

ARTICLE 8 – SUBDIVISIONS AND INFRASTRUCTURE STANDARDS

REVISION #7 – 9.06.2019

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ARTICLE 8 - SUBDIVISIONS & INFRASTRUCTURE STANDARDS

ARTICLE 8 – SUBDIVISIONS AND INFRASTRUCTURE STANDARDS

8.01 PURPOSE

A. PURPOSE

The purpose of this section is to establish procedures and standards for the subdivision of land within the county. More specifically, this section is intended to:

1. Provide for the orderly growth and development of the county;
2. Foster the distribution of population and traffic;
3. Maintain conditions essential to the public's health, safety, and general welfare;
4. Facilitate adequate provision of public services; and
5. Facilitate the further re-subdivision of larger tracts into smaller parcels of land.

B. SUBDIVISION DEFINED

For the purpose of this part, “subdivision” means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets.

8.02 EXEMPT SUBDIVISIONS

Exempt Subdivisions are those divisions of land exempt from regulations herein as detailed in NCGS 153A-335 and NCGS 29, Intestate, as listed below:

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its subdivision regulations.
2. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.
3. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
4. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the county, as shown in its subdivision regulations.
5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

8.03 APPLICABILITY (5-13)

A. TYPE OF SUBDIVISIONS

The standards in this section are the minimum standards applied to all Minor Subdivisions [five (5) lots or less] and Major Subdivisions [more than five (5) lots] in the unincorporated area of Guilford County. The following are subdivision types regulated by this ordinance (see Article 3 - Permits & Procedures):

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1. **MINOR SUBDIVISION:** Minor Subdivisions are all divisions of land into five (5) lots or less.
2. **MAJOR SUBDIVISION:** Major Subdivisions are all divisions of land into more than five (5) lots.
3. **CLUSTER DEVELOPMENT:** Cluster developments may be used in any district which permits single-family uses if the tract is ten (10) acres or more and is served by public sanitary sewer (See Section 8.07).
4. **PLANNED UNIT DEVELOPMENT:** A planned unit development is an area of land under unified ownership or control to be developed and improved as a whole under a Unified Development Plan in accordance with the requirements of this Ordinance. Any property meeting the minimum size requirements set forth in this ordinance may be eligible as a planned unit development regardless of the methods utilized to supply potable water and sewage disposal (See Section 8.06 and Article 4). Planned Unit Developments are comprised of the following zoning designations:
 - a. Planned Development-Residential (PD-R)
 - b. Planned Development-Mixed (PD-M)
 - c. Planned Development-Rural Preservation (PD-RP)

B. SUBDIVISION LOT AND DIMENSIONAL STANDARDS (15-13.2)

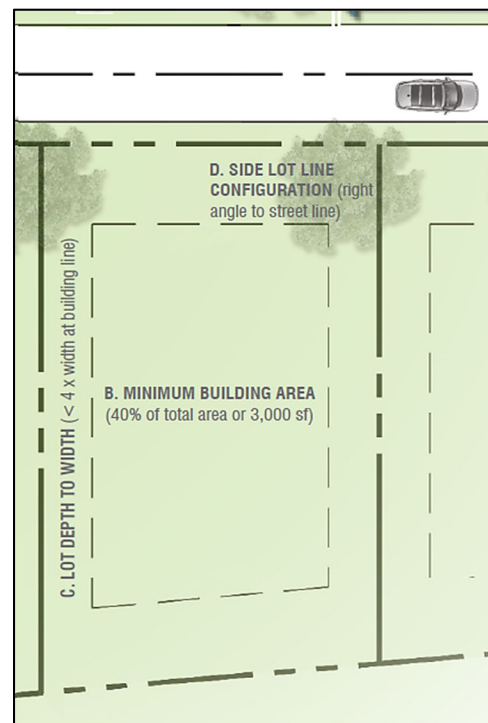
1. Lot Configuration

Every lot shall have sufficient area, dimensions, and street access to permit a principal building to be erected thereon in compliance with all zoning and other requirements of this Ordinance.

2. Minimum Building Area

Every lot shall have at least forty (40) percent of its total area, or three thousand (3,000) square feet, whichever is less, of contiguous buildable area of a shape sufficient to hold a principal building. Said area shall lie at or be filled to an elevation at least two (2) feet above the 100-year flood elevation.

Commentary: [See Article 9 - Environmental Regulations or Federal Wetlands Regulations will prohibit or restrict fill placement in certain locations].



3. Lot Depth to Width Ratio

No lot shall have a depth greater than five (5) times the width at the minimum building setback line.



Side lines of lots should be configured as closely as possible at or near right angles to street lines.

Lot boundaries shall coincide with natural or pre-existing man-made drainageways to the extent practicable to avoid altering drainageways in order to create a buildable lot.

Flag Lots (See Flag Lot Figure below) approved by the Technical Review Committee shall meet the following requirements:

The diagram illustrates a Flag Lot layout. At the top, a horizontal dashed line is labeled "REAR LOT LINE". Below this line is a large blue-shaded rectangular area labeled "FLAG LOT PORTION (2)". Inside this shaded area, text specifies: "MAX. LOT SIZE WITH PUBLIC SEWER IS 1 ACRE, WITHOUT PUBLIC SEWER IS 3 ACRES". To the left of the shaded area is a vertical dashed line labeled "SIDE LOT LINE". To the right is another vertical dashed line labeled "SIDE LOT LINE". Below the shaded area is a horizontal dashed line labeled "FRONT LOT LINE". Below the front lot line is a white rectangular area labeled "(1)". To the left of area (1) is a narrow vertical strip, shaded light gray, labeled "ACCESS EASEMENT" with an arrow pointing to it. Within this easement, a vertical double-headed arrow is labeled "FLAG POLE MAX. LENGTH 300'" and a horizontal double-headed arrow is labeled "FLAG POLE MIN. WIDTH 25'". At the bottom of the diagram is a horizontal dashed line labeled "FLAG LOT". Below this line is a green-shaded horizontal strip labeled "RIGHT-OF-WAY WIDTH".

Commentary:
[Flagpole portion of lot may not be used to calculate area, width, depth, coverage or setbacks of the lot or to provide off-street parking].

- 1) Where public water is available, any building on the flag lot must be within five hundred (500) feet of a hydrant. This distance shall be measured along the street, then along the flagpole, then in a straight line to the building location;
- 2) Where public sewer is available, occupied buildings on the flag lot shall have a gravity service line, or the sewer pump requirement shall be noted on the plat;
- 3) Use of a single driveway to serve a flag lot and an adjoining lot is permitted and encouraged; the preferred location for the driveway is on the flagpole portion

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of the flag lot, an access easement over the flagpole granted to the conventional lot.

6. Nonconforming Lots to be Combined

See Article 11 – Nonconformities.

C. GENERAL STANDARDS

The standards in this section are the minimum standards applied to all subdivisions of land in the County.

1. Design

All proposed subdivisions shall coordinate with existing adjacent developments and with officially adopted plans for the future development of the County with adequate streets, utilities and building sites.

