

**WASHINGTON COUNTY SUBDIVISION ORDINANCE**

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NORTH CAROLINA

WASHINGTON COUNTY

SUBDIVISION ORDINANCE

ARTICLE I - INTRODUCTORY PROVISIONS

SECTION 1. TITLE

This Ordinance is entitled “Subdivision Ordinance for Washington County, North Carolina,” and may be cited as the “Subdivision Ordinance.”

SECTION 2. AUTHORITY AND PURPOSE

This Ordinance is adopted pursuant to Chapter 153A, Article 18, of the General Statutes of North Carolina for the purpose of establishing procedures and standards for the development and subdivision of land within the limits of the jurisdiction of Washington County in order to promote the public health, safety and general welfare of the County. It is designed to lessen congestion of the streets and highways; to further the orderly outlay and use of land; to insure proper legal description and proper monumenting of subdivided land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land and avoid undue concentration of population; to facilitate adequate provisions for transportation, water, sewage, schools, parks, playgrounds, and other public requirements; and help conserve and protect the physical and economic resources of Washington County.

SECTION 3. REPEAL OF EXISTING SUBDIVISION REGULATIONS

Upon the date of adoption of this Subdivision Ordinance all provisions of the Subdivision Regulations of Washington County enacted on July 16, 1979, and thereafter amended, are hereby repealed, except for such sections expressly retained and restated herein.

SECTION 4. JURISDICTION

This Ordinance shall govern all subdivisions of land lying within Washington County except land within the subdivision jurisdiction of any municipality, unless such municipality shall have by resolution formally requested the County to enforce this Ordinance within the municipality’s jurisdiction.

## ARTICLE II - INCLUSIONS AND EXCEPTIONS

A “subdivision” means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (weather immediate or future) and includes all divisions of land involving the dedication of a new street or a change in existing streets; however, the following shall not be included within this definition nor be subject to the regulations authorized by this Ordinance.

- (a) The combination or recombination of portions of previously subdivided and recorded lots if (1) the total number of lots is not increased and (2) the resultant lots are equal to or exceed the standards of the County as required by this Ordinance;
- (b) The division of land into parcels greater than five (5) acres if no streets, roads, or right of ways are involved;
- (c) The public acquisition by purchase of strips of land for widening or opening streets; and
- (d) The division of a tract in single ownership whose entire area is no greater than two (2) acres into no more than three (3) lots, if no street right of way dedication is involved and if the resultant lots are equal to or exceed the standards of the County as required by this Ordinance.
- (e) The division of property belonging to the heirs of a single individual when such property is divided only for the settlement of the estate and not for sale as building sites.
- (f) Cemeteries.

### SECTION 2. PLATS NOT SUBJECT TO REGULATIONS

However, plats in these five categories, (a - f), shall have the stamp “THIS PLAT IS NOT SUBJECT TO SUBDIVISION APPROVAL” signed and dated by the Planning Coordinator, the Chairman of the Planning Board, or the County Manager before filing in the Office of the Register of Deeds, inasmuch as determination must be made as to whether or not the resultant lots are equal to or exceed the standards of the County as shown in this Ordinance.

## ARTICLE III - LEGAL PROVISIONS

### SECTION 1. DUTY OF SUBDIVIDER AND/OR AUTHORIZED AGENT

A plat must be prepared, approved, and recorded whenever the subdivision of and takes place, as defined in this Ordinance. The owner of land shown on a subdivision plat submitted for recording, or his/her authorized agent, shall sign a statement on the plat stating whether any land shown thereon is within the subdivision regulation jurisdiction of Washington County. This Ordinance prohibits the expansion of existing subdivisions by another owner without including the original lots.

### SECTION 2. DUTY OF REGISTER OF DEEDS

From the time that this Subdivision Ordinance is filed with the Register of Deeds of Washington County, no subdivision plat of land within the County's jurisdiction may be filed or recorded until it has been submitted to and approved by the appropriate board or agency, as specified in this Ordinance, and until this approval is entered in writing on the face of the plat by the chairman or head of the board or agency. The Register of Deeds of Washington County may not file or record a plat of a subdivision of land located within the territorial jurisdiction of Washington County that has not been approved in accordance with this Ordinance.

### SECTION 3. DUTY OF CLERK OF COURT

The Clerk of Superior Court may not order or direct the recording of a plat where such recording would be in conflict with Article III, Section 2.

### SECTION 4. PENALTIES FOR VIOLATION

Any person who is the owner, or the agent of the owner, of any land located within the jurisdiction of Washington County, subdivides his/her land in violation of the Subdivision Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of land before the plat has been properly approved under Washington County's Subdivision Ordinance and recorded in the office of the Washington County Register of Deeds, he/she is guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from this penalty. The County, through its attorney or other official designated by the County Board of Commissioners, may enjoin illegal subdivision, transfer, or sale or land by action for an injunction, and/or an Order of Abatement.

Pursuant to N.C. General Statute 153A-123 as amended from time to time, a violation of any part of this Ordinance may result in civil penalties being assessed against the violator

in lieu of criminal penalties. When civil penalties are invoked in the County's discretion, the penalty will be assessed in an amount up to Twenty-five Dollars (\$25) per day for every day's violation payable to the Clerk of the Board of the County Commissioners. A citation shall be prepared and issued by the Planning Coordinator for the County and shall require payment within ten (10) working days of issuance. If the civil penalty is not paid within ten (10) working days of the service of the citation then the County has the option of collecting the civil penalty by a civil action in the nature of debt in the General Court of Justice of North Carolina.

As permitted by statute, the County may use any of the listed penalties for violation of the Ordinance on a non-exclusive basis.

SECTION 5. SEPARABILITY

Should any section or provision of this Ordinance be held void or invalid, it shall not affect the validity of any other section or provision of this ordinance which is not itself void or invalid.

