51,819 (Grade 70/Step 15) effective December 1, 2012. This action needs to be taken in compliance with General Statute 153A-92. On motion made by Mack E. Nixon, seconded by Edward R. Muzzulin, the Board unanimously reinstated the Register of Deeds' Salary to \$51,819 (Grade 70/Step 15) effective December 1, 2012.

PRESENTATION OF RESOLUTION OF APPRECIATION

Chairman Hobbs presented a Resolution of Appreciation to Cathy Wilson, reporter for *The Perquimans Weekly*, who will be leaving on December 21st. Ms. Wilson thanked the Board for their kind words and for the presentation.

PRESENTATION OF PLAQUE: MACK E. NIXON AND SUE WEIMAR

Chairman Benjamin Hobbs presented a plaque to Mack E. Nixon for 21 years of service and Sue Weimar for 8 years of service as Perquimans County Commissioners and thanked them for their years of faithful service. Commissioners Weimar and Nixon thanked the people of the County for allowing them to serve as a Commissioner.

SWEARING-IN

J. Carlton Cole, Superior Court Judge for the First Judicial District, will give the Oath of Office to newly-elected Commissioners Janice McKenzie Cole, Kyle Jones, and Matthew Peeler.

ELECTION OF CHAIRMAN/VICE CHAIR

Mr. Hobbs thanked the Board for allowing him to serve as Chairman but told them that he was not interested in serving as Chairman for another term. Will Crowe, County Attorney, acting as Temporary Chairman of the meeting, opened the floor for nominations for Chairman of the Board. Benjamin C. Hobbs nominated Janice McKenzie Cole as Chair. Tammy Miller-White seconded the nomination and made motion to close the nominations for Chair. The motion was seconded by Edward R. Muzzulin. The Board unanimously approved the appointment of Janice McKenzie Cole as Chair of the Perquimans County Board of Commissioners.

The floor was opened for nominations for the office of Vice Chairman of the Board. Janice McKenzie Cole nominated Edward R. Muzzulin. Tammy Miller-White seconded the nomination and requested that the nominations be closed for Vice Chairman. Edward R. Muzzulin was unanimously elected as Vice Chairman of the Board. Ms. Cole, as Chair, proceeded with the new business of the meeting.

PLANNING BOARD ITEMS

Donna Godfrey, County Planner, presented the following items for Board action:

Administrative Text Amendment TXT-12-01SR: A Public Hearing was held earlier in the meeting for the consideration of proposed Text Amendment TXT-12-01SR to establish a Road Classification System and Map to identify street types defined by the Subdivision Regulations and NCDOT – to be used for reference purposes in making future land use and transportation decisions, with changes to Articles IV & VII and creation of Appendix A. Benjamin C. Hobbs made a motion to approve Administrative Text Amendment No. TXT-12-01SR, to establish the Rural Road System Classification and Map to identify existing road types as defined by the County's Subdivision Regulations and NCDOT – to be used for purposes of making future land use and transportation decision, with changes to Articles IV and VII and creation of Appendices A-1 and A-2. The motion was seconded by Edward R. Muzzulin and unanimously approved by the Board. A copy of Ordinance No. 84 is attached to these Minutes as **Attachment A**.

Administrative Text Amendment TXT-12-02SR: A Public Hearing was held earlier in the meeting for the consideration of proposed Text Amendment TXT-12-02SR to change the standards, conditions and procedures pertaining to "Abbreviated" or "Minor" Subdivisions, with the intent to move the date under which such lots may be counted throughout the unincorporated County and to further increase the number of lots permitted under the process on Local and Minor Collector Roads, with changes to Articles III & IV of the Subdivision Regulations. Tammy Miller-White made a motion to approve Administrative Text Amendment No. TXT-12-02SR, to revise the standards, conditions and procedures in Articles III and IV of the Subdivision Regulations pertaining to "Abbreviated" Subdivisions, by moving the date under which such lots may be counted throughout the unincorporated County and to further increase the number of lots permitted under the process of Local Roads and Minor Collector Roads, reformatting and correcting typographical errors therein. The motion was seconded by Edward R. Muzzulin and unanimously approved by the Board. Chair Cole asked about the typographical errors that she had given Ms. Godfrey. Ms. Godfrey asked if they could umbrella those corrections with this motion. Commissioner Miller-White and Commissioner Muzzulin agreed to include those in their motion. Commissioner Hobbs discussed Snug Harbor Road and how he felt that there was more traffic than NCDOT indicated. After the Board discussed this issue, the Chair proceeded with the meeting. A copy of Ordinance No. 85 is attached to these Minutes as **Attachment B**.

RECORDS RETENTION & DISPOSITION SCHEDULE – REGISTER OF DEEDS

County Manager Heath explained that Debbie Reed, Register of Deeds, has reviewed the Records Retention & Disposition Schedule for the Register of Deeds' Office and is recommending approval of this document. On motion made by Tammy Miller-White, seconded by Edward R. Muzzulin, the Board unanimously approved Ms. Reed's request.

COURTHOUSE ANNEX ROOF REPAIR

County Manager Heath along with several Commissioners looked at the Annex roof. Mr. Heath explained that he is recommending awarding the contract to Bobby White at \$28,540 to repair the Annex roof. This money has already been budgeted for this fiscal year. Commissioner Muzzulin asked if we were going to get a lighter color. Mr. Heath said that he would look into that. On motion made by Edward R. Muzzulin, seconded by Kyle Jones, the Board unanimously approved the awarding of the Annex Roof Repair contract to Bobby White at \$28,540.

BOARD APPOINTMENTS

With Commissioners Nixon and Weimar leaving and Commissioners Jones and Peeler coming onto the Board, Chair Janice Cole listed the following appointments that the Board needed to approve before next month:

NAME	BOARD	ACTION	TERM	EFFECTIVE DATE
Tammy Miller-White	Albemarle Commission	Appointment	1 yr.	1/1/13
Kyle Jones	Social Services Board <i>(completes Sue Weimar's term)</i>	Appointment	3 yrs.	12/1/12
Creation of New Ad Hoc Committee: This Committee is established to look whole Emergency Services Operations and how we can better support them, maximize their efforts, and co-ordinate their efforts.				
Janice McKenzie Cole	Emergency Services Oversight Committee	Appointment	1 yr.	12/1/12
Frank Heath	Emergency Services Oversight Committee	Appointment	1 yr.	12/1/12
Tammy Miller-White	Emergency Services Oversight Committee	Appointment	1 yr.	12/1/12
Edward R. Muzzulin	Emergency Services Oversight Committee	Appointment	1 yr.	12/1/12
Changes in Board Appointments due to Commissioners Nixon & Weimar leaving				
NAME	BOARD	ACTION	TERM	EFFECTIVE DATE
Janice McKenzie Cole	Housing Committee	Appointment	unlimited	12/1/12
Janice McKenzie Cole	Water Management Committee	Appointment	unlimited	12/1/12
Janice McKenzie Cole	Welfare Reform Committee	Appointment	unlimited	12/1/12
Benjamin C. Hobbs	Albemarle Regional Health Services	Appointment	indefinite	12/1/12
Benjamin C. Hobbs	Housing Committee	Appointment	unlimited	12/1/12
Kyle Jones	CFPT - DSS Board Member <i>(Appointed by DSS Board)</i>	Appointment	1 yr.	12/1/12
Kyle Jones	Home & Community Care Block Grant	Appointment	unlimited	12/1/12
Kyle Jones	Inter-Agency Council - Commissioner	Appointment	1 yr.	12/1/12
Edward R. Muzzulin	Economic Development Commission - County	Appointment	2 yrs.	12/1/12
Edward R. Muzzulin	Albemarle Hospital Board of Trustees <i>(term 1)</i>	Appointment	3 yrs.	12/1/12
Mack E. Nixon	Board Trustees for Durant's Neck <i>(will remain)</i>	Appointment	1 yr.	12/1/12
Matthew Peeler	Albemarle Regional Landfill Authority	Appointment	4 yrs.	12/1/12
Matthew Peeler	Economic Development Commission - County	Appointment	2 yrs.	12/1/12
Matthew Peeler	Nursing Home Advisory Committee - ex-officio	Appointment	unlimited	12/1/12
Matthew Peeler	Perquimans/Chowan/Gates Landfill Committee	Appointment	indefinite	12/1/12
Matthew Peeler	Water Committee	Appointment	unlimited	12/1/12

On motion made by Edward R. Muzzulin, seconded by Matthew Peeler, the Board unanimously approved the above listed Board appointments. Commissioner Miller-White asked what Project United First Regional Council was. County Manager Heath explained that Clerk to the Board, Mary Hunnicutt, has been contacting the various Committees/Boards to obtain their purpose and meeting information so that the Board can review them to see if they need to disband some of these Committees/Boards.

VOTING DELEGATE – LEGISLATIVE GOALS CONFERENCE

The Legislative Goals Conference is being held in Raleigh on January 24-25, 2013. At the present time, the only person attending this conference is Commissioner Cole. On motion made by Benjamin C. Hobbs, seconded by Edward R. Muzzulin, the Board unanimously appointed Janice McKenzie Cole to be the Voting Delegate at the Legislative Goals Conference in January, 2013.

