

PERSON COUNTY GOVERNMENT  
PLANNING & ZONING  
DEPARTMENT



SUBDIVISION REGULATIONS  
OF PERSON COUNTY

**Adopted by the Person County Board of Commissioners on March 9, 1987**

**Amended:**

October 17, 1988

June 19, 1989

November 18, 1991

November 7, 1994

November 3, 1997

May 3, 1999

February 7, 2000

April 3, 2000

May 7, 2001

May 21, 2001

January 7, 2002

October 7, 2002

November 17, 2003

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**ARTICLE I  
GENERAL PROVISIONS**

**SECTION 10 - TITLE**

- 10-1 These regulations shall hereafter be known, cited and referred to as the Subdivision Regulations of Person County, North Carolina.

**SECTION 11 - AUTHORITY AND ENACTMENT CLAUSE**

- 11-1 In pursuance of the Authority conferred by Section 330 of Chapter 153A of the General Statutes of North Carolina as amended; NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF PERSON COUNTY, NORTH CAROLINA DOES HEREBY ORDAIN AND ENACT INTO LAW, THE FOLLOWING ARTICLES AND SECTIONS.

**SECTION 12 - POLICY**

- 12-1 It is hereby declared to be the policy of Person County to consider the subdivision of land and the subsequent development of the subdivided plat as subject to control of the County pursuant to the prevailing comprehensive plan in an effort to ensure that orderly, planned, efficient growth is realized.

**SECTION 13 - PURPOSE**

- 13-1 The regulations as herein described are adopted for the following purposes:
- (a) To protect and provide for the public health, safety and general welfare of the citizens of Person County.
  - (b) To protect and conserve the value of land throughout Person County, the value of buildings or other improvements thereupon, and to minimize the conflicts among the uses of land and buildings.
  - (c) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
  - (d) To establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land; and to ensure proper legal descriptions and monumenting of subdivided land.

- 13-1 *Continued*

- (e) To ensure that public facilities are available and are sufficient to accommodate the needs of the proposed subdivision.
- (f) To prevent the pollution of air, streams and parks; to assure the adequacy of drainage facilities; to protect the water table; and to encourage the rational and efficient utilization and management of natural resources throughout the county in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- (g) To preserve the natural beauty and topography of the county and to ensure that development is consistent with indigenous natural and physical features.
- (h) To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots while preserving the density of land as established in the Official Zoning Ordinance of Person County, North Carolina.

#### **SECTION 14 - JURISDICTION**

- 14-1 These subdivision regulations shall govern each and every subdivision of land lying within Person County and outside the subdivision regulation jurisdiction of the City of Roxboro.
- 14-2 No land shall be subdivided within the subdivision jurisdiction of the county until said subdivision has received the approval of Person County pursuant to the provisions of this Ordinance.
- 14-3 No building permit, certificate of occupancy or any other permit required by other applicable laws or ordinances shall be issued for any parcel or plot of land which was created by subdivision after date of, and not in conformity with, the provisions of these regulations, and, no excavation of land or construction of any public or private improvements shall commence except in accordance with the provision as herein expressed.

#### **SECTION 15 - SAVING PROVISION**

- 15-1 These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations; or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue; or as affecting the liability of any person, firm, or corporation; or as waiving any right of the County under any section or provision existing at the time of adoption of the regulations; or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the County except as shall be expressly provided for in these regulations.

## SECTION 16 - EXCLUSIONS

(Amended: 5-3-99)

- 16-1 The following events shall be excluded from the provisions of this Ordinance:
- (a) The combination or recombination of portions of previously subdivided and recorded lots if 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.
  - (b) The division of land into parcels greater than ten (10) acres if 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, the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved and the resultant lots are equal to or exceed the standards of the county as prescribed herein.
  - (e) The division of land for use as gravesites.
  - (f) A division of land which has been created by a judicial partition and/or sale.
  - (g) All re-surveys of an existing lot.
  - (h) Any plat presented for recordation on which a lot is shown and pledged as collateral for loan proceeds and where the property depicted by the plat is a portion of a larger tract of property owned by the same entity.
  - (i) A combination of lands which adds land to previously subdivided and recorded lots which are contiguous to the addition.
- 16-2 Plats deemed an exception to the provision of this Ordinance may be recorded provided the owner desiring to record such plats shall obtain a Certificate of Exception from the Planning and Zoning Administrator and shall present such certificate to the recorder as proof the exception condition is present. The required certificate shall read as follows:

Certificate of Exception.

I certify that said property qualifies as an exception to the provisions of the Person County Subdivision Regulations under Section 16-1.

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Planning and Zoning Administrator  
Person County, NC

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Date

**SECTION 17 - CONDITIONS**

- 17-1 Regulation of the subdivision of land and the attachment of reasonable conditions thereupon is a valid exercise of the police power granted to Person County by the State of North Carolina. The developer must encumber the responsibility to comply with conditions imposed by the Planning Board and/or Board of Commissioners for design, dedication, improvement, and restrictive use of the property in question.

**ARTICLE II**

**PROCEDURES FOR REVIEW AND APPROVAL OF MINOR SUBDIVISION**

**SECTION 21- SUBMISSION OF MINOR FINAL PLAT TO THE  
PLANNING AND ZONING ADMINISTRATOR**

(As amended 11-3-97, 5-3-99, X-X-2021)

- 21-1 The requirements for obtaining minor final subdivision plat approval are as follows:
- (a) The subdivider shall submit to the Planning and Zoning Administrator or his designated agent at least two (2) prints of the proposed minor subdivision. Copies of the final plat may be submitted, at the discretion of the developer, simultaneously with the proposed minor preliminary plat. (Amended 5/3/99)
  - (b) The proposed final plat shall be prepared by a professional land surveyor or engineer licensed to render said service in the State of North Carolina at a scale of no less than one (1) inch to two hundred (200) feet and shall comply with GS 47-30, as amended. (Amended 5/3/99)

The following information shall also be included:

- Location of one-hundred year flood plain boundary and floodway, if the United States Army Corps of Engineers-prepared Flood Hazard Boundary Map is available;
- Reservations and easements to be dedicated to public uses or sites for other than residential use with notations expressing the purpose and limitation thereof;

21-2 The following certificates shall be placed on the minor final plat:

- (a) All certificates as required by GS 47-30, as amended.
- (b) I hereby certify that the subdivision plat as depicted hereon has been granted final approval pursuant to the Person County Subdivision Regulations.

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Planning and Zoning Administrator  
Person County, NC

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Date

21-3 The Planning and Zoning Administrator shall review the final plat of the proposed minor subdivision and shall render the determination that said proposal does constitute a minor subdivision and meets all requirements relative thereto. Based upon those findings, the Planning and Zoning Administrator shall either approve, disapprove or conditionally approve the proposed final minor subdivision plat.

21-4 A decision shall be rendered by the Planning and Zoning Administrator within five (5) working days after receipt of the proposed minor subdivision. Exempt plats, as defined by the North Carolina General Statute 47-30 and the Person County Subdivision Ordinance, shall be reviewed with a decision rendered within three (3) to five (5) business days. The decision of the Planning and Zoning Administrator may be appealed to the Planning Board by the developer. Failure of the Planning Board to render a decision within forty-five (45) days shall constitute approval thereof.