SECTION 6. VARIANCES

Where, because of severe topographical or other conditions peculiar to the site, strict adherence to the provisions of this Ordinance would cause an unnecessary hardship, the Planning Board may authorize a variance to the terms of this Ordinance only to the extent that is absolutely necessary and not to an extent which would violate the intent of this Ordinance.

SECTION 7. EFFECTIVE DATE

This Ordinance shall take effect on and after 12:01 a.m. September 4, 1996.

Duly adopted this \_\_\_\_ day of \_\_\_\_\_ 1996.

\_\_\_\_\_  
Howard L. Davenport, Chairman

ATTEST:

\_\_\_\_\_  
Lois Askew, Clerk

(SEAL)

## ARTICLE IV - DEFINITIONS

### SECTION 1. GENERAL

For the purpose of this Ordinance, certain terms and words used herein shall be used, interpreted and defined as follows:

- A. Arterial Street - A street connecting widely separated areas carry a large volume of traffic which may be fast, heavy or both. Arterial streets are sometimes referred to as “major thoroughfares”, “freeways”, etc. And are usually numbered State or Federal Highways.
- B. Authorized Agent - One who is acting as representative for, or by the authority of the subdivider.
- C. Board of Commissioners - The Board of County Commissioners; the governing body of the County of Washington, North Carolina.
- D. Building Setback Line - A line parallel to the front property line which establishes the minimum allowable distance between nearest portions of any building, steps, eaves, gutters, and similar fixtures, and the street right-of-way line when measured perpendicularly thereto.
- E. CAMA - The Coastal Area Management Act of 1974 as amended.
- F. Collector Street - A street which serves as the connecting street system between local residential streets and the thoroughfare system.
- G. Corner Lot - a lot which occupies the interior angle at the intersection of two (2) street lines.
- H. Cul-de-sac - A short street having but one end open to traffic and the other end being permanently terminated and a vehicular turnaround provided.
- I. Dedication - To set apart by gift, one’s private property to some public use, made by the owner in writing and accepted for such use by or on behalf of the public in writing.



- J. Disclosure Statement - A statement prepared and signed by the subdivider and the buyer of the subject real estate, fully and completely disclosing the status (whether public or private) of the street upon which the lot fronts. The statement shall also include an explanation of the consequences and responsibility as to maintenance and construction of proposed streets.
- K. Double Frontage Lot - A continuous (through) lot of the same depth as the width of a block containing two tiers of lots which is accessible from both of the streets upon which it fronts.
- L. Easement - A grant by the property owner for use by the public, a corporation or person(s) of a strip of land for specific reasons.
- M. Frontage Road - A street that is parallel to a full or partial access controlled street facility and functions to provide controlled access to adjacent land.
- N. Group Development - A group of two or more principal structures built on a single lot, tract or parcel of land of at least 40,000 square feet and designed for occupancy by separate families, business firms, or other enterprises as regulated by Article IX, Section 1, of this Ordinance.
- O. Local Road (Private Street) - A short private road with a fifty (50) foot right-of-way easement which is designed according to the MINIMUM CONSTRUCTION STANDARDS FOR SUBDIVISION ROADS as set forth by the Division of Highways of the North Carolina Department of Transportation except that said local road does not have to be paved. However, it must have an all weather gravel surface.
- P. Lot - A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership, for development, or for leasing. The word "lot" includes the word "parcel" or "plot".
- Q. Lot of Record - A lot which is a part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Washington County prior to the adoption of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this Ordinance.
- R. Minor Street - A street whose primary function is to provide access to abutting properties and is designed to discourage use by through traffic. Minor streets may also be referred to as "neighborhood" streets.
- S. Official Maps or Plans (Land Development Plan or Comprehensive Plan) - Any maps or plans officially adopted by the County Board of Commissioners as a guide for the development of the County.
- T. Planning Board - The Planning Board of Washington County.

- U. Plat - A map or plan delineating a tract or parcel of land to be subdivided, land to be dedicated for public use, or right-of-way for street or utility purposes. The word “plat” shall include the terms “map”, “plot”, and “plan”.
- V. Plat, Final - A map of subdivision land prepared in a form suitable for filing of record with necessary affidavits, dedications, acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets, public areas, and other dimensions of land, as prescribed by this Ordinance.
- W. Plat, Preliminary - A map of a proposed subdivision land showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land, as prescribed by this Ordinance.
- X. Reservation - A reservation of land not involving the transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period of time.
- Y. Shall - The word “shall” is always mandatory and not merely directory.
- Z. Single Tier lot - A lot which backs upon a limited access highway, a railroad, a physical barrier, or a non-residential use and to which vehicular access from the rear is usually prohibited.
- AA. Street (Public) - A public dedicated right-of-way for vehicular traffic constructed according to the MINIMUM STANDARDS FOR SUBDIVISION ROADS as set forth by the Division of Highways of the North Carolina Department of Transportation at the time the street is constructed.
- BB. Structure - Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground.
- CC. Subdivider - Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.
- DD. Subdivision Review Committee - A committee consisting of three members, two

Planning Board Members and the Planning Coordinator, which shall review minor subdivision plats for approval.

## ARTICLE V - SUBDIVISION REVIEW PROCEDURE

### SECTION 1. CATEGORIES

The following steps outline the requirements for subdivision plat approval. There are two categories for subdivisions and subdivision review included in this Ordinance-major and minor. Each is defined and the procedural requirements are included in Article V.

### SECTION 2. MINOR SUBDIVISION REVIEW PROCEDURE

#### A. Purpose

Provision for the minor subdivision review process has been developed within the context of this document in order to provide a more expeditious and convenient review for smaller developments that would be less likely to have extensive impact on nearby residents or other subdivisions, planned or developed.

