

**CHATHAM COUNTY**  
**SUBDIVISION REGULATIONS**

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## **SECTION 1    GENERAL PROVISIONS**

### **1.1 Title**

This document shall be known; cited and referred to as the Chatham County Subdivision Regulations.

### **1.2 Authority**

By the authority of Chapter 153-A Article 18 of the General Statutes of North Carolina the Chatham County Board of Commissioners does hereby exercise the powers and authority to regulate the subdivision of land within its territorial jurisdiction.

### **1.3 Purpose**

This ordinance is adopted for the following purposes:

- A.** To protect and provide for the public health, safety and general welfare of Chatham County.
- B.** To provide for the orderly growth and efficient development of the County.
- C.** To provide for the coordination of subdivision streets with existing and/or planned streets.
- D.** To insure an adequately planned street system and to avoid sharp curves, steep grades and hazardous intersections.
- E.** To provide for safe and adequate water and sewer systems, schools, parks and playgrounds.
- F.** To provide for the dedication of right-of-ways for streets and utilities.
- G.** To insure against flood damage.
- H.** To facilitate an orderly system for the design and layout of land.
- I.** To insure the proper legal description, and monumenting of land.
- J.** To provide for the re-subdivision of land.
- K.** To avoid overcrowding of the land and extreme concentration of the population.
- L.** To provide for the orderly safe flow of traffic and to avoid congestion and traffic hazards.
- M.** To provide for the protection of lakes, streams, rivers, and wetlands within the jurisdiction.
- N.** To help implement the Chatham County Land Conservation and Development Plan.

The minimum standards specified herein are adopted and shall be considered as achieving the purposes listed above.

#### **1.4 Jurisdiction**

**A.** This document shall govern each and every subdivision of land, as herein defined, lying within Chatham County and outside the extraterritorial jurisdiction of any incorporated municipality as provided in Chapter 169A-360(d) of the General Statutes of North Carolina.

**B.** Whenever a subdivision of land takes place as herein defined, a plat shall be prepared, approved and recorded pursuant to the provisions specified herein. Since the definition of subdivision refers to the division of land into lots or building sites for sale or building development whether immediate or in the future, this shall be interpreted to mean that any time a separate residential structure is to be situated on a parcel of land, a separate lot shall be created and said lot shall, prior to any construction thereon, be reviewed according to the procedure set forth herein, unless said lot is exempted from the definition of subdivision. Parcels of land, which an owner does not intend to transfer, but upon which a mobile home(s) is located whether in a rental mobile home park or not in such a park are not required to comply with these regulations provided said land meets the requirements of the Health Department, provided that prior to any transfer of such a parcel except by will or intestacy, the owner shall comply with these regulations.

**C.** 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 or not any land shown thereon is within the jurisdiction of the subdivision regulations of Chatham County. (See Appendix A).

**D.** Whenever land shown on a plat for recordation is within the territorial jurisdiction of the subdivision regulations of Chatham County, but is exempt from the regulations, the owner of the land shown or his/her authorized agent shall sign a statement giving the reasons why his/her plat is exempt from the subdivision regulations, if such be the situation (See Appendix A).

#### **1.5 Enactment**

In order that land may be subdivided in accordance with these purposes and policy, these subdivision regulations are hereby adopted **MMMM DD, YYYY** and become effective **MMMM DD, YYYY**.

#### **1.6 Interpretation**

The parts and provisions of this document in their interpretation and application shall be considered to be the minimum requirements for the promotion of the public health, safety and general welfare.

#### **1.7 Conflict with Public Provisions**

This document is not intended to interfere with, annul or abrogate any other ordinance, rule or regulation, statute or other provision of law applicable to Chatham County. Where any provisions of this document imposes limitations different from those imposed by any other provision of the document or any other ordinance, rule or regulation, or other

provision or law, whichever provisions are more restrictive or impose higher standards shall control.

### **1.8 Conflict with Private Provisions**

This document is not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where the provisions of this document are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of this document shall govern. Where the private provisions impose more restrictive or higher standards than this document then such private provisions shall be operative and supplemental to these regulations.

### **1.9 Separability**

If any part or provision of these regulations or application thereof to any person or circumstances is held invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in all controversy in which such judgment shall have been rendered. Such judgment shall not affect or impair the validity of the remainder of this document even without any such part, provision or application.

### **1.10 Saving Provision**

These regulations shall not be interpreted as altering any action now pending under prior existing subdivision regulations.

All pending applications in which First Plat approval has been given may proceed to final review under the procedures set forth herein, but shall be governed by the substantive provisions of the subdivision regulations of Chatham County, North Carolina, made effective **MMMM DD, YYYY**, as amended.

### **1.11 Reservations**

Upon the adoption of these regulations according to law the Subdivision Regulations of Chatham County, North Carolina, made effective **MMMM DD, YYYY**, as amended, are hereby repealed, except as to such sections expressly retained herein.

### **1.12 Amendments**

For the purpose of providing for the public health, safety and general welfare, the Chatham County Board of Commissioners may amend, when deemed necessary, the provisions imposed by these regulations. Public hearings on all proposed amendments shall be held in the manner prescribed by Chapter 153-323 of the General Statutes of North Carolina.

### **1.13 Variances**

#### **A. General**

Where the Planning Board finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may

recommend variances to these subdivision regulations to the Board of Commissioners so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Planning Board shall not recommend nor the Board of Commissioners grant such variances unless it shall make findings based upon the evidence presented to it in each specific case:

- (1) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his/her land.
- (2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- (3) That the circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this ordinance.
- (4) That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which said property is situated.

#### **B. Conditions**

In approving variances, the Board of Commissioners may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

#### **C. Procedures**

A petition for any such variance shall be submitted in writing by the subdivider at the time First Plat is filed for the consideration of the Planning Board. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner. Applicants shall pay any administrative fee established by the County at the time of the application or request.

### **1.14 Prohibited Acts, Enforcement, and Penalties**

**A.** No owner or agent of the owner, of any land located within the territorial jurisdiction of the County, shall subdivide his/her land in violation of these regulations or transfer or sell 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 these regulations and recorded in the office of the Register of Deeds. The description by metes and bounds in the instrument of transfer or other document use in the process of selling or transferring land does not exempt the transaction from these regulations.

**B.** The Register of Deeds shall not record a plat of any subdivision unless the plat has been approved in the manner prescribed by these regulations or the owner has certified that the subdivision is exempt from these regulations. (See 1.4C and D)

**C.** No officer or agency of the County may issue permits for the construction of any building or structure located on, or authorize the extension, connection or construction of

any public or private facilities or services to a lot or other division of land that has not been properly created and approved, as provided by these regulations.

**D.** The Planning Department is responsible for enforcing these regulations.

**E.** The County may enjoin illegal subdivision, transfer or sale of land by action of injunction. Any violation of these regulations shall constitute a misdemeanor and violations of such provisions shall be punished by a fine or by imprisonment for a term not exceeding 30 days, as provided in N.C. General Statute 14-4.

**F.** Any violation of the provisions of these regulations or a failure to comply with any of its requirements shall subject the offender to a stop work order (where applicable) and a civil penalty of \$50.00 per day for the first violation. If the same violation occurs on the same property within six (6) years after the initial violation is remedied, a civil penalty in the amount of \$100.00 per day shall automatically apply. If the same violation occurs on the same property within six (6) years after the second occurrence of the violation is remedied, a civil penalty in the amount of \$200.00 per day shall automatically apply. If the same violation occurs on the same property within six (6) years after the third or any subsequent occurrence of the violation is remedied, a civil penalty in the amount of \$500.00 per day shall automatically apply. For the purposes of assessing civil penalties each day such violation continues shall be considered a separate and distinct offense. In the case where a stop work order is violated, the fine can immediately be assessed at \$500 per day. If the stop work order violation continues after a second occurrence, the County may seek an injunction to halt the violation and increase the fine to \$2000 per day.

**G.** The County may withhold approval of a First Plat for up to five years after the completion of the timber harvest if the land to be subdivided was willfully timbered without regard to the County's development regulations. In situations where the property was unknowingly timbered in violation of development regulations, the County may withhold approval for no more than three (3) years after the completion of the timber harvest.

### **1.15 Fees**

Reasonable fees sufficient to cover the costs of administration, inspection, technical review, publication of notice and similar matters may be charged to applicants for subdivision plat approval, variances and other administrative relief. The amount of the fees charged shall be as set forth in the County's annual budget or as established by resolution of the Board of Commissioners. Fees established in accordance herewith shall be paid upon submission of an application.

## **SECTION 2    DEFINITIONS**

### **2.1   Meaning of Words Generally**

Words and terms used in this document have their commonly accepted, dictionary meaning unless specifically defined or the context in which they are used in this document clearly indicates otherwise.

### **2.2   Meaning of Common Words**

All words use in present tense include future tense.

All words in the plural include the singular, and all words used in the singular include the plural.

The word "shall" is mandatory, and the word "may" is permissive.

The word "building" includes the "structure and any part thereof".

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

The word "person" includes the words "association", "company", "corporation", "firm", "individual", "organization" and "partnership".

### **2.3   Meaning of Specific Words and Terms**

**401 Certification**-- If the U.S. Army Corps of Engineers (the Corps) determines that a 404 Permit or Section 10 Permit is required because a proposed project involves impacts to wetlands or waters, then a 401 Water Quality Certification is also required. When the State issues a 401 Certification, this certifies that a given project will not degrade Waters of the State or otherwise violate water quality standards.

**404 Permit** - Section 404 of the Clean Water Act (CWA) establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands. Activities in waters of the United States regulated under this program include fill for development, water resource projects (such as dams and levees), infrastructure development (such as highways and airports) and mining projects. Section 404 requires a permit before dredged or fill material may be discharged into waters of the United States, unless the activity is exempt from Section 404 regulation (e.g. certain farming and forestry activities).

**Adjacent** -Having a common border such as a lot line or street right-of-way.

**Affordable Housing** - A commonly accepted standard for affordability is that a household's monthly housing costs should not exceed 30 percent of its monthly net household income. Housing is usually considered "affordable" if it would meet this 30 percent standard for families considered "low-income," meaning they earn below 80 percent of the area median income (AMI). The Raleigh-Durham-Chapel Hill MSA 2001 AMI is \$66,100; under this case  $\$66,100 \times .80 = \$52,880 \times .30 = \$15,864 / 12$  (months) = \$1,322 per month for housing cost.

**Alley** - A strip of land, publicly or privately owned, set aside primarily for vehicular service access to the back or side of properties otherwise abutting a street.

**Applicant** - The owner of land proposed to be subdivided or his/her representative. Consent shall be required from the legal owner of the premises prior to the Planning Board granting final approval of a subdivision plat.

**Architect** - A person certified and currently licensed to practice architecture in North Carolina. This includes landscape architects.

**Block** - A tract of land bounded by visible physical boundaries such as streets, public parks, cemeteries, railroad right-of-ways, shorelines of waterways, or boundary lines of municipalities.

**Board** - The Chatham County Planning Board.

**Board of Commissioners** -The Chatham County Board of Commissioners.

**Bond** - Any form of security, including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Planning Department.

**Building**- Any structure built for the support, shelter, or enclosure of persons, animals, immovable, or movable, property of any kind.

**Building Setback Line** - A line in the interior of a lot which is generally parallel to, and a specified distance from, the street right-of-way line or other lines; which creates a space between such lines in which no building shall be placed.

**Community Water System** - A private water company formed by a developer to serve a new subdivision.

**Community Sewage System** - A private sewer system including collection and treatment facilities established by a developer to serve a new subdivision.

**Concept Plan** – The initial map and supporting documentation submitted by a subdivision applicant for use by County staff, other agencies, and the public. This map will show general concepts and layout of streets, lots, open space, environmental constraints, and major easements for utilities or other associated common use such as drainage or pedestrian access. The Concept Plan is less detailed than the First Plat, which follows sequentially in the subdivision process.

**Conservation Development** - A net density approach where lot sizes are reduced and the land that is saved through such reductions is preserved as open space on separate lots owned and maintained through a homeowner's association, a nonprofit land conservancy or unit of State or local government.

**Construction Plan** – This map is similar to the First Plat, but will be slightly more refined and detailed in certain cases where outside agency permits required minor changes. This plan will be submitted with outside agency permits issued.

**County** - Chatham County, North Carolina or the governing body of.

**CU-CC Conditional Use – Compact Community** - A compact residential development with a mixed commercial use village center with a conditional use permit required as a prerequisite to any use or development, as provided in the Compact Communities Ordinance.

**Cul-de-sac** - A street with only one end open to traffic and the other end being permanently terminated and a vehicular turn-around provided for the safe and convenient reversal of traffic movement. Length is measured from the center point of the turn-around to the center line of the connecting non-cul-de-sac street.

**Dedication** - The object or the act of an owner offering property or property rights to the public. Since a transfer of property rights is involved, dedications must be made by written recordable instruments.

**Developer** - The owner of land proposed to be subdivided or his/her representative. Consent shall be required from the legal owner of the premises.

**District Division of Highways** - The Division of Highways of the North Carolina Department of Transportation; both agency and persons.

**Double Front Lot** - A continuous (through) lot which is accessible from both streets upon which it fronts.

**Easement** - The right to use another person's property, but only for a limited and specifically named purposes; the owner generally continues to make use of such land since he/she has given up only certain, not all, ownership rights.

**Environmental Impact Statement** - A document that must be filed when the federal government takes a "major Federal action significantly affecting the quality of the human environment." The law requiring this is the National Environmental Policy Act of 1969.

**Environmental Impact Assessment** - The process of identifying, predicting, evaluating and mitigating the biophysical, social, and other relevant effects of development proposals prior to major decisions being taken and commitments made."<sup>1</sup> The purpose of the assessment is to ensure that decision-makers consider environmental impacts before deciding whether to proceed with new projects.

**Environmental Review Board** - The advisory body set up by the Board of Commissioners.

**Exempt Subdivision** – Certain kinds of land division not covered by this ordinance; see SECTION 4C, Exempt Subdivisions for details.

**Family Subdivision** - One or more divisions of a tract of land (a) to convey the resulting parcels, with the exception of parcels retained by the grantor, to a relative or relatives of direct lineage, or to the surviving spouse, if any, of any deceased lineal descendant, as a gift or for nominal consideration, but only if no more than one parcel from such tract is conveyed by the grantor to any one relative or such relative's surviving spouse; or (b) to divide land from a common ancestor among tenants common, all of whom inherited by intestacy or by will. This provision shall apply only where the grantor or decedent already owned the land so divided before January 1, 1994.

**Fast Track** - An expedited review procedure for projects that meet certain criteria.

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<sup>1</sup> [Principle of Environmental Impact Assessment Best Practice](#) (pdf). International Association for Impact Assessment (1999).

**Final Plat** - The map or plan of record of a subdivision and any accompanying material, as described in these regulations.

**First Plat** – This is a map and supporting documentation in sufficient detail to satisfy all review requirements and begin the process of applying for outside permits once it is approved. This document follows the Concept Plan and is followed by the Construction Plan in the subdivision process.

**Flood Hazard Area** - The minimum area of the flood plain that, on average, is likely to be flooded once every one hundred years (i.e., that has a one percent chance of being flooded each year) as identified on the most current Flood Insurance Rate Map Chatham County, North Carolina Unincorporated Area as referenced in the Chatham County Flood Damage Prevention Ordinance.

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

**Green Space** - Natural undeveloped areas such as pastures, farmland, barren land, forests, wetlands, and lakes. Green space may also include landscaped perimeters and green landscape reserves along thoroughfares.