**ARTICLE III**  
**PROCEDURES FOR REVIEW AND APPROVAL OF MAJOR SUBDIVISIONS**

**SECTION 30 - SUBMISSION OF A CONCEPT PLAN TO THE  
PLANNING BOARD FOR A MAJOR SUBDIVISION**

(As amended 11-18-91, 11-3-97, 5-3-99, 2-7-2000, 5/3/21)

- 30-1 The requirements for obtaining concept plan approval are as follows:
- (a) The subdivider shall initially submit to the Planning and Zoning Administrator or his designated agent, three (3) prints and one (1) digital copy of the proposed concept plan according to the published Planning Board review schedule on file in the Planning and Zoning Department. Once the plan has been reviewed by staff, the subdivider shall submit a minimum of ten (10) prints for review by the Planning Board (Amended 5/3/99; 5/3/21)
  - (b) The concept plan shall be prepared by a professional land surveyor, engineer, land planner or landscape architect and may be in sample sketch form depicting labeled indexed contours at intervals of ten (10) feet and the proposed layout of streets, lots and other features in relation to existing conditions. (Amended 5/3/99)
- 30-2 In the event that a subdivision is to be developed in stages, the concept plan shall be submitted for the entire development. A construction plat and final plat may be submitted for each stage.
- 30-3 The Planning and Zoning Administrator shall forward the concept plan of the major subdivision to the Planning Board for review and approval.
- 30-4 After considering any input and/or recommendations received in connection with the proposed subdivision in addition to any comments which the subdivider may have, the Planning Board shall approve, disapprove or conditionally approve the proposed major subdivision construction map or concept plan.
- 30-5 Failure of the Planning Board to render a decision within forty-five (45) days after the concept plan is reviewed at a Planning Board meeting shall constitute approval thereof. Approval of the concept plan is authorization for the plan to be submitted to the Board of Commissioners. (amended 5/3/99)
- (a) Within two (2) weeks upon receiving notice of the Planning Board's approval of the concept plan, the subdivider shall submit to the Planning and Zoning Administrator or his/her designated agent ten (10) prints of the approved proposed concept plan. (Amended 5/3/99)

30-6 The Board of County Commissioners shall review the proposed concept plan and render a decision within forty-five (45) days of the Board of Commissioners meeting at which the concept plan is reviewed. Failure of the Board to act shall constitute approval. (amended 5/3/99)

An approval pursuant to this section shall expire twenty-four (24) months from the date of approval of the Concept Plan or from February 7, 2000 (the date of approval of this amendment), whichever is later. (Amended 2/7/2000)

An approved Concept Plan shall become vested for an unlimited time if within the twenty-four (24) months from the date of approval of the Concept Plan or from February 7, 2000, (the date of approval of this amendment), whichever is later, the following plans approved by applicable governmental authorities are delivered to Planning and Zoning: (A) sedimentation and erosion control plan, and (B) road construction plan. (Amended 2/7/2000)

Neither an approved Concept Plan nor a vested Concept Plan shall be revoked except pursuant to the standards set forth in 30-7.6 for termination of a vested right (except that for this purpose 30-7.6 is modified to substitute the words "concept plan" for the words "site specific development plan"). (Amended 2/7/2000)

Prior to the expiration of the twenty-four (24) month approval period for a Concept Plan, an application for vested rights may be submitted on the basis of a site specific development plan. Subsequent to the expiration of the twenty-four (24) month approval period, Planning and Zoning will not accept an application for vested rights. (Amended 2/7/2000)

30-7 At the subdivider's discretion, he or she may also submit a site specific development plan and make application for vested right status for a subdivision when submitting it to the Planning Board and the County Commissioners for concept plan approval. Vested right status may be applied for jointly with the concept plan application or may be requested at a later date.

30-7.1 Vested right status shall guarantee the right to develop according to the provisions of the approved concept plan and approved site specific development plan for a period up to and including two (2) years from the date of approval. Any guaranteed right to develop period greater than two (2) years and up to a maximum of five (5) years shall be at the discretion of the Board of County Commissioners.

- 30-7.2 Vested right status for a subdivision and associated concept plan shall be granted only after a public hearing is conducted by the County Commissioners. Such public hearing may be conducted in conjunction with the County Commissioners' consideration of concept plan approval for the development project or at the time application for a vested right is submitted. Notification and advertisement of such public hearing shall occur in the same manner as is designated for an amendment to this ordinance.
- 30-7.3 Approval of a site specific development plan and the granting of vested right status shall not occur under circumstances where a variance from the provisions of this ordinance is necessary except in cases where such variance has been previously applied for and granted.
- 30-7.4 The vested right granted under the approval of a site specific development plan is not a personal right, but shall attach to and run with the applicable property. All development, whether by the original applicant and/or landowner and/or their successors, shall occur as originally designated and approved on the site specific development plan unless modifications are submitted to and approved by the County Commissioners.
- 30-7.5 The establishment of a vested right under an approved site specific development plan shall not preclude the application of ordinances or regulations that are general in nature, are applicable to all property in the county subject to land use regulation, and have no effect on the allowable type or intensity of use for the subject property. Otherwise applicable new or amended regulations shall become effective for the subject property upon the expiration or termination of the vested right.
- 30-7.6 A vested right established by an approved site specific development plan shall terminate:
- (a) at the end of the applicable vesting period in respect to buildings and uses for which no valid building permit application has been filed; or,
  - (b) with the written consent of the applicant and/or landowner; or,
  - (c) upon findings by the County Commissioners, after a public hearing in which reasonable notice and advertisement are given, that natural or man-made hazards at or near the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as originally approved in the site specific development plan; or,
  - (d) upon payment to the affected applicant and/or landowner of compensation for all costs, expenses, and other losses incurred by the same including all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval

by the County Commissioners. Compensation shall not include any diminution in value of the subject property; or,

- (e) upon findings by the County Commissioners, after a public hearing in which reasonable notice and advertisement are given, that the land owner, his successors, or any representatives intentionally supplied in accurate information or made material misrepresentations which alter the original approval of the County Commissioners of the site specific development plan; or,
- (f) upon changes in state or federal law or regulation that preclude the proposed use or development project as originally approved in the site specific development plan. The owner and/or applicant shall have the opportunity in this instance to submit appropriate applicable modifications to the site specific development plan for the Planning Board and County Commissioners' approval in order to allow vested right status to remain valid.

30-7.7 Nothing in this ordinance shall require the County Commissioners to grant a vested right to develop in conjunction with the approval of a concept plan. Nothing shall preclude subsequent reviews and approvals of site specific development plans by the Planning Board and County Commissioners to ensure compliance with the terms and conditions of the original approval, provided such reviews and approvals are not inconsistent with the original approval. Nothing in this ordinance shall prohibit the County Commissioners from the revocation of the original approval or from other remedies for failure to comply with the applicable terms and conditions of all approvals or of this ordinance.