#### B. Definition

For the purpose of this Ordinance, a minor subdivision shall be defined as a subdivision of land that:

1. Involves no more than four (4) lots and paving of roadway of 300' or more to the Department of Transportation's standards.
2. Does not involve any new streets or alteration of an existing street, except as allowed elsewhere in this Ordinance, or interfere with adequate prospective access to interior property; and
3. Does not require the creation of new drainage easements through lots in order to serve property at the rear of the tract; and
4. Creates no new or residual parcels that do not conform to the requirements or this Ordinance; and
5. Does not constitute an enlargement or extension of a previously approved minor plat above four (4) lots maximum. The fifth lot would constitute a major subdivision.
6. Includes contiguous land under single ownership.

C. Plat Review

When a minor subdivision is submitted for review, only a final plat need be presented for approval.

One (1) copy of the plat must be submitted to the Planning Coordinator for the County who will submit it to the Subdivision Review Committee. The Subdivision Review Committee will have ten (10) calendar days to review and act on the proposed subdivision, unless the subdivider consents to a time extension.

It shall be the duty of this Committee to insure that the following agencies have an opportunity to review and make recommendations concerning the proposed subdivision. If the following agencies have not submitted comments within five (5) work days after receiving the plat, the Committee may consider the plat acceptable, unless an extension of time is agreed upon.

1. The Division of Highways District Engineer as to proposed roadways.
2. The Washington County Health Department or the North Carolina Department of Human Resources, Division of Health Services as appropriate, for proposed water and sewage systems.
3. The local CAMA Permit Officer to determine if the property lies within a designated Area of Environmental Concern and what permits are required.
4. The County Water Works Operator I as to proposed water service.
5. The County Soil Conservation Service Agent as to matters of topography and drainage.
6. Any other agencies or officials as the Subdivision Review Committee may deem necessary or desirable.

D. Information Required

The final plat shall include the information required under Article VI, Section 1. Any further information requested by the Subdivision Review Committee shall be submitted upon request.

E. Action

The Subdivision Review Committee shall approve, approve conditionally, disapprove, or refer the plat to the Planning Board for their approval.

1. If the final plat is found to be in compliance with this Ordinance and

has met the approval of the Subdivision Review Committee, it shall be certified for recording by a member of the Committee. The subdivider or his/her authorized agent shall file the final plat with the Register of Deeds of Washington County for recording within ninety (90) days after the approval by the Committee or such approval shall be void.

2. If the final plat receives conditional approval, the subdivider shall resubmit the plat to the Subdivision Review Committee for approval after the conditions have been met.
3. If the final plat is disapproved, the reasons for such action shall be recorded in writing and one (1) copy shall be sent to the subdivider and another to the Planning Board Chairman. The subdivider shall have thirty (30) days within which to appeal, in writing, to the Planning Board with notice to the Planning Coordinator for the County and the County Manager. The Planning Board shall have fifteen (15) working days to act on the appeal or the plat shall be deemed approved unless an extension of time shall be agreed upon by the subdivider or his agent.
4. If the Subdivision Review Committee is unsure as to proper application of this Ordinance to the proposed plat, or it finds the proposal is for a major subdivision, it may submit the plat to the Planning Board. In such cases, review shall take place within fifteen (15) days or the plat shall be considered approved, unless an extension of time is agreed upon in writing by the Subdivider or his agent.
5. The Subdivision Review Committee shall present to the Planning Board at the regular meeting any plats which have been reviewed for their information.

### SECTION 3. MAJOR SUBDIVISION REVIEW PROCEDURE

#### A. Purpose

The major subdivision review process is lengthier and more involved due to the likely impact of a larger subdivision on surrounding areas and/or the proposal of new roadways which must be carefully reviewed. The extensive review process allows for determination and prevention of any adverse affects and assures quality development.

#### B. Definition

A major subdivision is a subdivision of five (5) or more lots.

C. Plat Review

1. Sketch Plan Review (Note: This sketch plan does not necessarily have to be drawn by a Registered Land Surveyor nor does it have to be staked out on the ground.)

- (a) Information Required

When a subdivision is subject to the major subdivision review process, the subdivider shall present a sketch plan of the proposed subdivision to the Planning Coordinator for his/her review. It shall contain the following information:

- (1) Name of subdivision and its location by municipality, township, county, and state.
- (2) Vicinity map showing the relationship between the proposed subdivision and neighboring tracts.
- (3) Proposed street right-of-way and lot layout.
- (4) Total acreage of tract to be subdivided.
- (5) Minimum lot size and total number of lots.
- (6) Location of all existing or proposed water and sewer lines and sizes, if applicable.
- (7) Approximate location of land to be dedicated or reserved for public or private use and the approximate amount of area.
- (8) The location of all designed Areas of Environmental Concern within the subdivision.
- (9) Any additional relevant information which would be supportive to the review process as required by the Planning Department.

- b. Action

The Planning Coordinator for the County shall review and discuss with the subdivider his/her plans and determine whether more information is needed prior to presentation to the Planning Board. When sufficient information is available, the Planning Coordinator shall request that a preliminary plat be prepared by the subdivider.

## 2. Preliminary Plat Review

### (a) General

The subdivider shall submit two (2) copies of the preliminary plat and any supplementary materials to the Planning Office at least five (5) work days prior to the regularly scheduled meeting of the Planning Board, at which time the plat will be considered. The Planning Coordinator will place the preliminary plat on the Planning Board's agenda.

The agencies included in Article V, Section 2-C, shall have an opportunity to review and make recommendations concerning the proposed subdivision. Written comments from these agencies shall be presented to the Planning Board along with the preliminary plat. If comments have not been received within five (5) work days from the date the plat was received, the Planning Coordinator may consider the plat acceptable, unless an extension of time is agreed upon by all parties concerned.

### (b) Information Required

The preliminary plat shall depict or include the information required in Article VI, Section 1.