2. Development Name

The name of a proposed development shall not duplicate or be phonetically similar to an existing development name in the County unless the proposed development lies adjacent to the existing development.

3. Installation of Required Public Improvements

Unless subject to a performance guarantee (see Section 8.08, Performance Guarantees), all required public improvements shall be installed before the approval of a final plat (see Article 3 – Development Review Procedures), in accordance with the standards in this Ordinance.

4. Off-Site Connections

When the Technical Review Committee finds that it is necessary to connect streets or utilities off-site to adjoining streets and/or utilities, the connection will be required.

5. Reasonable Relationship

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



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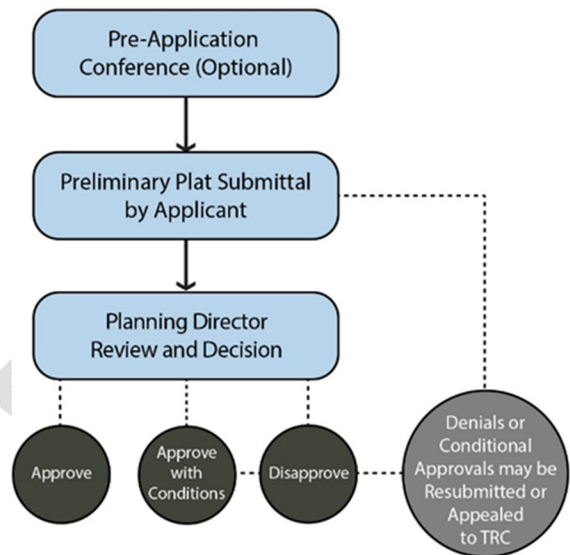
8.04 MINOR SUBDIVISIONS

Minor subdivisions are all divisions of land that do not qualify as Exempt Subdivisions (per NCGS 153A-335 and NCGS 29) into no more than five (5) lots.

A. STREET ACCESS STANDARDS

Access requirements for Minor Subdivisions are reviewed and approved administratively by the Planning Director based on the following:

- 1. Access for Minor Subdivisions.** Access for Minor Subdivisions may be approved where lot(s) have access through direct frontage on a public or private Street, or by an exclusive access easement meeting the following requirements:



Minor Subdivision Street/ Access Standards Five (5) Lots or Less ¹

Street/Access Options	Minimum Right-of-Way or Easement Width ²	Minimum Street Width	Length ³	Street/Access Construction Standard	Street Maintenance Responsibility	Other Requirements
Public Street ^{7,9}	50 ft.	14 ft. One-Way 20 ft. Two-Way	Max. 800 ft. / 1600 ft. (WCA) ⁴	Must Meet or Exceed NCDOT Subdivision Streets Minimum Construction Standards	POA ⁵	Certification of Street Construction to NCDOT Subdivision Streets Minimum Construction Standards
Private Street (new) ⁷	50 ft.	14 ft. One-Way 20 ft. Two-Way	Max. 800 ft. / 1600 ft. (WCA) ⁴	6" ABC Stone and Meet NCDOT Subdivision Streets Minimum Construction Standards EXCEPT No Paving Required ⁶	POA ⁵	Private Street Disclosure Certification Statement (NCGS 136-102.6) Must Have Direct Access to a Public Street
Exclusive Access Easement (Public & Private Streets, Exclusive Access Easement must be Recorded) ⁸	25 ft.	N/A	Allowable if more than 300 ft. from Public Street Minimum separation between centerline of easement of	N/A	N/A	Only One (1) Lot a Minimum of three (3) Acres in Size No Accessory Dwelling Allowed

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			any other platted right- of-way shall be one hundred twenty-five (125) ft.			
¹ The number of lots that are existing, created, or combination thereof. ² In some instances, minimum street Right-of-Way or Easement width of public and private Streets may be required to exceed minimum width based on Street function number of lots served, and/or other factors specific to proposed development. ³ See Section 8.05 for approved Street terminus turnaround. ⁴ WCA - Watershed Critical Area ⁵ Streets shall be dedicated to a Property Owners' Association (POA) prior to further subdivision activity. See Section 8.04. ⁶ Private Streets are required to meet minimum design guidelines for thickness of base and surface course per the most recent NC Dept. of Transportation Subdivision Streets Minimum Construction Standards. ⁷ See Public/Private Street Illustration below. ⁸ See Exclusive Access Easement illustration below. ⁹ Per NCDOT policy, public subdivision streets must have four (4) dwelling units prior to taking over maintenance.						

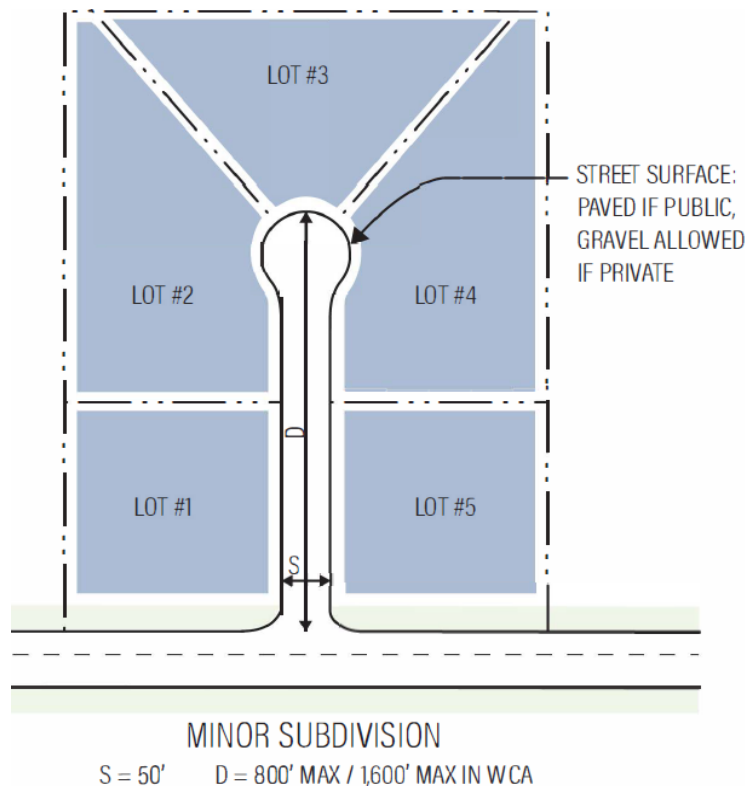
2. Minor Subdivisions

Lots fronting on public streets with access to existing utilities are not required to have utility easements. All other lots shall show a twenty (20) foot utility easement to the front, side, or rear of each lot unless easement releases are obtained from all utility companies, in which case no utility easement will be required.