**SECTION 31 - SUBMISSION OF THE MAJOR CONSTRUCTION PLAT  
TO THE ZONING ADMINISTRATOR**

(As amended 10-17-88, 6-19-89, 5-3-99)

- 31-1 The applicant shall submit the proposed construction plat to the North Carolina Department of Transportation District Engineer for review. The District Engineer shall render the determination that said proposal does constitute a construction plat and meets all requirements relative thereto. (Amended 5/3/99)
- (a) A copy of the approved construction plat signed by the District Engineer must be filed with the Planning and Zoning Administrator prior to any earth disturbing activity.
- 31-2 If more than one (1) acre of land is disturbed, an erosion and sedimentation control plan, in accordance with North Carolina General Statute 113A-57, as amended, shall be prepared and submitted to the North Carolina Department of Environment and Natural Resources, land quality section for review and comment. A copy of the approved erosion and sedimentation control plan shall be submitted to the planning and zoning administrator. (Amended 5/3/99)
- (a) If a developer, corporation, private landowner or other person proposes to perform construction/filling activities in or near a lake, stream, creek, tributary or any unnamed body of water and its adjacent wetlands, Federal permit authorization may be required from the U. S. Army Corps of Engineers prior to commencement of earth-disturbing activities.
- 31-3 The Planning and Zoning Administrator or his designated agent shall distribute copies of the construction plat of the proposed major subdivision to various agencies for review relative to street design, and erosion and sedimentation control.

**SECTION 32 - SUBMISSION OF THE MAJOR FINAL PLAT TO THE  
PLANNING AND ZONING ADMINISTRATOR**

(As amended: 5-3-99)

- 32-1 The requirements for obtaining major final subdivision plat approval are as follows:
- (a) The subdivider shall submit to the planning and zoning administrator or his designated agent, at least three (3) prints of the proposed subdivision prepared in accordance with the requirements of this Ordinance. (Amended 5/3/99)
  - (b) The proposed major final plat shall be prepared by a professional land surveyor or engineer licensed to render said service in the State of North Carolina at a scale of no less than one (1) inch to two hundred (200) feet and comply with GS 47-30 as amended. (Amended 5/3/99)

THE FOLLOWING INFORMATION SHALL ALSO BE INCLUDED:

- Reservations, easements and alleys to be dedicated to public or private uses as noted with notes explaining the limitations thereof;
- The location of the one-hundred year flood plain and floodways, if the United States Army Corps of Engineers-prepared Flood Hazard Boundary Map is available;

32-2 The following certificates shall be placed on the final plat:

- (a) All certificates as required by GS 47-30 as amended.
- (b) I hereby certify that the subdivision plat as depicted hereon has been granted final approval pursuant to the Person County Subdivision Regulations. (Amended 05/03/99)

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Planning and Zoning Administrator

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Date

32-3 No major final plat shall be approved until all improvements are installed or meet the requirements as established in Section 33 and the certificates as depicted thereon have been signed.

- 32-4 The Planning and Zoning Administrator shall review the signed final plat for consistency with the concept plan and construction plat and other requirements as expressed herein. Based upon those findings, the Planning and Zoning Administrator shall approve, disapprove, or conditionally approve the proposed final plat.
- 32-5 A decision shall be rendered by the Planning and Zoning Administrator within five (5) working days after receipt of the proposed final plat. The decision of the Planning and Zoning Administrator may be appealed to the Planning Board by the developer. Failure of the Planning Board to render a decision within forty-five (45) days shall constitute approval thereof.

### **SECTION 33 - BONDING REQUIREMENTS**

(As amended 5/3/99; 6/5/06; 5/3/2021)

33-1 In the event that the required improvements have not been completed prior to the submission of the major final plat, the developer shall guarantee the completion of the required improvements in a subdivision by means of a bond with surety or other guarantees satisfactory to the County Manager or his/her designee in an equal amount to one-hundred ten percent (110%) of the estimated cost of the required improvements whereby improvements may be made and utilities installed. The reasonably estimated cost of completion shall include one hundred percent (100%) of the costs for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing. The additional ten percent (10%) allowed under this subdivision includes inflation and all costs of administration regardless of how such fees or charges are denominated. One of the following methods shall be pursued by the developer to ensure the installation of said improvements: (Amended 6/5/06; 5/3/2021)

- a) Filing a performance or surety bond with the developer/property owner as principal and a surety approved by the County Manager or his/her designee upon recommendation of the County Engineer; and in an amount approved by the County Manager or his/her designee upon recommendation of the County Engineer, or, (amended 6/5/06)
- b) Depositing or placing in escrow a certified check or cash in an amount to be determined by the County Manager or his/her designee upon Adopted March 9, 1987 15 recommendation of the County Engineer. Portions of the security deposit may be released as the work progresses in accordance with Section 33-5; or, (amended 6/5/06)

- c) Filing an irrevocable letter of credit guaranteeing payment to Person County in the event of default in an amount to be determined by the County Manager or his/her designee upon recommendation of the County Engineer. (amended 5/3/99; 6/5/06)
- d) Other form of guarantee that provides equivalent security to a surety bond or letter of credit. (SL 2019-79 SB 313)

33-2 The duration of the performance guarantee shall initially be one year, unless the developer determines that the scope of work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one year from the date the bond is issued, unless the developer determines that the scope of work for the required improvements necessitates a longer duration. (SL 2019-79 SB 313)

33-3 The developer shall have the option to post one type of a performance guarantee as provided for in 33-1 of this subsection, in lieu of multiple bonds, letters of credit, or other equivalent security, for all development matters related to the same project requiring performance guarantees. Performance guarantees associated with erosion control and stormwater control measures are not subject to the provisions of this section. (SL 2019-79 SB 313)

33-4 A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension. If the improvements are not completed to the specifications of Person County, and the current performance guarantee is likely to expire prior to completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period; provided, however, that the extension shall only be for a duration necessary to complete the required improvements. If a new performance guarantee is issued, the amount shall be determined by the procedure provided in 33-1 of this subsection and shall include the total cost of all incomplete improvements. (SL 2019-79 SB 313)

33-5 When the required improvements have been completed the developer shall notify the Planning and Zoning Administrator. The Planning and Zoning Administrator shall request comments relative to those improvements from the North Carolina Department of Transportation, the Soil Conservation Service and the Person County Health Department, who will notify the Planning and Zoning Administrator that the

improvements have been installed to their satisfaction. The Planning and Zoning Administrator shall request in writing to the County Manager to release the bond, letter of credit or funds from escrow. When required improvements that are secured by a bond are completed to the specifications of Person County, or are accepted by Person County, if subject to county acceptance, upon request by the developer, Person County shall timely provide written acknowledgement that the required improvements have been completed. (SL 2019-79 SB 313). In the event of default by the developer, the County Manager is authorized to call for payment of the bond or letter of credit or to release security from escrow and to utilize such funds for the completion of improvements in a manner as determined by the Board of Commissioners. (Amended 5/3/99; 6/5/06; X/X/2021)

33-6 The approval of a final plat pursuant to regulations adopted herein shall not be deemed to constitute or effect the acceptance by the County, a governmental unit or a public body of the dedication of any street or other ground, public utility line, or other public facility shown on the plat.

33-7 The Zoning Administrator or his/her designee will not release nor reduce a performance bond or other guaranty as allowed in Section 33-1 until a licensed North Carolina engineer has submitted a certificate stating that all required improvements have been satisfactorily completed. (Amended 5/3/99; 6/5/06; 5/3/2021)

33-8 A performance bond or other guaranty as allowed in Section 33-1 may be reduced proportionally upon the satisfactorily completion of some of the required improvements. Any reduction shall be limited only to that percentage of completion as determined and certified by the planning and zoning administrator. The reduction shall not exceed 75% of the said original bond or guaranty. (Amended 5/3/99)

**ARTICLE IV**  
**SECTION 40 - RESUBDIVISION PROCEDURES**

40-1 For any replatting or resubdivision of land, the same procedure, rules and regulations shall apply as prescribed herein for an original subdivision except that lot sizes may be varied on an approved plat after recording, provided that (1) no lot or tract of land shall be created or sold that is smaller than the size shown on the approved plat; (2) drainage, easements or rights of way shall not be changed; (3) street alignment and block sizes shall not be changed; (4) the rear lot lines on double tiered lots shall not be changed; (5) the rear portion of lots shall not be subdivided from the front part; (6) the character of the area shall be maintained.