### (c) Action

After review of the preliminary plat, the Planning Board may approve the plat conditionally approve the plat or disapprove the plat. If the plat is conditionally approved or disapproved, then the subdivider may appeal the Planning Board's action to the Board of Commissioners. If the Planning Board approve the plat, the Board of Commissioners shall be provided with a copy of the approved plat for information purposes. Upon the expiration of six (6) working following the approval of the preliminary plat by the Planning Board, the subdivider may proceed with preparation of the final plat and the installation of improvements. If the subdivider wishes to appeal a decision of the Planning Board disapproving a plat or conditionally approving a plat, such appeal shall be filed with the Clerk to the Board of Commissioners within fifteen (15) calendar days of the decision by the Planning Board. The Clerk to the Board of County Commissioners shall provide copies of the appeal to the members of the Washington County Board of Commissioners, the County Manager, the Planning Board Chairman, the County Attorney, and the Planning Coordinator within six (6) working days of the receipt of the appeal. The subdivider's appeal shall state specific grounds for the appeal. The



Board of County Commissioners shall hear appeals and review approval conditions at the next scheduled county commissioner's meeting. At the time the appeal is heard by the Board of County Commissioners, the subdivider, the Planning Board Chairman or his designee and the Planning Coordinator shall have the opportunity to comment on the plat orally or in writing. Said appeal shall not be a formal hearing. Within three(3) days after hearing the appeal, the Board of Commissioners shall approve or disapprove the preliminary plat. If the Board approves the plat, such approval shall be noted on three (3) copies of the plat. One (1) copy shall be retained by the Board of Commissioners, one (1) copy shall be retained in the Planning Office records and one (1) copy shall be given to the subdivider.

If the Board of Commissioners disapprove the preliminary plat, it shall give the subdivider the reasons in writing and one (1) copy of the plat and shall instruct the subdivider concerning possible re-submission of the plat to the Washington County Planning Board. Upon approval of the preliminary plat by Washington County Board of Commissioners, the subdivider may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this Ordinance. Preliminary plat approval shall in no way be construed as constituting an official action of approval for recording of the subdivision as required by this Ordinance.

### 3. Final Plat Review

#### (a) General

The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at this time; such portion shall conform to all requirements of this Ordinance. No final plat shall be approved unless and until the subdivider shall have installed in that area represented on the final plat all improvements required by this Ordinance, or shall have guaranteed their installation as provided in Article VII Section 2.

#### (b) Information Required

(1) The final plat shall depict or contain the information required in Article VI, Section 1.

(2) The appropriate certificate forms as set forth in Article VI, Section 2, shall appear on at least three (3) copies of the

final plat.

- (3) The final plat shall be prepared by a registered land surveyor and/or engineer and shall be drawn in accordance with the approved preliminary plat.

(c) Action

The Planning Board shall within 15 days of submission, review the final plat as to compliance with the approved preliminary plat and shall take action on the final plat. Final approval will be based on compliance and such satisfactory completion of required improvements or posting of adequate security, guaranteeing completion.

The Planning Coordinator for the count shall check the final plat against the subdivision preliminary layout for accuracy, charging the costs to the subdivider if the plat is found to be in error. If a final plat has been recorded prior to installation of improvements due to improvement guarantees, the same procedure shall be followed when improvements have been completed.

The Planning Board shall approve or disapprove the final plat. Should the Planning Board approve the final plat, such approval shall be indicated on three (3) copies of the plat by the signed certificate of approval for recording, as set forth in Article VI, Section 2.

If the final plat is disapproved by the Planning Board reasons for such disapproval shall be stated in writing and one (1) copy shall be retained for the Planning Office records and one (1) copy shall be transmitted to the subdivider. If the final plat is dis-approved, the subdivider may make such changes as will bring the plat into compliance with this Ordinance and resubmit it to the Planning Board for review, or the subdivider may appeal the Planning Board's decision to the Board of County Commissioners, in writing within fifteen (15) days from the date of the Planning Board action, to the Clerk to the Board of Commissioners and the Planning Coordinator and the County Manager.

(D) Approval Does Not Constitute Acceptance of Dedications  
The approval of a plat in accordance with this Ordinance

shall not be deemed to constitute or affect the acceptance by the county, a governmental unit, or a public body of the dedication of any street or other ground, a public utility line, or other facility shown on plat. However, the Board of County Commissioners may by resolution, accept any dedication made to the public of lands or facilities for parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision regulated jurisdiction.

ARTICLE VI - REQUIRED INFORMATION FOR PROCESSING PLATS

SECTION 1. INFORMATION REQUIRED TO BE CONTAINED IN OR DEPICTED ON FINAL AND PRELIMINARY PLATS

A. General

The preliminary and final plats shall depict or contain the relevant information included in this Article. Due to the provisional status of the preliminary plat, the certification requirements and plat standards vary from those of a final plat. The nature of the final plat as a permanent recorded document lends itself to a greater degree of accuracy and inclusion of various certificates.

B. Size and Scale

All preliminary and final plats shall conform to the North Carolina Uniform Map Law as amended.

C. Information Required

The preliminary and final plats shall depict or contain the information indicated in the following table. An “X” indicates that the information is required.