**Health Department** - The agency and person designated to administer local health and safety regulations. This is generally the Chatham County Health Department.

**Horizontal Plan** - Part of the concept process; it is a map of the site in two dimensions showing where environmental constraints such as steep slopes, flood zones and access exist, and then the conceptual map of the new development is shown for the site. This differs from a full-blown plan in that simple spatial data (such as those used by the County Geographic Information Systems department) are sufficient, and engineering level data, such as surveyed topography in three dimensions and a higher level of precision are not necessary.

**Individual Septic Systems** - A sewage disposal system developed to function on an individual lot basis. A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device.

**Interior Lot** - A lot other than a corner lot with frontage on only one street.

**Land Use Plan** – The Chatham County Land Conservation and Development Plan.

**Local Road** - See *Rural Road*

**Lot** - A tract, plot, parcel or plat of land intended as a unit for the transfer of ownership or for development.

**Lot Area** - The total horizontal area included within lot lines exclusive of street or highway right-of-way and easements of access.

**Lot Area (Useable)** - Lot area suitable for septic fields. The area within the lot lines which is a contiguous or non-contiguous area suitable for a septic field, well, house and access. This area does not include areas such as public right-of-ways or land within riparian buffers, flood hazard areas, or floodways unless allowed by the Watershed Ordinance.

**Lot Improvement** - Physical changes made to raw land and structures on or under the land surface in order to make the land more useable for human activities. Typical improvements in these regulations would include, but not be limited to grading, street pavement, drainage ditches, and street name signs. Certain lot improvements shall be properly bonded as provided in these regulations.

**Low Impact Development** – See stormwater regulations

**Major Collector** - See *Rural Road*

**Major Subdivision** - All subdivisions not classified as minor or family subdivisions, consisting of six (6) or more lots, or any size subdivision requiring any new street, or extension, or the creation of any public improvements.

**Minor Arterial** - See *Rural Road*

**Minor Collector** - See *Rural Road*

**Minor Subdivision** - Any subdivision containing five (5) lots or less, fronting on an existing public street, not involving any new streets or road, or the extension or the creation of any public improvements.

**Monuments** - Markers placed on or in the land. Metal pins not less than three-fourth (3/4) inches in diameter and 18 inches long or concrete monuments four (4) inches in diameter or square and three feet long.

**National Pollutant Discharge Elimination System Permit (NPDES)** - Authorized by the Clean Water Act,) this permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States.

**Non-cul-de-sac Street** - A street with more than one end open to traffic or which may be opened in the future, such a stub street.

**Non-Discharge Permit** - Permit from the North Carolina Division of Water Quality to allow discharge of process wastewater onto the land (i.e., such as spray irrigation)

**Non-residential Subdivision** - A subdivision whose intended use is other than residential, such as commercial or industrial.

**Official Submission Date** -The date of the meeting at which a plat is deliberated for approval.

**Off-Site** - Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant requesting subdivision plat approval.

**Official Maps or Plans** - Any maps or plans officially adopted by the Board of Commissioners as a guide to the development of Chatham County. The Zoning Map and Thoroughfare Plan are examples of an official map and plan, respectively.

**Open Space** - A restricted reservation of land located within a development with limited low-impact amenities. Amenities may be passive or active. A few examples include but

are not limited to: green space both natural and landscaped, detention areas, trails, lakes, pavilions, benches, outdoor cooking facilities, and active recreational facilities such as ball and soccer fields, playgrounds, and the like.

**Owner** - Any person, group or persons, 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 the regulations.

**Park** - See *Recreation Area*

**Planning Board** - The Chatham County Planning Board.

**Planned Unit Development (PUD)** - Development with a unique design that is comprised of a mixture of housing densities and types (detached and attached) and land uses, including open space. The open space shall be deeded to a property owner's association or an appropriate governmental body. A PUD shall be developed according to the master plan as specified in Section 8 of these regulations.

**Principal Arterial** - See *Rural Road*

**Private Street** - An undedicated private right-of-way which affords access to abutting properties according to the standards of ordinance and requires a subdivision streets disclosure statement in accordance with the North Carolina General Statutes.

**Public Improvement** - Any drainage ditch, roadway, sidewalk, lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

**Public Sewer** - A system to provide the public with the collection and treatment of wastewater which shall be owned and operated by a county, municipal government, or service district.

**Public Street** - A dedicated public right-of-way which affords access to abutting property and meets the standards of this ordinance and the most recent North Carolina Department of Transportation minimum construction standards for subdivision roads.

**Public Water** - A system to provide or furnish water to the public which shall be owned and operated by a county, municipal government, or service district.

**Recreation Area** - An area of land and/or water resources that is developed for active and/or passive recreation pursuits with various man-made features that accommodates such activities.

**Recreation Exaction Fee** - A payment in lieu of land dedication paid to Chatham County to defray the cost of providing public services to new development. The Chatham County Tax Office supplies the Planning Department with a list of "neighborhood codes". Within these codes are "primary building site" amounts that are used to calculate the fee. The fee is calculated by taking the primary building site amount and dividing it by 35 (which is 1/35 of land value per the tax office), and multiplying that figure by the number of lots being created.

**Register of Deeds** - Chatham County Register of Deeds.

**Reservation**-An obligation to keep property free from development for a stated period of time for the purpose of making the land available for a specified use at a later time.

**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. The usage of the term "right-of-way" for land plating purposes shall mean that every right-of-way hereafter established and shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-ways intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the owner of the property on which such right-of-way is established.

**Riparian Buffers** – A natural or vegetated area that provides protective distance between a seep, spring, stream, perennial water body or wetland and an adjacent land area which may be converted to some other use. The riparian buffer shall be measured horizontally on a line perpendicular from the top of bank or from the normal pool elevation of a perennial water body or wetland. The required riparian buffer distances are specified in the Chatham County Watershed Protection Ordinance.

**Road Right-of-way Width** - The distance between property lines measured at right angles to the centerline of the street.

**Rural Road** - For purposes of this ordinance the following classification of rural roads apply:

**Principal Arterial:** A rural link in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel and existing solely to serve traffic. This network would consist of interstate routes and other routes designed as principal arterials.

**Minor Arterial:** A rural link in a network joining cities and larger towns and providing intrastate and intercounty service at relatively high (55mph) overall travel speeds with minimum interference to through movement. The network would primarily serve through traffic.

**Major Collector:** A road which serves major intercounty travel corridors and traffic generators and provides access to the arterial system.

**Minor Collector:** A road which provides service to small local communities and links with locally important traffic generators with their rural hinterland.

**Local Roads:** A road which primarily provides access to adjacent land and for travel over relatively short distances.

**RUSLE K Factor** – The Revised Universal Soil Loss Equation with the added K factor, which is a measure of the inherent erodibility of a given soil.

**Setback** - The distance between a building and the street line or property line nearest thereto.

**Staff** - The professional assistants to the Chatham County Planning Board or other County employees needed for development review activities.

**Street Line** - The legal line between street right-of-way and abutting property.

**Street Sign** - The sign designating the official name and/or number of the street.

**Stub Street-(or Stub Out)**A street with one end open to traffic and one end temporarily closed preferably with a temporary turn around for the safe and convenient reversal of traffic movement. The end that is temporarily closed shall have access reserved on site for future extension.

**Structure** - Anything constructed or erected, including but not limited to buildings, which requires location on the land or attachment to something having permanent location on the land.

**Subdivider** - Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided or who, (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel, site, unit, or plat in a subdivision, or who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision, of any interest, lot, parcel, site, unit, or plat in a subdivision, and who (4) is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

**Subdivision** - All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions are created for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or a change in existing streets; however, those instances listed under SECTION 4C, Exempt Subdivisions are not subject to these regulations pursuant to this document.

**Subdivision Agent** - Any person who represents, or acts for or on behalf of a subdivider or developer, in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

**Subdivision Plat** -The final map or drawing, described in these regulations, on which the subdivision may be submitted to the Register of Deeds for recording.

**Surveyor** - A qualified land surveyor registered and currently licensed to practice surveying in the State of North Carolina.

**Technical Review Committee** – is the staff-level planning agency for Chatham County and is responsible for site plan and subdivision review in accordance with the provisions of this Ordinance.

**Temporary Improvement** - Improvements built and maintained by a subdivider during construction of the subdivision and prior to release of any performance bond.

**Unit or Dwelling Unit** - A building or portion thereof designed, arranged or used for living quarters for one family.

**Usable Land** -See *Lot Area (Useable)*

**Water Hazard Area<sup>2</sup>** - The area adjacent to continuously flowing waterways and intermittent streams as designated on the most recent USGS quadrangle sheets which due to its proximity to the waterway, soils and/or other topographic information is deemed not suitable for structures or septic fields due to potential water pollution.

**Zoning Ordinance** – The Chatham County Zoning Ordinance for Baldwin, Williams, New Hope, Cape Fear, and portions of Haw River, Oakland, Center, Albright, Gulf, Hickory Mountain, Matthews, and Hadley Townships.

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<sup>2</sup> This is a historic reference that may appear on older plats. It is no longer used in the ordinance after **MMMM DD YYYY**.

## **SECTION 3 SECURITY FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS**

### **3.1 Improvement and Adequate Security**

#### **A. Completion of Improvements**

Before the plat is signed by the Chair of the Board of Commissioners or his/her designee, all applicants shall be required to complete, in accordance with the County's decision, all the street, sanitary, and other improvements on the individual lots of the subdivision as required in these regulations, specified in the final subdivision plat, and as approved by the County and to dedicate same to the appropriate government body, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

#### **B. Adequate Security**

- (1) When seventy-five (75) percent of the total cost of improvements has been completed and when the public health, safety or the environment will not be endangered, the County may waive the requirement that the applicant complete all required improvements prior to the signing of the subdivision plat, and that, as an alternative, the applicant post an adequate security at the time of application for final subdivision approval. The amount of the security shall not be less than an amount determined by a licensed architect, registered engineer, surveyor, or licensed contractor acceptable to the county as sufficient to secure to the county the satisfactory construction, installation, and dedication of the incomplete portion of required improvements including labor and material payments. The security shall also assure all lot improvements on the individual lots of the subdivision as required in these regulations.
- (2) Such adequate security shall comply with all statutory requirements and shall be satisfactory to the County Attorney as to form, sufficiency (i.e., inflation or rising construction costs shall be taken into account of security amount), and manner of execution as set forth in these regulations. A copy of the power of attorney for any countersigning agent shall be attached. The period in which required improvements must be completed shall be specified by the County in approving the final subdivision plat and shall be incorporated in the security. The county attorney may at any time during the period of such security accept a substitution of principal or sureties on the security.

#### **C. Temporary Improvement**

The applicant shall build and pay for all costs of temporary improvements required by the County and shall maintain same for the period specified by the County. Prior to construction of any temporary facility or improvement, the developer may be required to file with the County a separate suitable financial guarantee for temporary facilities, such guarantee assuring that the temporary facilities will be properly constructed, maintained and removed.

#### **D. Costs of Improvements**

All required improvements shall be made by the applicant, at his/her expense, without reimbursement by the local government.

### **E. Failure to Complete Improvement**

In those cases where an adequate security has been posted and required improvements have not been installed within the terms of the assurance, the authorized agent of the county thereupon shall declare the security to be in default and require that all the improvements be installed regardless of the extent of the building development at the time of default. The authorized agent of the County may take such actions necessary to collect on the defaulted security and provide for the completion of the required improvements.

### **F. Acceptance of Dedication Offers**

Acceptance of formal offers of dedication of public areas, easements, and parks shall be by resolution of the Board of Commissioners. The approval by the County of a subdivision plat shall not be deemed to constitute or imply the acceptance by the County of any easement, or park shown on said plat.

## **3.2 Inspection of Improvements**

### **A. General Procedure**

The County and other reviewing agencies may provide for inspection of required improvements during construction and assure their satisfactory completion. If the reviewing agencies find upon inspection that any of the required improvements have not been constructed in accordance with the County's or agencies involved construction standards and specifications, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a financial security, the applicant and the bonding company if applicable, shall be severally and jointly liable for completing the improvements according to specifications.

### **B. Release or Reduction of security**

#### **(1) Certificate of Satisfactory Completion**

The County will not accept required improvements, nor will the authorized agent of the County release or reduce said security, until the District Engineer of the Division of Highways, or other appropriate authority has submitted a certificate stating that all required public street improvements have been satisfactorily completed, or until an engineer, surveyor, architect or contractor acceptable to the County has certified that all other required improvements have been completed in conformity with the requirements of this ordinance. Upon such certification, the County may thereafter accept the improvements in accordance with the established procedure and release the financial guarantee.

#### **(2) Reduction of Security**

A guarantee may be reduced upon actual completion of required improvements and then only to the ratio that the required improvements completed bears to the total required improvements for the plat.

## **3.3 Deferral or Waiver of Required Improvements**

### **A. Conditions**

The County may defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as, in its

judgment, are not requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

**B. Payment in Lieu of Improvements**

Whenever it is deemed necessary by the County to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the applicant may be required to pay his/her share of the costs of the future improvements to the County prior to signing of the final subdivision plat, or the applicant shall post financial security assuring completion of said improvements upon demand of the County.

## **SECTION 4   Types of Subdivisions**

For the purposes of these regulations, subdivisions shall be classified into three (3) types. This ordinance only regulates the first two, major and minor. Exempt Subdivisions are included in the list to help applicants determine which category they are in. The specific review procedure the subdivision plat follows depends upon its classification. Subdivision plats shall be classified as follows<sup>3</sup>:

### **A. Major Subdivisions**

All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of six (6) or more lots, or any size subdivision requiring any new street, the creation of any public improvements, or the request for a variance.

### **B. Minor Subdivisions**

Any subdivisions containing five (5) lots or less with access to an existing public street, not involving any new street or road, the creation of any public improvements, or the request for a variance. Family Subdivisions are a special sub-category of minor subdivision, see Meaning of Specific Words and Terms which starts on page 5.

### **C. Exempt Subdivisions**

The following are not subject to any subdivision regulations pursuant to this document:

1. The combination or recombination of portions of previously platted 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;
2. The division of land into parcels greater than ten (10) acres if no street right-of-way dedication is involved;
3. The public acquisition by purchase of strips of land for widening or opening streets or other public transportation corridors or greenways;
4. The division of a tract in single ownership the entire area of which is not greater than two acres into not more than three 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 shown by its subdivision regulations;
5. A conveyance made for the purpose of dividing up the estate of a decedent among his/her heirs and devisees, by will or the courts; and
6. The combination or recombination of previously recorded lots or portions of previously recorded lots if the total number of lots is not increased, provided the resultant lots meet or exceed the standards of the Health Department.

### **D. Recording of Unapproved Lots**

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<sup>3</sup> Conservation Subdivisions can be Major or Minor Subdivisions; for information see 7.7, Conservation Subdivision—Alternative Standards for Development

Subdivision lots which are not approved for building development may be approved for recording through the minor subdivision procedure. Such plats shall display a note stating that the lots are not approved for building development and do not meet the requirements of the subdivision regulations, but are approved for recording purposes only.

## **SECTION 5 Procedure for Subdivisions**

### **5.1 General Purpose**

The purpose of this section is to establish the procedure that shall be followed by the developer in submitting plats to the Planning Board and other agencies. Major and Minor Subdivisions follow different procedures outlined below. Exempt subdivisions are not regulated by this ordinance.