DISBANDING OF BOARD – COURTHOUSE LANDSCAPING COMMITTEE

While contacting the Committees/Boards to obtain their purpose and meeting information, Donna Jackson, Chair of the Courthouse Landscaping Committee notified Ms. Hunnicutt, Clerk to the Board, that, since the Committee has already made their recommendations and since they have not met in over two years, she felt that the Committee needed to be disbanded. On motion made by Edward R. Muzzulin, seconded by Tammy Miller-White, the Board unanimously approved disbanding the Courthouse Landscaping Committee.

NARROW BANDING – TOWER & GROUND SPACE LEASE AGREEMENT, BELVIDERE

As part of the new Federal Government communications regulations, County Manager Heath explained that they are requiring the County to start narrow-banding frequencies for emergency services communications. As part of this effort, they are trying to co-locate on the U.S. Cellular tower in Belvidere around Joppa. That would give us a greater range of communications in that area. He said that he had e-mailed a copy of the Narrow Banding – Tower & Ground Space Lease Agreement, Belvidere between USCOC of Greater North Carolina and Perquimans County to the Commissioners prior to tonight's meeting. This is a five-year Agreement and has two automatic renewal periods. It provides that we can give them a 30-day notice to terminate the Agreement. We pay for our utilities and the will be charging us \$1,200 per year annual co-location fee. Originally, it was \$6,000 per year but we were able to negotiate that down to \$1,200 per year. Mr. Heath has forwarded a copy of the Agreement to County Attorney High. Mr. Heath is recommending approval of this Agreement pending County Attorney High's requested changes. These issues relates to termination provisions, he had some questions about what certain paragraphs meant (he has contacted U.S. Cellular to find out the answers to those questions), and review the current lease U.S. Cellular has with the property (Mr. Heath provided to him today). These changes are very minor and would not affect the Agreement. Commissioner Miller-White asked that, at the five year renewal, can we get it at the same price as the original price. Mr. Heath said that, the way that it is built into the Agreement, there will be increased by 5% per year. He further stated that it would take about 15 years before it would double. On motion made by Tammy Miller-White, seconded by Edward R. Muzzulin, the Board unanimously approved this Tower & Ground Space Lease Agreement – Belvidere pending County Attorney High's approval.

CHANGE OF WORK SESSION DATE

Chair Cole said that currently the Board has their regular meeting on the 1st Monday of the month and their Work Session on the 4th Monday of the month. Commissioner Hobbs had brought to their attention that at one time the Work Session was the 3rd Monday of the month. When the Board meeting on the 4th Monday of the month, it was sometimes difficult getting items on the Regular Meeting's Agenda that they discussed at their Work Session. In addition, there were some conflicts with other Boards like the Board of Education. Therefore, she is recommending that the Board consider changing the Work Session from the 4th Monday of the month to the 3rd Monday of the month. On motion made

by Benjamin C. Hobbs, seconded by Matthew Peeler, the Board unanimously approved to move the Work Session to the third Monday of each month. Currently, we are not planning on having a December Work Session. Mr. Heath also instructed the Board that the January meeting would be on that Tuesday because of the Martin Luther King Holiday on Monday.

BANK RESOLUTION/SIGNATURE CARD/USE OF CHAIRMAN'S STAMP

Due to a change in Chair, the Board needs to approve the Resolution and Agreement for Deposit Account and Bank/Corporate Services to authorize new Chair, Janice McKenzie Cole, to sign checks along with Sharon S. Ward, Finance Officer and Frank Heath, County Manager. Also included in the approval is the use of the Chair's stamp. On motion made by Tammy Miller-White, seconded by Edward R. Muzzulin, the Board unanimously authorized Chair to sign the Resolution and Agreement for PNC Bank account and the use of Chair's signature stamp when necessary.

PUBLIC COMMENTS

Chair Cole thanked the Board for electing her Chair and thanked Benjamin C. Hobbs for his service as Chairman. Pete Perry thanked this Board and previous Boards for doing their rightful responsibility for looking after the Courthouse green. He further stated that he has all the confidence in the current Board and County staff in maintaining the Courthouse green in the manner it should be that all will be proud of. Chair Cole said that she hoped that and, if we were not taking care of it as he sees fit, she hopes that he would remind us again of that responsibility.

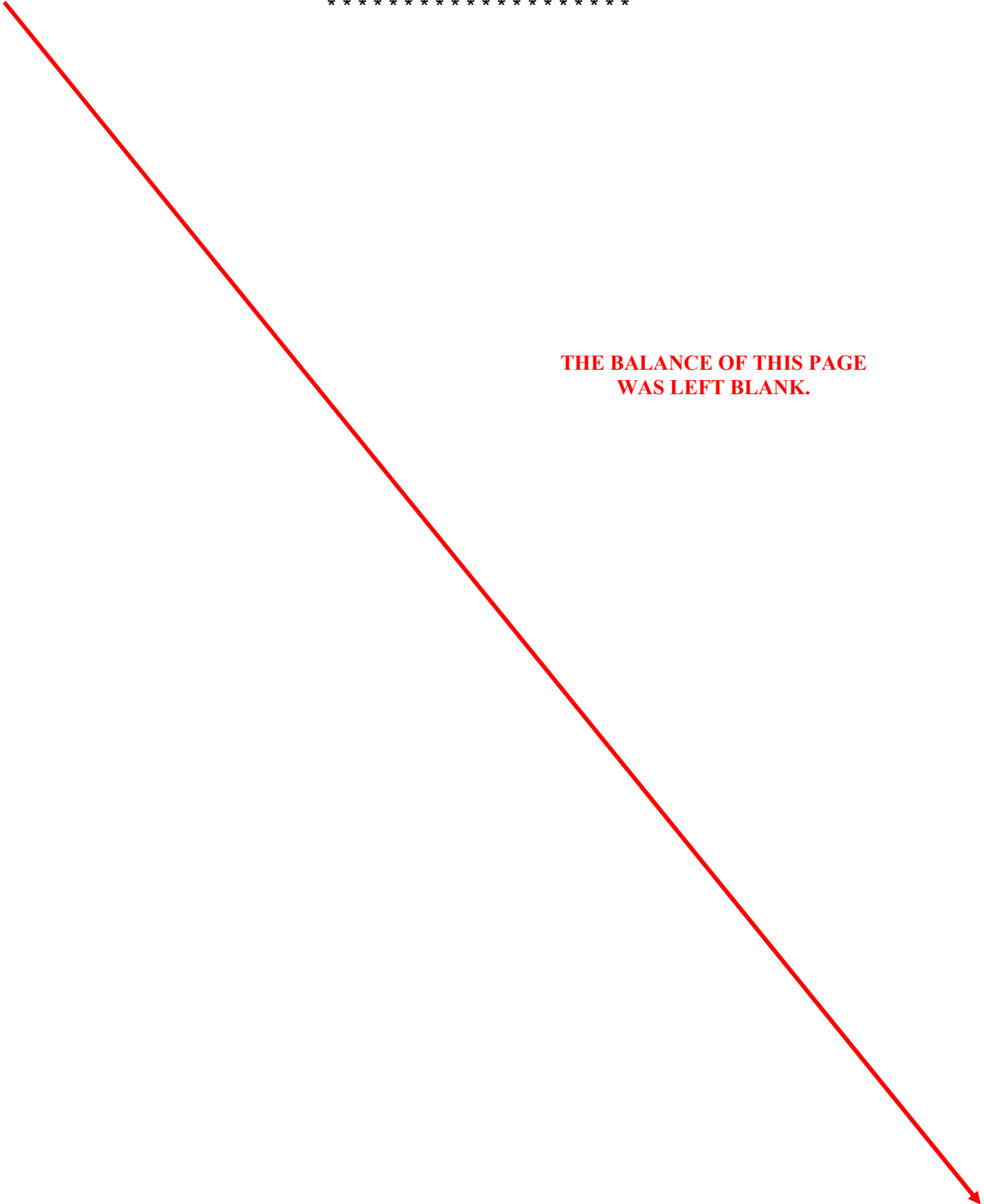
ADJOURNMENT

There being no further business to discuss, the Regular Meeting was adjourned by the Chairman at 8:15 p.m.

Janice McKenzie Cole, Chair

Clerk to the Board

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ATTACHMENT A

*-Beginning of Ordinance document to be recorded-
Administrative Text Amendment No. TXT-12-01SR
Perquimans County Subdivision Regulations,
Articles IV and VII and Appendix A
Establish Road System Classification System Map & related Road definitions*

ORDINANCE NO. 84

AN ORDINANCE OF PERQUIMANS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF NORTH CAROLINA, AMENDING, ADDING AND REPEALING SECTIONS OF THE PERQUIMANS COUNTY SUBDIVISION REGULATIONS AS ADOPTED BY ORDINANCE NO. 19, AS PREVIOUSLY AMENDED; THIS ORDINANCE ESTABLISHES THE RURAL ROAD SYSTEM CLASSIFICATION AND RELATED DEFINITIONS AND REFORMATS AND CORRECTS TYPOGRAPHICAL ERRORS IN ARTICLES IV AND VII, AND CREATES APPENDICES “A-1” MAP & “A-2” LISTING OF EXISTING ROADWAY FUNCTIONAL CLASSIFICATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PERQUIMANS COUNTY, NORTH CAROLINA THAT:

Section 1. Perquimans County Ordinance No. 19 (Subdivision Regulations), as previously amended, is hereby amended by revising Articles IV and VII to establish the Rural Road System Classification and related definitions and reformatting and correcting typographical errors therein and creating Appendices “A-1” Map & “A-2” Listing of existing Roadway Functional Classifications, by adding and/or substitution the following excerpts of Articles IV and VII and new Appendices A-1 & A-2 attached hereto as Exhibits A, B and C, respectively, and incorporated herein by reference, in its stead;

Section 2. Severance Clause. It is the intent of the Board of County Commissioners of Perquimans County, North Carolina, and it is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance; and

Section 3. Effective Date. This Ordinance shall take effect upon its passage and enactment. This Ordinance shall be recorded in a book kept and maintained by the Clerk of the Board of County Commissioners of Perquimans County, North Carolina.