	INFORMATION REQUIRED	PRELIMINARY PLAT	FINAL PLAT
1.	The name of the subdivision	X	X
2.	A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area at an appropriate scale	X	
3.	Site location	X	X
4.	A topographic map showing vertical contours every two (2) feet or less if the Planning Board so requests and USGS topographical information is not sufficient	X	
5.	Total acreage of tract to be subdivided as computed by the double meridian distance method with the location of previously subdivided lots within the tract.	X	X
6.	Name of township, county and state in which the subdivision is located	X	X
7.	Corporate limits, township boundaries, county lines, if on the subdivision tract	X	X
8.	The names addresses, and telephone numbers of all owners, mortgages, registered surveyors, land planners, and professional engineers responsible for the subdivision	X	X

9.	The registration numbers and seal of the professional engineers and registered surveyors		X		X
10.	Date of survey and plat preparation	X		X	
11.	Scale denoted both graphically and numerically	X		X	
12.	An accurately positioned north arrow tied into the North Carolina Grid System, true north or magnetic north showing the date of survey				
13.	The exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands			X	
14.	The names of adjoining property owners	X		X	
15.	The boundaries of the tract or portion there-of to be subdivided distinctly and accurately represented with all bearings and distances shown	X			
16.	The names of any adjoining subdivision of record or proposed and under review	X		X	
17.	Minimum building setback lines	X		X	
18.	Existing buildings or other structures, water courses, railroads, bridges, culverts, storm-drains, both on land to be subdivided and land immediately adjoining	X		X	
19.	Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line, and building setback line, whether curved or straight. This should include the radius central angle, and tangent distance for the center line of curved streets and curved for the property lines that are not boundaries of curved streets. All dimensions shall be measured to the nearest one-hundredth of a foot and all angles to the nearest ten seconds.			X	
20.	The blocks shall be numbered consecutively throughout the subdivision and the lots shall be numbered consecutively throughout each block.			X	
21.	Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds and any other natural features affecting the site, including the location of known areas subject to flooding		X		

22.	Proposed roadways, existing and platted streets on adjoining properties and in the proposed subdivision, right of ways, pavement widths, approximate grades, design and engineering data for all corners and curves, and typical street cross sections	X	
23.	Street names and the location of street signs	X	X
24.	The location and dimensions of right of ways, utility or other easements	X	X
25.	The plans for utility layouts including sanitary sewers, storm sewers, water distribution lines, natural gas, telephone and electric service or plans for individual water supply systems and sewage disposal systems	X	X
25a.	The location of the appropriate number of solid waste container sites (major subdivision only)	X	X

The following items are to be attached to or presented with the appropriate plat to the Planning Board and/or the County Commissioners.

INFORMATION REQUIRED (Continued)		PRELIMINARY PLAT	FINAL PLAT
26.	Letter of tentative approval of water supply and sewage disposal plans by appropriate county and state authorities	X	
27.	Improvement Certificate or letter of approval for water and sewage systems by appropriate county and state authority		X
28.	Certificate from the designated Coastal Area Management Act (CAMA) permit officer certifying whether the subdivision is located within an Area of Environmental Concern (AEC) (See Section 2)	X	X
29.	Type of street dedication; all streets must be designated either "public" or "local road"	X	X

30.	Letter of approval from the Department of Transportation as to proposed roadway alignment and construction	X	
31.	Letter of approval from the Department of Transportation stating whether the new roadway is constructed to appropriate state standards, and/or an improvements from the subdivider that the roadway will be constructed to appropriate state standards (See Section 2)		X
32.	A copy of any deed restrictions or similar covenants	X	X
33.	A copy of the deed disclosure statement where proposed roadways are designated public” or “local road”	X	X
34.	The accurate locations and descriptions of all monuments, markers, and control points		X
35.	Any other information considered by either the subdivider, Subdivision Review Committee Planning Coordinator, Planning Board or Board of Commissioners to be pertinent to the review of the plat	X	X
36.	Linear error of closure shall not exceed one (1) foot per 7,500 feet. Angular error of closure shall not exceed twenty-five (25) seconds times the square root of the number of angles turned.		X
37.	Applicable Certificates in Article VI, Section 2	X	X

SECTION 2. CERTIFICATES TO BE APPLIED TO FACE OF PLAT

A. Preliminary Plat

1. The Washington County Board of Commissioners hereby approves, disapproves, this preliminary subdivision plat. This action shall in no way be construed as constituting approval for recording.

-----, 19----  
Date Chairman, Washington County  
Board of Commissioners

2. The area designated hereon is in part located within, is in totally located within, is not located within an Area of Environmental Concern and requires, does not require a CAMA Permit prior to construction of improvements.

-----, 19----  
Date Coastal Area Management Act  
Permit Officer

B. Final Plat

1. I certify that the land as shown hereon is within the subdivision regulations jurisdiction of the County of Washington.

-----, 19----  
Date Owner or Authorized Agent

2. The public streets designated hereon are in accordance with the minimum standards of the Department of Transportation for acceptance of the subdivision street on the state highway system for maintenance. This certificate of approval shall not be deemed an acceptance of the dedication of such streets designated herein.

-----, 19----  
Date District Engineer  
Division of Highways

3. State of North Carolina, -----County, I



(drawn under my supervision) from (an actual survey by me) actual survey made under my supervision) (deed description recorded in Book \_\_\_\_\_, Page\_\_\_\_\_;Book\_\_\_\_\_,Page\_\_\_\_\_: etc.) (other); that the ratio of precision as calculated by latitudes and departures is \_\_\_\_\_: that the boundaries not surveyed are shown as broken lines plotted from information found in Book \_\_\_\_\_, Page \_\_\_\_\_. This map was prepared according to G.S. 47-30 as amended.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Surveyor or Engineer

North Carolina  
Washington County

I, a Notary Public of the County and State of aforesaid, certify that \_\_\_\_\_, a Registered Land Surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Notary Public

My commission expires:

- 4. I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of Washington County by the Washington County Planning Board and/or Subdivision Review Committee and that it has been approved for recording in the Office of the Register of Deeds.

\_\_\_\_\_, 19\_\_      \_\_\_\_\_, 19\_\_  
Date                                      Date

\_\_\_\_\_  
Chairman, Washington County  
Planning Board

\_\_\_\_\_  
Member, Subdivision Review  
Committee

- 5. The area designated hereon is in part located within, is in totality located within, is not located within, an Area of Environmental

Concern, and appropriate permits have, have not been acquired by the subdivider.