### **5.2 Major Subdivision**

#### **A. General Procedure**

The procedure consist of four main steps:

- (1) Concept Process
- (2) First Plat Review
- (3) Construction Plan
- (4) Final Plat

The overriding consideration in having a four step procedure is to assure that subdivisions develop soundly. Other objectives are as follows:

- (1) Assist the developer in the sound, environmentally appropriate, and economical development of his/her property through the examination of the suitability of the property for subdivision development before surveying expenses and improvement costs are incurred.
- (2) All appropriate county departments, state and federal agencies, administrative and utility agencies aid in the design of proposed subdivisions.
- (3) The community is engaged and is informed through the process.
- (4) Adequate time is allowed for the review of the proposed subdivision.
- (5) All environmental concerns are adequately and completely addressed.
- (6) Adequate time is allowed at the onset of the process to provide feedback before the proposed subdivision is designed.

## **B. Concept Plan**

The concept plan is a process by which the applicant engages the community in discussion regarding the goals of the development. Environmental documentation showing existing site conditions will be required. In most cases, data layers available from the Chatham County GIS office will meet this requirement.

The developer has the choice to design conventionally, or present a conservation design with Low Impact Development (LID) and Best Management Practice (BMP) features. A Conservation Subdivision (see Section 7.7) encourages the preservation of open space. This voluntary preservation allows for a density bonus giving the applicant more lots than would be allowed under conventional patterns. Chatham County staff will review the concept designs. However, limited surveying engineering are required by applicant. The goal is to achieve a better site plan for the developer and the public that reduces environmental impacts and provides for a quality development.

## Step 1. Concept Process

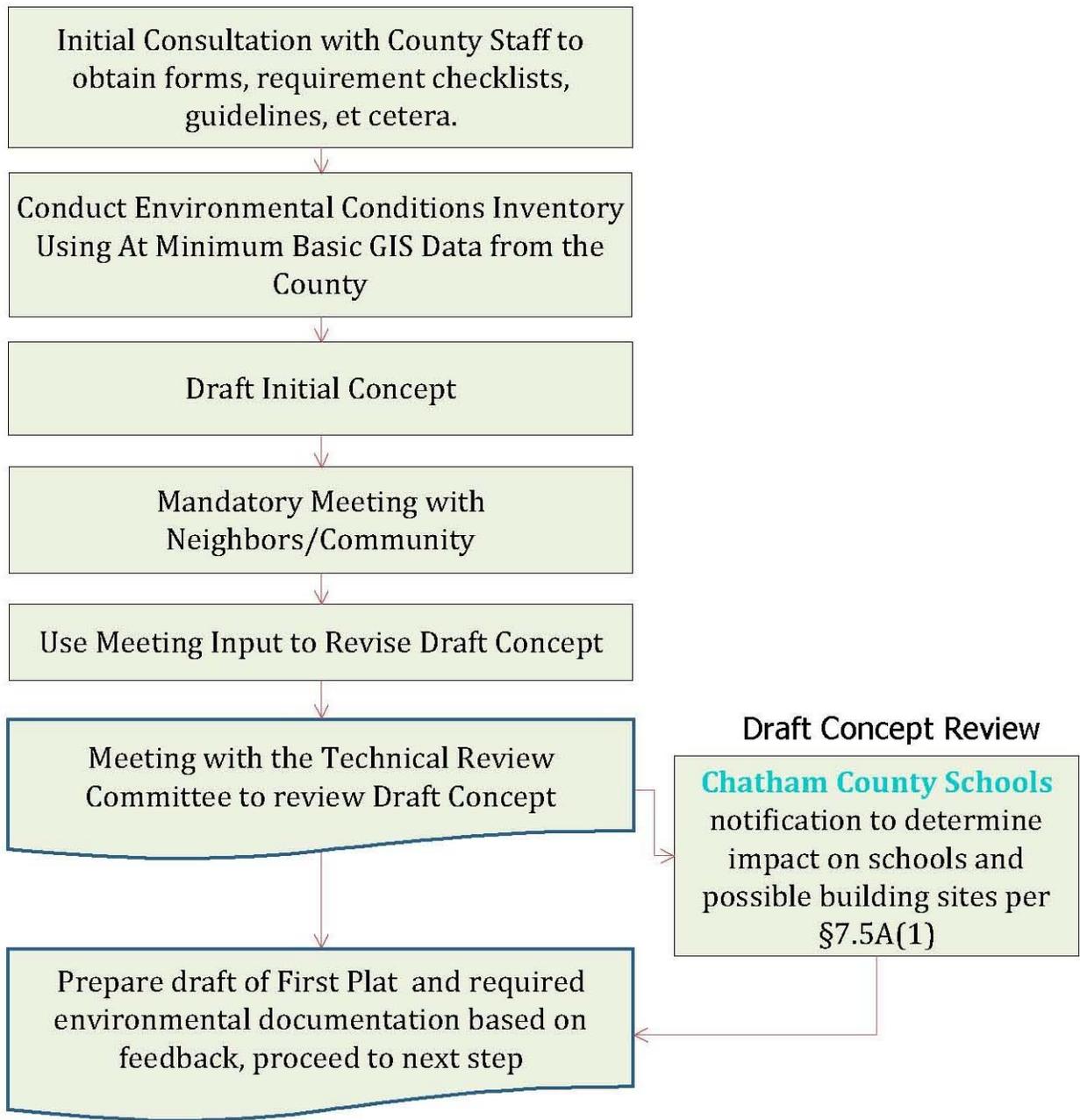


Figure 1: Concept Plan Process

Developers are encouraged to be innovative with their design and go beyond minimum regulations for safe and orderly growth by advocating more traditional and sustainable planning and development practices that encourage the types and patterns of land development that will preserve and enhance what is best about our community.

1. Pre-application meeting - This initial consultation with County staff is to provide information on the subdivision regulations; details of environmental requirements and information required in an Environmental Assessment.

2. Initial Environmental Documentation Conducted - Utilizing the guidelines provided by the Planning Department the applicant will develop an overview of the constraints on the site that will need to be addressed during the process.
3. Draft Initial Concepts (No engineering drawings or surveying expense is required at this stage) - This is a horizontal plan giving general overviews of suggested layouts for development. It is encouraged that one of the concept drafts (if more than one is offered) be a sustainable development plan with a conservation design incorporating Low Impact Development (LID) options.
4. Mandatory Meeting with Neighbors/Community - This is to offer an open dialogue between applicant and neighbors for better communication, to share goals of the development and gather information from neighbors about any concerns about the land, the goal being to achieve a balance for the environment, neighborhood and applicant. The result is a better overall plan up front that is, as much as possible, embraced by the community and county and also saves applicant from spending money on multiple plans, surveying and engineering. There are specific public notice requirements:
  - a. Posting of the property with a "Development Input Meeting" sign along every major road frontage. The signs will be the same dimensions and type sizes as the County's notification signs for other land use notification requirements.
  - b. Mailed notification letters to residents within four hundred feet (400') of the property to be developed (adjacent right-of-way widths not counted as part of the 400'). The applicant will supply the addressed, stamped envelopes and letters to the planning department and the planning department will send the letters.
5. Revised Draft Concept Plan - This is still a horizontal plan by the applicant that may be revised based on previous meetings and discussions.
6. Technical Review Committee - Applicant presents draft concept plan (and development timeline, if necessary) to Planning Department for scheduling to go before the Technical Review Committee (TRC). The TRC is a staff-level committee that will meet with the applicant to go over the concept plan for conflicts with existing ordinances and policies and help the applicant prepare for the next step. Chatham County Schools are included in the TRC distribution and notification.
7. Applicant prepares First Plat - With feedback from above, applicant now prepares First Plat for submitting to Planning Board with the documentation required by these regulations and then to the Board of Commissioners for approval.

c. First Plat

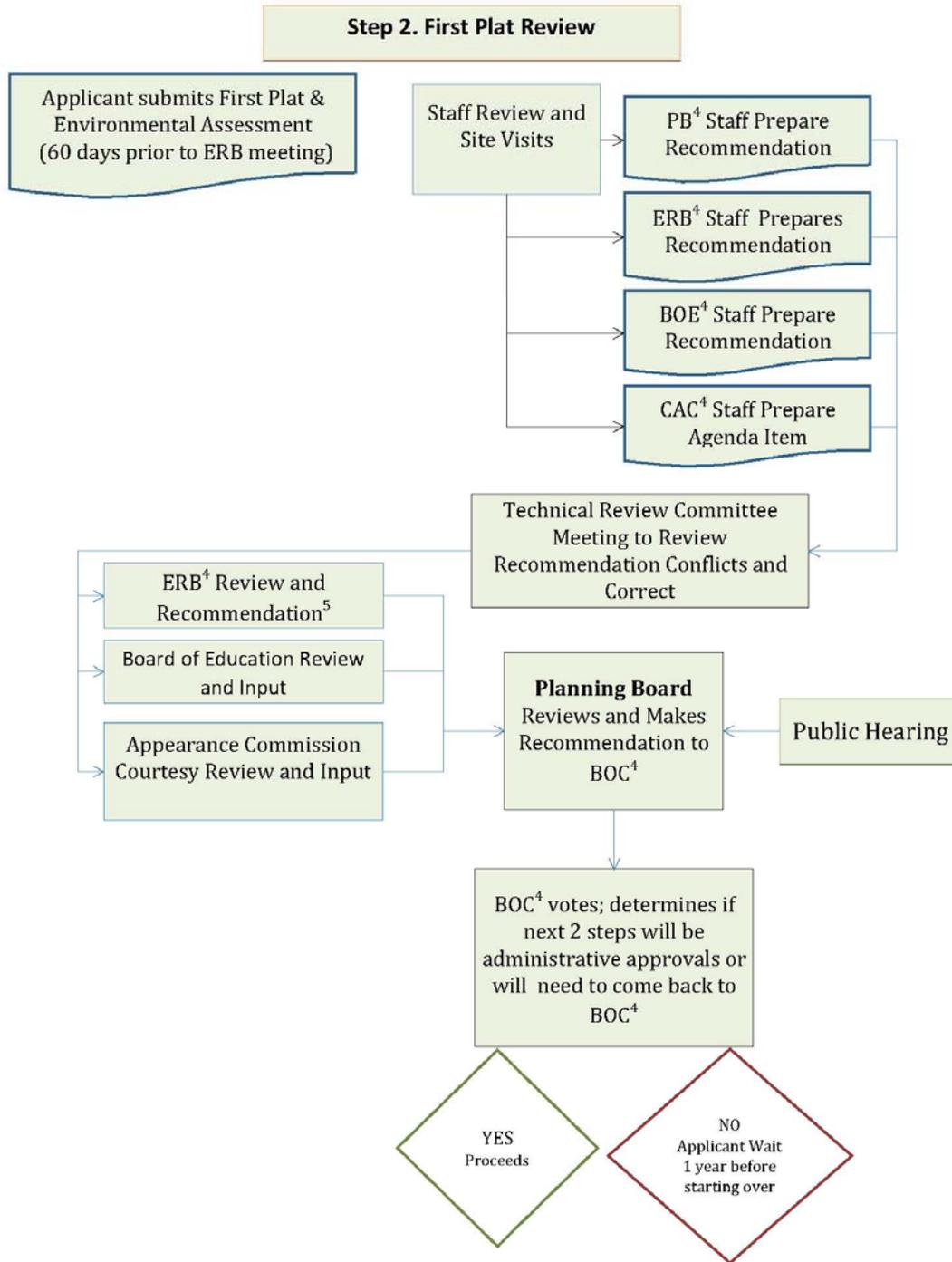


Figure 2: First Plat Process

<sup>4</sup> BOE=Board of Education; CAC=County Appearance Commission; ERB=Environmental Review Board; PB=Planning Board; BOC=Board of County Commissioners

<sup>5</sup> Under 25 Lots will be reviewed by ERB staff only.

a. Applicant submits First Plat to Planning Department. This is to be received by the Planning Department at least 60 days prior to the Environmental Review Board meeting.

b. Site visits. Before the Planning Board Meeting applicant to offer at least three days and times for site visits by the County staff, advisory boards, and elected officials.

c. Reviews and recommendations before Planning Board Meeting. County support staff review and make recommendations to the First Plat. These recommendations are collectively reviewed at an inter-departmental meeting (the Technical Review Committee) for conflicts. Any conflicts between recommendations are resolved at this meeting, and the recommendations go to the appropriate bodies (ERB, CAC, and Schools). The staff recommendations along with the other bodies' recommendations are presented at the Planning Board meeting. Applicable County officials and groups to review the plans include (but are not limited to): Environmental Health-Erosion Control and Septic; Public Works; Fire Marshal, Parks & Recreation, Sheriff; EMS; Historical Society; Wildlife Resources Commission; Natural Heritage Program; State Division of Cultural Resources State Archeology, Chatham County Appearance Committee.

d. Planning Board Meeting. Planning Board reviews plans along with recommendations as noted above. The Chair of the Planning Board may postpone review of the application for one meeting.

e. Public hearing. Applicant presents First Plat. Board of Commissioners hears public comment, along with staff presentation of results of recommendations from Environmental Review Board, Planning Board and Board of Commissioners.

f. The Board of Commissioners votes on First Plat. If First Plat is approved, applicant can begin Construction Drawings. If the Board of Commissioners denies the approval of the subdivision, the applicant must wait twelve months from the date of denial prior to resubmitting plans to develop this parcel that was denied. At the time of approval of the First Plat, the Board of Commissioners can indicate by a majority vote to review the subdivision plans at the next phase, Construction Plan, or the next two phases, Construction Plan and Final Plat. If the Board of Commissioners does not indicate their desire to vote on the next two submittals by the applicant, then review of the Construction Plan and the Final Plat will be reviewed and approved by County Staff.

**(1) Time limit on validity of First Plat approval**

Approval of a First Plat shall be valid for a period of twelve (12) months following the date of approval by the Board of Commissioners. A one-year extension may be granted if the applicant solidly demonstrates that third party delays (and not the applicant) are responsible for the lapse and have the extension reviewed by the Planning Board and approved by the BOC. If First Plat approval expires the subdivision shall not be considered for construction approval until and unless another First Plat approval is granted according to applicable regulations and appropriate additional administrative fees are paid.

This time limit on the validity of First Plat approval shall not apply for Planned Unit Developments, also referred to as Planned Residential Developments, or subdivisions of 50 lots or more. First Plat approval shall not expire for developments in these categories provided the development continues according to the overall phasing and time schedule established when First Plat is approved. The first phase of phased subdivision must submit Construction Plans within two (2) years of approval of First Plat. The Board of Commissioners can grant extension of one year for phases using the same criteria listed above.

**(2) Deadline for Submission of First Plat**

First Plat shall be submitted 60 days prior to the Environmental Review Board meeting when the subdivision will be considered; the Environmental Review Board may postpone hearing the application for up to one regular meeting, and may continue hearing the application up to one additional meeting. Failure of the Environmental Review Board to act on the First Plat within this meeting cycle will be deemed approval of the plat by the Environmental Review Board.

The Planning Board will have up to 2 regular meetings to put the case on the agenda (in order to accommodate the meeting schedules of the Environmental Review Board and Appearance Commission), and the Planning Board Chair can then postpone the case for up to one meeting. The case can be continued up to two meetings, then the Planning Board will indicate their approval, disapproval, or approval subject to modification. Failure of the Planning Board to act on the First Plat within the meeting cycle set forth above will be deemed approval of the plat by the Planning Board.

Either Board may call special meetings to accommodate heavy case loads in order to meet these deadlines.