PASSED AND ENACTED by the Board of County Commissioners of Perquimans County, North Carolina, this 3rd day of December, 2012.

BOARD OF COUNTY COMMISSIONERS OF PERQUIMANS COUNTY, NORTH CAROLINA

By: _____
Janice McKenzie Cole, Chair

ATTEST:

Mary P. Hunnicutt, Clerk to the Board

Effective Date: December 3, 2012

**Exhibit “A”
“ARTICLE IV: MINIMUM DESIGN STANDARDS**

Section 401 Suitability of Land: Land subject to flooding, improper drainage, erosion, or that is for topographical or other reasons unsuitable for residential use as determined by the Planning Board, shall not be platted for residential use nor for any other uses that will continue or increase the danger to health, safety, or property unless the hazards can be and are corrected.

Section 401.1 Prevention of Flood Damage: All development must comply with the requirements of the Perquimans County Flood Hazard Ordinance.

Section 401.2 Fill Areas: Areas that have been used for the disposal of solid waste shall not be subdivided into commercial or residential building sites. This shall include those areas that have been used for the disposal of trash, demolition waste, and other waste materials.

Section 402 Improvement Design Standards: The following shall be considered the minimum requirements for all new subdivisions.

A) Streets: All streets shall be constructed to meet North Carolina Department of Transportation Standards regarding paved roads.

In any new subdivision, the street layout shall conform to the arrangement, width and location indicated on any official plans or maps for Perquimans County. In areas for which such plans have not been completed, the streets shall be designed and located in proper relation to existing and proposed streets, to the topography, to

such natural features as streams and tree growth, to public convenience and safety, and to the proposed use of land to be served by such streets.

The proposed street layout shall be made according to good land planning practice for the type of development proposed, and shall be coordinated with the street system of the surrounding areas. All streets must provide for the continuation of appropriate projection of principal streets in surrounding area and provide reasonable means of ingress and egress for surrounding acreage tracts.

Any tract of land containing in total five acres or more may leave at least one 45 ft right-of-way in the center of the lots platted. Depending on the configuration of the property, the developer may be required by the Planning Board to plat and/or construct two 45 ft right of ways at points to be determined by the board prior to recording of lots.

- 1) Minimum Street Right-of-Way Width
 - (a) Minimum street right-of-way width shall be as required by the Department of Transportation, Division of Highway Standards.
 - (b) For all subdivisions of 5 or more lots fronting on an existing State maintained road from single tract of land, the developer shall designate a right-of-way acceptable to the Planning Board to provide access to any remaining land behind the road front lots. In any case, the width of the right-of-way shall not be less than 45 feet.
 - 2) Pavement Width: Pavement width shall be constructed as required by the Department of Transportation, Division of Highway Standards.
 - 3) Street Grades: Unless necessitated by exceptional topography and subject to the approval of the Planning Board, the grades shall meet the requirements of the Department of Transportation, Division of Highway Standards.
 - 4) Radii of Curvature: When a continuous street centerline deflects at any point by more than 10 degrees, such centerline shall follow the arc of a circle having a radius as follows:

(a) Major Streets	300 feet
(b) Collector Streets	200 feet
(c) Minor Streets	100 feet
 - 5) Tangents: A tangent at least 100 feet long shall be provided between reverse curves on all streets.
 - 6) Intersections
 - (a) Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than 60 degrees.
 - (b) Street jogs with centerlines offsets of less than 125 feet shall be avoided.
 - (c) Intersections with a major street or highway shall be at least 1000 feet apart.
 - (d) Property lines at street intersections shall be rounded with a minimum radius of 20 feet or of a greater radius when required by the Planning Board.
 - 7) Cul-de-sacs: Permanent dead end streets or cul-de-sacs shall be no longer than 1,000 feet in length and shall be provided at the closed end with a turn-around which meets the requirements of the Department of Transportation, Division of Highway Standards.
 - 8) Street Names and Street Signs: Street names for all subdivision plats shall be subject to approval of the Planning Board. New street names shall not duplicate or be similar to existing street names and existing street names shall be projected wherever possible. It shall be the responsibility of the developer to install street signs at the intersection of streets within his development. All signs shall be in accordance with the specifications as provided by the Perquimans County Board of Commissioners.
 - 9) Access Roads: Where a tract of land to be subdivided adjoins a federal or state highway, the subdivider may be required to provide a marginal access street parallel to the highway or reverse frontage on an interior street for the lots to be developed adjacent to the highway. If reverse frontage is required, then the subdivider shall be required to provide a ten-foot (10') easement parallel and adjacent to the right-of-way of the highway. Such easement shall be restricted to the planting of trees or shrubs for screening purpose and shall be in addition to all other easements required by this ordinance.
- B) Lots: Lot sizes, shapes and locations shall be made with due regard to topographic conditions, contemplated use, and the surrounding area. Land subject to flooding and land deemed by the Planning Board to be uninhabitable for other reasons shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard; but such land may be set aside for such uses as will not be endangered by periodic or occasional flooding, or will not produce unsatisfactory living conditions.
- 1) Every lot shall front or abut on a public or private street. Each lot shall have a minimum width and depth as established by the Perquimans County Zoning Ordinance, Article VII, Dimensional Requirements.
 - 2) Lots fronting on the turnaround portion of a cul-de-sac (dead-end) road may have a reduced lot width of no less than fifty (50) feet as measured at the front property line/road right-of-way as long as the standard lot width is provided at the actual building line, as applicable to the zoning district, including ninety (90) feet in the RA-15 Zone, one hundred twenty-five (125) feet in the RA-25, RA-43 and RA Zones, etc.
 - 3) Residential lots served by a community water system but lacking service by a community sewer system shall be at least 43,000 square feet.
 - 4) The subdivider, at his own expense, shall have the site investigated under the supervision of the Albemarle Regional Health Services and shall present proof in their Application for Subdivision that appropriate soil tests have been conducted and that each lot in the subdivision not served by a public sewage disposal systems has been approved by the Albemarle Regional Health Services for individual sewage disposal systems.
 - 5) All residential lots must be graded to allow for proper drainage. At a minimum, each residential lot must be properly graded to provide for adequate drainage of water away from the lot; each lot having a gradual slope of one (1) inch of increase in height for each ten (10 feet) and part thereof when measuring the lot from both side lot lines to the center point of the lot. The results of this requirement will be to create a contoured lot. Each lot must also be provided a 4':1' slope at the property lines; this will provide for adequate drainage of water away from the residential lot.