**ARTICLE V**  
**DESIGN STANDARDS**  
**SECTION 50 - DISCLOSURE OF ROAD STATUS**

(As amended 5-3-99; 4-3-00, 5-21-01; 1-07-02; 8-01-05) (Added 4-3-2000; 5-7-2001)

50-1 All streets within the subdivision regulation jurisdiction of Person County shall have a public or private designation and comply with either the minimum construction standards for secondary roads as required by the North Carolina Division of Highways for public roads or with minimum construction standards of private subdivision roads as specified herein. However, the Planning Board encourages the subdivider to use the public designation and give careful consideration to the design of streets in accordance with those standards provided by the North Carolina Department of Transportation. (Amended 5-21-01)

- (a) In subdivisions in which there are seven or more lots, roads shall be designated "Public" and comply with subdivision roads minimum construction standards required by the North Carolina Department of Transportation, Division of Highways (paved); (amended 5-21-01; 1-07-02)
- (b) On subdivision roads constructed to NCDOT specifications and unpaved between May 3, 1999, and May 7, 2001, serving the maximum of 24 lots, there shall be no additional lots created utilizing the existing road or extension thereof without said road and extension being upgraded to standards as specified in section 50-1(a) (paved). The developer or person causing standards

to be upgraded is responsible for upgrading the substandard portion of road. (Amended 5-21-01; 1-07-02)

- (c) Where an approved concept plan shows extension of roads to subsequent phases or to additional property, a temporary turn around shall be installed. Said turn around shall have a minimum 70 foot diameter (driving surface). The temporary turn around does not have to be paved. (amended 5-21-01)
- (d) Previously established subdivisions with six (6) or more lots having an interior road or roads designated as public and built to the previously accepted and approved Class "A" road as defined in "Minimum Construction Standards for Private Roads, Person County, North Carolina" may not be expanded if any additional lots will be accessed by the existing Class "A" substandard road unless the existing public road is upgraded per paragraph 50-1 (a) above as applicable. The developer or person causing the needed upgrade to the Class "A" road is responsible for upgrading the substandard portion of the road. (amended 5-21-01)
- (e) All "private" or undesignated Class A roads that existed as of May 3, 1999, the date of approval of this ordinance change are grandfathered and exempt from paragraph 50-1(a) through (d). (Amended 5/3/99, amended 4/3/00, amended 5-21-01)
- (f) Subdivision roads which as of March 9, 1987, the date of Person County minimum construction standards for private roads, were either in existence or referred to in a deed or plat, whether recorded or not, are grandfathered and exempt from the provisions of paragraph 50-1(a) through (e). "Grandfathered", for purposes of Section 50-1 means a road is exempt from standards imposed by Section 50-1 until such times as an extension is made to the road, a cul de sac is added to the road, a connection is made to another road; or, for a road created after March 9, 1987, the road serves more lots than was permitted for that type road at the time it was created. If a road loses its grandfathered status, it is subject to all requirements of Section 50-1 as of the date of the loss of the grandfathered status. (Added 4/3/2000,) (Amended 5/21/01)

50-2 Private roads may be used to serve 6 or less lots but must be constructed in accordance with a policy entitled: "Minimum Construction Standards for Private Roads, Person County, North Carolina" except where the provisions of Section 51 of the subdivision ordinance impose additional requirements for layout or design. (Amended 5-21-01; 1-07-02)

50-3 Except as expressed herein, State-maintained roads shall comply with the requirements of prevailing construction standards as imposed by the North Carolina Division of Highways

- 50-4 In the event that the private road designation is exercised, the developer shall comply with North Carolina General Statute 136-102.6 which provides for a disclosure statement from the developer to the purchaser establishing the status thereof (whether privately or public)(state-maintained) of the road. If the street is designated by the developer and seller as a public street, the developer and seller shall certify that the right of way and design of the street has been approved by the Division of Highways, and that the street has been or will be constructed by the developer and seller in accordance with the standards for subdivision streets adopted by the Board of Transportation for acceptance on the highway system. If the street is designated by the developer and seller as a private street, the developer and seller shall include in the disclosure statement an explanation of the consequences and responsibility as to maintenance of a private street, and shall fully and accurately disclose the party or parties upon whom responsibility for construction and maintenance of such street or streets shall rest, and shall further disclose that the street or streets will not be constructed to minimum standards, sufficient to allow their inclusion on the State highway system for maintenance. A copy of the disclosure statement shall be given to the buyer. Written acknowledgment of receipt of the disclosure statement by the buyer shall be conclusive proof of the delivery thereof. (Amended 5-21-01)
- 50-5 Family subdivisions of property, for residential purposes and use by family members, will not cause any road improvement or construction requirement of Section 50 and 53-2(a) of this ordinance to be imposed. A Family Subdivision may be further subdivided pursuant to this section. The following conditions apply to a “family” subdivision authorized by this paragraph: (Added 5-7-01)
- (a) Family member status is granted to a person who is a direct lineal or adopted descendant, lineal ascendant, sibling or spouse of the grantor.
  - (b) Legal documents such as a birth certificate, marriage certificate or adoption papers will be used to show family relationship.
  - (c) When a family subdivision is made, the plat map must have a plat map disclaimer affixed, which clearly states, “This is a family subdivision and road improvements are not required unless further subdivided”.
  - (d) Easements to the family subdivision lots must clearly show on the plat map and include the following annotation: “Access is over a private road right-of-way, a road maintenance agreement is not required and may not be available.”
  - (e) Family subdivision of property shall be made only one time per family member. (Added 5-7-01; Amended 8-01-05)

## SECTION 51 - STREET DESIGN STANDARDS - GENERAL PROVISIONS

(As amended 10-17-88, 11-7-94, 5-3-99)

- 51-1 In any new subdivision, the street layout shall conform to the arrangement, width and location included on any official plans for Person 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.
- 51-2 Street layouts shall be as follows:
- (a) Street jogs with center line offsets of less than one-hundred-fifty (150) feet shall be avoided.
  - (b) Intersections with a major street or highway shall be at least four-hundred (400) feet apart from corner property line to corner property line.
  - (c) In subdivisions in which there are twenty-five (25) or more lots and where the subdivision access is off a state secondary road or a major highway, the subdivision entrance shall be designed to allow at least one lane ingress into the subdivision and two lanes egress out of the subdivision to allow a right turn lane and a left turn lane onto the highway.
  - (d) Turn arounds shall have a minimum of seventy (70) feet (driving surface) unless NCDOT standards are greater.
  - (e) Two means of ingress/egress (loop roads) are preferred. (Amended 5/3/99)
- 51-3 ***LEFT BLANK***
- 51-4 A partial-width right of way may be allowed in a subdivision where:
- (a) In the judgment of the Planning Board it is found that the nature and location of the subdivision, including such considerations as topography, the surrounding area, the present and future road plans, and access by public safety vehicles, are such that a partial width right-of-way is justified; and,
  - (b) The access serving the subdivision is classified as a Class B road in accordance with a policy entitled: "Minimum Construction Standards for Private Roads, Person County, North Carolina"; and,
  - (c) The right-of-way width provided is adequate to allow for the construction of a travelway, ditches, shoulders and turn around required for the class of road serving the subdivision; and,