First Plats shall be forwarded to the Board of Commissioners. The Board of Commissioners will review the First Plat and indicate their approval, disapproval or approval subject to modifications within sixty (60) days of the official submission date to the Board of Commissioners. Failure of the Board of Commissioners to act on the First Plat within this sixty (60) day period will be deemed approval of the plat as submitted. If the Planning Board or the Board of Commissioners give disapproval or approval subject to modifications, the necessary reasons or modifications will be specified in the minutes of the meeting.

The approval of the First Plat by the Planning Board and the Board of Commissioners serves as permission to begin acquiring permits according to the plans and as a basis for preparation of the construction plan. It is recommended that the developer have the local Health Department do a site inspection of the soil scientist's work prior to commencing with land disturbing activity. First Plat approval does not constitute acceptance or approval of the Final Plat.

**(1) Submission Dates**

The official submission date shall be considered the date of the Board meeting at which a plat is considered for approval. This is not the date upon which the plat is submitted to the Planning Department for review.

**(2) Notice of Review**

The Planning Department shall give reasonable notice of the time and place of First Plat review by the Planning Board for major subdivisions. Notice shall also be given when a request is made for the extension of approval. Notice shall be sent by regular mail not less than fourteen (14) days prior to the date specified thereon and shall be mailed to the address of the adjacent property owners as specified on the plat or application. Failure to receive notice by the subdivider or adjacent property owners shall not be grounds for disapproval by the Board of Commissioners.

**(3) County review of water plans for acceptance into County system**

Please see the Chatham County Water System Operating Policies-Part D for applicable rules and regulations.

## D. Construction Plan

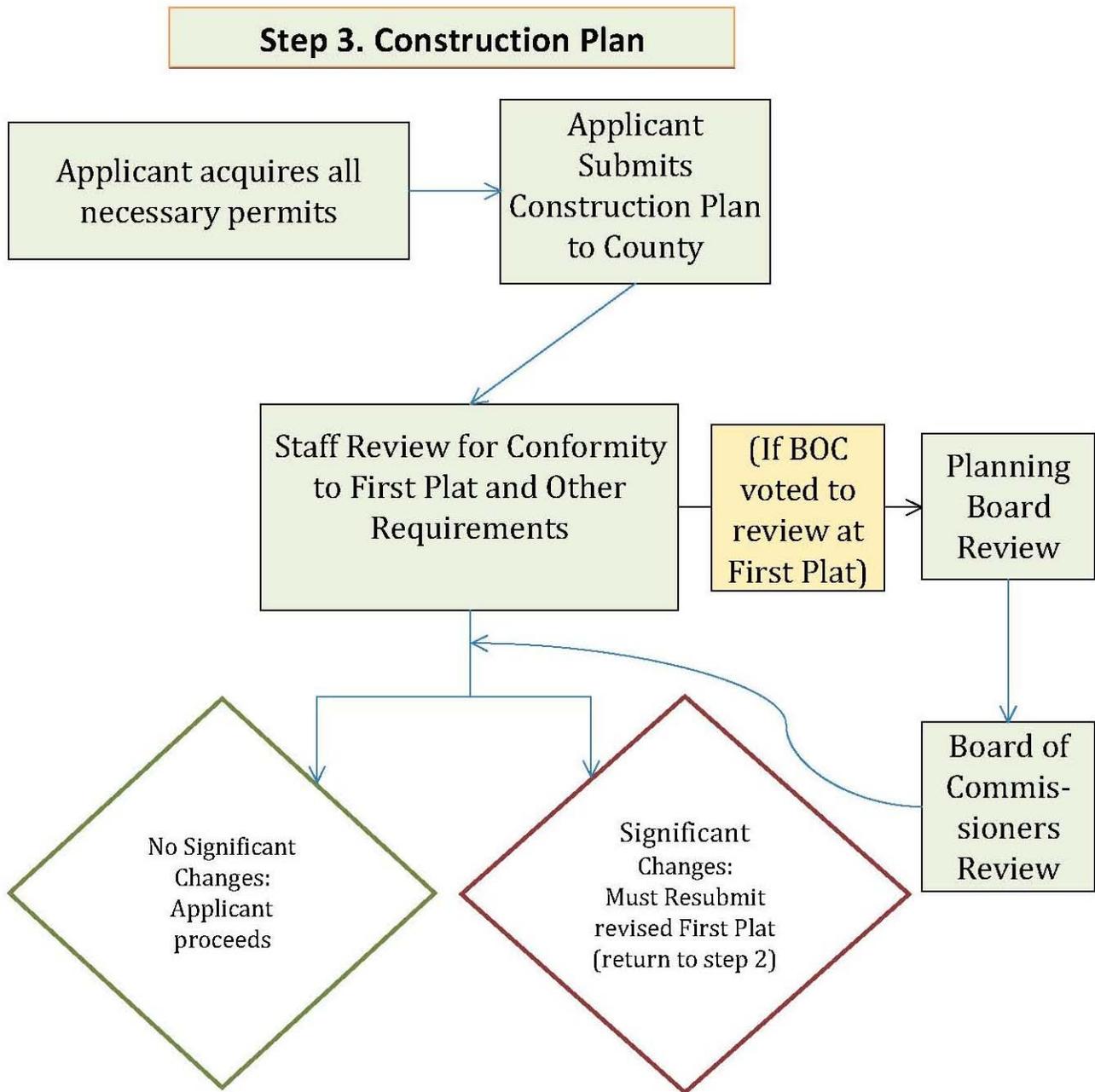


Figure 3: Construction Plan Process

### Purpose

The construction plan is the second of three plats that is required by these regulations. The construction plan review is required to properly identify the design standards for all public improvements and the layout of the development set forth in the First Plat are adhered to. This plan is used to begin construction of improvements.

### Additional Permits

The approved First Plat will be used to obtain any additional permits (Local, State and/or Federal) that are required to obtain a valid Construction Plan. Approval is done by County Staff unless the Board of Commissioners voted to further review the plan as part of the First Plat approval. The Staff or Board of

Commissioners can approve; alternatively either can recommend a re-submittal of first plat if significant changes from the first plat (outlined below) are present.

- Increase in the number of lots
- Increase in the number of stream crossings
- Road alignments change by more than the right-of-way width for the initially planned road
- Number of road lanes increases on any segment except where providing for turning, acceleration or deceleration lanes pursuant to recommendation of NCDOT
- Number of stub outs or internal connectivity under 7.3B, Connectivity for vehicles or pedestrians is reduced
- Linear feet of road increases by five percent (5%) or more.

**Time Limit On Validity Of Construction Plan Approval**

Approval of a Construction Plan shall be valid for a period of eighteen (18) months following the date of approval by the Board of County Commissioners unless a request for an extension has been received and approved by the Board of County Commissioners prior to the expiration of approval. Upon expiration of Construction Plan approval, a final plat of the same subdivision shall not be considered by the Board of County Commissioners unless said Construction Plan (or First Plat, if necessary) is submitted for approval based on standards in effect at the time of resubmission.

## E. Final Plat

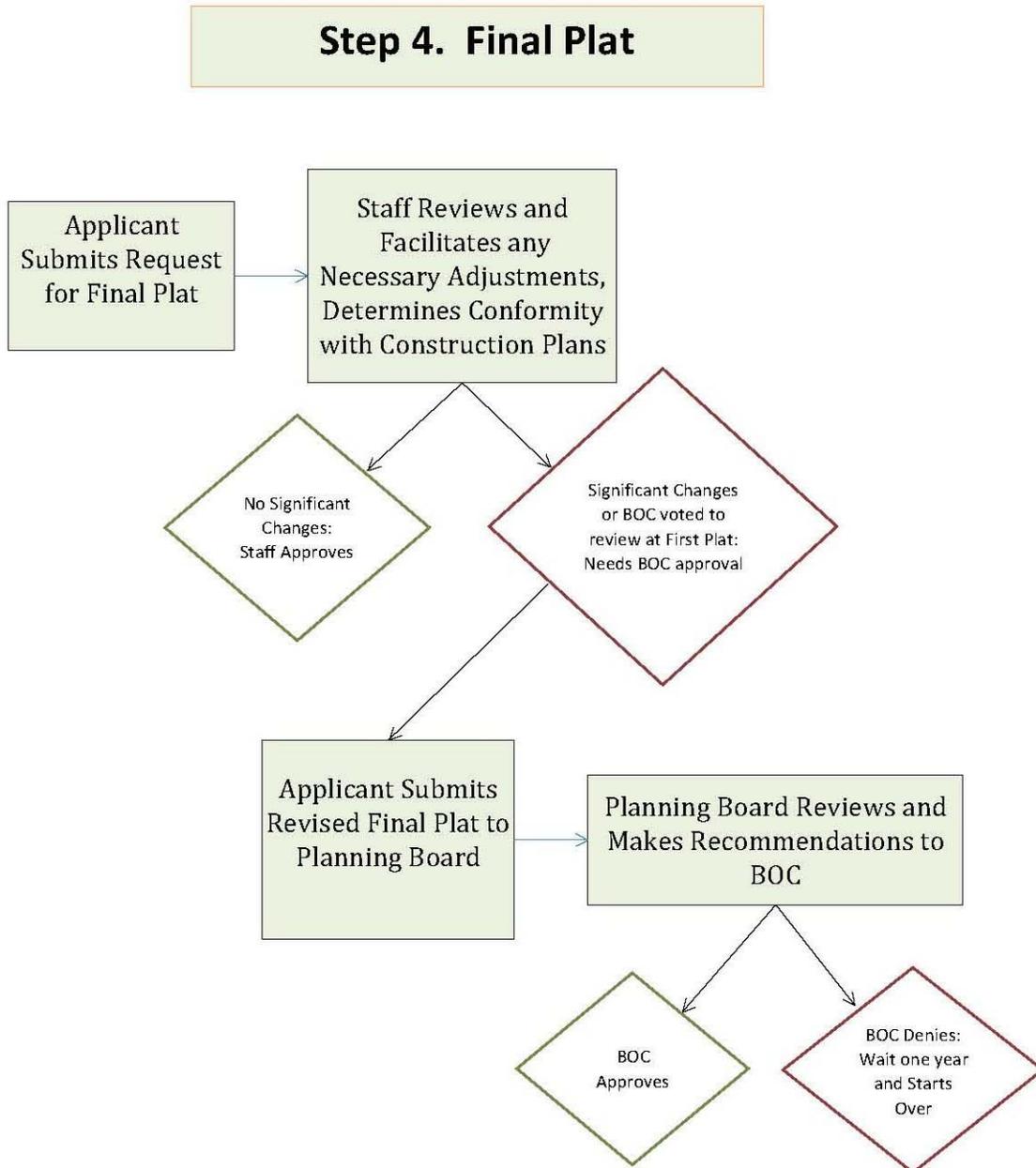


Figure 4: Final Plat Process

### Purpose

The approved Final Plat, filed with the Register of Deeds, is the permanent record of the subdivision as constructed. It shows all property lines and other dimensions important for the accurate and legal transfer of property, and records the location of street lines, and easements.

### Preparation of Final Plat

After the First Plat has been approved by the Board of Commissioners and when the required improvements have been installed or appropriate assurance for completion and maintenance of improvements has been filed, the Final Plat shall be prepared in conformance with these regulations by a surveyor or engineer licensed in the State of North Carolina. Applicants shall pay all required fees as established by the County, prior to submission for a Final Plat.

Fees shall be established by the County Commissioners and revised as necessary. Any major deviations from the first plat or construction plan (as determined by the Planning Director) may require re-review or possibly new approval at the first plat level (see Figure 4: Final Plat Process). Approval is done by County Staff unless the Board of Commissioners voted to further review the plan as part of the First Plat approval. The Staff or Board of Commissioners can approve; alternatively either can recommend a re-submittal of first plat if significant changes from the first plat (outlined below) are present.

Denial by Staff can be appealed to the Board of Commissioners; denial by the Board of Commissioners will require the applicant to wait one year before re-submitting.

- (1) If the Board of Commissioners voted to further review the project, or if substantial changes were made the following applies: within sixty (60) days after the official submission date of the Final Plat, the Planning Board will review it and recommend its approval, disapproval or conditional approval. Grounds for disapproval or conditional approval shall be stated upon the records of the Planning Board. Failure of the Planning Board to act on the Final Plat within this sixty (60) day period shall be deemed recommendation of approval of the plat. Final Plats shall be forwarded to the Board of Commissioners. The Board of Commissioners will review the Final Plat and indicate their approval, disapproval or approval subject to modifications within sixty (60) days of the official submission date to the Board of Commissioners. Failure of the Board of Commissioners to act on the Final Plat within the sixty (60) day period will be deemed approval of the plat as submitted.
- (2) After approval of the Final Plat, the reproducible plat shall be returned to the subdivider for his/her records and for filing with the County Register of Deeds as the official plat of record. One copy of the plat exhibiting certifications shall be retained by the Planning Department for its records.
- (3) The subdivider shall file the approved Final Plat with the Chatham County Register of Deeds for recording within sixty (60) days of the date of approval or such approval shall be null and void and the plat will be denied recordation, except as provided below. Final Plats not recorded in the Register of Deeds Office within sixty (60) days may be reviewed by the Planning Department for compliance with current regulations. Plats found to be in compliance may be approved by signature of the Planning Department authorized personnel, dated, and allowed to be recorded. Plats not in compliance shall not be approved by the Planning Department or recorded prior to approval by the appropriate Board.

## **F. Appeals**

- (1) The disapproval of a Minor Subdivision by the Planning Department may be appealed to the Board of Commissioners if filed with the Planning Department within ten (10) days of notice of disapproval. The administrative fee for appeal is required in order to perfect the appeal. An appeal shall be forwarded to the Planning Board for their recommendation. The submission deadline is the same as major subdivisions without new roads. The recommendation of the Planning Board shall be forwarded to the Board of Commissioners for their action. The action by the Board of Commissioners shall be the governing action.

- (2) If a First Plat is reviewed and recommended for denial by the Planning Board then the plat may continue the review to the Board of Commissioners. The action by the Board of Commissioners shall be the governing action.
- (3) The disapproval of any plat by the Board of Commissioners may be appealed to the courts, following exhaustion of the review procedures specified herein.

#### G. Submission Dates

The official submission date shall be considered the date of the Board meeting at which a plat is considered for approval. This is not the date upon which the plat is submitted to the Planning Department for review. The submission deadline is **sixty days** prior to the ERB meeting .

#### H. Notice of Review

The Planning Department shall give reasonable notice of the time and place of First Plat review by the Planning Board for major subdivisions. Notice shall also be given when a request is made for the extension of approval. Notice shall be sent by regular mail not less than fourteen (14) days prior to the date specified thereon and shall be mailed to the address of the adjacent property owners as specified on the plat or application. Failure to receive notice by the subdivider or adjacent property owners shall not be grounds for disapproval by the Board of Commissioners.

### **5.3** Minor Subdivisions

All subdivisions not classified as major subdivisions, including but not limited to subdivisions of six (5) or fewer lots, and not requiring any new street, nor the creation of any public improvements, nor the request for a variance.