- 6) Double frontage and reverse frontage lots shall be avoided, except where required to separate residential development from through traffic.
 - 7) Side Lot lines shall be substantially at right angles or radial to street lines.
 - 8) All lots shall conform to the minimum standards or dimensions noted herein and those contained in an applicable zoning ordinance, building codes, and other official regulation.
 - 9) Flag Lots shall be approved only where the configuration of the parcel or site features warrant such a lot design. Authorizing a flag lot design is intended to accommodate a particular extenuating circumstance which makes conventional lot design infeasible. Therefore, flag lots should be judiciously approved. Requests for the creation of more than one flag lot from the same parcel shall be reviewed by the Planning Board using the Major Subdivision review procedures. Flag lots requirements are as follows:
 - (a) Access shall be provided from the public road or an approved private road to the flag lot by means of an easement with a minimum width of 25 feet along the "pole."
 - (b) The area inside the "Flag" portion of the lot must satisfy the minimum lot area requirements for a conventional development within the underlying zoning district." The area considered the "Flag Pole" consists of that area from the road right-of-way to the "Flag" portion of the lot and shall not exceed 1,000 feet.
 - (c) Use of a single driveway to serve a flag lot and an adjoining conventional lot is permitted provided that a Shared Access Agreement is recorded in the Register of Deeds Office on the plat or in a separate document, in order to acknowledge the conditions under which the shared access will operate. The preferred location for the driveway is in the flagpole easement, with the Flag Lot granted an access easement over the flagpole.
 - (d) The flag portion of the flag lot must satisfy the minimum yard requirements of the applicable zoning district. The "building setback line" for the Front Yard runs parallel to the street and is measured from within the "Flag" part of the lot, not the "pole" part.
 - (e) Where applicable, a Driveway Permit shall be required from the North Carolina Department of Transportation (NCDOT). Failure to obtain a driveway permit shall result in denial of the flag lot.
 - (f) The minimum separation between the flagpole portion of the lot and that of another flag lot shall be guided by the minimum design standards governing lots.
- C) Blocks: Blocks shall be laid out with special attention given to the type of use contemplated.
- D) Easements: Easements centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least 10 feet wide.
- 1) 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 course, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.
 - 2) Lakes, ponds, creeks, and similar areas will be accepted for maintenance 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 acceptance of such dedicated area must be endorsed by the Planning Board before the Board of Commissioners will consider accepting it.
- E) Buffer Strips: A buffer strip of at least twenty (20) feet in width may be required by the Planning Board adjacent to a major street, railroad, farm, or a commercial or industrial development. This strip shall be in addition to the normally required lot dimension and shall be part of the platted lot. As directed by the Planning Board, this buffer strip shall be utilized by the subdivider for the planting of vegetative screening or shall be reserved to the lot purchased for such purpose. The construction of buildings of any type within the buffer strip is prohibited.
- F) Utilities: Easements for underground utilities shall be provided where necessary across lots or preferably centered on rear or side lot lines and shall be at least ten (10) feet in width; or if located inside the street right-of-way shall meet the standards established by the N.C. Department of Transportation, Division of Highways.
- G) Fire Hydrants: Fire hydrants are to be installed every 1,000 feet apart, or no further than 500 feet from any lot within the subdivision.
- H) Monuments: Permanent monuments and other control points shall be installed in conformance with the North Carolina General Statutes and the Manual of Practice of Land Surveyors of North Carolina, State Board of Registration for Professional Engineers and Land Surveyors.
- I) Drainage (*formerly Subsection 402(18)*): See Currently Article V, Stormwater and Drainage Management Standards, Plan Requirements and Wetland Specifications.
- J) Erosion: Cut and fill shall be limited to affecting no more than fifty percent (50%) of the site. No cut or fill shall encroach closer than ten (10) feet to any exterior property line, or two (2) feet if part of an engineered Storm Water Management Plan. Fill shall not encroach on natural water courses, their floodplains or constructed channels in a manner so as to adversely affect water bodies or adjacent property owners. Sediment traps, basins and other control measures for limiting erosion will be installed per a state approved Erosion and Sedimentation Control Plan and will be reviewed and inspected by County Technical Staff members.
- K) Access ~~to Streets~~ Management:
- 1) Rural Road System Classification: The Rural Road System Classification is established to help guide long range land use and planning decisions in order to recognize areas with future growth potential and to provide a framework for application of land development regulations. See Roadway Functional Classifications in Appendix A).
 - 2) Traffic service and land access are necessary but conflicting functions of a highway system. Although minor collector streets (such as secondary state roads) must provide both traffic service and land access, access is a secondary function and should be controlled to avoid jeopardizing the primary traffic service

function. The following provisions are an attempt to lessen congestion, increase safety, promote quality development, and improve drainage by achieving access control. The provisions of this subsection do not apply to single-family residential dwellings on lots approved prior to December 1, 2004 or abbreviated plat review subdivisions of 4 lots or less.

- (a) The term “access control” refers to all techniques intended to minimize the traffic interference associated with driveway access, whether the use is commercial, industrial, or residential.
- (b) To separate basic conflict areas and gain some semblance of access control, techniques which will allow the reduction of driveway numbers or directly increase the spacing between driveways or between driveways and intersections will be required to the extent reasonably practicable to achieve the following limitations for driveway access in relation to highway frontage:

Number of Driveways	Frontages
1	For frontages less than 500 feet
2	For frontages between 500 feet and 1,000 feet
3	For frontages greater than 1,000 feet

- (c) Where highway speed is 55 mph, driveway spacing should be at 300 foot intervals or greater. Where highway speed is 45 mph or less, spacing should be at 230 feet or greater. All other driveway installation details (i.e. width, curve radius, etc.) shall be in accordance with NCDOT standards.

~~11-26-12: NOTE TO THE READER: Reference is made to the other Planning Item (Case No. TXT-12-02SR) for other Text Amendments proposed to Section 402K(2). The County's current regulations under Section 402K are shown above, along with proposed Section 402K(1) in underlined and/or highlighted fashion, for this current Case No. TXT-12-01SR only.~~

Exhibit “B”
“ARTICLE VII: DEFINITIONS

Section 701 Definition of a Subdivision: All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) as pertaining to Abbreviated (Minor) or Major Subdivisions 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 nor be subject to the regulations prescribed by this ordinance:

- A) The combination or re-combination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown by the regulations prescribed by this ordinance.
- B) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.
- C) The public acquisition by purchase of strips of land for the widening or opening of streets.
- D) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved, and where the resultant lots are equal to or exceed the standards of the County, as shown by the subdivision regulations contained in this ordinance.
- E) The gift by a property owner of a single lot to his or her child or grandchild or to each of his or her children or grandchildren where no new road is involved, provided that only one such gift per child or grandchild be made during a ten year period and where the resultant lot is equal to or exceeds the standards of the County as shown in these subdivision regulations and provided that the following restrictions are placed in the Deed of Gift to the child or grandchild:

"But this conveyance is made subject to the following restrictions which shall run with the land:

That prior to the sale or transfer of the aforesaid lot and right-of-way to anyone other than the Grantors or either of them or to a child or grandchild of the Grantors, the aforesaid lot shall be brought into compliance with the Subdivision Regulations of Perquimans County in effect at the time of the recording of the present Deed of Gift, including, but not limited to, regulations that require the construction of a paved access road to the lot and the installation of required utilities. However, these restrictions will not apply to any transfer made to secure a loan or to any sale or transfer of the property as part of a foreclosure proceeding or to any subsequent sale or transfer by a Mortgagee who or which has purchased the property at a foreclosure sale.”

The burden shall be on any conveyor of land to provide proof why their conveyance does not constitute a subdivision. This proof must be presented to the Subdivision Review Officer.

Section 702 General Definition of Terms

- A) This Article contains most of the definitions for use with the Subdivision Regulations. Other definitions, however, may be located elsewhere in these regulations and should be used as indicated. For the purpose of this ordinance, certain terms and words used herein shall be used, interpreted and defined as follows:
 - 3) AADT: As defined by the North Carolina Department of Transportation, an AADT is an Annual Average Daily Traffic volume for all lanes in both directions passing a point on the highway system. It represents the average of all days during the year with typical traffic conditions. An AADT estimate is generated using procedures that comply with the standards specified in the Traffic Monitoring Guide published by the Federal Highway Administration.

- 8) ~~Collector Street: A street, which serves as the connecting street system between local residential streets and the thoroughfare system.~~
- 30) Rural Roadway Classifications:
- a) Arterial: A part of the roadway system serving as a principal network for through traffic flow:
 - (1) Principal Arterial: A rural link in a highway system serving travel, and having characteristics indicative of substantial statewide or interstate travel and existing solely to serve traffic. This network would consist of interstate routes and other routes designated as principal arterials ($\geq 5,000$ AADT).
 - (2) Minor Arterial: A rural roadway joining cities and larger towns and providing intrastate and intercounty service at relatively high overall travel speeds with minimum interference to through traffic. This network would primarily serve traffic (2,500 to 4,999 AADT).
 - b) Collector Road: A road which serves as the connecting road system between local residential roads and the arterial system.
 - (1) Major Collector: A part of the roadway system serving as a principal network for through traffic flow. The routes connect areas of principal traffic generators (see Roadway Functional Classifications in Appendix A). A road which serves major intra-county travel corridors and traffic generators and provides access to the arterial system (1,001 to 2,499 AADT).
 - (2) Minor Collector: A distributor and collector roadway servicing traffic between Major Collectors and Local Roads (see Roadway Functional Classifications in Appendix A). In addition, roadways serving as major entrances to residential or commercial developments will be classified as Minor Collectors when the traffic volume is projected to exceed two thousand (2,000) vehicles per day (VPD) at build out. A road which provides service to small local communities and locally important traffic generators and provides access to the major collector system (101 to 1,001 AADT).
 - c) Local Road: Any link not part of a higher-order system, which serves over relatively short distances primarily to provide direct access to adjacent or abutting land and access to higher systems. A local Roadway used primarily for direct access to Residential Driveways, Commercial Driveways, or other abutting roads. Some typical local roads may include but are not limited to cul-de-sacs, loop streets less than 2,500 feet in length, or streets less than one mile in length that do not connect collector roads, do not serve major traffic generators, and do not collect traffic from more than 100 dwelling units (≤ 100 AADT).
- 31) Roadways, Private:
- a) An street or road constructed in accordance with the County's Subdivision Regulations which is located within a right-of-way or access easement, owned by a property owners' association, private individuals or any entity other than Perquimans County, the State of North Carolina, or another local government. Ownership of Private Roadways serving residential development shall be vested jointly by all abutting land owners or in a property owners' association whose voting members include such abutting land owners. A developer retaining ownership of private roadways after construction and approval shall grant a recorded easement to all abutting properties which will provide for the use of the private roadways by all future lot owners, their guests, invitees, successors and assigns. The grant of easement may be accomplished by recorded plat; or
 - b) An undedicated private right-of-way which affords access to abutting properties pursuant to a State-mandated exception and which requires a subdivision streets disclosure statement in accordance with G.S. 136-102.6.
- 32) Roadway, Public: A street or road within a right-of-way owned by the North Carolina Department of Transportation or a local government entity. The roadway must have been dedicated or deed to, and accepted by, the governmental entity.
- 33) Shall: The word "shall" is always mandatory and not merely directory.
- 34) Single-Tier Lot: A lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.
- 35) Streets: A right-of-way dedicated to the public for vehicular traffic.
- 36) ~~Freeway, Expressway, or Parkway: Divided multi-lane roadway designed to carry large volumes of traffic at relatively high speeds. A freeway providing for continuous flow of vehicles with no direct access to abutting property or streets and with access to selected crossroads provided via connecting ramps. An expressway is a divided highway with full or partial control of access and generally with grade separations at major intersections. A parkway is a highway for non-commercial traffic, with full or partial control of access, and usually located within a park or a ribbon of park-like development.~~
- 36) Frontage Road: A street that is parallel to a fully or partially access controlled street which functions to provide controlled access to adjacent land.
- 37) Half Street: A street whose center line coincides with a subdivision plat boundary, with one-half ($\frac{1}{2}$) the street right-of-way width being contained within the subdivision plat. Also, any existing street to which the parcel of land to be subdivided abuts on only one side.
- 38) ~~Principal Arterial: A rural link in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel and existing~~