- (d) The right-of-way width provided would allow access by the largest emergency services vehicle serving the district in which the subdivision is located; and,
- (e) If one or more of the following conditions are met:
  - (1) When the partial width right-of-way adjoins undeveloped property and is not less than twenty-five (25) feet in width, and when said adjoining undeveloped property is subdivided and the remainder of the full required right-of-way can be dedicated.
  - (2) When access to the subdivision is across property owned by other than the applicant and the property owner is unwilling to grant, sell or otherwise convey the full required right-of-way width to the applicant.
  - (3) When pre-existing conditions preclude the provision of full right of way due to the pattern of adjacent development, historical common access and/or site-specific physical constraints.
- (f) Failure of the Planning Board to render a decision by its next regular meeting after the request has been received shall constitute the approval thereof. The decision of the Planning Board may be appealed to the Board of County Commissioners and the failure to render a decision within forty-five (45) days shall constitute approval thereof.

51-5 Alleys shall be required in all blocks along the rear line of business property. Alleys may also be required in multiple family residential or industrial blocks if, in the opinion of the Planning Board, alleys are needed to service these areas. All permanent dead-end alleys shall be provided with a turnaround.

51-6 No alley shall have access from a major street or highway but shall have its access points confined to minor streets.

51-7 In order to provide a uniform system of road naming along both public and private roads; to eliminate duplicate or phonetically similar street names; to provide for the uniform marking of public and private streets and roadways; and to establish procedures by which road names can be named or renamed the "Road Naming Ordinance for the County of Person, North Carolina" is incorporated herein by reference.

51-8 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 an easement ten (10) feet wide 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 purposes and shall be in addition to all other easements required by this Ordinance.

- 51-9 Drainage pipes shall be installed under driveways which cross a drainage ditch and these pipes shall have a minimum inside dimension of fifteen (15) inches. This requirement may be waived when valley gutter system is approved.
- 51-10 Driveways shall be constructed so that drainage water will not run into the road or highway.
- 51-11 In all major subdivisions which adjoin a major highway or state secondary road having an average daily traffic count of 2,000 vehicles or more, the subdivider shall reserve a twelve (12) foot right-of-way on that portion of the subdivision that is located along that road frontage. The right-of-way shall be measured from the centerline of the subdivision access road which intersects the major highway or state secondary road and shall be a minimum of 300 linear feet.
- 51-12 In all major subdivisions which adjoin a major highway or state secondary road having an average daily traffic count of 3,000 vehicles or more, the developer shall be required to construct a right turn lane into the major subdivision. Right turn lanes shall not be required where there is not sufficient road frontage along the land being subdivided and there is not sufficient right-of-way on adjacent property to construct the turn lane.

It shall be the applicant's responsibility to provide written explanation of why there is not sufficient area to construct the turn lane.

## **SECTION 52 - BLOCKS**

- 52-1 Intersecting streets shall be laid out at such intervals that block lengths are not more than twenty-four hundred (2400) feet nor less than four hundred (400) feet except where, in the opinion of the Planning Board, existing conditions justify a modification of this requirement.
- 52-2 Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic or nonresidential uses
- 52-3 Pedestrian ways or cross walks, not less than ten (10) feet in width shall be provided near the center and entirely across any block 1,200 feet or more in length or at the end of cul-de-sacs, where deemed essential, in the opinion of the Planning Board, to provide adequate pedestrian circulation or access to schools, shopping areas, churches, parks, playgrounds, transportation or other similar facilities.

## SECTION 53 - LOTS

(As Amended 11-18-91, 5-3-99; 10-7-2002)

- 53-1 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 as may be set aside for such uses as will not be endangered by periodic or occasional inundation, or will not produce unsatisfactory living conditions.
- 53-2 Every lot shall front or abut on a dedicated street or a private road constructed in accordance with the provisions of this Ordinance except as follows:
- (a) Lots located in one (1) to five (5) lot subdivisions, provided there shall exist a recorded access at least fifty (50) feet in width and for the exclusive use of a single residential unit established on such lot. However, the access shall be maintained in a condition passable for emergency and service vehicles, and that no such access shall be established closer than one-hundred-fifty (150) feet to any other previously recorded access. (Amended 5/3/99)
- 53-3 Proposed lot lines and the centerline of a proposed street may be coterminous, provided however that a ten (10) foot utility easement is located within the proposed street right of way. Further, that portion of the lot which is located within the proposed street right of way may be used to comply with minimum lot size requirements shown in Section 55.
- 53-4 Residential lots not having access to public water and public sewage disposal shall be at least 43,560 square feet in area of usable land not less than one hundred (100) feet wide at the building line.
- 53-5 Where public water and sewer facilities are not available and individual water supplies or individual sewage disposal systems are planned, the subdivider, at his own expense, shall have the site investigated under the supervision of the County Health Department or other person approved by the County Health Department to determine whether or not such individual facilities are feasible and shall present proof to the Planning Board that appropriate soil tests have been conducted and each lot in the subdivision not served by public water and sewage disposal systems has been approved by the County Health Department for individual water supplies and/or sewage disposal systems. The site investigation for sewage disposal shall include sufficient number of percolation tests, and test holes of sufficient depth to determine the absorption capacity of the soil and the locations of the groundwater

table, and of rock formations and other impervious strata. (The number of percolation tests required and depth of test holes shall be determined by the County Sanitation.)

- 53-6 Should public water and sewer facilities be available and each lot served by same, the minimum lot size may be reduced to six thousand (6,000) square feet of usable area not less than sixty (60) feet wide at the building line, subject to approval by the Planning Board. Should public sewer facilities be available and each individual lot be served by same, the minimum lot size may be reduced to fifteen thousand (15,000) square feet of usable area not less than seventy-five (75) feet at the building line, subject to approval by the Planning Board. Should public water facilities be available and each lot served by same, the minimum lot size may be reduced to twenty thousand (20,000) square feet of usable area not less than one hundred (100) feet wide at the building line, subject to approval by the Planning Board.
- 53-7 Side lot lines shall be substantially at right angles or radial to street lines.
- 53-8 All lots shall conform, to the minimum standards or dimensions noted herein and those contained in an applicable zoning ordinance, building codes, or other official regulations.
- 53-9 FLAG LOTS – A lot, created by a subdivision, composed of a narrow “flagpole” strip extending from the street and a much wider “flag” section lying immediately behind a lot or lots having the required width at the building line for a conventional lot. In the case of a flag lot, the lot line at the end of the flagpole lying generally parallel to the street to which the flagpole connects shall be considered the front lot line for setback purposes.

If not properly regulated, flag lots can have a serious impact on land development, drainage, traffic, aesthetics, emergency access, fire protection, and the overall character of a neighborhood. Because of these potential negative impacts, flag lots should be considered a “remedial” action, to be approved only when there is no other option for providing access to a parcel.