#### **Figure 5: OVERVIEW OF THE MINOR SUBDIVISION PLAT REVIEW PROCESS**

1. Informal Consultation - Planning Board Staff
2. Contact Attorney
3. Hire Engineer/Surveyor
4. Submit Plat to Planning Board Staff
5. Approval of Health Department
6. Planning Board Staff Review
7. Record Plat

- (1) Minor Subdivisions may be submitted to the Planning Department for First Plat, Construction and Final Plat review simultaneously since there are no public improvements involved. Since minor subdivisions are easily reviewed by the Planning Department there is no deadline for submittal. The applicant shall submit one (1) print and one reproducible plat to the Planning Department. Applicants shall pay any administrative fee established by the County at the time of the application or request. The staff shall inform the applicant of necessary modifications to the plat, and shall affix the necessary certification stamps. Minor Subdivisions involving access to more than two lots shall have the access road name approved by the Emergency Operations Center (EOC).
- (2) Minor subdivisions shall be reviewed and approved by the Division of Environmental Health of the Chatham County Health Department or the Division of Environmental Management (issuance of a discharge permit and permit to construct.) This approval shall be in a form prescribed by the issuing agency.
- (3) The Planning Department shall review the plat and if everything is in order, the Director of Planning or his/her authorized agent shall approve the plat as a minor subdivision. (See Appendices)
- (4) The plat shall be submitted for recording by the applicant within the time limit specified in these regulations.
- (5) In order for a subdivision to be considered a minor subdivision the following requirements must be met:
  - a. The subdivision must meet the requirements of the minor subdivision definition.

- b. The plat must meet all requirements and standards of County without exception.
- c. There can be no variances requested from the subdivision regulations.
- d. There cannot be, as a result of such subdivision, a creation of any lots which fail to meet all requirements of the subdivision regulations.
- e. No subdivider may use the minor subdivision procedure in the same immediate location (approximately fifteen hundred [1,500] feet) for a period of twelve (12) months after getting subdivision approval using said procedure in said location, if he/she owns, has an option on, or has any legal interest in any property adjacent to the property to be subdivided, except as provided in these regulations, specifically in Section 7.4B(4). However, a subdivider may use the minor procedure more than once during a twelve month period to create as many as five (5) individual lots. The minor subdivision procedure may not be used to create more than five (5) lots unless there is a twelve month period after the approval of the fifth lot.
- f. Additional street right-of-way dedication shall be shown on the plat in cases where the existing right-of-way does not meet the present minimum right-of-way width.
- g. If a minor subdivision does not meet the above listed requirements it shall be reviewed as a major subdivision, unless otherwise provided.

## **SECTION 6 SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED**

### **6.1 First Plat**

Plats submitted to the Planning Board, prepared in pen or pencil, shall be drawn to a convenient scale of not more than two hundred (200) feet to an inch when practical and shall show the following information. Documentation shall be submitted as double-sided copies whenever practical; a digital copy shall be submitted to the Planning Department.

#### **A. Name**

- (1) Name of subdivision if property is within an existing subdivision.
- (2) Proposed name if not within a previously plated subdivision. The proposed name shall not duplicate the name of any plat previously recorded.
- (3) Name of property if no subdivision name has been chosen. (This is commonly the name of the property owner.)

#### **B. Ownership**

- (1) Name and address, including telephone number, of legal owner or agent of property.
- (2) Name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of public improvements and for surveys.
- (3) Citation of any existing legal rights-of-way or easements affecting the property.
- (4) Reference to existing covenants on the property, if any.

#### **C. Description**

Location of property by tax map and parcel number, when available. The Warranty Deed Book number and page on which the property is currently recorded, when available.

#### **D. Features**

The plat shall show the following information when available.

- (1) Location map showing relationship of the subdivision site to the surrounding area.
- (2) Graphic scale, date, approximate North arrow, legend.
- (3) The location of property with respect to the surrounding property and streets, the names of all adjacent property and streets, or the names of adjacent developments. The name and address of adjacent property owners according to the county tax records, which may be listed on a separate page from the plat. Property on the opposite side of an easement or public right-of-way shall also be considered adjacent property.

- (4) Zoning Classification of proposed subdivision and adjacent property if applicable.
- (5) The approximate location of all boundary lines of the property.
- (6) Approximate total acreage of land to be subdivided in Chatham County, and other county if applicable.
- (7) Approximate lineal feet of the proposed street.
- (8) The approximate location of existing and platted streets, easements, water bodies, water courses and their associated riparian buffers (including sinkholes, dry stream beds, and pond overflow streams), buildings (including mobile homes), railroads, parks, cemeteries, bridges, sewers, water mains, culverts, lands subject to flood and other pertinent features.
- (9) The location and width of all existing and proposed street right-of-ways and easements, and other public ways, and riparian buffers, where applicable.
- (10) The approximate location, dimensions, and acreage of all proposed or existing lots.
- (11) The approximate location, dimensions and acreage of all property proposed to be set aside for a park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
- (12) Names of all streets existing and proposed.
- (13) A notation on the use of any lots proposed for a use other than single family residential.
- (14) All lots in each subdivision shall be consecutively numbered.
- (15) A notation specifying that a public water system is not presently available to the subdivision.
- (16) A time schedule of development for subdivisions of more than 50 lots.
- (17) The approximate location of structures of approximately 50 years old or having historical significance on the development property or within 100 feet of the development property on adjacent land.

## **6.2 Additional First Plat Information**

### **A. Impact Assessment**

- (1) **Environmental**  
Pursuant to Chapter 113A of the North Carolina General Statutes,

County requires the subdivider to submit an Environmental Assessment if the project will be in a non-residential or non-agricultural use and exceeds two contiguous acres in extent, OR if the subdivision (regardless of intended use) includes 25 lots or more.

The environmental impact assessment shall address the following areas:

- a. The environmental impact of the proposed action;
- b. Any significant adverse environmental effects which cannot be avoided should the proposal be implemented;
- c. Mitigation measures proposed to minimize the impact;
- d. Alternatives to the proposed action;
- e. The relationship between the short-term uses of the environment involved in the proposed action and the maintenance and enhancement of long-term productivity; and
- f. Any irreversible and irretrievable environmental changes which would be involved in the proposed action should it be implemented.

If the subdivision includes less than 25 lots, the applicant must determine if any of items 1 through 10 below pertain to the project. All items below that pertain to the project must be addressed with general environmental documentation submitted to the County indicating how the specific adverse environmental impacts are being avoided or minimized:

- 1). Qualifies as a small or large generator of hazardous waste or as a treatment, storage and disposal facility as defined by the North Carolina Department of Environment and Natural Resources, Division of Waste Management, Hazardous Waste Section;
- 2). Requires any of the following Environmental permits:
  - (a) A Mining Permit pursuant to the NC Mining Act;
  - (b) A State NPDES (National Pollutant Discharge Elimination System) Permit, as administered by the NC Division of Environmental Management (other than NCG010000 issued for land disturbing activities);
  - (c) A Non-Discharge Permit for a land application waste disposal system;
  - (d) A permit for any subsurface wastewater disposal system of 3000 gallons/day or larger;
  - (e) A permit for sludge disposal site;
  - (f) A 404 permit/401 certification.
- 3). Requires Environmental Documentation (such as an EA or EIS) by a State or Federal agency;
- 4). Is located within the Water Quality Critical Area of the Water Supply Watershed as defined by the Chatham County Watershed Protection Ordinance or in a state designated Well Head Protection Area;

- 5). Lies within a river corridor as defined by the Chatham County Watershed Protection Ordinance;
- 6). Contains element occurrences ("EO") of natural diversity, including rare species, as determined by and tracked by the NC Natural Heritage Program (NHP)<sup>6</sup>, NC Wildlife Resources Commission (WRC), and US Fish and Wildlife Service (FWS);
- 7). Contains or is adjacent to (shares at least one boundary with) a Significant Natural Heritage Area (SNHA) as recognized by the NC Natural Heritage Program;
- 8). Lies within a designated 14 digit Hydrologic Unit drainage basin that supports aquatic species that are federally listed or listed as Federal Species of Concern;
- 9). Contains significant cultural and/or historical sites as defined by NC Office of Archaeology, Department of Cultural Resources and/or Chatham Historical Association;
- 10). Contains lands to be disturbed (excluding well drilling activities) with slopes 15% or greater (outside of drainage easements or stream buffers), as determined by USGS Topographic maps, at a contour interval of the highest resolution available; or for slopes less than 15%, has a *RUSLE K* factor of 0.45 or more as tabulated in the Natural Resource Conservation Service (NRCS) Chatham County Soil Survey.<sup>7</sup> "

**(2) Alleviate Negative Impacts**

Where potential negative impacts have been identified, it shall be the responsibility of the subdivider to provide plans and methods of how such impacts may be alleviated or minimized to the satisfaction of the Board of Commissioners.

**(3) Causes For Disapproval**

The failure to provide reasonably adequate or accurate information under any item specified shall be cause for disapproval of the First Plat.

**B. Topographic Map**

A topographic map with contours at vertical intervals of not more than five (5) feet, at the same scale as the First Plat, for all major subdivisions unless not deemed necessary by staff. Staff may require a topographic map for other subdivisions if necessary for adequate review. The date and method of preparing the topographic survey shall be stated.

**C. Soils Evaluation**

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<sup>6</sup> See [www.ncnhp.org](http://www.ncnhp.org)

<sup>7</sup> *Soil Data Mart*, Natural Resources Conservation Service, a division of the U.S. Department of Agriculture. To access the Soil Data Mart website, go to <http://soildatamart.nrcs.usda.gov/>

A soils evaluation shall be performed by a certified/licensed soil scientist or persons approved by the Health Department to perform such evaluations or investigations. Such evaluations shall be performed unless a central sewage disposal system is proposed. A soils map showing the location of suitable soils and a letter of explanation shall be submitted to perform such evaluations or investigations.

#### **D. Drainage Plan and Erosion Control Plan**

For all subdivisions with new roads the developer shall submit a drainage plan and an erosion control plan, which provides information as specified in the regulations of the Soil Erosion and Sedimentation Control Program.

#### **E. Utility Plans**

Plans of proposed utility layouts for sewer and water where applicable, showing feasible connections to the existing utility system, or any proposed utility system.

#### **F. U.S. Army Corps of Engineers Permit**

When the development improvements may involve the placement of excavated material or fill material into streams, creeks, lakes, or wetlands, a letter shall be submitted by the subdivider from the U.S. Army Corps of Engineers indicating whether a permit is required. An approved permit shall be submitted if required. Failure of the U.S. Army Corps of Engineers to respond within thirty (30) days of an appropriate request to said agency shall not prohibit the subdivision application from proceeding through the county review procedure.

### **6.3 Final Plat**

#### **A. General**

The Final Plat shall conform substantially to the First Plat and Construction Plan as approved, and, if desired by the subdivider, it may constitute only that portion of the approved First Plat which he/she proposes to record and develop at the time, provided, however that such portion conforms to all requirements of these standards.

#### **B. Features**

The Final Plat shall show the following information:

- (1)** The Final Plat shall be drawn to an appropriate scale of not more than one (1) inch equals two hundred (200) feet on sheets having an outside marginal size of not more than twenty-four (24) inches by thirty-six (36) inches. When more than one sheet is required, an index sheet of the same size shall be labeled showing the entire subdivision with the sheets lettered in alphabetical order as a key, or the location map shall show the relationship of the separate sheets.
- (2)** Location map showing relationship of the subdivision to the surrounding area.
- (3)** Graphic scale, date, and north arrow accurately positioned and designated as:
  - a. magnetic north,
  - b. true north, or
  - c. North Carolina grid north.

- (4) Name, and address of owner and person responsible for plans.
- (5) The location of the property with respect to surrounding property and streets, the names of all adjacent owners of record or the names of adjacent developments; and the book and page number of recordation, and the name and/or number of adjacent streets. Property on the opposite side of an easement or public right-of-way shall also be considered adjacent property.
- (6) The total acreage of land to be subdivided in Chatham County. If less than one (1) acre, the square footage of each lot and if one (1) acre or greater the acreage of each lot.
- (7) All lots in each subdivision shall be consecutively numbered throughout the several additions if there exists more than one.
- (8) The location, and width of all existing and proposed right-of-ways and easements, alleys, and other public ways, and riparian buffers if applicable. Septic system easements shall show bearings, distances, and area.
- (9) All streets shall be designated as either public or private.
- (10) The location, dimension and area of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof and conditions, if any, of the dedication or reservation.
- (11) Accurate description of all monuments and markers. Monuments and control corners shall be designated.
- (12) Sufficient data to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground; the location of all proposed monuments. This shall include but not be limited to (a) radius, (b) length, (c) cord bearing and distance.
- (13) Any other information required on surveys as specified by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors in its Manual of Practice for Land Surveying in North Carolina.
- (14) When available the tax map and parcel number of the property being subdivided.
- (15) When appropriate major subdivisions shall contain a note which states that a public or community water system is not presently available to the subdivision lots.
- (16) Certificate of Ownership and Dedication (See Appendices).
- (17) Certificate of Survey and Accuracy.
- (18) Certificate of Division of Highways (See Appendices).
- (19) Certificate of Approval by the Planning Board or authorized person (See Appendices).

- (20) Certificate of the Register of Deeds.
- (21) On a Final Plats which show new publicly dedicated roads, a note shall be placed designating maintenance responsibility until acceptance of said roads by the Department of Transportation. The maintenance responsibility for private roads shall be disclosed by a note on the plat.
- (22) Certificate of sewerage system approval
- (23) Name of Subdivision

**C. As-Built Utility Plans**

When public or community water and/or sewage systems are installed, two sets of as-built drawings of said systems shall be submitted at the time of final review or prior to the release of a financial guarantee by the County.

## **SECTION 7    REQUIREMENTS AND MINIMUM STANDARDS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN**

### **7.1   Suitability of the Land**

#### **A. Land Physically Unsuitable for Subdivision**

Land, which the Board of Commissioners has found to be unsuitable for development includes the following:

- a. Other public agencies concerned have investigated and found in the best interest of the public not suitable for the type of platting and development proposed, may not be approved for subdivision unless adequate methods are formulated by the developer for meeting the problems created by subdivision of such land. Such land within any plat shall be set aside for such uses as shall not produce unsatisfactory living conditions.

In addition to the items listed above, requirements of other applicable ordinances also apply. Other factors also merit special consideration, such as bad drainage, rock formations, and other such features which may endanger health, life, or property, aggravate erosion, or increase flood hazard.

New development should also connect to the county water system or municipal equivalent where available. If irrigation systems are to be included, they should use non-public water, treated wastewater or have the ability to be converted to recycled wastewater when it becomes available.

#### **B. Land Subject to Flood**

Refer to the Flood Damage Prevention Ordinance

#### **C. Land Subject to Erosion**

Refer to the Soil and Erosion Control Ordinance

#### **D. Riparian Buffers**

Riparian buffers are natural or vegetated areas that provide a protective distance between a seep, spring, stream, perennial water body or wetland and an adjacent land area. Riparian buffers shall be provided in conformity with the requirements of the ***Chatham County Watershed Protection Ordinance***. The riparian buffer areas and the water features to be buffered shall not be included when calculating the minimum useable lot area.

### **7.2   Rural Roads**

#### **A. Classification**

Streets and roads are hereby classified according to the function which they are to serve, the type, speed, and volume they will carry. The broad categories shall be (a) arterials, (b) collectors, and (c) local roads. The designation in the thoroughfare plan of arterials and collectors does not prevent other streets proposed in or adjoining subdivisions from being similarly classified. Classifications of rural roads are defined Section 2.