~~solely to serve traffic. This network would consist of interstate routes and other routes designed as principal arterials.~~

- 38) Residential Collector ~~Street Road~~: A local access ~~street road~~, which serves as a connector ~~street road~~ between local residential streets and the thoroughfare system. Residential collector ~~streets roads~~ typically collect traffic from 100 to 400 dwelling units.
- 39) Private ~~Street~~: An undedicated private right of way, which affords access to abutting properties and requires a subdivision ~~streets disclosure statement in accordance with G.S. 136-102.6.~~
- 40) Major ~~Collector~~: A road, which serves major intra-county travel corridors and traffic generators and provides access to the arterial system.
- 41) Major ~~Thoroughfares~~: Major thoroughfares consist of interstate, other freeway and expressway links, and major streets that provide for the expeditious movement of volumes of traffic within and through urban areas.
- 42) Minor ~~Arterial~~: A rural link in a network joining cities and larger towns and providing intrastate and intercounty at relatively high overall travel speeds with minimum interference to through movement. This network would primarily serve traffic.
- 43) Minor ~~Collector~~: A road, which provides service to small local communities and links locally important traffic generators with their rural hinterland.
- 39) Minor ~~Street Road~~: A street ~~or road~~ whose primary function is to provide access to abutting properties and is designed to discourage use by through traffic. Minor ~~streets roads~~ may also be referred to as “neighborhood” ~~streets roads~~.
- 40) Minor ~~Thoroughfares~~: Minor thoroughfares are important streets in the urban system and perform the function of collecting traffic from local access streets and carrying it to the Major Thoroughfare system by facilitating a minor through traffic movement and may also serve abutting property.
- 41) Local Residential ~~Street~~: Cul de sacs, loop streets less than 2,500 feet in length, or streets less than one mile in length that do not connect thoroughfares, or serve major traffic generators, and do not collect traffic from more than 100 dwelling units.
- 42) Local ~~Street~~: A local street is any link not part of a higher order urban system, which serves primarily to provide direct access to abutting land and access to higher systems.
- 43) Arterial ~~Street~~: A street connecting widely separated areas and designed to carry a large volume of traffic, which may be fast, heavy or both. Arterial streets are sometimes referred to as “major thoroughfares”, “freeways”, etc. and are usually numbered State or Federal Highways.
- 40) Structure: Anything constructed or erected, the use of which requires more or less permanent location on the ground of which is attached to something having more or less permanent location on the ground.
- 41) Subdivision: All divisions of a tract or parcel of land that does not qualify as an exempt subdivision according to Article ~~VI~~ VII: Definitions.
- 42) Subdivision, Abbreviated: A subdivision involving four or less lots (or one lot or more lots previous to a fifth lot from any given parent tract) fronting on an existing approved public street(s), not requiring any new public or private street(s) nor easements for access to interior property, not requiring extension of a public sewer or water line, and not requiring a waiver or variance from any requirement of this Ordinance. The term “Abbreviated Subdivision” is interchangeable with the term “Minor Subdivision.”
- 43) Subdivision, Major: A subdivision involving more than four lots (or one or more lots subsequent to a fourth lot from any given parent tract) or requiring an access easement(s), or requiring a new public or private street(s) for access to interior property, or requiring extension of a public sewer or water line, or requiring a waiver or variance from any requirement of this Ordinance.
- 44) Subdivision, Minor: See definition of “Abbreviated Subdivision.” The term “Minor Subdivision” is interchangeable with the term “Abbreviated Subdivision.”
- 45) Subdivider/Developer: Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as defined in this ordinance.
- 46) Subdivision Review Officer or Subdivision Administrator: That person appointed by the County Commissioners to administer the provisions of this ordinance.
- 47) Through Lot or a “Double Frontage Lot”: A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lot.

B) Reserved”

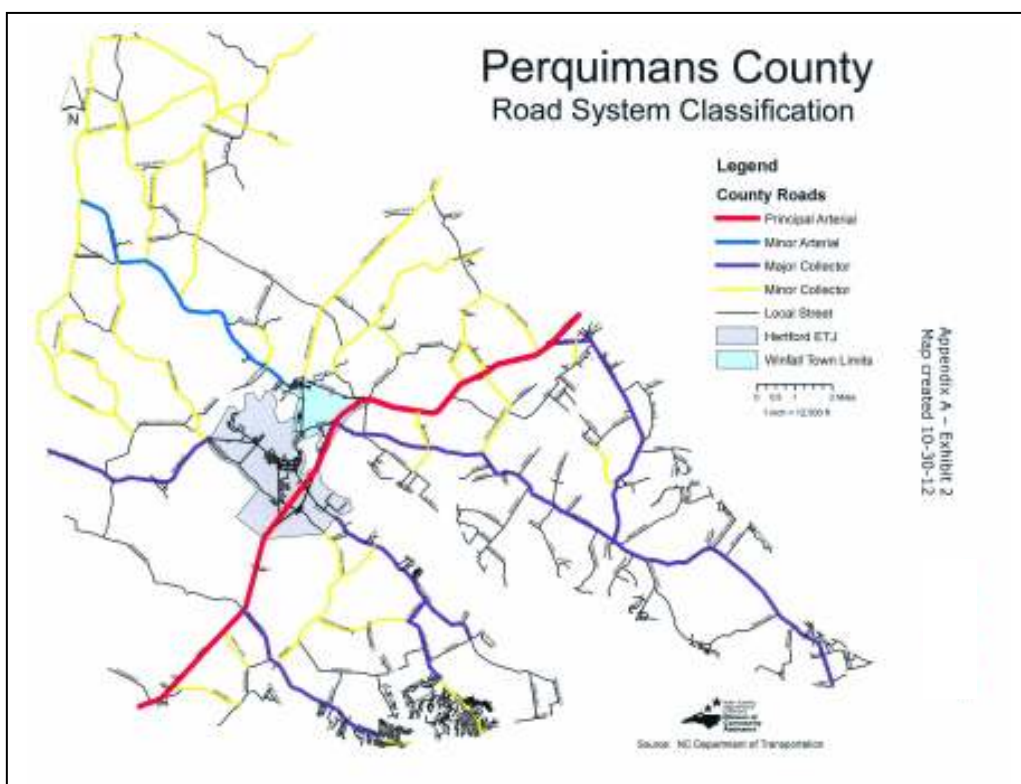
APPENDIX A – EXHIBIT 1: ROADWAY FUNCTIONAL CLASSIFICATIONS

Principal Arterials:	Ocean Highway North (U.S. Highway 17 North) Ocean Highway South (U.S. Highway 17 South)
Minor Arterials:	N.C. Highway 37 North (Belvidere Road) N.C. Highway 37 South (unnamed)

Major Collectors:	Center Hill Road (SR 1110) Old U.S. 17 Road (SR 1367) Woodville Road (SR 1329) New Hope Road (SR 1300) Harvey Point Road (SR 1336) Burgess Road (SR 1348) Holiday Island Road – between Burgess & Mathews Roads (SR 1347) Snug Harbor Road – <u>north of Hemlock Road?</u> (SR 1340)
Minor Collectors:	Joppa Road (SR 1203) Poplar Neck Road (SR 1115) Chinquapin Road (SR 1114) Hunters Fork Road (SR 1116) Beech Springs Road – east of Goodwin Mill Road (SR 1111) Goodwin Mill Road (SR 1111) County Line Road (SR 1002) Hickory Cross Road (SR 1205) Perrys Bridge Road (SR 1202) Bethany Church Road (SR 1200) Ridge Road (SR 1211) Sandy Cross Road (SR 1204) Turnpike Road (SR 1001) Bagley Swamp Road – between Fowler Fork & Belvidere Roads (SR 1215) Two Mile Desert Road (SR 1218) Four Mile Desert Road (SR 1223) Lake Road (SR 1221) Foreman Bundy Road (SR 1221) Swing Gate Road – between Lake & Hurdletown Roads (SR 1228) Old Hickory Road (SR 1226) Chapanoke Road (SR 1225) Weight Station Road (SR 1224) Body Road – easternmost segment (SR 1305) Hog Neck Road – southernmost segment (SR 1334) Woodland Church Road (SR 1303) Union Hall Road (SR 1302) Olde Neck Road – easternmost segment (SR 1302) Wynne Fork Road (SR 1338) Pender Road (SR 1339) Holiday Island Road – west of Burgess Road (SR 1347) Holiday Lane – south of Mathews Road (SR 1429) Perry Long Road (SR 1342) Hopewell Road – between Ocean Hwy. South & Burnt Mill Roads (SR 1343) Snug Harbor Road – <u>south of Hemlock Road?</u> (SR 1340)

Table created 11-26-12. Note: “Minor Collectors” and “Local Roads” may be reclassified based upon the AADT (Annual Average Daily Traffic) maps as published by the NCDOT, subject to AADT numbers supporting such reclassification in conjunction with road types as defined elsewhere in these Subdivision Regulations. Reclassification of other road types will require public hearing and approval by the Planning Board and Board of County Commissioners.”