3. Reserve Strips

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

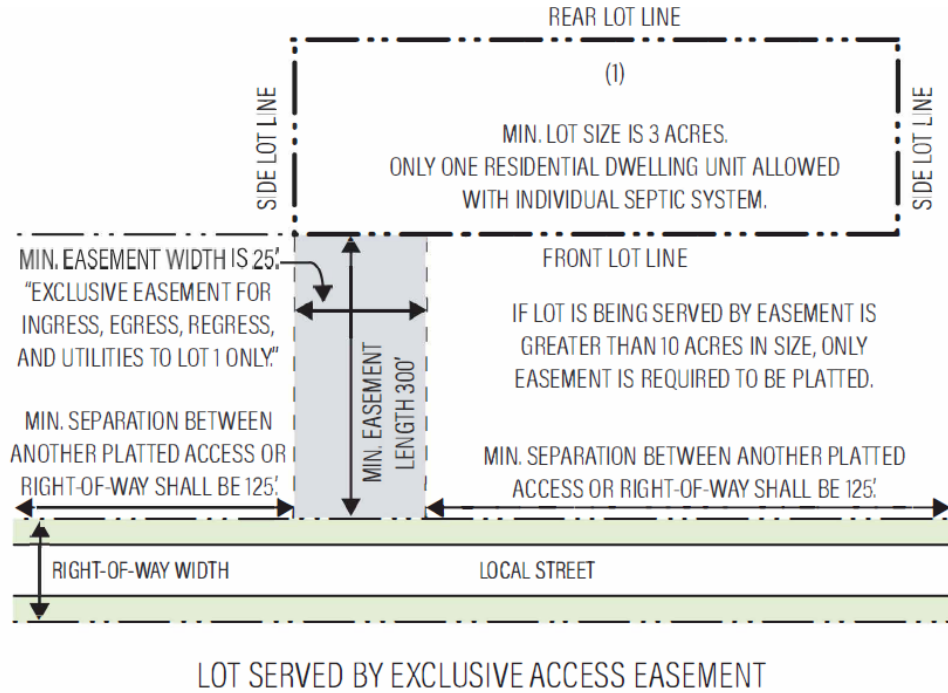
4. Public/Private Street Illustration:





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5. Exclusive Access Easement Illustration:



8.05 MAJOR SUBDIVISIONS

Major Subdivisions are all divisions of land into more than five (5) lots.

A. STREET ACCESS AND SIDEWALK STANDARDS (5-13.3 – 5-13.6)

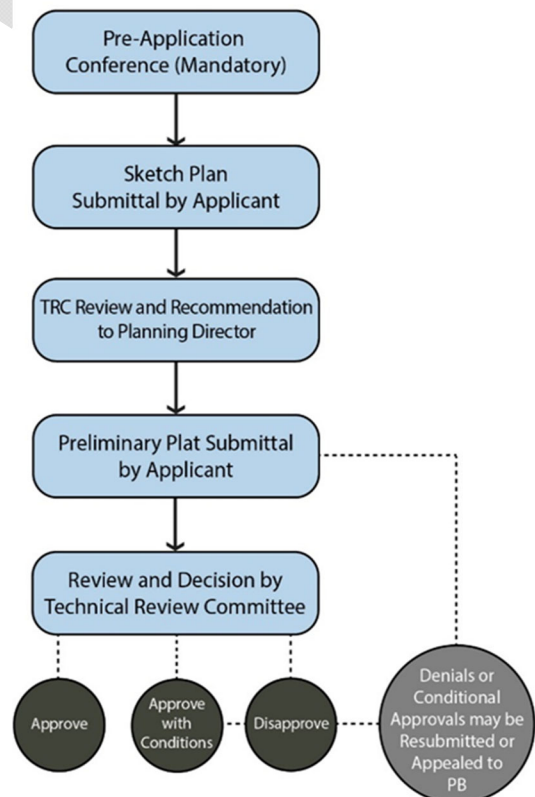
1. Lots on Thoroughfares

Major subdivisions shall not be approved that permit individual residential lots direct access to thoroughfares as designated on the adopted Thoroughfare Plan.

2. Conformance with Thoroughfare and Collector Street Plans

The location and design of streets shall conform with the most recent thoroughfare and collector street plans. Where conditions warrant, street right-of-way widths and pavement widths in excess of the minimum street standards may be required.

3. Conformance with Adjoining Street Systems



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The planned street layout of a proposed subdivision shall be compatible with existing or proposed streets and their classifications on adjoining or nearby tracts.

4. Reserve Strips

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

5. Connection to Public Street Right-of-Way

All private Streets or private access easements permitted with the subdivision process of this Ordinance must be established and designed to have access via a public street right-of-way.

6. Sidewalks

- a. Except along controlled access roadways, sidewalks shall be required on all thoroughfares, collector, subcollector and local residential streets (except cul-de-sacs) within one (1) mile of a **park/recreation facility**, school, shopping center, employment center or other major pedestrian generator. Where sidewalks are installed, they shall have a minimum width of five (5) feet and be constructed on one (1) side of the street right-of-way as determined by the Technical Review Committee (TRC).
- b. Alternative provisions for pedestrian sidewalk movement meeting the intent of this section may be used where unreasonable or impractical situations would result from application of these requirements. Such situations may result from significant vegetation, impending street widening, topography, utility easements, lot configuration or other unusual site conditions. In such instances, the Planning & Development Director may approve an alternate plan that proposes different pedestrian routes provided that the intent of this section is fulfilled.

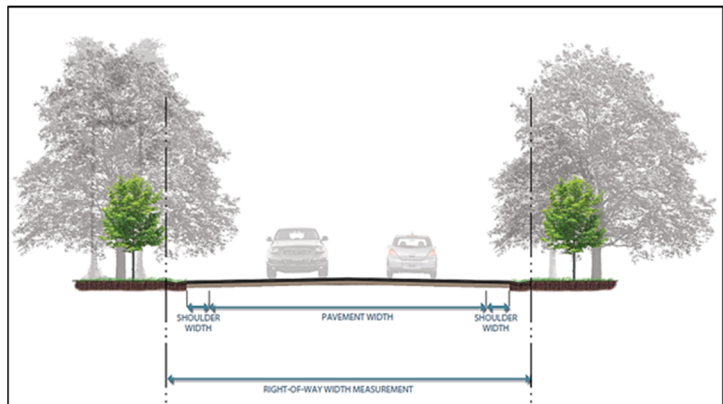
B. STREET DESIGN STANDARDS

1. Conformance with Existing Plans

- a. The street layout shall conform to the arrangement, width, and location indicated on any applicable thoroughfare and collector street plans. Where. In areas where plans have not been completed, the streets shall be designed and located in proper relation to existing and proposed streets, to the topography, natural features such as streams and tree growth, to public convenience and safety, and to the proposed land use to be served by such streets;
- b. In cases where a proposed subdivision fronts or extends an existing street that does not comply with the minimum standards of this Ordinance, the subdivider shall upgrade the portion of the existing street abutting the subdivision, in accordance with the standards of this Ordinance.