## **B. Relation to Present, Proposed and Future Road System**

- (1) The location and width of all streets and roads shall not be in conflict with the Chatham County Thoroughfare Plan. When a subdivision is proposed in an area designated for a future right-of-way on the County Thoroughfare Plan and the construction of a road along this right-of-way is not necessary for the purpose of providing access to plated lots, or carrying the traffic that will be generated by the subdivision development, the construction of this road by the subdivider shall not be required. Such right-of-way shall, however, be reserved for sale to or dedicated to the N.C. Department of Transportation for the purpose of implementing the Thoroughfare Plan.
- (2) For the purpose of these design standards, existing streets which terminate at or adjoin a subdivision boundary shall be deemed a part of the subdivision. The proposed street system shall extend the right-of-way of existing streets at no less width than the required minimum width. Subdivisions that adjoin only one side of existing streets shall dedicate one-half of the additional right-of-way needed to meet minimum width requirements. If any part of the subdivision includes both sides of an existing street all the required additional right-of-way shall be dedicated.
- (3) Where necessary to provide public street access to adjoining landlocked property or connectivity to large tracts with future development potential, proposed public streets shall be extended by dedication of right-of-way to the boundary of such property. Legal documents shall be recorded assuring future public accessibility. Two of the issues to be reviewed when considering the extension of public roads are the improvement of traffic distribution to prevent unnecessary congestion and the improvement of public safety by providing increased access for law enforcement and emergency vehicles. When developments are proposed with private gravel roads, the Board of Commissioners may require said roads right-of-ways be reserved to adjacent properties where deemed appropriate for future access. The future disposition of said right-of-ways is left to the discretion of the owners of the development.
- (4) When an arterial adjoins or is included in a subdivision, lots therein which abut the arterial shall have the number of access points limited or reduced with such conditions specified on the plat or shall be provided with another means of access, e.g.- (1) platting a single tier of lots which back to the arterial and front on a minor street, or (2) other method approved by the Planning Board such as a frontage road.
- (5) When land is subdivided into larger parcels than ordinary building lots, such parcels may be required to be arranged so as to allow for the opening of streets in the future and for logical further re-subdivision.

## **C. Design Standards for Roads**

### **(1) General**

Except as specified in these regulations all streets in subdivisions shall be public. The design and construction of all public streets and roads, including the grading, roadbed, shoulders, slopes, medians, ditches, drainage, driveway entrances to lots, right-of-way and pavement widths, grades, curves, intersections and other

proposed features shall conform to the respective current standards of the North Carolina Department of Transportation Division of Highways, except as provided. The minimum cul-de-sac pavement radius for curb and gutter section and shoulder section is 40 feet. The minimum right-of-way radius for curb and gutter section and shoulder section is 55 feet.

**(2) Impervious Surface Area**

All subdivisions shall comply with applicable watershed and stormwater regulations.

**(3) Reserve Strips**

There shall be no reserve strips controlling access to public streets except where the control of such strips is placed with the community under conditions approved by the Board of Commissioners.

**(4) Street Names**

Proposed streets which are obviously in alignment with others already existing and named shall bear the names of existing streets. In no case shall the name for a proposed street duplicate any existing street names in Chatham County or the towns therein, irrespective of the use of the suffix street, avenue, boulevard, road, pike, drive way, place, court, or other derivatives.

**(5) Offer of Dedication**

A developer of roads in subdivisions that are to be public roads shall provide an irrevocable offer of dedication prior to Final Plat approval.

**D. Private Road**

**(1) Private roads may be allowed in the following types of developments:**

- a. Developments which due to the very nature of their design could not occur if required to meet the requirements for subdivision roads by the Division of Highways. Such developments include mobile home parks, apartment complexes, and planned unit developments.
- b. The division of land into tracts which are on the average five (5) acres or greater in size with no tract less than three (3) acres. The acreage of a tract is determined by the area located within lot lines. Tracts larger than ten (10) acres will not be included when calculating the average lot size of the subdivision. All land within the lot lines except public right-of-ways may be included in the lot area.

**(2) Private Roads may be allowed when the following conditions exist.**

- a. The subdivision does not include any part of a proposed thoroughfare or street shown on the Chatham County Thoroughfare Plan; and
- b. The developer shall reference on the Final Plat the recording of a roads instrument that provides the following:
  - i Guarantees full right of access via any private road in the subdivision to any lot served by that road.
  - ii Specifies the standards to which private roads in the subdivision have been designed and constructed.
  - iii Affirms the developer's responsibility to maintain the private roads in the subdivision to the specified standards until such

- responsibility is formally transferred to a legally constituted association of subdivision homeowners.
- iv Includes a road maintenance agreement which at a minimum establishes the following:
    - *a legally constituted association of subdivision homeowners with specified authority to set and collect fees from members for road maintenance purposes*
    - *a sinking fund for emergency repair and long range improvement of subdivision roads*
    - *an association decision-making process*
    - *an association road maintenance policy with related standards.*
  - v If a large lot subdivision has 24 or less lots and the road is to be paved then it shall be constructed to state standards although not designed to state standards.
  - vi If there is an established (prior to subdivision) 60 foot wide easement to adjacent land on property and the developer proposes to use the easement as the road of access, then the road shall be designed and built to state standards.

**(3) Design and Construction Standards for Private Roads:**

Standards proposed for such developments as mobile home parks, apartment complexes, and planned unit developments shall be reviewed by the Board of Commissioners based on the type of requirements necessary for the development. Low density developments (as specified in D(1)b above) with private roads shall meet the following requirements:

- (a) The minimum width of right-of-ways shall be sixty (60) feet. Where necessary for adequate drainage additional right-of-way may be required.
- (b) The travel way width shall be not less than sixteen (16) feet, with a crown of approximately one (1) inch per foot fall.
- (c) Shoulders shall not be less than four (4) feet in width.
- (d) The ditch slope shall be established according to best management practices which deter erosion.
- (e) Cut and fill slopes shall be established to maintain stability and provide for maintenance where necessary.
- (f) The maximum grade of the travel way shall be ten (10) percent. Grades at stop intersections shall not be greater than four (4) percent for a distance not less than fifty (50) feet from the intersection of right-of-ways.
- (g) Travel ways shall be covered with crush and run stone or other material approved by the Board of Commissioners. The stone shall be laid the width of the travel way and shall be a uniform depth of not less than four (4) inches, at the time of final subdivision review, unless the Board of Commissioners approves a lesser amount based on information from the developer prepared by a registered engineer, architect, contractor or qualified soil specialist. The information shall substantiate the fact that road equal in quality to a road with a four (4) inch stone base can be constructed with a lesser amount of stone in the given situation.
- (h) Private roads that are cul-de-sacs shall have an adequate turn around which has a road bed with a radius not less than forty (40) feet. The radius of the right-of-way of the turn-around shall not be less than fifty-five (55) feet.

- (i) Sight distance easements at the intersection of private roads with public state maintained roads shall be equal to or greater than those required by the Division of Highways.
- (j) Drainage and erosion control measures shall be equal to those required for public roads.
- (k) All roads which will provide direct or indirect access to twenty-five (25) or more subdivision lots shall be designed to meet N.C. Division of Highways' standards for subdivision roads, and travel ways shall be constructed to said standards.

**(4) Certification of Private Roads**

The design and construction of private roads shall be certified to be in compliance with these regulations, by a licensed engineer, architect, contractor or, surveyor prior to final approval.

**E. Landscaped or Vegetated Buffers of Existing Street Frontage**

- (1) New subdivisions of 25 lots or greater in the zoned portions of the county shall have a minimum 20' B-type landscape buffer or higher if merited for the land use across the street (based on Table 6-A of the Chatham County Design Guidelines) along the major road frontages of the new subdivision.

**7.3 Blocks**

**A. Length**

Maximum block lengths will vary by zoning district, but are geared toward creating a connected street network that accommodates bicycle and pedestrian scale connections. Minimum block lengths are limited only by safety concerns such as sight distance and throat length, and by other provisions of this ordinance such as lot width.

District (s) or Density for Residential	Maximum Block Length (includes cul-de-sac length)
8+ units/acre net density (site acres minus open space & natural space)	480'
3+ units/acre net density (site acres minus open space & natural space)	660' (one eighth mile)
2+ units/acre	900'
1+ units/acre	1320' (one quarter mile)
Less than 1 unit/acre	2640' (one half mile)
Compact Community	660' in developed areas, 1320' through intervening open space
O&I, B-1, NC, CB, RB	660' (one eighth mile)
IL, IH	1320' (one quarter mile)

In blocks greater than six hundred and sixty (660) feet in length (or at the end of cul-de-sacs) the Board of Commissioners may require at locations it deems necessary one (1) or more public pedestrian through accesses of not less than ten (10) feet in width to extend entirely across the block, or pedestrian easements in lieu thereof.

Culs-de-sac are discouraged except where made necessary due to environmental conditions. Blocks are allowed to exceed maximum length where environmental conditions make

connections infeasible. Culs-de-sac are required to have an improved pedestrian access from the cul-de-sac to another adjacent street and/or stub to adjacent property for future connection. This can be done as an easement or as common or public property with some form of improved surface such as sidewalk or multi-use path of asphalt or crushed fines. These pedestrian connections should cross water features where necessary, and pedestrian bridges should be included. Where a water feature is also a property line, the sidewalk or improved path should be extended to the edge or bank of the water feature.

**B. Connectivity**

Additionally, the overall network of streets and pedestrian connections shall meet a minimum threshold of connectivity based on the following:

**(1) Connectivity Defined**

Connectivity shall be defined by the ratio of links to nodes in any subdivision.

The connectivity ratio shall be the number of street links divided by the number of nodes or end links, including cul-de-sac heads.

A link shall be any portion of a street, other than an alley, defined by a node at either end. Stub-outs to adjacent property shall be considered links.

For the purpose of determining the number of links in a development, boulevards, median-divided roadways, and divided entrances shall be treated the same as conventional two-way roadways.

A node shall be the terminus of a street or the intersection of two or more streets.

Any curve or bend of a street that exceeds 75 degrees shall receive credit as a node. Any curve or bend of a street that does not exceed 75 degrees shall not be considered a node.

A divided entrance shall only count once.

**C. Required Intersection to Road Segment Ratio**

**(1) Street Network**

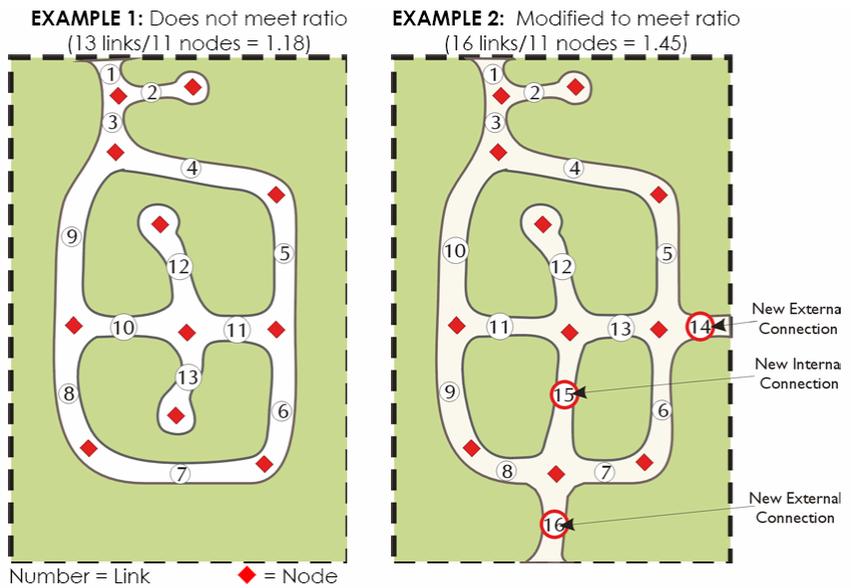


Figure 6: Connectivity Ratio Example

The street network for any subdivision with internal roads or access to any public road shall achieve a connectivity ratio of not less than 1.40 in all tiers except the Rural Tier, measured within the subdivision.

Within the Rural Tier, the street network for any subdivision with internal roads or access to any public road shall achieve a connectivity ratio of not less than 1.15, measured within the subdivision.

Street links and nodes along a collector or arterial street providing access to proposed subdivision shall not be considered in computing the connectivity ratio.

Stub-outs that cannot be constructed pursuant to 7.2B3, shall be considered as being present as a link at the ratio of one link per side for purposes of determining if the required ratio has been met

#### **D. Width**

Blocks shall be wide enough to allow two (2) rows of lots, except where reverse frontage on major streets is provided or where prevented by topographic conditions or size of the property or location next to an arterial, in which case the Board of Commissioners may approve a single row of lots.

### **7.4 Lots**

#### **A. Adequate Building Sites**

Each lot shall contain a building site suitable for habitation as defined in 7.1, Suitability of the Land.

#### **B. Arrangement**

Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Every lot shall have frontage on a public street except as provided below.

- (1) Subdivision lots may be allowed provided that every lot has frontage on a private road as specified in 7.2.
- (2) One additional subdivision lot may be allowed provided that the lot has frontage on a perpetual easement or private road that extends to meet a public road, if the easement or private road existed prior to October 1, 1975. Proof of the existence of said easement prior to said date and proof of its permanence shall be provided to the Planning Director and certified by the applicant's attorney. A subdivider shall not create any subdivision in the same immediate location that has this type of frontage, for a period of twelve (12) months after receiving approval of a subdivision with this type of frontage, if he owns, has an option on, or has any legal interest in any property adjacent to the property to be subdivided.

Both the additional lot and the remaining parcel if ten (10) acres or less in size shall be plated and approved.

- (3) Three (3) subdivision lots may be allowed provided that every lot has frontage on a perpetual easement not less than thirty (30) feet in width that meets a public road. If found to be desirable to the road design, up to four (4) lots may be served by the thirty (30) foot easement, provided a portion of the easement is built to county private road standards (16 foot wide travelway with four inches of crush and run stone). The length of the easement to be improved in this manner will be established at First Plat approval. The easement shall not be within one hundred (100) feet of another easement of this type, unless approved by the Board of Commissioners after considering lot design, land ownership, topography, and other appropriate information. If additional subdivision lots are to be created and served by the easement, it shall be sixty (60) feet in width and meet other standards required unless a variance is granted. Proof of the permanence of the easement shall be provided to the Planning Director and shall be certified by the applicant's attorney.

Easements shall be improved such that the travelway has a minimum clearance of 12 feet wide and 14 feet high and an all weather travel surface. Such improvement shall be made prior to the occupancy of any dwelling on said subdivision lot.

- (4) Lots designated for duplex development (two family dwellings) or other attached residential units may be divided provided:
- a. they meet the provisions of 7.4C (2)
  - b. access from each unit to a public or private road as specified herein or to a previously plated and recorded sixty foot perpetual easement is had by an easement not less than ten feet in width.
  - c. the total number of units allowed on said lots is not increased by said subdivision.

The types of lot arrangements described in (2), (3), and (4) above may be reviewed according to the minor subdivision procedure described in SECTION 4B and 5.3, Minor Subdivisions. The lot arrangements described in (4) may follow the minor subdivision procedure with no limit on the number of lots or times the procedure may be used in this situation.

Before additional lots may be created along a private road that was created after October 1, 1975 said lots must front on a public or private road as specified in these regulations unless said lots fit in one of the categories listed above.

### **C. Minimum Lot Dimensions and Areas**

The size, shape and orientation of lots shall be such as the Board of Commissioners deems appropriate for the use contemplated, type of water supply and sewage disposal services, soil characteristics, improvements, and relation to the street system.

#### **(1) Residential lots**

Residential lots, unless developed as a Conservation Subdivision, shall meet the following minimum requirements:

Useable

Increase minimum lot size requirement for lots with individual wells and individual wastewater disposal systems from approximately 1 acre (40,000 square feet) to 1.5 acres (65,340 square feet).