**Appendix A – Exhibit 2
Map created 10-30-12**



ATTACHMENT B

*-Beginning of Ordinance document to be recorded-
Administrative Text Amendment No. TXT-12-02SR
Perquimans County Subdivision Regulations,
Articles III and IV
Revise Abbreviated Subdivision Regulations
and related Access Management provisions*

ORDINANCE NO. 85

AN ORDINANCE OF PERQUIMANS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF NORTH CAROLINA, AMENDING, ADDING AND REPEALING SECTIONS OF THE PERQUIMANS COUNTY SUBDIVISION REGULATIONS AS ADOPTED BY ORDINANCE NO. 19, AS PREVIOUSLY AMENDED; THIS ORDINANCE AMENDS STANDARDS, CONDITIONS AND PROCEDURES IN ARTICLES III AND IV PERTAINING TO ABBREVIATED SUBDIVISIONS, BY MOVING THE DATE UNDER WHICH SUCH LOTS MAY BE COUNTED THROUGHOUT THE UNINCORPORATED COUNTY AND BY INCREASING THE NUMBER OF LOTS PERMITTED UNDER THE PROCESS ON LOCAL AND MINOR COLLECTOR ROADS, AND REFORMATTING AND CORRECTING TYPOGRAPHICAL ERRORS THEREIN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PERQUIMANS COUNTY, NORTH CAROLINA THAT:

Section 1. Perquimans County Ordinance No. 19 (Subdivision Regulations), as previously amended, is hereby amended by revising standards, conditions and procedures in Articles III and IV pertaining to Abbreviated Subdivisions by moving the date under which such lots may be counted throughout the unincorporated County and by increasing the number of lots permitted under the process on Local and Minor Collector Roads; reformatting and correcting typographical errors therein; by adding and/or substitution the following excerpts of Articles III and IV attached hereto as Exhibits A and B, respectively, and incorporated herein by reference, in its stead;

Section 2. Severance Clause. It is the intent of the Board of County Commissioners of Perquimans County, North Carolina, and it is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance; and

Section 3. Effective Date. This Ordinance shall take effect upon its passage and enactment. This Ordinance shall be recorded in a book kept and maintained by the Clerk of the Board of County Commissioners of Perquimans County, North Carolina.

PASSED AND ENACTED by the Board of County Commissioners of Perquimans County, North Carolina, this 3rd day of December, 2012.

BOARD OF COUNTY COMMISSIONERS OF PERQUIMANS COUNTY, NORTH CAROLINA

By: _____
Janice McKenzie Cole, Chair

ATTEST:

Mary P. Hunnicutt, Clerk to the Board

Effective Date: December 3, 2012

Exhibit "A"

ARTICLE III:PROCEDURES FOR REVIEW & APPROVAL OF SUBDIVISION PLATS

Section 301 Plat Shall Be Required on Any Subdivision of Land: Pursuant to G.S. 153A-330, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this ordinance whenever any subdivision of land takes place.

Section 302 Approval Prerequisite to Plat Recordation: No final plat of a subdivision within the subdivision jurisdiction of Perquimans County as established in Section 104 of this ordinance shall be accepted for record by the Register of Deeds of Perquimans County until final approval has been given by the Board of Commissioners of Perquimans County or by the Subdivision Review Officer where he is authorized to do so in this ordinance. To secure such approval of a final plat, the subdivider shall generally follow the procedures established in this section.

Section 303 Procedure for Abbreviated Plat Review

Section 303.1 Qualification: A subdivider may apply to the Subdivision Review Officer appointed by the Perquimans County Board of Commissioners, for one step final plat review, which precludes the submission requirements for a sketch design plan and a preliminary plat.

- A)** The abbreviated final plat review procedure may be used in such cases where the subdivision:
- 1) Involves not more than four (4) lots fronting on a state maintained **road Principal Arterial, Minor Arterial or Major Collector Road** or six (6) lots fronting on a state maintained **Minor Collector or Local Road**; and
 - 2) Does not constitute the enlargement of a previously platted subdivision to more than four (4) or six (6) lots, **as noted above**; and

- 3) Does not require extension of public water and sewage lines or the creation of new drainage deeds of easement on adjoining lands; and
 - 4) Does not adversely affect the remainder of the parcel or the adjoining property.
- B) In addition, the seller of any lot of less than ten 10 acres must submit to the Subdivision Review Officer a certificate from the Health Department stating whether or not septic systems have been approved for the lot and this certificate shall be made available to the purchaser of the property.
- C) The Subdivision Review Officer shall make determinations on eligibility of exemption under exemptions specified in the definition of subdivision (~~ARTICLE VII, Definitions, Section 701~~ currently Article VII, Section 701).

Section 303.2 Requirements: The use of the abbreviated final plat review is subject to the following requirements:

- A) All lots subdivided from a tract since ~~October 2, 1978~~ December 31, 1998 shall be included in determining when the four (4) or six (6) lot maximum has been exceeded and when the full review procedure shall be required by a subdivider.
- B) On application for abbreviated final plat processing, the subdivider shall pay an inspection fee to Perquimans County in an amount set by the Board of County Commissioners in a separate fee schedule.
- C) Four (4) copies of the final plat shall be presented to the Subdivision Review Officer for review under the abbreviated procedure and shall include all final plat requirements Final Plat Requirements as stipulated in Article III, Section 306.3, pages 14-15 (currently Section 306.3A) through M.
- D) The final plat shall be reviewed by the Subdivision Review Officer for qualification under the abbreviated procedure and compliance with subdivision regulations and if the Subdivision Review Officer finds that proposed final plat qualifies for review under the abbreviated procedure and complies with all applicable subdivision regulations, the Subdivision Review Officer shall have the authority to approve the final plat for recordation in the Register of Deeds.

Section 304 ~~Sketch Design Plan Requirements~~ Major Subdivision Requirements: If the land to be subdivided contains more than ten (10) acres, or is waterfront property, the subdivider shall submit a sketch plan prior to submitting a preliminary plan. Smaller subdivisions may be submitted in sketch plan form if the subdivider wishes. If the sketch plan is required or the subdivider wishes to submit one to the Planning Board, it must be submitted to the Subdivision Review Officer fifteen (15) business days prior to a regular meeting of the Planning Board the Technical Review Committee (TRC) meeting. At the regular meeting meetings of the TRC and Planning Board, the subdivider or his representative should explain the plan, answer questions and advise the TRC and Planning Board of any variations from the subdivision regulations. Sketch plans shall conform to the following requirements when submitted to the Planning Board for their review.

Section 305.2 Public Water Service Requirements: All subdivisions (minor or major) that front or abut on a public road or street shall be required to connect to a public water system.

In the case of major subdivisions, the subdivider shall construct a water system and connect it to the system owned and operated by Perquimans County, subject to the following conditions:

- A) Construction plans for the proposed system shall be prepared by a registered engineer, materials and construction to be in accordance with the specifications for the Perquimans County Water System as prepared by the County Engineer, and submitted with the preliminary plat for approval by the Planning Board, County Water Supervisor and the appropriate State Agencies.
- B) The cost of the construction, connection and approval of the subdivision water system shall be paid by the subdivider.
- C) All water mains, laterals, meter box and easement shall be dedicated to the County Water system. Water lines shall be installed on the street right-of-way where possible.
- D) All water mains constructed to serve the subdivision will be a minimum of 6" diameter, unless specified otherwise by the County Engineer.

The Perquimans County Planning Board and/or the Perquimans County Board of Commissioners may, in consultation with the County's Engineer and the Technical Review Committee, determine that certain improvements will be required for the County Water System due to the projected consumption of water when all proposed subdivision lots are connected to the Perquimans County Water System. The Perquimans County Board of Commissioners will require the Developers to make and pay for those improvements. The County Engineer will be the selected Engineer for the Construction Project unless otherwise approved by the Board of County Commissioners. The Engineer's Fee will be paid for by the Developer in an amount set by the Board of County Commissioners in a separate fee schedule."

Section 305.3 Preliminary Plat Approval: Unless otherwise provided herein, the Perquimans County Planning Board shall have the sole authority to review and approve or disapprove all plats presented under this ordinance prior to their submission to the Perquimans County Board of Commissioners.