Therefore, Person County discourages and restricts forming flag lots. A flag lot, if necessary to allow a property owner reasonable use and benefit from his/her land or to alleviate situations which would otherwise cause extreme hardship for him/her, flag lots are allowed only:

- (a) Where necessary to eliminate access onto arterials.
- (b) To reasonably utilize irregularly shaped land.
- (c) To reasonably utilize land with difficult topography.

- (d) To reasonably utilize land with limited site suitable for septic tank nitrification.
- (e) Where it is unlikely that a road created in lieu of a flag lot would ever be extended, or otherwise needed to provide access to adjoining parcels.
- (f) To provide for the protection of significant natural or cultural resources.

No flag lot will be allowed if it increases the number of access points onto a State Maintained Road. Flag lots are prohibited behind flag lots when they both access the same road. The minimum width of the flagstaff is 35 feet. The area of the flagstaff portion of the flag lot shall not be included in the calculation of minimum lot area.

The Person County Planning Board shall recommend denial of any flag lot(s) which in its opinion do not constitute sound planning, or provide for reasonable subdividing of property, or create an excessive number of entrances onto an existing or proposed road, or any other reason that is specified by the Planning Board that is neither arbitrary nor capricious.

In minor subdivisions (1-5 lots, etc.) a flag lot requires a variation (pursuant to Section 71) and must adhere to the above restrictions.

(Added 10/07/2002)

#### **SECTION 54**

Reserved.

#### **SECTION 55**

Reserved

#### **SECTION 56 - EASEMENTS**

- 56-1 Easements shall be provided for utilities within the right of way of any proposed street in which front or side lot lines extend to the center of the street. All easements shall be at least ten (10) feet wide.
- 56-2 Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines of

such watercourse, and such further width or construction, or both, as will be adequate for the purpose of drainage. Parallel streets or parkways may be required in connection therewith.

- 56-3 Lakes, ponds, creeks, and similar areas will be acceptable 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 areas must be approved by the Planning Board before the Board of Commissioners will consider accepting it.
- 56-4 All telephone lines and power lines are recommended to be located underground. The telephone company and the power company shall be provided with copies of the construction plat by the subdivider and be expected to work with the developer in designing the utilities plan for the subdivision. The developer and the utility companies shall agree on the width of easements needed to service lines which are located on the front property line of the lots.
- 56-5 Street lighting is optional; however, provisions for street lighting should be incorporated with the developer's utility plans if street lighting is proposed.
- 56-6 Person County does not obligate itself in assuming any costs incurred in developing underground utilities but encourages developers to investigate the advantages of locating utility lines underground.

#### **SECTION 57 - SITES FOR PUBLIC UTILITIES**

- 57-1 To insure orderly development of the County in accordance with the general principles set forth in the development plan, the Board of Commissioners may require the reservation of open spaces for parks, schools, fire stations and/or playgrounds for a period of six (6) months from the date of approval of the concept plan.

**ARTICLE VI**  
**IMPROVEMENTS AND INSTALLATION OF PERMANENT REFERENCE POINTS**

**SECTION 60 - IMPROVEMENTS AND MONUMENTS**

(As amended 5-3-99)

- 60-1 No subdivisions shall be granted final approval unless the following improvements either have been constructed or approved as prescribed by Article V, Design Standards.
- 60-2 Street right of way shall be graded and paved to sufficient width, properly drained, and prepared with a proper surface and base so as to be acceptable for maintenance by the North Carolina Department of Transportation or to the standards for Private Road Designation as introduced in Article V of this Ordinance.
- 60-3 All monuments shall be shown on the final plat. (amended 5/3/99)
- (a) All lot corners, all points where street lines intersect the exterior boundaries of the subdivision, all angle points and points of curve in each street shall be marked with iron pins and property corner ties shall be established in accordance with North Carolina Administrative Code, Title 21, Chapter 56, Section 1600, standards of practice for land surveying in North Carolina and North Carolina General Statutes 47-30 mapping requirements (as amended). (Amended 5/3/99)

**ARTICLE VII**  
**ADMINISTRATION**

**SECTION 70 - MODIFICATIONS**

- 70-1 The standards and requirements of this Ordinance may be modified by the Person County Planning Board in the case of a Planned Unit Development, or other development not having traditional design, which in the judgment of the Planning Board provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan. The Planning Board may impose such conditions necessary to ensure adequate design and development. This section applies to residential development and to non-residential development, as defined in Appendix A, where special design and development

considerations require modification from traditional standards for residential development. Non-residential lots shall be recorded as such clearly noting on the recorded plat either Non-Residential - Commercial, Non-Residential - Industrial, or Non-Residential - Recreational use designation.

### **SECTION 71 – VARIATIONS**

(As amended 5-3-99)

- 71-1 Where, because of topographical or other conditions peculiar to the site, strict adherence to the provisions of the regulations of this Ordinance would cause an unnecessary hardship (monetary considerations are not a proper criterion in determining unnecessary hardship), the subdivider may request a variation. Such request must be submitted in written form and explain the need for such variation. Any and all variations shall be forwarded to the County Commissioners with recommendation and rationale for approval or disapproval by the Planning Board. Any variation thus authorized by the County Commissioners required to be entered in writing in the minutes of the County Commissioners and the reasoning on which the departure was justified shall be set forth. (Amended 5/3/99)

### **SECTION 72 - PENALTY**

- 72-1 Any person who, being the owner or agent of the owner of any land within the subdivision regulation jurisdiction of Person County as defined herein, hereafter transfers or sells land by reference to a plat, except for plats recorded in the Office of the Register of Deeds prior to the adoption date of this Ordinance, showing a subdivision of land before such plat has been properly approved under this Ordinance and recorded in the Office of the Register of Deeds of Person County, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer shall not exempt the transaction from such penalties. The County, through its County Attorney or other official designated by the County Board of Commissioners, may enjoin such illegal transfer or sale by action for injunction.

### **SECTION 73 - FILING OF PLAT**

(As amended 5/3/99)

- 73-1 Following adoption of this Ordinance by the Person County Board of Commissioners, the Register of Deeds shall not thereafter file or record a plat of a subdivision located within the platting jurisdiction

of Person County without the approval of the subdivision by the Planning and Zoning Administrator as required in this Ordinance, except for plats dated prior to the adoption of this Ordinance. All approved final plats shall be recorded by the Register of Deeds. The property owner/developer shall remit to Person County such recordation fees in addition to review fees, before the final plat is recorded. The landowner shown on the subdivision plat submitted for recording or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the platting jurisdiction of Person County as defined in Section 14. The filing or recording of a plat or subdivision without the approval of the Planning and Zoning Administrator as required by this Ordinance, shall be null and void. (amended 5/3/99)

#### **SECTION 74 - SEPARABILITY**

- 74-1 Should any section or provision of these regulations be for any reason held void or invalid by the courts, it shall not affect the validity of any other section or provision hereof which is not itself held void or invalid.
- 74-2 Wherever the provisions of any other law, ordinance or regulation impose higher standards than are required by the provisions of this Ordinance, the provisions of such law, ordinance or regulations shall govern.

#### **SECTION 75 - AMENDMENT PROCEDURE**

(Amended 11-18-91)

- 75-1 This Ordinance may be amended from time to time by the Person County Board of Commissioners as herein specified but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation. The Planning Board shall have forty-five (45) days within which to submit its recommendation. Failure of the Board to submit its recommendation within this time period shall constitute a favorable recommendation. A public hearing shall be held by the Board of County Commissioners before adoption of any proposed amendment to this Ordinance. A notice of such public hearing shall be given once a week for two (2) consecutive calendar weeks in a newspaper of general circulation in Person County. Said notice shall be published the first time not less than ten (10) days nor more than twenty-five (25) days prior to the date established for such public hearing.