Table 1: Residential Lot Frontage and Size Requirements

Classification of Street Access	Frontage on Street of Access	Lot Width at Building Line	Useable Lot		
			Area with Public Water & Sewer (sq. feet)	Useable Lot Area without Public Water or Sewer (sq. feet) <sup>8</sup>	Useable Lot Area without Public Water and Sewer (sq. feet) <sup>9</sup>
Major Arterial	300' <sup>10</sup>	75'	40,000	40,000	65,340
Minor Arterial and Major Collector	150' <sup>1</sup>	75'	40,000	40,000	65,340
Minor Collector	100'	75'	40,000	40,000	65,340
Local Road	30'	75'	40,000	40,000	65,340

The frontage on street access for major and minor arterials and collectors may be reduced if the average lot frontage equals or exceeds the minimum and the reduction is not less than one third (1/3) the minimum specified.

Flag lots may have the minimum road frontage reduced but not below the minimum requirement for local roads.

There shall be no more than two flag lots adjacent to each other unless an easement is provided allowing one common access and such is approved by the Board of Commissioners. The maximum allowed length of a flag or access strip shall be two thousand five-hundred (2,500) feet unless it is providing access to previously landlocked property. Corner lots may be required to have greater area to allow for sight easements required by the Division of Highways.

Lots that have frontage along the rivers of the county shall have a minimum land area of five acres of which three acres shall be outside the 100 year flood plain area and the riparian buffer area.

- (2) The lot areas listed above shall be increased by forty thousand (40,000) square feet for a two family dwelling. Said lots may be subdivided in order for each unit of the duplex to be situated on a separate lot, provided that each lot consists of not less than one half (1/2) the required lot area.
- (3) Properties reserved or platted for commercial, institutional or industrial purposes shall be adequate in size to provide for the type of use and development contemplated. Platting of individual lots should be avoided in

<sup>8</sup> For residential lots not served by a public sewage system the Board of Commissioners may require data from percolation tests or soil investigations, be submitted as a basis for passing upon such subdivisions. Greater lot area may be required for private sewage disposal if, in the opinion of the Board of Commissioners, there are factors of drainage, soil conditions or other conditions to cause potential health problems.

<sup>9</sup> For residential lots not served by a public sewage system, footnote 1 (above) applies. For water, lot(s) served by a private source of water (wells) and individual sewage disposal systems shall have a lot width in an area suitable for building not less than one hundred (100) feet.

<sup>10</sup> Access not recommended

favor of an overall design of the land to be used for such purposes. Land subdivided for commercial, institutional or industrial use shall follow the major subdivision procedure with First Plat review by the Board of Commissioners.

Land shall not be platted for commercial, institutional or industrial purposes unless the subdivider can demonstrate the following to the Board of Commissioners:

- a. A site arrangement that prevents undue interference with through traffic. (Each industrial subdivision or area shall utilize a single collector for all heavy traffic between the area and the general system of streets and roads. Minor industrial streets and individual industrial parcels shall be oriented at right angles with the collector and with adjacent railroads.)
  - b. An integrated parking area.
  - c. Spatial, structural, or vegetative buffers, or combination thereof against any adverse effect on any present or future adjacent residences.
  - d. A parcel size sufficient in area to allow future expansion.
  - e. A stormwater plan pursuant to the Chatham County Stormwater Ordinance.
- (4) A comprehensive multi-family, group housing, or other unified and planned development, including unified design and construction of units together with necessary drives and ways of access, may be approved by the Board of Commissioners although the design of the project does not include standard streets, lots, and subdivision arrangements, if departure from the foregoing standards can be made without destroying their intent.

## **7.5 Public Use and Service Areas**

### **A. Public Use Areas**

(1) Reservation of School Sites

This ordinance provides for the reservation of school sites in accordance with the approved Land Development Plan. Before approving such a plan, the Board of Education and Board of Commissioners shall determine jointly the specific location and size of each school site to be reserved and shown as part of the plan.

Whenever a subdivision that included part or all of a school site to be reserved under the plan is submitted for approval, the Board of Commissioners shall immediately notify the Board of Education. The Board of Education shall promptly decide whether it still wishes the site to be reserved and shall notify the Board of Commissioners or planning agency of its decision.

If the Board of Education does wish the site to be reserved, the subdivision may not be approved without the reservation. The Board of Education must acquire the site within 18 months after the date the site is reserved, either by purchase or by exercise of the power of eminent domain. If the Board of Education has not purchased the site or begun proceedings to condemn the site within the 18 months, the subdivider may treat the land as freed of the reservation.

**(2) Recreation Sites**

All residential subdivisions, except family subdivisions, shall provide public community recreation areas consistent with County plans, policies, and regulations including, but not limited to, the Chatham County Parks and Recreation Master Plan. For purposes of this section, public community recreation areas shall be areas developed for active recreational uses. The following are illustrative of the type of facilities that shall be deemed to serve active recreational needs: tennis courts, swimming pools, sauna and exercise rooms, meeting or activity rooms in clubhouses, basketball courts, ball fields, swings, slides, and play apparatus. Each subdivision development shall satisfy its public community recreational requirement by:

- a. Dedicating and conveying to the County the type of public recreational facilities that are most likely to be appropriate for the community consistent with the County's Parks and Recreation Master Plan. Each public community recreation area shall satisfy the standards set forth in the Master Plan as to size, shape, location, slope, access and usefulness to the community and shall be not less than the product of 1/35 of an acre multiplied by the maximum number of lots to be developed or maximum number of dwelling units proposed, whichever is greater. The County shall be authorized to sell any land dedicated pursuant to this section, but the proceeds shall be used only for the acquisition, or development of other public recreation facilities.
- b. In lieu of dedicating public community recreation areas, a fee shall be paid to the County. The fee shall be equivalent to the post-development tax value of the area of land required to be dedicated pursuant to a. above. In order to serve the public recreation needs of more than one development or subdivision, the County shall establish recreation service districts and fees paid in lieu of dedication hereunder shall be expended for acquisition or development of recreation or park facilities or areas.
- c. The County may require payment of the fee in lieu of dedication at the time of final approval upon finding that the land required to be dedicated is not suitable for public community recreation purposes or upon finding that the recreational needs of the proposed development can be met by other public recreational facilities planned or constructed by the County within the recreational service district where located. The County shall decide during the review and approval process as to which option shall be available.

**B. Easements, Dedications, and Reservations**

All easements, dedications and reservations shall be shown on the plat with notes stating their purpose.

**(1) Utility Easements**

Easements shall be provided for utilities along lot lines where necessary to provide utilities to every plated lot. The subdivider and the utility companies shall agree on the width of easements needed. Easements for subsurface

sewage disposal systems shall be staked prior to approval and shall be designated on the Final Plat as a utility easement and described by bearings and distances and acreage.

**(2) Pedestrian Easements**

In such cases and at such locations as the Board of Commissioners deems advisable, easements along side of rear lot lines not exceeding twenty (20) feet in width may be required for pedestrian or bicycle traffic to and from schools, neighborhood parks, and other public places.

**(3) Drainage Easements**

In cases in which a subdivision is traversed by a stream or drainage channel there shall be provided if requested a storm water easement of such width along each side of the stream as the Board of Commissioners deems necessary for the purpose of widening, deepening, protecting, relocation, or otherwise improving such drainage easement. Other drainage easements may be required for the proper drainage of all lots.

**(4) Sight Distance Easements at Intersections**

Triangular sight distance easements at all street intersections shall be shown in dashed lines and so noted on the Final Plat. These easements will remain free of all structures, trees, shrubbery, driveways, and signs, except utility poles, fire hydrants, and traffic control signs. Sight distance easements shall be in accordance with the requirements of the State Division of Highways.

**(5) Dedication of Waterways**

Lakes, ponds, creeks, and similar areas will be accepted by the County 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 suitability of such dedicated areas shall be evaluated by the Planning Board prior to being considered for acceptance by the Board of Commissioners.

**(6) Solid Waste Collection and/or Recycling Sites**

The developer may be required to provide land suitable for solid waste collection and/or recycling sites. In lieu of land the developer may provide funds to the county for the acquisition of said land. The amount of land or funds provided shall be based on a formula approved by the Board of Commissioners. Said formula may take into consideration the number of lots in the development, the availability of other sites in close proximity to the development, the recommendation of the county director of solid waste and other appropriate factors.

**C. Community Assets**

In all subdivisions due regard may be shown for all natural features such as large trees and water courses and for historical spots and similar community assets which, if preserved will add attractiveness and value to the property.

**7.6 Zoning or Other Regulations**

No Final Plat of land within the force and effect of an existing zoning regulation shall be approved unless it conforms to such regulations.

Wherever there is a discrepancy between minimum standards or dimensions noted herein and those contained in the zoning regulations or other agencies regulations the more stringent standards shall apply.

## **7.7 Conservation Subdivision—Alternative Standards for Development**

As an alternative to conventional layouts, Chatham County encourages the preservation of large, contiguous blocks of open space, particularly when the preserved areas also enhance current environmental or culturally meaningful or sensitive features. When a project voluntarily preserves these features above and beyond what is otherwise called for, a project can be allowed to increase the number of units that would be allowed on the overall property by ten (10) percent. (Example: a one-hundred (100) acre property with one-acre lot zoning would be allowed an additional 10 lots; the overall density for the 100 acre tract would then be 1.1 units per acre instead of 1.0, but half of the land area would be in preserved open space.)

The requirements for this option are detailed below.

### **A. Open Space Requirement.**

A minimum of 50 percent of the project area shall be retained as open space for a conservation subdivision design.

### **B. Composition of Open Space.**

Open space should be composed of primary conservation area first, secondary conservation area (if necessary) second, and all other remaining land not classified as primary or secondary conservation areas (if necessary) third. These elements shall be included in all necessary documents for 5.2B, Concept Plan and SECTION 6, SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED.

#### **(1) Primary Conservation Areas.**

See The Chatham County Conservation Subdivision Guidelines for Primary Conservation Area specifications.

#### **(2) Secondary Conservation Areas.**

Secondary conservation areas consist of the following site features:

See The Chatham County Conservation Subdivision Guidelines for Secondary Conservation Area specifications.

#### **(3) Other Conservation Areas**

When 50 percent of the project property is not preserved by Primary and Secondary conservation areas listed above, the developer will assign an area as close as possible to other natural spaces in the area, contiguous tracts if possible. See The Chatham County Conservation Subdivision Guidelines for Tertiary Conservation Area specifications.

### **C. Connectivity of Open Space.**

At least 50 percent of the proposed open space shall be in a contiguous tract or easement. The open space should adjoin any neighboring areas of open space outside the project area, and/or other protected areas such as protected forests or wildlife areas.

**D. Permitted Uses of Open Space and Natural Space.**

Provided they conform to the divisions of open space and natural space in the Chatham County Conservation Subdivision Guidelines, uses of Open Space and Natural Space may include the following:

**(1) Conservation**

Conservation of natural resources, archeological resources or historical resources. Restoration of sites denuded of natural vegetation is encouraged, but not required.

**(2) Agriculture**

Agriculture, horticulture, or silviculture, provided that all applicable best management practices are used to minimize environmental impacts and conforming to the Chatham County Conservation Subdivision Guidelines.

**(3) Recreation**

Active recreational uses of open space are permitted, given that active uses such as tennis courts, swimming pools, ball fields, playgrounds, et cetera are limited to a maximum of 25 percent of the total open space area (Natural Space is not used in this calculation), and conforming to the Chatham County Conservation Subdivision Guidelines.

**(4) Stormwater Management**

As required by the Stormwater Ordinance, conforming to the Chatham County Conservation Subdivision Guidelines.

**(5) Utility Easements**

Easements for drainage, access to utilities, and underground utility lines, conforming to the Chatham County Conservation Subdivision Guidelines.

**(6) Water, Septic, and Sewer Systems**

Shared water, septic and sewer infrastructure, conforming to the Chatham County Conservation Subdivision Guidelines.

**E. Prohibited Uses of Open Space.**

**(1) Use of Motor Vehicles.**

(Except for maintenance purposes as provided for in the Open Space Management Plan).

**(2) Roads, Parking Lots and Impervious Surfaces.**

(Except when accessory to active recreational uses).

**F. Ownership of Open Space.**

The applicant must identify the current and future owner(s) of the open space who is responsible for maintaining such area/facilities. If a homeowners' association is the owner, membership in the association shall be mandatory and automatic for all homeowners within the subdivision and their successors. If a homeowners' association is the owner, the association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the open space and any facilities located thereon shall be borne by the owner.

**G. Management of Open Space.**

The applicant shall submit a management plan for all proposed open spaces. The plan shall be referred to as the "Open Space Management Plan" and shall include:

(1) A statement allocating maintenance responsibilities and establishing guidelines for the upkeep of open spaces and all associated facilities;

(2) Cost estimates for all maintenance, operation and insurance needs for the open space, as well as a plan that outlines the means by which funds will be obtained for such expenses;

(3) A provision that allows changes to the plan to be approved by the Subdivision Administrator; and

(4) Establishment of criteria for enforcement of the plan.

## **H. Legal Instrument for Permanent Protection.**

Open space proposed for a conservation subdivision shall be protected in perpetuity by a binding legal document that is recorded with the deed. The document shall be one of the following three (3) options:

### **(1) Permanent Conservation Easement.**

A permanent conservation easement in favor of either:

- A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
- A governmental entity with an interest in pursuing goals consistent with the intentions of this Section.

### **(2) Permanent Restrictive Covenant.**

A permanent restrictive covenant for conservation purposes.

### **(3) An equivalent legal tool that provides permanent protection, if approved by the County Attorney.**

The instrument for permanent protection shall include all restrictions contained in this Article, as well as any further restrictions the applicant chooses to place on the use of the open space.

## **I. Open Space Density Bonuses.**

The base density for a conservation subdivision is determined by the zoning district (minus any regulated floodplain) in which the development parcel is located. Conservation subdivision designs that propose greater amounts of open space may be eligible for increased densities. Permitted housing densities shall not exceed the maximum allowances of any applicable water supply watershed requirements.

## **J. Agricultural Preservation Density Bonus.**

Conservation subdivisions proposed for the purposes of sustaining existing on site bona fide agricultural operations are entitled to a five (5) percent increase in permitted density. Ideally, residential lots in such developments should be located in areas less suitable for agricultural production, while prime farmland areas of the property should be reserved as open space. It is strongly recommended that development parcels be located where agricultural operations do not interfere with the safety and/or well being of potential future residents. Where deemed necessary, the reviewing agency may require vegetative buffering and/or additional setbacks between agricultural operations and residential lots to mitigate any potential impacts of noise, vibration, light, and/or odor on residents. The agricultural preservation density bonus may be used in conjunction with any applicable open space density bonus.

## **K. Lot and Structure Placement.**

### **(1) Structure Placement.**

#### **a. Setbacks.**

Structures within a conservation subdivision should be placed as closely to internal roads as permitted. The reviewing agency may reduce the front yard setback to a minimum of five (5) feet. In such cases, the reviewing agency must take into consideration sound engineering, public safety concerns and community character when applying standards. Vegetative buffers should be left between new development and existing residential development where possible.

**b. Separation.**

Structures within conservation subdivisions may be located in the side yard setback required by the zoning district regulations. Structures may be placed as closely together as permitted by the North Carolina State Building Code.

**(2) Lot Proximity to Open Space.**

Open space shall be accessible to the largest possible number of lots within the development. To achieve this, the majority of lots should abut open space to provide residents with direct views and access. Safe and convenient pedestrian access to the open space from all adjoining lots shall be provided, except in the case of farmland or other resources areas vulnerable to trampling damage or human disturbance.