Failure on the part of the Planning Board to act within forty-five (45) days after the preliminary plat is submitted shall be deemed as approved by the Planning Board.

The Board of Commissioners shall approve or disapprove the preliminary plat. If the Board of Commissioners approves the plat, such approval shall be noted on eight copies of the plat. One (1) copy of the plat shall be retained by the Board of Commissioners, five (5) copies shall be retained in the Planning Board records, and two (2) copies shall be given to the subdivider. If the Board of Commissioners shall disapprove the preliminary plat, the subdivider shall be given the reasons in writing and one (1) copy of the plat. The subdivider shall be instructed concerning resubmission of the plat to the Board of Commissioners if deficiencies can be corrected.

Upon approval of the preliminary plat by the Board of Commissioners, the subdivider may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this ordinance. Preliminary plat approval shall in no way be construed as constituting an official action of approval for recording of the subdivision as required by this ordinance.

Section 305.4 Adequate Public Facilities: A preliminary plan of subdivision must not be approved unless the Board of Commissioners determine that the proposed subdivision will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within 2 years after the initial approval of the sketch plan.

Section 306 Final Plat Review

- A) General: Prior to completion of the final plat for review by the Board of County Commissioners, the developer shall have completed the installation of all improvements in accordance with the approved preliminary plat. The only exception may be asphalt street paving and related shoulder/ditch grading and seeding, provided the developer submits an improvement guarantee in accordance with Section 306.5, Improvements Guarantees.

Upon completion of the installation of improvements or an arrangement for the installation of the improvements shown in the approved preliminary plat for the whole or in a portion of the subdivision that is acceptable to the Planning Board and Board of County Commissioners, the applicant shall submit a final plat twenty-eight (28) days prior to the regular meeting of the Planning Board showing the areas covered by such improvements. At the same time the final plat is submitted the developer shall schedule a meeting at the subdivision site with the Subdivision Administrator to inspect the project for conformance with the approved preliminary plat. Should the developer opt to provide an Improvement Guarantee rather than install street paving at final plat submittal, s/he shall have installed and graded the base materials to provide for positive drainage in accordance with the pavement cross section detail. Roadway shoulders and ditches, lot line swales, outfall ditches, etc., shall be graded and grass shall be established in accordance with the approved preliminary plat. Grass shall be mowed so that the Subdivision Administrator can verify construction conforms to the approved preliminary plat.

A final plat for the first phase of subdivision shall be submitted not more than twenty-four (24) months after the date on which the preliminary plat was approved; otherwise preliminary plat approval shall be null and void, unless a written extension of this limit is granted by the Board of County Commissioners on or before the 24th month anniversary of the preliminary plat approval. Subsequent phases shall be submitted not more than 24 months after the date of the final plat approval for the prior phase of development; otherwise preliminary plat approval shall be null and void, unless a written extension of the limit is granted by the Board of County Commissioners on or before the 24th month anniversary of the previous final plat approval.

On application for final plat processing, the subdivider shall pay an inspection fee to Perquimans County in an amount set by the Board of County Commissioners in a separate Fee Schedule.

- B) The subdivider shall submit eight (8) copies of the final plat and ten (10) reduced copies 8½" X 11" in size and one digital file.
- C) The final plat shall be reviewed by the Subdivision Administrator for compliance with the approved preliminary plan. The Planning Board may appoint an engineer to check the final plat against the subdivision's actual layout for correctness; charging the costs to the subdivider if the plat is found to be seriously in error.
- (1) If the final plat is found to be in compliance, the Subdivision Administrator shall transmit the final plat together with their recommendations to the County Board of Commissioners for final action; or
 - (2) If the final plat is found not to be in compliance, or if changes have been made from the approved preliminary plat, the Subdivision Administrator shall notify the subdivider and transmit the final plat to the Planning Board.

Section 306.1 The Planning Board Review of Final Plat

- A) If the final plat is in compliance with this ordinance, or the Planning Board approves the changes made from the approved preliminary plat, the Subdivision Administrator shall transmit the final plat, together with the Planning Board's recommendations to the County Board of Commissioners for final action.
- B) If the final plat is not in compliance with this ordinance or the Planning Board does not accept the changes from the approved preliminary plat, the subdivider shall be given an opportunity to submit a revised final plat. If a revised final plat is not submitted within 90 days, the Subdivision Administrator shall transmit the final plat together with the Planning Board's recommendations to the Board of County Commissioners for final action. Such recommendations shall specify any unaccepted changes from the endorsed preliminary plat.

Section 306.2 Final Plat Approval by County Board of Commissioners: The final plat and the recommendations of the Subdivision Administrator or Planning Board, as applicable, shall be reviewed by the Board of County Commissioners. The Commissioners shall approve or disapprove the final plat.

- A) Upon approval of the final plat the Subdivider shall have authorization to file the plat with the Register of Deeds Office. Approval shall become null and void for any plat not recorded within ninety (90) days.
- B) If the Board of County Commissioners should disapprove the final plat, the reasons for such action shall be noted and recommendations made on the basis of which the proposed subdivision would be approved.
- C) The action of the Board of County Commissioners shall be noted on two (2) copies of the final plat. One copy shall be returned to the subdivider and one copy shall be retained for the permanent file in the Planning and Zoning Office.
- D) A one-time Water System Facility Fee will be charged for each lot and paid before the final plat is recorded in the Register of Deeds' Office in an amount set by the Board of County Commissioners in a separate fee schedule. The Fee amount for lots approved under the Abbreviated Subdivision process (four lots or less) is generally less than lots approved under the Major Subdivision process. The number of lots is determined by the total number of lots that have been subdivided and recorded from the same tract of land since October 2, 1978.
- E) No final plat shall be approved until all improvements are installed or guaranteed with adequate security and the plat meets the requirements set forth in Article III, Sections 306.3 and 306.4 of this ordinance, all required fees have been paid and the certificates required by this ordinance to appear on the final plat have been properly filled out and signed.

Section 306.3 Final Plat Requirements: The final plat shall be at the same scale, same sheet size, graphic media and shall conform substantially to the preliminary plat as approved and shall constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time.

The final plat will show:

- A) The lines of all streets and roads.
- B) Lot lines and lot number.
- C) Minimum building setback lines.
- D) Reservations, easements, alleys and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.
- E) Sufficient data to determine readily and reproduce on the ground, the location, bearing and length of every street line, lot line, boundary line, block line and building line, whether curved or straight, and including true north point. This should include the radius, center angle, and tangent distance for the center line of curved streets and curved property lines that are not the boundary of curved streets.
- F) All dimensions should be to the nearest one-tenth (1/10) of a foot and angles to the nearest second.
- G) Accurate location and description of all permanent monuments and stakes.
- H) The proposed utility system:
 - (1) Water
 - (2) Gas
 - (3) Sewers
 - (4) Storm drainage
 - (5) Electric utilities
- I) The names and locations of adjoining subdivisions, and streets, and the location and ownership of adjoining unsubdivided property.
- J) Title, date, name and location of subdivision, graphic scale and north point (indicate if true north, magnetic north or N.C. State Grid System is used).
- K) Name of owner, surveyor or land planner.
- L) Sketch vicinity map showing relationship between subdivision and surrounding area.
- M) Other items to be submitted by the Subdivider with the final plat include the following:
 - (1) Maintenance Bond and security to guarantee street maintenance until acceptance by the North Carolina Department of Transportation, in accordance with Sections 306.5 and 306.55;
 - (2) As-Built Plan of the constructed drainage system, certified by a licensed land surveyor, shall document that the drainage improvements outlined in the drainage study and incorporated into the approved preliminary plans are constructed and installed in accordance with said study and plans. The As-Built Drainage Plan must show the following:
 - (a) The lines of all streets and roads;
 - (b) Lot lines and lot numbers;
 - (c) Locations of all ditches (including road and outfall), culverts and related drainage structures;
 - (d) High and low elevations of ditch inverts (flow arrows shall be shown along ditches);
 - (e) The inverts of ditches, culverts and swales;

- (f) Proposed building pad and grade;
 - (g) Driveway culvert material, size and inverts;
 - (h) Locations of all fire hydrants within subdivision with benchmark elevations established on the top nut and denoted;
- (3) Driveway Culvert Installation Plan which shows the following:
- (a) Percent of slope on all ditches indicated to the nearest one-hundredth of one percent;
 - (b) Indicate at each lot corner that coexists with road right-of-way the ditch invert (calculated according to ditch slopes); and
 - (c) Indicate on each lot the minimum driveway culvert size that provides for proper drainage and meets requirements of the North Carolina Department of Transportation.

Section 306.35 Resubdivision Regulations: For any replatting or resubdivision of land, the same procedures, rules and regulations stated in Article II, of this ordinance shall apply as prescribed herein for an original subdivision. Lot size may, however, be varied on the approved plan after recording, provided that:

- A) Drainage, easements or right-of ways shall not be changed;
- B) Street alignments and block sizes shall not be changed;
- C) The property line between the back of the lots shall not be changed;
- D) The rear portion of lots shall not be subdivided from the front parts;
- E) The character of the area shall be maintained.

Note: Improvements in the resubdivision petitioning will be considered; but the burden of conclusiveness demonstrating that the resubdivision is an improvement will be on the petitioner. Furthermore all buyers of property in the original subdivision will be contacted and their written consent of the change will be submitted with the petition of resubdivision.