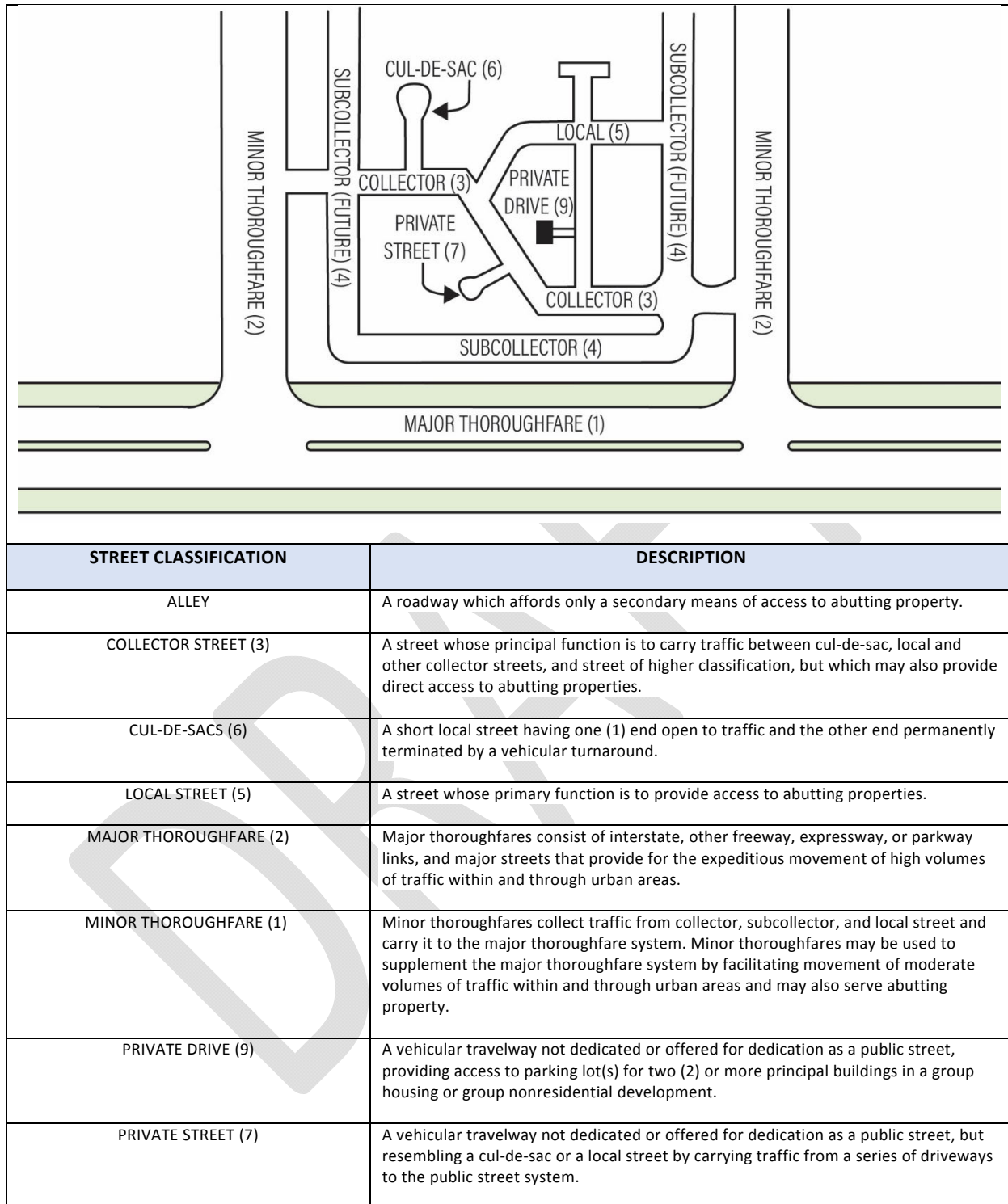
2. Street Classification (2-1.7)

- a. The final determination of the classification of streets in a proposed subdivision shall be made by the County. A typical street cross-section is illustrated to the right.
- b. Specific Street classification descriptions are listed below:





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c. Public Street Design Criteria (5-13.3)

The minimum street design standards for the street classifications listed in this section are listed below. Street right-of-way dedication and paving of streets in and adjacent to the subdivision shall be in conformance with the street right-of-way and pavement

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width requirements listed below and shall be designed in accordance with the NC Building Code – Fire Prevention Code & Appendices and the North Carolina Department of Transportation (NCDOT) Subdivision Streets: Minimum Construction Standards, whichever is applicable.

1) Minimum Public Street Design Standards				
Classification	Minimum Right-of-Way ¹	Minimum Pavement Width ^{1, 2, 3}	Stopping Sight Distance	Centerline Radius ³
MAJOR THOROUGHFARE	90 – 100'	64-68'	650'	1,530'
MINOR THOROUGHFARE				
Five Lane	80'	60'	550	1,240'
Four Lane	68'	48'	475'	955'
COLLECTOR ⁶	60'	40'	400'	765'
SUB-COLLECTOR ⁶	56'	36'	250'	440'
LOCAL RESIDENTIAL				
*With Ribbon ⁴	50'	22'	200'	300'
With Curb/Gutter	50'	30'	200'	300'
RESIDENTIAL CUL-DE-SAC				
*With Ribbon ⁴	50'	22'	200'	300'
With Curb/Gutter	50'	30' ⁵	200'	300'
LOCAL INDUSTRIAL	60'	40'	325'	575'
INDUSTRIAL CUL-DE-SAC	60'	40'	325'	575'
¹ Recommended design standards-exceptions may be approved due to special physical constraints on an individual basis by the Technical Review Committee.				
² Unless additional width required under this Section.				
³ Dimension in this column are from face of curb to face of curb, except ribbon pavement.				
⁴ Watershed Critical Area (WCA) only				
⁵ With twenty (20) dwelling units or less, twenty-six (26) feet				
⁶ Wider right-of-way and pavement width may be required to accommodate pedestrian and bicycle facilities on streets recognized on the official Greensboro Urban Area Metropolitan Planning Organization Collector Street Plan.				

d. Private Street Design Criteria (5-13.3 – 5-13.4)

Private streets shall be permitted in developments with Property Owners' Associations and group developments.

1) Private Street Minimum Design Standards *			
Minimum Common Area Free of Obstructions	*Minimum Pavement Width (face to face)	Stopping Sight Distance	Centerline Radius Minimum
40' ¹	24' ²	150'	215'
¹ Common area may need to be wider when using ribbon pavement in the Watershed Critical Area (WCA).			
² Ribbon pavement width in Watershed Critical Area is 22'.			
*All private streets will have a standard, thirty (30) inch curb and gutter section, unless the street is located in the WCA.			