**L. Private Driveway Easements.**

Private driveway easements may be used in place of public and/or private roads where proposed to provide access to two (2) or fewer lots. The minimum required easement width is 30 feet and shall have a centerline length of no more than 500 feet. Proposed driveway easements should be clearly identified on all plans and plats with a description of what lots the easement is proposed to serve. Final Plats creating driveway easements must contain a note that conveys maintenance responsibility of the easement to the home owners utilizing it to access their property. The note shall specifically state that the easement(s) must be maintained to allow clear passage for emergency response vehicles. Driveway easements are not subject to the requirements of §200A-81 (Major Subdivisions) C (7) for public or private roads.

**M. Review and Approval.**

(1) Fifteen (15) or Fewer Lots. The review and approval process for conservation subdivisions of fifteen (15) or fewer lots shall be the same as that of a minor subdivision (see §200A-78 (Minor Subdivision)). Such developments are subject to all minor subdivision requirements except: a. §200A-78 (Minor Subdivisions) G (Minor Subdivision Standards (Five (5) to Fifteen (15) Lots)) b. Item 1 of §200A-81 (Major Subdivisions) M (Lot Designs) (2) Greater than 10 Lots. Conservation subdivisions in excess of fifteen (15) lots shall be approved as a major subdivision (see Article III). Such developments are subject to all major subdivision requirements except: item 4 of §200A-81 (Major Subdivisions) M (Lot Designs)

## **SECTION 8 DEVELOPMENT PREREQUISITE TO FINAL APPROVAL**

A perfectly prepared and recorded subdivision plat means little to a prospective lot buyer until he can see raw acreage physically transformed into lots suitable for building and human habitation. Improvements by the subdivider spares the community from a potential tax liability. The following tangible improvements are required before Final Plat approval in order to assure the physical reality of a subdivision for which recordation will establish legality.

### **8.1 Required Improvements**

Every subdivision developer shall be required to grade and improve streets, install monuments, sanitary sewers, storm drainage, water mains, and other utilities, and make other site improvements in accordance with the following specifications.

#### **A. Monuments and Lot Markers**

Iron pins not less than three-fourths (3/4) inches in diameter and eighteen (18) inches long shall be set at all street corners, at points where the street lines intersect the exterior boundaries of the subdivision, at the intersection of curves and tangents along street lines, at all lot corners, and at all corners of the plat. These pins shall be driven so as to be snug in the ground and shall not have over six inches exposed above the finished grade. The location of these pins shall be identified with wooden stakes or other suitable markers at the time the plat is submitted for final approval so that all necessary inspections may be made by the various agencies involved in the review of the subdivision. At least one concrete monument shall be set for major subdivisions with new roads. Additional concrete monuments may be required where deemed necessary due to large acreage and/or a large number of lots.

#### **B. Street Development**

Every subdivision developer shall be required to grade and improve new streets. These improvements for public roads shall be in accordance with the minimum standards for design as specified in the most recent appropriate road standards by the Division of Highways. Private street improvements shall meet the design and construction standards specified in these regulations.

#### **C. Storm Drainage**

See Stormwater Management Ordinance for applicable rules and regulations.

#### **D. Sanitary Sewers**

Where public service is available, public sewer shall be provided and installed in such a manner as to serve adequately all lots within the subdivision. Where public service is not available, a soil scientist, licensed in North Carolina, shall certify that suitable soils are available for each lot in accordance with applicable state and local rules. The Chatham County Environmental Health Department will review soil scientist reports and maps and indicate its' adequacy prior to proceeding with final plat approval. Installation of all sewage disposal systems shall conform to appropriate regulations of any governmental agency having jurisdiction thereof.

#### **E. Water Supply Systems**

Where public service is available, public water shall be provided and installed in such a manner as to serve adequately all lots within the subdivision. Where public service is not available, each lot must have a suitable water supply system approved by the Chatham County Health Department or other appropriate agency. Installation of all water supply systems shall conform to appropriate regulations of any governmental agency having jurisdiction thereof.

#### **F. Installation of Utilities**

All utility services shall be so designed and installed as to conform with all appropriate state, local and utility agency requirements. Underground electric and telephone lines are encouraged and may be required in subdivisions where lot densities and soil conditions exist to make the installation of such facilities economically feasible in the opinion of the Board of Commissioners.

#### **G. Sidewalks**

Sidewalks, sidepaths, or improved trails may be required where deemed necessary by the Board of Commissioners as an integral part of a pedestrian traffic system within a one (1) mile radius of existing or planned schools, neighborhood recreation or commercial areas, or other public places. Where provided, sidewalks shall be located not less than one (1) foot from the property line to prevent interference or encroachment by fencing, walls, hedges or other planting or structures placed on property lines at a later date. Sidewalks, sidepaths, or improved trails shall be installed to conform with accepted standards of good practice.

#### **H. Street Name Signs and Traffic Signs**

Appropriate street signs enable strangers, delivery concerns, and even potential lot buyers to find their way around. Street name signs shall be installed at all intersections. Traffic signs shall also be installed where required. The signs shall be of standard design, size and material as approved by the Division of Highways unless provided by other county ordinances addressing signs. State and local permits for signs may be required prior to installation.

#### **I. Guarantee in Lieu of Completed Improvements**

No final subdivision plat shall be approved by the Board of Commissioners or accepted for recording by the County Register of Deeds until one of the following conditions has been met:

- (1) All required improvements have been constructed in a satisfactory manner and approved by the Board of Commissioners, or
- (2) The Board of Commissioners and/or any of the certifying agencies have accepted a security for completion and maintenance of improvements as established in Section 3 of these regulations, whereby improvements may be made and utilities installed without cost to public bodies in the event of default of the subdivider. This also assures the prospective purchaser that improvements shall be installed as stated on the Final Plat.

**SECTION 9 SPECIAL DEVELOPMENT STANDARDS PLANNED UNIT DEVELOPMENTS**

**9.1 Procedure for First Plat and Construction Plan Approval**

All master plans for planned unit developments shall be reviewed and granted final approval by the Board of Commissioners prior to recordation. The time limit on the validity of approvals may be extended by the Board of Commissioners for Planned Unit Developments.

**9.2 Additional Required Information for First Plat Approval**

- A. Existing and proposed land uses and the approximate density of the proposed dwellings.
- B. The approximate location of any road shown on the major thoroughfare plan.
- C. Public uses, including schools, parks, play areas, and other open spaces, both existing and proposed.
- D. Areas proposed to be conveyed, dedicated, or reserved for parks, playgrounds, swimming pools, recreation buildings, supporting commercial areas, similar public and semi-public uses.
- E. A plan showing the approximate location of common open area.
- F. A development schedule indicating (1) the approximate date when construction of the project can be expected to begin; (2) the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin; (3) the anticipated rate of development; (4) the approximate dates when the development of each of the stages in the development will be completed; and (5) the area and location of common open space that will be provided at each stage.
- G. An estimate of population and density and extent of activities to be allocated to parts of the project.
- H. A tabulation of the land area to be devoted to various uses and activities and overall densities.
- I. A market analysis and financial statement may be requested by the Planning Board to help determine the demand for the development and the probability of its completion.

**9.3 Design Standards for Planned Unit Development**

**A. Common Open Space**

- (1) The location, shape, size, and character of the common open space shall be reviewed in detail.
- (2) Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development considering its size, density, expected population, topography, and the number and type of dwellings to be provided. There shall be no less than fifteen (15) percent of the total land area

reserved as open space. Roads and road right-of-ways shall not be calculated as open space.

- (3) Common open space must be suitably improved for its intended use but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.
- (4) The use and improvements of common open space must be planned in relation to any existing or proposed public or semi-public open space which adjoins or which is within close proximity to the perimeter of the planned development.
- (5) All land shown on the final master plan as common open space must be conveyed under one of the following options:
  - a. It may be conveyed to a public agency which will agree to maintain the common open space and any building, structures, or improvements which have been placed on it.
  - b. It may be conveyed to a trustee(s) provided in a deed of record which establishes an association or similar organization for the maintenance of the planned development. The common open space may be conveyed to the trustees subject to the approval of the Planning Board which will result in the restriction of the common open space to the uses specified on the final plan, and which will provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purposes.
- (6) No common open space may be put to any use not specified on the final master plan unless the final master plan has been amended to permit that use.

## **B. Minimum Size**

The minimum size of a planned unit development shall be twenty (20) acres.

## **C. Roads**

General subdivision road standards set out or referenced in these regulations may be waived for Planned Unit Developments provided that the intent of these regulations is not negated or lessened. Privately maintained roads may be allowed by the Board of Commissioners provided that the status and maintenance of said roads is made known by appropriate notes on the plat, in deeds, protective covenants or other means approved by the Board of Commissioners. Roads shall be constructed to a generally accepted standard practice of design approved by the Board of Commissioners and the construction of said roads shall be certified by a registered architect, contractor or engineer licensed to practice in North Carolina.

## **D. Other Design Standards**

Design standards set out in these subdivision regulations may be waived for Planned Unit Developments provided that the intent of these regulations is not nullified or lessened and provided that sufficient proof is given substantiating the adequacy of the alternative design.

## **SECTION 10 COMPACT COMMUNITIES**

### **10.1 Procedure**

All master or concept plans, first plats, construction plans and final subdivision plats shall be reviewed and approved prior to recordation.

### **10.2 Required Information**

All applications for compact communities shall contain the information required by the separate Chatham County Compact Community Ordinance.

### **10.3 Standards**

All compact communities shall comply with the provisions of the Chatham County Compact Community Ordinance.

**SECTION 11 APPENDIX A: SUGGESTED CERTIFICATION FORMS FOR INITIAL AND FINAL APPROVALS**

**FIRST PLAT**

**Form 1**

ADEQUATE SOILS  
CERTIFICATION OF REVIEW BY LICENSED SOIL SCIENTIST

I HEREBY CERTIFY THAT LOT(S) \_\_\_\_\_  
SHOWN ON THIS PLAT FOR \_\_\_\_\_ HAVE BEEN REVIEWED AS  
APPROPRIATE AND WITH RESPECT TO THE REQUIREMENTS SET FORTH IN  
15A NCAC 2T .0600 FOR SINGLE-FAMILY RESIDENCE WASTEWATER IRRIGATION  
SYSTEMS AS AMENDED FROM TIME TO TIME. AS OF THIS DATE, AND BASED ON THIS  
REVIEW OF EXISTING SITE CONDITIONS THE LOT (S) NUMBERED ABOVE ON THIS PLAT  
MEETS THESE REGULATIONS.

CERTIFICATION DOES NOT REPRESENT APPROVAL OR A PERMIT FOR ANY SITE WORK.  
THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES,  
DIVISION OF WATER QUALITY HAS THE AUTHORITY FOR THE REVIEW, APPROVAL, OR  
DENIAL OF APPLICATIONS FOR NON-DISCHARGE PERMITS. THE ISSUANCE OF NON-  
DISCHARGE PERMITS IS BASED ON REGULATIONS IN FORCE AT THE TIME OF  
PERMITTING AND IS DEPENDENT ON THE SATISFACTORY COMPLETION OF A PERMIT  
APPLICATION AND ALL REQUIRED SUPPORTING INFORMATION.

ANY CHANGE IN USE OR ANY SITE ALTERATION MAY RESULT IN SUSPENSION OR  
REVOCAION OF CERTIFICATION.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
NC LICENSED SOIL SCIENTIST (SEAL)

**Form 2**

**ADEQUATE SOILS CERTIFICATION OF REVIEW BY LICENSED SOIL SCIENTIST**

I HEREBY CERTIFY THAT LOT(S) \_\_\_\_\_ SHOWN ON  
THIS PLAT FOR \_\_\_\_\_ HAVE BEEN REVIEWED IN  
ACCORDANCE WITH THE .1900 NORTH CAROLINA LAWS AND RULES FOR SEWAGE  
TREATMENT AND DISPOSAL SYSTEMS. AS OF THIS DATE, AND BASED ON THIS REVIEW  
OF EXISTING SITE CONDITIONS THE LOTS NUMBERED ABOVE ON THIS PLAT MEETS  
THESE REGULATIONS.

CERTIFICATION DOES NOT REPRESENT APPROVAL OR A PERMIT FOR ANY SITE WORK.  
FINAL SITE APPROVAL FOR ISSUANCE OF IMPROVEMENT PERMITS IS BASED ON  
REGULATIONS IN FORCE AT THE TIME OF PERMITTING AND IS DEPENDENT ON  
SATISFACTORY COMPLETION OF INDIVIDUAL SITE EVALUATIONS FOLLOWING  
APPLICATION FOR AN IMPROVEMENT PERMIT DETAILING A SPECIFIC USE AND SITING.

ANY CHANGE IN USE OR ANY SITE ALTERATION MAY RESULT IN SUSPENSION OR  
REVOCAION OF CERTIFICATION.

\_\_\_\_\_  
Date

\_\_\_\_\_  
NC LICENSED SOIL SCIENTIST (SEAL)

**Form 3**

CERTIFICATION OF PLANS OF STREETS

I hereby certify that the plans for streets in the subdivision shown hereon meet the design standards and specifications of the Department of Transportation, Division of Highways except as noted hereon.

\_\_\_\_\_  
20

\_\_\_\_\_  
District Engineer  
FINAL

**Form 4**

CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the subdivision plat shown hereon has been found to comply with the subdivision regulations for Chatham County, with the exception of such variances, if any, as noted in the minutes of the Board of Commissioners, and that it has been approved by the body for recording in the Office of the County Register of Deeds.

\_\_\_\_\_  
20

\_\_\_\_\_  
Chairman, Chatham County Board of Commissioners

**Form 5**

APPROVAL FOR MINOR SUBDIVISIONS

I hereby certify that the subdivision plat shown hereon is a minor subdivision and has been found to comply with the subdivision regulations for Chatham County. The plat has been approved for recording in the Office of the County Register of Deeds.

\_\_\_\_\_  
20

\_\_\_\_\_  
Director of Planning or Authorized Agent

**Form 6**

CERTIFICATION OF PLAT BEING EXEMPT FROM THE SUBDIVISION REGULATIONS

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that said property is exempt from the subdivision regulations of Chatham County by definition.

\_\_\_\_\_  
20

\_\_\_\_\_  
Owner(s) or Authorized Agent and Title

**Form 7**

CERTIFICATION OF OWNERSHIP AND DEDICATION

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, and dedicate all right-of-ways, streets, alleys, walks, easements, parks, and other open spaces to public or private use as noted.

\_\_\_\_\_  
20

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

**Form 8**

(Reserved)

**Form 9**

CERTIFICATION OF THE APPROVAL OF STREETS

I hereby certify that the streets and related improvements have been installed according to plans approved by the Division of Highways, except as noted hereon; or proper provisions have been made for their installation.

\_\_\_\_\_  
20

\_\_\_\_\_  
District Engineer, N.C. Division of Highways

**Form 10**

CERTIFICATION OF THE APPROVAL OF UTILITIES

I hereby certify that the \_\_\_\_\_ improvements have been installed in an acceptable manner and according to the specifications of the Chatham County utility policy and/or the Chatham County Subdivision Regulations, except as noted hereon; or proper provisions have been made for their installation.

\_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

**SOIL EROSION AND SEDIMENT CONTROL PLANS**

Soil erosion and sediment control plans shall conform to the rules and regulations of the Soil Erosion and Sedimentation Control Program of the Chatham County Division of Environmental Health.

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