Section 306.4 Preparation of Final Plat and Installation of Improvements: Upon approval of the preliminary plat by the Perquimans County Planning Board, the Subdivider may proceed with the preparation of the final plat in accordance with the approved preliminary plat and the requirements of this ordinance. Prior to approval of a final plat, the subdivider shall have installed the improvements specified in this ordinance or guaranteed the installation as provided herein. The Perquimans County Planning Board or the Perquimans County Board of Commissioners will accept no final plat for review unless accompanied by written notice by the Subdivision Administrator acknowledging compliance with the improvement and guarantee standards of this ordinance. Should the final plat require review by the Planning Board due to discrepancies in the preliminary plat, the Subdivision Administrator shall transmit the final plat together with the Planning Board's recommendations to the Board of County Commissioners for final action. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time; such portion shall conform to all requirements of this ordinance.

Section 306.5 Improvement Guarantees

Agreement and Security Required: In lieu of required completion of asphalt street paving, shoulder/ditch grading, and seeding prior to final plat approval, the County of Perquimans may enter into an agreement with the Subdivider whereby the Subdivider shall agree to complete all asphalt street paving, shoulder/ditch grading and seeding. Once the agreement is signed by both parties and the required security is provided, the final plat may be approved by the Board of County Commissioners, provided all other requirements of this Ordinance are met. To secure this agreement, the Subdivider shall provide, subject to approval of the Board of County Commissioners, any one of the following guarantees:

- A) **Surety Performance Bond:** The Subdivider shall obtain a performance bond from a surety bonding company authorized to do business in the State of North Carolina. The bonds shall be payable to the County of Perquimans and shall be in an amount equal to 1.30 times the entire cost, as estimated by the subdivider and/or certified by a professional engineer and approved by the Perquimans Board of County Commissioners, of installing the asphalt street paving and completion of final shoulder/ditch grading and seeding. The duration of the bond shall be until such time as the improvements are determined by the Board of County Commissioners to be in compliance with the provisions of this ordinance. All improvements must be made within twelve (12) months of the date of authorization of the security bond.
- B) **Cash or Irrevocable Letters of Credit** on forms approved by the County Attorney with a banking institution insured by either FSLIC or FDIC.

The Subdivider shall deposit, an irrevocable letter of credit, or cash, with Perquimans County. The amount of the deposit shall be equal to 1.30 times the entire cost of installing the asphalt street paving and completion of final shoulder/ditch grading and seeding as estimated by the Subdivider and/or certified by a professional engineer and approved by the Perquimans County Board of County Commissioners. All improvements must be made within twelve (12) months of the date of authorization of the security.

The bank used for an irrevocable letter of credit(s) must be chartered by the North Carolina Commissioner of Banks or by the federal government, and the bank must have a branch located in North Carolina.

The Surety Performance Bond or Irrevocable Letter of Credit shall not be released or reduced until the work is completed. If any infrastructure improvements have not been completed at the end of eleven (11) months from the date of final plat approval by the Board of County Commissioners, then the County shall be paid the total amount of security plus interest, which has accrued since the time of final plat approval. The County will proceed to complete the paving and related shoulder/ditching improvements as required by the Subdivision Regulations. Any funds held by the County after the paving has been completed will be returned to the developer.

Section 306.55 Maintenance of Streets Until Acceptance: The Subdivider of any development containing streets intended for public dedication shall post a letter of credit or other sufficient surety in accordance with Section 306.56, to guarantee that such streets will be properly maintained until the offer of dedication is accepted by the North Carolina Department of Transportation or a property owners association that is recognized and approved by the Perquimans County Board of County Commissioners.

The Perquimans County Board of Commissioners shall secure from all Subdividers a letter to guarantee street maintenance and appropriate security being acceptable by the Board of County Commissioners. In the event that the Subdivider fails to maintain the road making required improvements to keep the road within NCDOT Standards for a paved road, the Board of County Commissioners may draw against the Letter of Credit to make such improvements. The road must be maintained by the Subdivider to NCDOT Standards for a paved road until one of the following occurs: The minimum dollar amount of the posted security provided Perquimans County must be equal to 30% of the total cost of street construction when constructed (the Subdivider will submit an Engineer's Certified Cost Estimate) to serve as the basis of the amount of the security. The maintenance guarantee and security must be kept in place until the roads are transferred per the options provided or other acceptable measures are taken and approved by the Board of County Commissioners.

Prior to release of the maintenance guarantee and security, the required street improvements must be accepted for maintenance by the North Carolina Department of Transportation or a property owners association that is recognized and approved by the Perquimans County Board of Commissioners.

Section 306.56 Acceptable Guarantees for Street Maintenance: The amount of the security shall constitute thirty percent (30%) of the cost of all improvements relating to road construction (grading, ditching, culverts, stone base, asphalt, seeding, etc.). The maintenance guarantee shall be payable to the County of Perquimans and shall be in an amount equal to 1.30 times the entire cost, as estimated by the subdivider and/or certified by a professional engineer and approved by the Perquimans Board of County Commissioners. The following types of bonds/guarantees will be acceptable to the Board of County Commissioners for the purpose of satisfying maintenance of streets guarantees prior to final plat approval:

- A) Surety Bond: The Subdivider shall obtain a performance bond from a surety bonding company authorized to do business in the State of North Carolina. The bonds shall be payable to the County of Perquimans and shall be in an amount equal to 1.30 times the entire cost, as estimated by the Subdivider and/or certified by a professional engineer and approved by the Perquimans Board of County Commissioners, of installing the asphalt street paving and completion of final shoulder/ditch grading and seeding.
- B) Cash or Irrevocable Letters of Credit: on forms approved by the County Attorney with a banking institution insured by either FSLIC or FDIC.

The Subdivider shall deposit an irrevocable letter of credit, or cash, with Perquimans County. The amount of the deposit shall be equal to 1.30 times the entire cost of installing the asphalt street paving and completion of final shoulder/ditch grading and seeding as estimated by the Subdivider and/or certified by a professional engineer and approved by the Perquimans County Board of County Commissioners.

Section 306.6 Approval of Amended Subdivision Map:

- A) Minor changes to a subdivision map which has received plat approval by the Board of County Commissioners are permissible and the Subdivision Administrator may authorize such minor changes. A change is minor if it has no discernible impact of neighboring properties or the general public. Examples of minor changes are reduction in minimum building setbacks which meet or exceed the minimum requirements in this ordinance and in the Zoning Ordinance, slight lot line realignments, and the combination of previously approved lots. This is not intended to be an all-inclusive list.
- B) Major changes to a subdivision map which has received final plat approval by the Board of County Commissioners must be resubmitted to the Board of County Commissioners. The Board of County Commissioners shall approve or disapprove the amended map. Examples of major changes are an increase in the number of lots, major shifting of lot lines, and major shifting of streets. This is not intended to be an all-inclusive list.

Exhibit "B"

"ARTICLE IV: MINIMUM DESIGN STANDARDS"

Section 402 Improvement Design Standards

K) Access to Streets Management:

1) Rural Road System Classification: The Rural Road System Classification is established to help guide long range land use and planning decisions in order to recognize areas with future growth potential and to provide a framework for application of land development regulations. See Roadway Functional Classifications in Appendix A). (See Case No. TXT-12-01SR).

2) Traffic service and land access are necessary but conflicting functions of a highway system. Although minor collector s streets (such as secondary state roads) must provide both traffic service and land access, access is a secondary function and should be controlled to avoid jeopardizing the primary traffic service function. The following provisions are an attempt to lessen congestion, increase safety, promote quality development, and improve drainage by achieving access control. The provisions of this subsection do not apply to single-family residential dwellings on lots approved prior to December 1, 2004 3, 2012 or abbreviated plat review subdivisions of 4 four (4) lots or less on Principal Arterial, Minor Arterial and Major Collector Roads, and six (6) lots or less on Minor Collector and Local Roads.

- (a) The term "access control" refers to all techniques intended to minimize the traffic interference associated with driveway access, whether the use is commercial, industrial, or residential.
- (b) To separate basic conflict areas and gain some semblance of access control, techniques which will allow the reduction of driveway numbers or directly increase the spacing between driveways or between driveways and intersections will be required to the extent reasonably practicable to achieve the following limitations for driveway access in relation to highway frontage:

Number of Driveways

Frontages

1	For frontages less than 500 feet
2	For frontages between 500 feet and 1,000 feet
3	For frontages greater than 1,000 feet

(c) Where highway speed is 55 mph, driveway spacing should be at 300 foot intervals or greater. Where highway speed is 45 mph or less, spacing should be at 230 feet or greater. All other driveway installation details (i.e. width, curve radius, etc.) shall be in accordance with NCDOT standards.

~~11-26-12 NOTE TO THE READER: Reference is made to the other Planning Item (Case No. TXT-12-01SR) for Text Amendments reflected herein, including Section 402K)1, shown above.~~

*-End of Ordinance document to be recorded-
Administrative Text Amendment No. TXT-12-02SR
Perquimans County Subdivision Regulations
Articles III and IV
Revise Abbreviated Subdivision Regulations
and related Access Management provisions*

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