- 2) The pavement design for all private streets will be equivalent to the minimum design standards for local residential streets of the NCDOT unless the developer supplies an alternate pavement design supported by an engineering study. The developer must furnish an engineer's seal and certification that the private streets



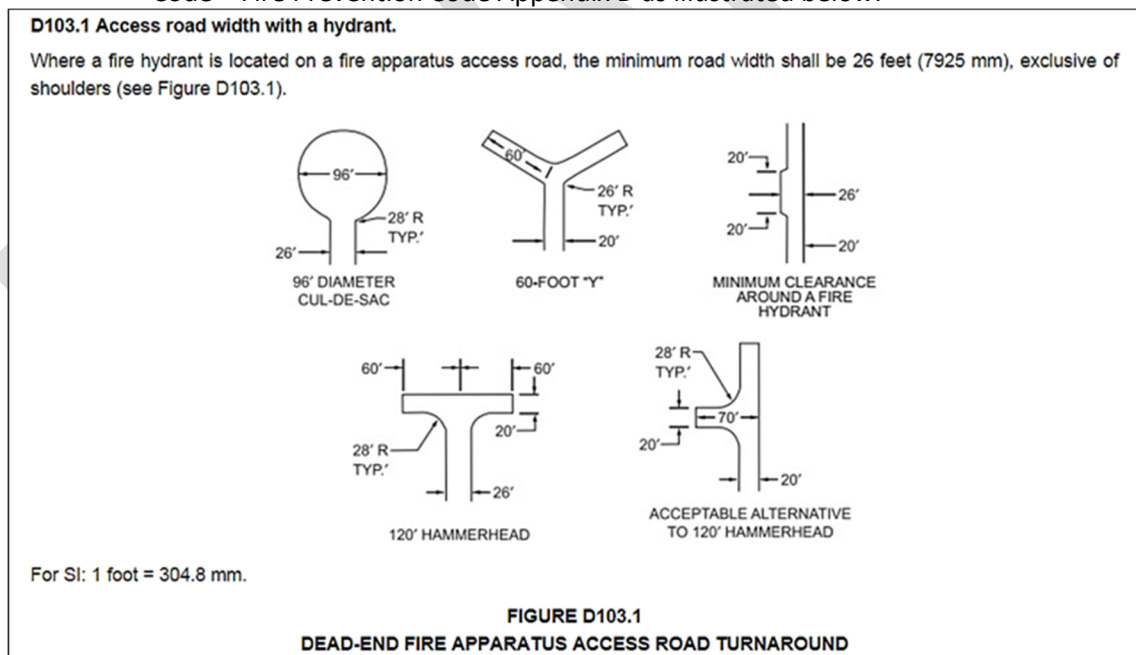
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have been tested and certified for the subgrade, base and asphalt. Streets located in the WCA may be twenty-two (22) feet of asphalt construction with shoulders and a ditch section. Common area may need to be widened to retain the ditch section within the common area. All turnarounds must comply with D103.1 of NC Fire Prevention Code (See chart below).

- 3) A Property Owners' Association is required to own and maintain all private streets allowed under this Ordinance. All private streets will be indicated as such on the final plat.
- 4) No through street in a residential area connecting two (2) public streets can be designated as a private street, unless approved by the Technical Review Committee.
- 5) All private streets connecting with public streets require an approved driveway permit from NCDOT. Where street returns are permitted, the developer shall construct a concrete band running parallel with the public street. The width of this band shall commence at the gutter line and extend to the street right-of-way of the public street.

e. Access & Turnaround

- 1) All streets must provide sufficient access & turnaround provisions for firefighting in compliance with the current adopted version of the North Carolina State Building Code – Fire Prevention Code Appendix D as illustrated below:



**For the purposes of this graphic, the terms street and road shall be synonymous.*

f. Existing Substandard Streets (new)

An existing private street or unimproved platted street right-of-way shall be improved to NCDOT standards if the number of lots to be served is greater than five (5).

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g. Access & Connectivity

1) Adjacent Properties (new)

- (a) Where it is determined by the Technical Review Committee that it is desirable to provide for street access to adjoining property, proposed streets shall be extended, dedicated, and where appropriate, constructed to the boundary of such property.
- (b) It is the intention of this Section to promote the orderly development of a local street system that provides interconnection between developed or developing properties. These requirements may vary at the discretion of the Technical Review Committee (TRC) where compliance is determined not feasible because of topography, the existence of environmentally sensitive lands, the need to preserve cultural resources, and/or other similar considerations. In general, connections shall be required where any of the following are met.
 - i. Where the zoning and/or land use on the adjoining property are compatible with the proposed subdivision. For purposes of this Section, compatible land use shall mean any residential to residential land use or nonresidential to nonresidential land use.
 - ii. Where there are no natural or man-made barriers that make the street extension impractical;
 - iii. Where the street extension will result in desirable traffic flows and patterns and where inappropriate levels of through traffic are avoided; and/or
 - iv. Where the street extension will promote the overall orderly development of the area. Where required to be built, all stub streets shall be designed and constructed in accordance with the appropriate standards per Subsection e above.

Development Type	Fire Apparatus Access Streets	Fire Apparatus Access Street Exceptions	Sight Distance Triangle Easements ¹	Minimum Street Offset ²	Grades at Intersections ³	Curb and Gutter
Single or Two Family Dwelling Residential Developments over 30 units	Shall provide two (2) separate and approved fire apparatus access streets meeting the standards in this ordinance and minimum NCDOT's standards shall be provided. In some instances, the Technical Review Committee may allow a stub street to count as an additional development entry point when there is a reasonable likelihood of the stub street connecting to a future roadway.	Where there are more than thirty (30) dwelling units (existing or created) on a single public or private fire apparatus access Street and all dwelling units are equipped throughout with an approved automatic sprinkler system, access from two directions shall not be required. The number of dwelling units on a single fire apparatus access Street shall not be increased unless fire apparatus access Streets will connect with future development, as determined by the Fire Marshal.	NCDOT standard of 10 feet x 70 feet in size along the intersecting rights-of-way, with the seventy (70) foot dimension along the cross street.	One hundred twenty-five (125) feet.	Not exceed five (5) percent for a distance of not less than one hundred (100) feet from the centerline of the intersection.	Required in developments where public water and/or sewer is provided.



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Multiple-Family Residential Developments (more than 100 dwelling units)	Shall be equipped throughout with two (2) separate and approved fire apparatus access streets.	A single approved fire apparatus access Street may be provided when all buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems installed in accordance with this ordinance.	NCDOT standard of ten (10) feet x seventy (70) feet in size along the intersecting rights-of-way, with the seventy (70) foot dimension along the cross street.	One hundred twenty-five (125) feet	Not exceed five (5) percent for a distance of not less than one hundred (100) feet from the centerline of the intersection.	Required in developments where public water and/or sewer is provided.
Multiple-Family Residential Developments (more than 200 dwelling units)	Shall provide three (3) separate and approved fire apparatus access streets regardless of whether they are equipped with an approved automatic sprinkler system.	N/A	NCDOT standard of ten (10) feet x seventy (70) feet in size along the intersecting rights-of-way, with the seventy (70) foot dimension along the cross street.	One hundred twenty-five (125) feet	Not exceed five (5) percent for a distance of not less than one hundred (100) feet from the centerline of the intersection.	Required in developments where public water and/or sewer is provided.

¹ Triangular sight distance easements shall be shown at all street intersections and so noted on the final plat. These easements will remain free of all structures: fences; trees; shrubbery; and signs, except utility poles; fire hydrants; and traffic control signs.

² Where streets are offset, the centerlines shall be offset no less than one hundred twenty-five (125) feet.