**SECTION 76 - EFFECTIVE DATE**

76-1 This Ordinance, adopted by the County Commissioners of Person County, North Carolina, shall take effect and be in force from and after March 9, 1987.

**SECTION 77-VIOLATION OF SUBDIVISION REGULATIONS**

(Added 11/17/2003)

77-1 Violation:

- 1) Any person, firm or corporation who violates any provisions of this Ordinance shall be guilty of a Class 3 Misdemeanor and shall be fined not more than five hundred dollars (\$500.00). Each day a violation exists shall be a separate violation hereunder.
- 2) This Ordinance may be enforced by an appropriate equitable remedy, including temporary restraining order, preliminary injunction and permanent injunction as issued by a Court of competent jurisdiction. (Added 11/17/2003)

**SECTION 78 – APPEALS**

(Added 5/3/2021)

78-1 Appeals of administrative decisions under this Ordinance shall be heard by the Board of Adjustment. Appeal petitions shall be submitted to the Person County Planning Department in accordance with the Board of Adjustments adopted yearly schedule. Petitions shall be accompanied by a fee to defray the cost of advertising and other administrative costs involved.

78-2 An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Enforcement Officer certifies to the Board of Adjustment that, based on the records of the case, a stay would cause damage to life or property, in which case proceedings shall not be stayed otherwise than by an order from the Person County Superior Court.

78-3 After submission of a completed application, the Zoning Administrator will schedule a public hearing for the Person County Board of Adjustment in accordance with that year's adopted schedule. The Zoning Administrator shall give notice of a public hearing on the application. A notice of such public hearing shall be published in a newspaper of general circulation in Person County. Said notice shall be published not less than five (5) days prior to the date established for such public hearing. The Zoning Administrator will be

responsible for mailing written notices to all property owners within 500' of the property including the applicant. The Zoning Administrator shall require that notice be posted on the land subject to the application. The applicant shall post the notice on weatherproof signs supplied by the Planning Department, one sign per each road frontage and no more than 25' from the street right-of-way. Signs must be clearly visible from the street and designate "Zoning Proposal Pending" with the phone number of the Person County Planning office.

78-4 The Board of Adjustment shall hold an evidentiary hearing to gather competent, material, and substantial evidence to establish the facts of the case. Testimony heard shall be under oath.

78-5 The Board of Adjustment may subpoena witnesses and compel the production of evidence. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board may apply to the General Court of Justice for an order requiring that its order be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties. No testimony of any witness before the Board pursuant to a subpoena issued in exercise of the power conferred by this section may be used against the witness in the trial of any civil or criminal action other than a prosecution for false swearing committed on the examination. Any person who, while under oath during a proceeding before the Board, willfully swears falsely, is guilty of a Class 1 misdemeanor. (Added: 3/13/2006)

78-6 The Board of Adjustment, by a vote of four-fifths of its members, may reverse any order, requirement, decision, or determination of an administration officer charged with the enforcement of any provision of this ordinance. The findings of fact and conclusions of law shall be established in writing upon the Board's determination. This document shall be approved by the board and signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board or such other office or official. The decision of the board shall be delivered within a reasonable time by personal delivery, electronic mail, or by first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy prior to the date the decision becomes effective (N.C.G.S. 160D-406)

78-7 Every final decision of the Board of Adjustment shall be subject to review by the Person County Superior Court by proceedings in the nature of certiorari.

78-8 The petition for the writ of certiorari must be filed with the Person County Clerk of Court within 30 days after the later of the following occurrences:

- a) A written copy of the Board's decision has been filed in the office of the Planning and Zoning Department; and
- b) A written copy of the Board's decision has been delivered by personal service or certified mail, return receipt requested, to the applicant or appellant and every other aggrieved party who has filed a written request for such copy at the hearing of the case.

78-9 A copy of the writ of certiorari shall be served upon the Person County.

**APPENDIX A**  
**GLOSSARY**  
**INTERPRETATION OF TERMS AND DEFINITIONS**

Words used in the present tense include the future tense.

Words used in the singular number include the plural, and words used in the plural number include the singular.

The word "person" includes a firm, joint venture, association, organization, partnership, corporation, trust, and company, as well as individual.

The word "lot" includes the words "plot", "parcel", "tract", or "site".

The word "building" includes the word "structure".

The word "shall" is always mandatory and not merely directory.

The word "may" is conditional and should not be construed as mandatory.

The word "street" includes the words "road" and "highway".

## **DEFINITIONS**

(As amended 05/03/99)

**ACCESSORY BUILDING** - A detached subordinate structure operated and maintained under the same ownership and located on the same lot as the principal structure and is not used for residential occupancy.

**ALLEY** - A minor right of way, privately or publicly owned, primarily for service access to the rear or side of properties which have principal frontage on some other street.

**BLOCK** - A tract of land bordered by streets, or by a combination of streets and public parks, cemeteries, railroad rights of way, shorelines of watercourses or boundary lines of municipalities.

**BOARD OF COUNTY COMMISSIONERS** - The Board of County Commissioners of the County of Person, North Carolina.

**BOND** - Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to Person County.

**BUILDING** - Any structure, either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal or property of any kind, including tents, awnings, or vehicles situated on private property and used for purposes of building.

**BUILDING SETBACK LINE** - A parallel line located a minimum horizontal distance from the center line of a street and between that line and the street, no building or parts of a building may be erected, altered, or maintained except as otherwise provided herein.

**BUILDING INSPECTOR** - The person designated by Person County to enforce the building codes within its territorial jurisdiction.

**CAPITAL IMPROVEMENTS PROGRAM** - A proposed schedule of all future projects in order of construction priority which are to be encumbered by Person County.

**CENTRAL SEWER SYSTEM** - Any sewage disposal system whether operated publicly or privately other than a pit privy or a septic tank located on the lot and approved by the Person County Health Department and the North Carolina Department of Natural Resources and Community Development.

**CENTRAL WATER SYSTEM** - A system operated publicly or privately, whereby the watercourse is not located on the lot of the consumers and the number of connections must be at least fifteen (15) and approved by the Person County Health Department and the Water Supply Branch of the North Carolina Department of Natural Resources and Community Development.

CERTIFICATE OF OCCUPANCY - A statement signed by the building inspector setting forth that the building, structure or use complies with the Zoning Ordinance and any applicable construction codes, and that the same may be used for the purposes stated herein. (Amended 5/3/99)

CONCEPT PLAN - A sketch, preparatory to the preparation of the construction plat for a major subdivision, to enable the developer to save time and expense in reaching general agreement with the Planning Board and Board of County Commissioners relative to the general layout and design of the proposed subdivision.

DEVELOPER - Any person, firm, trust, partnership, association, or corporation engaged in development, or proposed development, of a subdivision.

EASEMENT - Authorization by a property owner for the use by another, and for a specified purpose, or any designated part of his property.

FRONTAGE - All property abutting on one (1) side of a street measured along the street line.

GRADE - The slope of a road, street, or other public way specified in percentage (%) terms.

IMPROVEMENTS - (See Lot Improvement).