\_\_\_\_\_, 19 \_\_\_\_  
Date

\_\_\_\_\_  
Coastal Area Management Act

## ARTICLE VII - IMPROVEMENTS REQUIRED AND MINIMUM STANDARDS OF DESIGN

### SECTION 1. GENERAL

Approval of the final plat by the Planning Board is subject to the subdivide having installed or guaranteed the improvements required in this Ordinance. Each subdivision shall contain the improvements in Article VII, unless otherwise approved by the Board of Commissioners through the variance procedures in Article III, Section 6, or otherwise stated in this Ordinance.

- A. Suitability of Land - Land subject to periodic flooding, irregular drainage conditions, excessive erosion or topographical and other reason unsuitable for residential use as determined by the appropriate board or agency, shall not be platted for residential use nor for any other use by a citizen that will continue or increase the danger to health, safety, or property unless the hazards can be and are corrected.
- B. Fill Areas - Areas that have been used for the disposal of solid waste or liquid waste shall not be subdivided into commercial or residential building sites. This shall include those areas that have been used for disposal of trash, demolition waste, chemical waste and other waste materials.

### SECTION 2. IMPROVEMENTS INSTALLATION AND GUARANTEES

Final Plats of subdivisions may be approved by the Planning Board after the subdivider has complied with one of the following procedures:

- A. All required improvements have been installed by the subdivide in accordance with the requirements of this Ordinance; or
- B. A surety bond or certified check has been posted by the subdivide payable to the County upon default, in an amount determined by the Planning Board to assure installation of the required improvements. The improvements thus guaranteed shall be installed by the developer within three (3) years of the posting of the surety bond or certified check with the possibility of reasonable extensions in the discretion of the Planning Board. If the developer has not installed the improvements within the allotted time, the County shall take necessary steps to proceed with the accomplishment and completion of the improvements, making use of the certified check or calling upon the surety of the bond; or

C. An irrevocable letter of credit, and a form approved by the County Attorney, issued by a bank or other lending institution or a deposit of funds in the escrow may be accepted in lieu of bond or check under the same terms and conditions; or

D. Defects Guarantee

The Planning Board shall require a irrevocable letter of credit or surety bond approved by the County Board of Commissioners guaranteeing utility taps, drainage facilities, water and sewer lines, and other improvements against defects for one (1) year. This bond or letter of credit shall be in an amount determined by the Planning Board's designated agent to be sufficient to guarantee repair to any defective improvements.

E. Certificate of Dedication and Maintenance

The subdivide shall certify the dedication of all improvements as follows:

- 1) That all property and improvements are owned by the subdivide and free of any encumbrance or lien except as enumerated;
- 2) That the subdivide has freely dedicated or reserved all required right of way easements, streets, utilities, open spaces, or other improvements to public or private use as noted on the improved preliminary plat and has freely established minimum building setback lines;
- 3) That the subdivide shall be responsible for the maintenance of all improvements until either said improvements are taken over by the appropriate public agency or arrangement satisfactory to the Planning Board have been made for maintenance of said improvements;
- 4) That the subdivide has prepared a disclosure statement pursuant to chapter 136 of the North Carolina General Statutes and this Ordinance that discloses the ownership and maintenance responsibilities for all streets or rods within the subdivision.

This certificate shall be filed with the final plat, except when improvement guarantees are used, said certificate shall be filed with the Planning Board when improvements are completed and forwarded to the Register of Deeds to be recorded either with the final plat or as a separate document. In any and all events, the disclosure statement must be submitted to the Planning Board with the final plat.

### SECTION 3. LOT DESIGN STANDARDS

- A. Lot size, shape, and location shall be made with due regard to topographic conditions, contemplated use, and the surrounding area.
- B. Every lot shall front on or abut a public dedicated right of way, or a local road where authorized by this Ordinance.
- C. Double frontage or reverse frontage lots shall be avoided except where necessary to separate residential development from through traffic or nonresidential use.
- D. Lot width at the right of way shall not be less than 35'.
- E. Corner lots for residential use shall have an extra width of 15' to allow adequate building setback from side streets.
- F. Required minimum lot size shall be 30,000 square feet, Minimum lot width at the 35' setback building line shall be 140'.
- G. The minimum building setback line, or the distance between the subdivision street or local road right-of-way line and the building line shall be not less than thirty-five (35) feet. On arterial streets, the building setback line shall not be less than fifty (50) feet.

### SECTION 4. UTILITIES

All lots to be subdivided must be served by on site wells and septic tank systems or public sanitary sewer and water facilities.

- A. Individual on site wells and septic tank systems
  1. Wells shall be located and constructed based on the regulations as promulgated by the Division of Health Services of the North Carolina Department of Human Resources and administered by the local Health Department Sanitarian.
  2. Septic tanks and other sewage facilities shall comply with all applicable state and county public health laws and regulations.
  3. The subdivider, at his own expense, shall have the site investigated under the supervision of the County Health Department and shall present written proof to the Planning Board, or its appointed agent, that appropriate soil have been conducted and that each lot in the subdivision not served by public water and public sewage disposal systems meets standards by

the County Health Department for individual water supplies and individual sewage disposal systems.

B. Public Water Facilities

Upon submittal of a preliminary plat, plans and specifications shall be provided by the subdivider to the Planning Office showing necessary water mains and items accessory to each that lie wholly within the rights of way in the subdivision. After approval of the preliminary plat and these plans and specifications by the Planning Board or County Commissioners and the applicable agencies, installation of the improvements by the subdivider can begin. The Planning Coordinator for the County or his/her agent shall act as inspector to see that all the proper plans and specifications are faithfully carried out. Where existing water mains are within five hundred (500) feet, proposed water mains shall connect with the existing system in accordance with prescribed specifications. Where water mains are not within five hundred (500) feet but plans have been formulated for their installation, the water mains may be required at the Board's discretion. Where water mains are not within five hundred (500) feet, and plans do not exist, the installation of such facilities will not be required.