³ The grade on streets approaching an intersection with stop signs shall not exceed five (5) percent for a distance of not less than one hundred (100) feet from the centerline of the intersection.

h. Block Length

Blocks shall not exceed a perimeter length of six thousand (6,000) feet, except that a perimeter length of up to twelve thousand (12,000) feet may be approved in the Watershed Critical Area. Perimeter length is the shortest lineal measurement along the abutting street right-of-way lines.

i. Street Naming & Street Signs

1) Street Names

Street names shall conform to the standards set forth in Appendix 1 (Street Name and Address Assignment Standards). Proposed street names shall be presented with preliminary plat.

2) Public Street Intersection

At each intersection of a public or private street, drive or lane, the developer shall pay a fee to the County for the installation of each street name sign required. The County shall erect a street name sign. The developer shall pay a fee to the County for each such street sign required.

3) Private Street Intersections

The developer shall be required to erect and maintain reflective signs at all intersections between private streets, drives, or lanes or shall pay a fee to the County for the installation of each street name sign required. Signs for private streets not installed by the County shall be approved by the County as part of a

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Master or Common Sign Plan. Signs shall exhibit a reflective white background with green lettering.

4) Traffic Control Devices

- i. If NCDOT determines traffic control signs and signals are necessary, they shall be erected and maintained by the subdivider at each street intersection within the subdivision.
- ii. Traffic control signs shall also be installed where subdivision streets intersect with an improved or state maintained street.
- iii. Traffic control signs shall comply with NCDOT standards related to size, shape, color, location, and information contained thereon.
- iv. Traffic control signs shall be installed free of visual obstruction.
- v. Traffic calming devices such as speed humps, bumps, etc. shall be prohibited unless approved by the Fire Marshal.

5) Maintenance

Maintenance of signs on private streets, drives or lanes shall be the responsibility of the adjacent owners or Property Owners' Association, as appropriate.

j. Street Trees (new)

Street trees shall be required in accordance with the following standards:

Applicability	Location ¹	Timing	Configuration ²	Maintenance Provision	Maximum On-Center Spacing ³
All multi-family and non-residential developments within the City of Greensboro's Growth Tier I, City of High Point's Future Growth Area, or other adopted municipal growth strategies map.	Both sides of streets, a minimum of fifty (50) feet of the street centerline.	Required street trees on individual building lots shall be installed prior to occupancy of the dwelling unit on such lot.	Street trees shall be canopy trees except beneath overhead utilities or other projections into the street right-of-way, where understory trees shall be installed instead.	Street trees shall be maintained by the individual property owners or Property Owners' Association.	Understory Trees: Twenty (20) – Thirty (30) feet on center. Canopy Trees: Fifty (50) feet on center.
¹ Street trees shall be located within fifty (50) feet of the centerline of the street they serve, and may be located within front and corner side setbacks, outside of the street right-of-way. Street trees should be located within tree easements of a sufficient size to allow access by maintenance equipment to the entirety of the expected mature tree canopy. ² All trees planted along or within a NCDOT street right-of-way shall conform to NCDOT guidelines. ³ Spacing may be reduced to avoid driveways or sight distance triangles as approved by the Technical Review Committee. ⁴ Existing trees shall be retained to the greatest extent possible during development and may be used to meet these requirements.					

B. UTILITY STANDARDS

1. Water and Sewer

- a. Water and sewer lines, connections, and equipment shall be constructed in accordance with state and local regulations.
- b. Where public sewer is not available, lots shall be evaluated in accordance with "Laws and Rules for Sanitary Sewage Collection, Treatment, and Disposal 11 NCGS 130 A. Approval of the Environmental Health Division, the North Carolina



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Department of Environment and Natural Resources, or a Certified Soil Scientist shall be obtained after Preliminary Plan approval.

2. Other Utilities

- a. Electrical, television cable, and telephone utility lines installed within major subdivisions shall be underground unless the Technical Review Committee determines underground installation is inappropriate.

3. Utility Easements (5-13.6)

a. Major Subdivisions

To provide for electric, telephone, gas and community antenna television services conduits, and sewer or water lines within the subdivision appropriate utility easements not to exceed thirty (30) feet in width shall be provided. The location of such easements shall be reviewed and approved by the County, with advice from utility providers, before Final Plat approval.

b. No Buildings or Improvements In Utility Easements

Utility easements shall be kept free and clear of any buildings or other improvements that would interfere with the proper maintenance or replacement of utilities. The County shall not be liable for damages to any improvement located within the utility easement area caused by maintenance or replacement of utilities located therein.

4. Stormwater Controls (5-8)

- a. See Article 9 – Environmental Regulations for stormwater control requirements.
- b. Plat Recordation: The permanent stormwater control measures shall be substantially completed and have full design volume available prior to any plat recordation for the site. This may require the cleanout and disposal of sediment from the stormwater control facility.

5. Fire Hydrants

- a. All development serviced by a public water supply system shall include a system of fire hydrants sufficient to provide adequate fire protection for buildings to be located within the development. Fire hydrants shall be spaced a maximum of one thousand (1,000) linear feet apart and every portion of lot frontage is within five hundred (500) linear feet of a hydrant. The Fire Marshal may authorize or require a deviation from this standard if the Fire Marshal determines another arrangement more satisfactorily complies with the intent or standards in this Ordinance.
- b. Fire hydrants shall be placed no more than three (3) feet or at a distance as approved by the Fire Marshal behind the public curb.

C. PUBLIC OPEN SPACE & SITES FOR PUBLIC USE (NEW)

D. COMMON AREAS (PROPERTY OWNERS' ASSOCIATION 5-9)

1. Designation of Common Areas

All private streets, open space, recreation areas, and similar uses not dedicated to the public shall be designated as common areas.

2. Conveyance of Property Owners' Association

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- a. **Creation.** A Property Owners' Association shall be established to fulfill the requirement of the North Carolina Condominium Act or to accept conveyance and maintenance of all common areas and facilities within a development containing common areas.
 - b. **Conveyance.** Where developments have common areas or facilities serving more than one (1) dwelling unit, these areas shall be conveyed to the Property Owners' Association in which all owners of lots in the development shall be members. All private streets, open space, recreation areas, and similar uses not dedicated to the public shall be designated as common areas. The fee-simple title of the common area shall be conveyed by the subdivider or developer to the Property Owners' Association.
 - c. **Subdivision or Conveyance of Common Area.** Common areas shall not be subsequently subdivided or conveyed by the Property Owners' Association, unless a revised Preliminary Plan and a revised Final Plat showing such subdivision or conveyance have been submitted and approved.
 - d. **Maintenance.** Maintenance of common areas shall be the responsibility of the Property Owners' Association. Interim maintenance of public streets also shall be the responsibility of the Property Owners' Association until accepted by NCDOT.
3. **Submission of Property Owners' Association Declaration**

Prior to or concurrently with the submission of the Final Plat for review and approval, the subdivider shall submit a copy of the proposed Bylaws of the Property Owners' Association containing covenants and restraints governing the Property Owners' Association, plats, and common areas. The restrictions shall include (but not be limited to) provisions for the following:

 - a. **Existence Before Any Conveyance.** The Property Owner's Association declaration shall be organized and in legal existence prior to the conveyance, lease-option, or other long-term transfer of control of any unit or lot in the development.
 - b. **Membership:** Membership in the Property Owner's Association shall be mandatory for each original purchaser and each successive purchaser of a lot or unit. Provisions shall be made for the assimilation of owners in subsequent sections of the development.
 - c. **Property Owners' Association Declaration:** The Property Owners' Association declaration shall contain the following items:
 - 1) **Responsibilities of Property Owners' Association:** The Property Owners' Association declaration shall state that association is responsible for:
 - i. The payment of premiums for liability insurance and local taxes;
 - ii. Maintenance of recreational and/or other facilities located on the common areas; and
 - iii. Payment of assessments for public and private improvements made to or for the benefit of the common areas.
 - 2) **Default of Property Owners' Association:** Upon default by the Property Owners' Association in the payment to the County entitled thereto of any assessments for public improvements or ad valorem taxes levied against the common areas, which default shall continue for a period of six (6) months, each Owner of a lot in the development shall become personally obligated to pay to the County a portion of the taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the County by the total number of lots in the development. If the sum is not paid by the Owner within thirty (30) days following receipt of notice of the amount due; the sum shall become a continuing lien on the property of the Owner, his/her heirs, devisees, personal representatives and



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assigns. The taxing or assessing County may either bring an action at law against the Owner personally obligated to pay the same, or may elect to foreclose the lien against the property of the Owner.

- 3) **Powers of the Property Owners' Association:** The Property Owners' Association shall be empowered to levy assessments against the Owners of lots or units within the development. Such assessments shall be for the payment of expenditures made by the Property Owners' Association for the items set forth in this Section, and any assessments not paid by the owner against whom such assessments are made shall constitute a lien on the lot of the Owner.
- 4) **Easements:** Easements over the common areas for access, ingress, and egress from and to public streets and walkways and easements for enjoyment of the common areas, and for parking, shall be granted to each lot Owner.
- 5) **Maintenance and Restoration:** Provisions for common area maintenance of and restoration in the event of destruction or damage shall be established.
- d. **Nonresidential Condominiums:** If a condominium is nonresidential, the declaration shall contain the following provision:
"Parking spaces shall be allocated among the individual lots or units in such a manner that each unit is entitled to a sufficient number of parking spaces to comply with this Ordinance for the use intended to be located therein. The Property Owners' Association shall maintain a register listing the total number of parking spaces in the development and the number of parking spaces allocated to each lot or unit. A copy of this register shall be available to the Enforcement Officer at his request. The Property Owners' Association shall not reduce the number of parking spaces allocated to an individual lot or unit without the express written consent of the owner thereof, and in no case shall the number of parking spaces allocated to an individual unit be reduced to a number below that required by this Ordinance."

8.06 CLUSTER DEVELOPMENTS

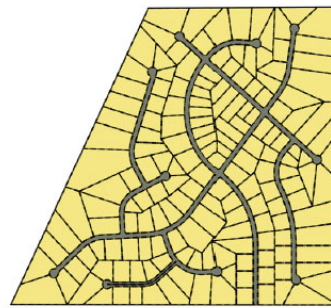
Cluster developments may be used in any district which permits single-family uses if the tract is ten (10) acres or more and is served by public sanitary sewer.

A. CLUSTER DEVELOPMENT STANDARDS

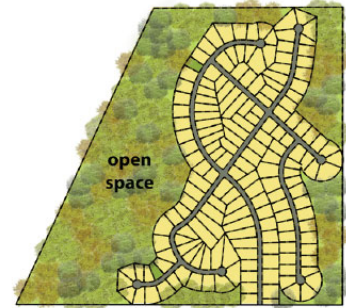
The objective of the cluster option is to place the houses in a development closer together and on smaller lots than would normally be permitted by the zoning district in which the development is located, and to place land which would otherwise have been included in private lots into public dedication or common area.

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1. When cluster development is implemented, all lot size and other dimensional requirements for single-family dwellings are decreased to comply with all requirements of a smaller-lot RS zone.



Traditional Subdivision
- large lots
- no preserved open space



Cluster Subdivision
- smaller lots
- open space preserved

2. The sum of those areas placed into common area as open space, those areas dedicated as public open space in excess of any required dedication for such purposes, and those areas dedicated as street right-of-way pursuant to NCGS 136-66.10 (a) shall not be less than fifteen (15) percent of the total area of the development.
3. The maximum number of lots shall be determined as follows:
 - a. Calculate the gross acreage of the tract, excluding any existing street right-of-way;
 - b. Subtract three-fourths ($\frac{3}{4}$) of the area of any drainageway and/or open space required to be dedicated by this Ordinance;
 - c. Multiply by the density factor from the table below:

TABLE 8.07.1

Development Zoning	Lots and Buildings must meet requirements of zoning district below:	Density Factor per Acre
RS-40 (WCA Tier 2)	RS-40	0.20
RS-40 (WCA Tier 3)	RS-40	0.33
RS-40 (WCA Tier 4)	RS-40	1.0
RS-40	RS-20	1.0
RS-30	RS-3	1.3
RS-20	RS-3	1.9
RS-3	RS-5	3.0
RS-5, RM-8	RS-7	5.0
RM-18, RM-26, MXU	RS-5	5.0

4. Common areas shall be located within the development to:
 - a. Preserve stands of trees, lakes, steep slopes, historic sites or other significant features;
 - b. Provide common green space in the development for aesthetic purposes and pedestrian use;



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- c. Provide space for common recreation facilities and meeting places (for residents only);
 - d. Provide buffering from adjacent land uses of higher intensity; or
 - e. Minimize stormwater flow and runoff impacts to receiving waters in WCA and GWA areas.
5. Common area for open space shall be of dimensions usable for the purpose stated, including a minimum width of twenty-four (24) feet, and shall be accessible from public or private street rights-of-way or easements to all homeowners in the development.
6. If approved by the Technical Review Committee, a site may be reserved for a school, civic club, recreation center or library within the area that would otherwise have been common area.
7. When the cluster option is chosen for a development type, a statement shall be provided on the subdivision final plat indicating such option was used along with the associated individual development requirements.

B. CLUSTER OPTION

1. Cluster development may be used on tracts smaller than ten (10) acres if street right-of-way in a street or highway corridor pursuant to NCGS 136-66.10 is dedicated and the development will be served by public sanitary sewer.
2. Cluster development is allowed in Watershed Critical Area (WCA) and GWA areas of WS-III and WS-IV water supply watersheds. If the low-density option for any WCA and GWA area is chosen, the total number of lots shall not exceed the number of units allowed for single family detached developments under the low-density option as listed in table 8.07.1 below.
3. The Fire Marshal must approve for fire protection options where there is no public water.

C. CLUSTER REQUIRED

The Technical Review Committee may require that cluster development be used if street right-of-way dedication is required pursuant to NCGS 136-66.10 or the development lies partially or wholly within a Watershed Critical Area.