INDIVIDUAL SEWAGE DISPOSAL SYSTEM - A septic tank, seepage tile sewage disposal system or any other approved sewage treatment device.

INDIVIDUAL WATER SYSTEM - The provision of a potable water system by means of an on-site well.

LOT - Land area which is composed of a single parcel or contiguous parcel of land under same ownership and is recorded as such in the office of the Person County Register of Deeds.

LOT AREA - The parcel of land enclosed within the boundaries formed by the property lines plus one-half of any alley abutting the lot between the boundaries of the lot, if extended.

LOT, CORNER - Any parcel of land having frontage on more than one street (road) which abuts an intersection of those streets (roads).

LOT DEPTH - The depth of a lot, for the purpose of this Ordinance, is the distance measured in the mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite lot line.

LOT, DOUBLE FRONTAGE - A continuous lot of the same depth as the width of a block, accessible from both rights of way upon which it fronts.

LOT IMPROVEMENT - Any building, structure, place, work of art, or other object, or improvement of the land in which said improvements is situated which contributes a physical betterment of real property or any part of such betterment.

LOT LINE - Any boundary of a parcel of land.

LOT LINE, FRONT - Any boundary line of a lot running along a street right-of-way line.

LOT LINE, REAR - The rear lot line, shall be the property line(s) which is (are) opposite the front property line. If no property line is deemed to be opposite the front property line and no minimum building line exists on the final plat to establish a rear lot line, then there shall be no rear lot line; however, the rear yard setback shall be maintained from the point (apex) on the property's perimeter which is the furthest removed from the midpoint of the front line. The rear yard minimum building line shall be a line perpendicular to a straight line connecting said apex and the midpoint of the front lot line.

LOT LINE, SIDE - A boundary line which is not defined as a front or rear lot line.

LOT OF RECORD - A lot which has been recorded in the Office of the Register of Deeds of Person County or a lot described by metes and bounds, the description of which has been recorded in the aforementioned office.

LOT WIDTH - The horizontal distance between the side lines measured along the front building line as specified by applicable front yard setback in this Ordinance.

MAJOR SUBDIVISION - All subdivisions not classified as a minor subdivision including, but not limited to, subdivisions of six (6) or more lots, or any size subdivision requiring any new street or extension of local government facilities, or the creation of any public improvements. (Amended 5/3/99)

MINOR SUBDIVISION - Any subdivision containing not more than five (5) lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements and not adversely affecting the remainder of the parcel of adjoining property, and not in conflict with any provisions or portion of the comprehensive plan and Zoning Ordinance, or lots located in one (1) to five (5) lot subdivisions as provided in Section 53-2 of this Ordinance. (Amended 5/3/99)

NON-RESIDENTIAL SUBDIVISION - A subdivision having intended use other than residential, such as commercial or industrial or recreational.

OFFICIAL PLAN - Any plan officially adopted by the County Commissioners of Person County as a guide for the development of the County consisting of maps, charts, and/or texts.

OPEN CARPORT - A roofed area principally for the shelter of not more than three automobiles, open on at least two sides and shall be attached to the main building.

ORDINANCE - Any legislative action, however denominated, of a local government which has the force of law, including any amendment or repeal thereof.

OWNER - Any person, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

PLANNING BOARD - A body appointed by the County Commissioners to perform the following duties: develop and recommend long range development plans and policies; and advise the County Commissioners in matters pertaining to current physical development and zoning for the County's planning jurisdiction.

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

PLAT, CONSTRUCTION - The maps or drawings showing the specific location and design of improvements to be installed in the subdivision.

PLAT, PRELIMINARY - The preliminary drawing or drawings for a minor subdivision, described in these regulations, indicating the proposed manner or layout of the subdivision.

PLAT, FINAL - The map, plan or record of a subdivision and any accompanying material as described herein.

PUBLIC IMPROVEMENT - Any drainage ditch, roadway, parkway, sidewalk, pedestrianway, tree, lawn, off street parking areas, lot improvement, or other facility for which the local government may ultimately assume for the maintenance or operation thereof, or which may affect an improvement for which the local government responsibility is established.

RESUBDIVISION - A change in a map of an approved or recorded subdivision plat if such change affects any street layout or such map or area reserved thereon for public use or if said resubdivision reduces any lot or other tract of land smaller than the area as originally depicted.

RIGHT OF WAY - A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use.

RIGHT OF WAY, PARTIAL-WIDTH - A right of way which has a width of less than fifty (50) feet.

SAME, OWNERSHIP - Ownership by the same person, corporation, firm entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

SETBACK - The distance between the minimum building line and the street front, side and rear property lines and where no street right of way is involved, the property line shall be used in establishing the setback.

SITE SPECIFIC DEVELOPMENT PLAN - a plan for land development submitted for the purposes of obtaining a vested right and must describe with reasonable certainty the development intentions for a specified parcel or parcels of property. Such a plan drafted by an engineer or professional land surveyor includes, but is not limited to: The boundaries of the property with bearings and distances; names of adjoining property owners and a vicinity map; a delineation of the proposed lots including bearings and distances; provisions

regarding water and sewer and any other proposed improvements such as lighting, buffering, recreation areas, etc.; and a schedule (if any) noting development stages. (Amended 11/18/91, 5/3/99)

STREET - A public or private thoroughfare with a width of at least fifty (50) feet which affords access to abutting property and is recorded as such in the office of the Person County Register of Deeds. Particular kinds are as follows:

COLLECTOR STREET - A street intended to move traffic from local streets to secondary arterials.

CUL-DE-SAC - A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

STREET, DEAD-END - A street, or portion of a street, with only one vehicular outlet, which by design may be extended in order to serve additional lots or to provide access to another street.

MAJOR THOROUGHFARE - Streets and highways primarily for through, fast or heavy traffic.

MARGINAL ACCESS STREET - A minor street which is parallel to and adjacent to major highways; and which provides access to abutting properties and protection from through traffic.

MINOR STREET - Streets which have been designed primarily to afford access to abutting properties.

STREET, PRIVATE - A street right-of-way serving residential lots within a subdivision and dedicated for the exclusive use of property owners therein and permitted guests. Private road maintenance responsibilities are shared jointly by abutting property owners.

SUBDIVISION - As defined in North Carolina General Statute 153A-335, all divisions of a tract or parcel of land into two or more lots, building sites or other division for the purpose, whether immediate or future, and includes all division of land involving the dedication of new streets or a change in existing streets; however, the following is not included within this definition and is not subject to any regulations enacted pursuant to this Part:

- (a) The combination or recombination of portions of previously subdivided and recorded lots if 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.
- (b) The division of land into parcels greater than ten (10) acres if 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, the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved and the resultant lots are equal to or exceed the standards of the county as prescribed herein.

- (e) The division of land for use as gravesites.
- (f) A division of land which has been created by a judicial partition and/or sale.
- (g) All re-surveys of an existing lot.
- (h) Any plat presented for recordation on which a lot is shown and pledged as collateral for loan proceeds and where the property depicted by the plat is a portion of a larger tract of property owned by the same entity.
- (I) A combination of lands which adds land to previous subdivided and recorded lots which are contiguous to the addition.

VESTED RIGHTS - a right pursuant to the North Carolina General Statutes to undertake and complete the development of property under the terms and conditions of an approved site specific development plan.

(Amended 11-18-91)