Where water mains are not within five hundred (500) feet, and plans do not exist for their extension to within five hundred (500) feet of the subdivision, the subdivider may use a private water system approved by the Washington County Health Department and other authorizing agencies. The total cost of Any water distribution improvements and accessories is to be paid by the subdivider.

C. Sanitary Sewer and Water Facilities for Subdivisions in Municipalities Within the Jurisdiction of this Ordinance

The subdivider shall install water and sewer utilities in keeping with County and Municipal specifications. The County or Municipality shall not provide water and sewer services to the subdivision unless the applicable specifications are adhered to.

Plans and specifications shall be furnished to the Town Manager and County Manager for the installation of necessary sanitary sewer lines, water mains and items accessory to each that lie wholly within the public right of way in the subdivision. After approval of these plans and specifications by the Town Manager or designee, County Manager, and other authorizing state agencies, installation can begin under periodic inspection. The Director of Inspections or

his agent shall act as inspector to see that all plans and specifications are faithfully carried out. County mains shall be installed to conform with and to tie into the County or Municipal system prior to the paving of any streets involved.

The total cost of the sanitary sewer and water distribution improvements and accessories thereto designed to connect with and become a part of an existing sanitary sewer or water distribution system is to be borne by the subdivider.

## SECTION 5. SEDIMENTATION AND EROSION CONTROL

Persons engaged in land-disturbing activities shall take all reasonable measures to protect all public and private property from damage by such activities. When any land-disturbing activity is to be undertaken on a tract where more than one contiguous acre is to be uncovered, the subdivider is required to follow the North Carolina Sedimentation and Erosion Control Plan.

## SECTION 6. BLOCKS

The lengths, widths, and shapes of blocks shall be determined with due regard to: provision of adequate building sites suitable to the special needs of the type of use contemplated; requirements as to lot sizes and dimensions; needs for vehicular and pedestrian circulation, control, and safety of roadway traffic; limitations and opportunities of topography; and convenient access to water areas.

- A. Length - Blocks shall not be less than four hundred (400) feet (unless a local road is permitted); nor more than eight hundred (800) feet in length.
- B. Width - Blocks shall have sufficient width to allow two (2) tiers of lots of minimum depth except where single-tier lots are required to separate residential development from through vehicular traffic or another type of use, or when abutting a water area.

## SECTION 7. ROADWAY IMPROVEMENTS

A. Access to lots or parcels formed by the division of a tract of land meeting the criteria of a minor subdivision may be served by a “local road “, with the following provisions:

1. Such road shall have a private right of way easement of fifty (50) feet extending to the nearest State maintained road if physically feasible.
2. Such road shall be designed according to accepted policies of the North Carolina Department of Transportation, and must have an all weather gravel surface.
3. The alignment of such road shall meet applicable standards of the North Carolina Department of Transportation.
4. The addition of a fifth lot to a minor subdivision served by a local road will constitute a major subdivision and at that time, the local road will be required to be paved to Department of Transportation specifications in existence at the time of the expansion of the subdivision.
5. Each deed describing a lot within a minor subdivision, served by a local road, shall have an accompaniment, a disclosure statement, clearly stating that the local road serving said lot is private in nature, and is not constructed to present standards of the North Carolina Department of Transportation for admission to the State Highway System, thus is not eligible for state maintenance. It shall reveal the party or parties responsible for maintenance and shall further state that Washington County has no liability to provide any maintenance or improvement assistance for said road.

In addition, this document shall disclose the conditions upon which local roads are permitted in a minor subdivision. Before any conveyance is made from any of the four (4) lots allowed, which would bring the subdivision size to five (5) lots, the local road meet the standards as set out in Section B below for public roads serving major subdivisions.

The above information shall be documented in a manner acceptable to the Planning Board, the Planning Coordinator and the County Attorney shall be a condition upon which approval of a final plat will be based.

6. Restrictive covenants shall be recorded along with the deed of each lot



fronting on a local road. The covenants shall embody the restrictions in the Washington County Ordinance in reference to local roads serving minor subdivisions. All or that part of the restrictive covenants dealing with local roads shall be approved by the Planning Board, Planning Coordinator and the County Attorney shall be a condition upon which approval of a final plat will be based.

7. Local roads for minor subdivisions shall be designed so that all driveways enter the local road rather than the adjoining state maintained road.
  
- B. Access to lots or parcels formed by a tract of land constituting a major development, including the enlargement of a previously approved minor development above the four (4) lots maximum, shall meet the present design and construction criteria as referenced in SUBDIVISION ROADS, MINIMUM CONSTRUCTION STANDARDS, published periodically by the North Carolina Department of Transportation. The following shall be considered the acceptable minimum standards of design for new subdivision streets and in no case shall be less than those of the North Carolina Department of Transportation as referenced above.
  1. In any new major subdivision, the street layout shall conform to the arrangement, width, and location indicated by official plans or maps for Washington County, North Carolina. 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 proposed use of land to be served by such streets. Any new proposed subdivision street shall be paved according to the Department of Transportation standards for such streets.

Streets in major subdivisions should be designed so that all driveways connect with the new streets in the subdivision rather than with the adjoining state maintained road.

- (A) Minor thoroughfares, local streets and cul-de-sacs shall be so laid out that utilization by through traffic will be discouraged.
  
- (B) All new proposed street systems within a subdivision shall be coordinated within the existing street or road system surrounding said subdivision.