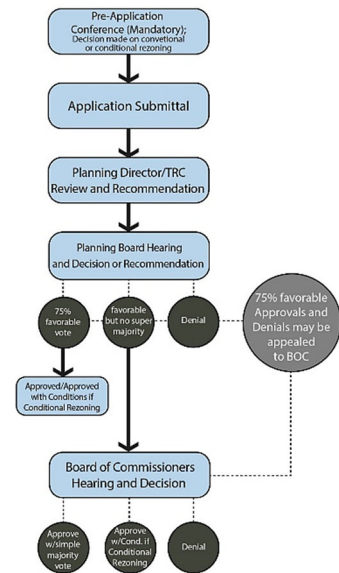
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8.07 PLANNED UNIT DEVELOPMENT

A Planned Unit Development (PUD) is an area of land under unified ownership or control to be developed and improved as a whole under a Unified Development Plan (UDP) in accordance with the requirements of this Ordinance. Any property meeting the minimum size requirements set forth in this ordinance may be eligible as a planned unit development regardless of the methods utilized to supply potable water and sewage disposal.

Planned Unit Developments are permitted under the following zoning district designations (See Article 4.4 & 4.5 for Planned Unit Development Design Requirements):

- Planned Development-Residential (PD-R)
- Planned Development-Mixed (PD-M)
- Planned Development-Rural Preservation (PD-RP)



8.08 PERFORMANCE GUARANTEES (MODIFIED 3-10)

A. GENERAL

A performance guarantee shall be required in the following circumstances:

1. To ensure the completion of public infrastructure improvements that are required as part of an approved subdivision (e.g., streets, sidewalks, drainage infrastructure associated with a street, etc.), but are not approved by the Planning & Development Director or County Engineer as complete before approval of a final plat;
2. To ensure completion of public infrastructure improvements that are required as part of a site plan (e.g., streets, sidewalks, etc.), but are not installed before occupancy of the development; and
3. To ensure completion of private site improvements that are required as part of a site plan (e.g., landscaping, parking, screening, etc.), but are not installed before occupancy, provided the Planning & Development Director determines that the property may be safely occupied and used regardless of the delayed installation of the improvements.

B. TERMS OF PERFORMANCE GUARANTEES

The term of a performance guarantee shall state any time limit to complete installation of required improvements that is included in approval of the final plat or associated permit, as appropriate, but in no case shall the term exceed two (2) years. The Planning & Development Director may, for good cause shown and with approval of the provider of the guarantee, grant up to one (1) extension of the term, for a time period not exceeding one (1) year.

C. FORM OF PERFORMANCE GUARANTEES

The Owner or Developer shall furnish a performance guarantee in any of the following acceptable forms:

1. **Letter of Credit**



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If the Developer provides a letter of credit and an Improvement Performance Guarantee Agreement (see template), it must be valid for at least one (1) year and be payable to Guilford County at any time upon presentation of:

- a. A sight draft drawn on the issuing Bank;
- b. An affidavit executed by an authorized County Official stating that the Developer is in default under this Agreement, and
- c. The original letter of credit. The letter of credit must be issued by a financial institution approved by the County and located within Guilford County, North Carolina, and must be irrevocable.
- d. An authorized official for purpose of this subsection shall include the County Manager, the Planning Director, or their designees. The Developer shall renew the letter of credit for successive one (1)-year terms until this Agreement is of no further effect.

2. Surety or Performance Bond

- a. If the Developer provides a performance bond, using the Development Bond template, it must be valid for at least one (1) year and payable to the County upon default of this Agreement. The bonding company must be licensed to do business in North Carolina. The bond must also detail the procedure for drawing funds once the Developer is determined to be in default under this Agreement. The Developer shall renew the performance bond for successive one-year terms until this Agreement is of no further effect. If a performance bond is deemed to be perpetual in form the bonding company will be required to provide annual notice of the performance bond's continuance.
- b. An authorized County official for purpose of this subsection shall include the County Manager, the Planning & Development Director, or their designees.

3. Cash Deposit or Equivalent Security

- a. Cash deposits or equivalent security will be placed in a separate Guilford County account and designated for this purpose.
- b. The performance guarantee and the Improvement Performance Guarantee Agreement (see template) shall be conditioned on the performance of all work necessary to complete the installation of the required improvements within the term of the performance guarantee. Performance guarantees shall provide that in case of the Owner's or Developer's failure to complete the guaranteed improvements, the County shall be able to immediately obtain the funds necessary to complete installation of the improvements.
- c. An authorized official for purpose of this subsection shall include the County Manager, the Planning & Development Director, or their designees.

4. Improvements to be Completed

Upon recordation of seventy-five (75) percent of the total lots approved within a subdivision, the Developer shall be required to complete all remaining public

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improvements. Exceptions may be provided on a case-by-case bases as approved by the Planning Director.

D. AMOUNT OF PERFORMANCE GUARANTEE

1. Performance guarantees for required improvements shall equal one hundred and twenty-five (125) percent of the estimated full cost of completing the installation of the required improvements, including the costs of materials, labor, and project management.
2. An Opinion of Probable Cost for completing installation of required public infrastructure improvements shall be itemized by improvement type and certified by the Owner's or Developer's registered engineer and are subject to approval by the Planning & Development Director. Estimated costs for completing installation of required landscaping or other private site improvements (non- infrastructure improvements) shall be itemized and certified by the Owner's or Developer's contractor, and are subject to approval by the Planning & Development Director.

E. REDUCTION AND RELEASE OF PERFORMANCE GUARANTEE

1. The Planning & Development Director shall authorize the release of all or a portion of any performance guarantee posted as the improvements are completed. Such completion shall be certified as completed by a North Carolina Registered Professional Engineer. The County may reduce the total financial security by the ratio that the completed improvements compared to the total estimated cost of improvements required, provided that no more than one such reduction may be permitted prior to releasing the performance guarantee.
2. The County will release the security when all required Completion Certification Forms have been provided and any required maintenance guarantee and corresponding documents have been provided.

F. EXTENSION OF PERFORMANCE GUARANTEE

1. If the Opinion of Probable Cost or contractor's estimate, as appropriate, is updated and the guarantee is renewed, the amount of the performance guarantee and agreement shall be updated to reflect cost increases and duration of the extension. Extensions may be granted for up to twelve (12) months.

G. DEFAULT OF PERFORMANCE GUARANTEE

1. All developments whose improvements are not completed and accepted fourteen (14) days prior to the expiration of the financial guarantee shall be considered to be in default. Said guarantee may be extended with the consent of the County, if such extension takes place prior to default.
2. If the Owner or Developer fails to complete the installation of the guaranteed improvements within the term of the performance guarantee, the Planning & Development Director shall give the Owner or Developer a minimum sixty (60) days written notice of the default by certified mail.
3. After the notice period expires, the County may draw on the guarantee and use the funds to perform work necessary to complete installation of the guaranteed improvements. After completing such work, the County shall



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provide a complete accounting of the expenditures to the Owner or Developer and, as applicable, refund all unused funds, without interest.

4. In no case shall a performance guarantee expire without written approval from the County.

H. OVERSIZED IMPROVEMENTS

The County may require installation of certain oversized utilities or the extension of infrastructure to adjacent property when it is in the interest of future development. If the County requires the installation of oversized improvements, the County shall reimburse the Developer for the oversizing based on the rates set by the County.

8.09 RESERVED