- (C) Where in the opinion of the Planning Board, it is necessary to provide for future street access to an adjoining property, proposed streets shall be extended by platting to the boundary of such property and temporary turnaround shall be provided.
  - (D) When a subdivision abuts a major thoroughfare or principal arterial street, the subdivider may be required to construct a frontage road, or reverse frontage on a minor street for the lots to be developed adjacent to the thoroughfare. Where reverse frontage is established, private driveways shall be prohibited from having direct access to the thoroughfare.
  - (E) Street names which duplicate or are phonetically similar to existing street names in the County shall be prohibited. A proposed street which is in alignment with an existing street shall bear the name of the existing street.
  - (F) When a tract of land is subdivided into lots which are larger than the norm, the lots will be designed and arranged so that they allow for future opening of streets and further logical subdivision.
2. All new streets other than local roads meeting the standards of this Ordinance, shall be designated public dedicated right of way. Each shall be dedicated as public streets accessible to the public at large.
- (A) The provision of street right of ways shall conform and meet the requirements of the adopted Thoroughfare Plan for applicable municipalities and shall meet the specifications set out by the Division of Highways of the North Carolina Department of Transportation in rural planning areas under the auspices of this Ordinance.
  - (B) The urban planning areas shall consist of that area within the urban planning boundary with appropriately adopted Thoroughfare Plans.
  - (C) The rural planning area shall be that area outside the urban planning boundary without adopted Thoroughfare Plans.

3. Right of way widths, measured from lot line to lot line shall be as wide as existing streets to be extended, as specified in an applicable Thoroughfare Plan or as set out in SUBDIVISION ROADS, MINIMUM CONSTRUCTION STANDARDS, published periodically by the North Carolina Department of Transportation, whichever is more restrictive.

The subdivider must secure the entire right of way width for dedication purposes.

4. Proposed streets shall be adjusted to the contours of the land so as to produce streets having gradients which provide for safety, proper drainage, and usable lots.
5. Street shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at an angle less than 75 degrees.
  - (A) Intersection of-sets are to disallowed. Intersections which cannot be aligned should be separated by a minimum of 125' between centerlines for safety purposes.
  - (B) Minimum site distance shall be determined by Department of Transportation standards.
6. Horizontal, vertical, and reverse curves shall be designed by the subdivider according to standards of the Department of Transportation and in the interest of public safety and general welfare. Factors to be considered, among others, shall be the type and importance of the street, sight distance, anticipated traffic volume and design speed.
7. Cul-de-sacs shall have a vehicular turn around area with a right of way diameter of one hundred (100) feet. Cul-de-sacs shall not be used to avoid connection with an existing street or to avoid the extension of an important street in an adjoining area.
8. Frontage Road - When a subdivision abuts or contains a fully or partially controlled access facility, whether existing or proposed, a frontage road may be required by the Planning Board.

9. Signs

- (a) Street name signs - Appropriate street name signs which meet Department of Transportation regulations and conform to the size, color, and design of road signs presently used by Washington County or the applicable municipality shall be installed by the developer at all street intersections.
  - (B) Stop and Yield Signs - Stop and yield traffic signs shall be installed by the developer at appropriate street intersections as required by the Division of Highways. Any supplemental signs deemed necessary to public safety and welfare by the Planning Board shall also be required to be installed.
10. Industrial Access or Commercial Complex Roads - The minimum construction standards for industrial access road requests or for commercial shopping centers and apartment complexes will be reviewed individually by the Department of Transportation. The construction standards for pavement design will be in line with expected usage.

SECTION 8. EASEMENTS

- A. The subdivider shall convey easements to the County or appropriate utility company for both underground and overhead utility installation. Easements shall be as required by the County or utility companies and normally centered along rear or side lot lines.
- B. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right of way as will be adequate for the purpose of managing stormwater runoff in a manner that will safeguard the health and property of the citizens of Washington County.

## SECTION 9. PERMANENT REFERENCE POINTS

Prior to the approval of the final plat, permanent reference points shall have been established in accordance with the requirements set forth in this Section.

- A. Subdivision Tie Points - At least two points of the subdivision not over eight hundred (800) feet apart shall be designated by course and distance (tie) from a readily discernible reference marker. If a corner is within two thousand (2,000) feet of a U.S. Geodetic Survey or N.C. Grid System coordinated monument, or Washington County coordinated system, if such exists, then this corner shall be marked with a monument so designated by computed X & Y coordinates which shall appear on the map with a statement identifying this Monument to an accuracy of at least 1:10,000. When such a monument is not available, the tie shall be made to some pertinent and readily recognizable landmark or identifiable point, physical object or structure. However, if in the opinion of the Planning Board, a subdivision is of such small size, or if there is an existing tie within a reasonable distance of the subdivision, this shall not be required.

Each marker shall have embedded in its top or attached by suitable means, a metal plate of non-corrosive material and marked plainly with the point, the surveyor's registration number, the month and year it was installed, and the word "marker", "monument", or "control corner". A marker shall be set thirty (30) inches in the ground, unless this requirement is impractical because of unusual conditions. In flood zones set out in the FEMA Rate Index Maps, one (1) marker in each subdivision is required to have its elevation recorded on the metal plate.

- B. Property Markers - A steel or iron pipe or the equivalent of not less than three-fourths (3/4) inches in diameter and at least thirty (30) inches in length shall be set at all corners, except those located by monuments. A marker shall also be set at a point of curve, and point of tangency, unless a monument has already been placed at said points.
- C. Accuracy - The allowable angular error of closure and the linear error of closure for surveys shall be in accordance with North Carolina General Statutes 47-30 as amended.

ARTICLE VIII - PUBLIC FACILITIES

SECTION 1. PROVISIONS FOR RECREATION AREAS

Every subdivider who subdivides or develops a major subdivision on a natural waterway shall reserve a portion of such land for the purpose of recreation to serve the residents of Washington County.