

GENERAL PROVISIONS**§ 157.001 SHORT TITLE**

These regulations shall be known and may be cited as the “Subdivision Ordinance of Alexander County, North Carolina”.

§ 157.002 AUTHORITY AND ENACTMENT CLAUSE

The Board of Commissioners of Alexander County, pursuant to the authority conferred by an act of the General Assembly of the State of North Carolina, General Statutes, Chapter 153A, Article 18, does hereby ordain and enact into law this chapter.

§ 157.003 JURISDICTION

On and after the effective date of this chapter, these regulations shall govern all subdivisions of parcels of land within Alexander County and outside the jurisdiction of any incorporated municipality and their planning area for residential, commercial or industrial uses.

§ 157.004 PURPOSE

The purpose of this chapter is to establish procedures and standards for the development and subdivision of land within Alexander County in order to promote the public health, safety, and general welfare of the County. This chapter is designed to provide for the orderly growth and development; the coordination of streets and highways within the proposed subdivision and existing or planned transportation routes and with other public facilities; the dedication or reservation of recreation areas, right-of-ways or easements for street and utility purposes and the distribution of population and traffic, which shall avoid congestion and overcrowding. This chapter is designed to further facilitate adequate provisions for water, sewer, parks, schools and playgrounds, and also to facilitate the further resubdivision of larger tracts into smaller parcels of land.

§ 157.005 COMPLIANCE

(A) *Approval of Plats.* No subdivision plat of land within the subdivision jurisdiction of Alexander County shall be filed or recorded by the Register of Deeds for Alexander County until said plat has been submitted and given final approval in accordance with this chapter, and until such approval is entered on the face of the final plat by the Director of Planning and Development or the Planning and Zoning Commission Chairperson (or Vice Chairperson, when serving in the absence of the Chairperson) of the Alexander County Planning and Zoning Commission. Minor, rural and family subdivisions may be approved by the Director of Planning and Development or his/her designee.

(B) *Permits.* No zoning, water, sewer or building permits shall be issued for any construction in any subdivision for which a plat is required to be approved until the final plat has been approved by the Director of Planning and Development or the Planning and Zoning Commission and recorded with the Alexander County Register of Deeds.

(C) *Selling of Lots.* A subdivider or its agent may enter into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved under the subdivision ordinance or recorded with the Register of Deeds, provided the contract does all of the following:

(1) Incorporates as an attachment a copy of the preliminary plat referenced in the contract and obligates the owner to deliver to the buyer a copy of the recorded plat prior to closing and conveyance.

(2) Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary and final plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final recorded plat differs in any material respect from the preliminary plat. The final plat shall be submitted to the Planning and Zoning Commission within the timeframe outlined in Section 157.007(C)(2)(H).

(3) Provides that if the approved and recorded final plat does not differ in any material respect from the plat referred to in the contract, the buyer or lessee may not be required by the seller or lesser to close any earlier than five days after the delivery of a copy of the final recorded plat.

(4) Provides that if the approved and recorded final plat differs in any material respect from the preliminary plat referred to in the contract, the buyer or lessee may not be required by the seller or lesser to close any earlier than 15 days after the delivery of the final recorded plat, during which 15-day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.

No conveyance of land may occur and no contract to lease land may become effective until after the final plat has been properly approved by the Director of Planning and Development or Planning and Zoning Commission and recorded by the Alexander County Register of Deeds. (Ord. Passed 8-01-00; Amended 1-23-06)

§ 157.006 INTERPRETATION AND DEFINITION OF TERMS AND WORDS

For the purpose of interpreting this chapter, certain words or terms are herein defined. Unless otherwise stated, the following words shall have the meaning herein defined:

- (A) Words used in the present tense include the future tense.
- (B) Words in the singular include the plural, and words in the plural include the singular; unless the natural construction of the wording indicates otherwise.
- (C) The word "lot" includes the words "plot, parcel or tract".
- (D) The word "person" includes a firm, association, organization, partnership, corporation, trust and company as well as an individual.
- (E) The word "building" includes the word structure.
- (F) The word "shall" is mandatory, not optional.
- (G) The term "Administrative Officer" shall include the term Director of Planning and Development and Watershed Administrator or his/her designee.

- (H) *Definitions.*

APPLICANT. The owner of land proposed to be subdivided or it's representative who shall have express written authority to act on behalf of the owner. Consent shall be required from the legal owner of the land and the written authority shall also be notarized by a North Carolina Certified Notary.

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

BLOCK. A tract of land bounded by streets, or by a combination of streets, right-of-ways, public parks, cemeteries, railroad right-of-ways, shorelines of waterways, or boundary lines of municipalities.

BOND. Any form of a surety bond in an amount and form satisfactory to the Planning and Zoning Commission. All bonds shall be approved by the Planning and Zoning Commission whenever a bond is required by these regulations.

BUILDING SETBACK LINE. A line establishing a minimum allowable distance between the main wall of the principal structure and the street or highway right-of-way line when measured perpendicularly thereto. Covered porches, decks, etc., whether enclosed or not shall be considered as part of the main building and shall not project into the required building setback line.

CLUSTER SUBDIVISION. A subdivision that permits lots to be reduced below the minimum size and dimension requirements of the subdivision regulations, provided an amount of common land shall be provided to the owners and residents of the cluster subdivision for open space recreation and preservation, and/or recreational facilities equivalent to the total reduction of lot sizes. The number of lots in a cluster subdivision shall not exceed that permitted in the respective zoning district.

DEDICATION. The giving of land by the property owner for a specific purpose. Dedication must be by written instrument and is completed with an acceptance by the Planning and Zoning Commission.

DOUBLE-FRONTAGE LOT. A lot which fronts upon two (2) streets.

EASEMENT. A grant by the property owner for use by the public, a corporation, or person(s) of a portion of property for specified purposes including but not limited to water, sewer or other utilities. The area within the dimensions of the easement may be included in the dimensions of the lot or parcel but shall not be included in the buildable area.

ESTATE SETTLEMENT. The conveyance of a lot or tract for the purpose of dividing lands among the tenants in common all of whom by intestacy or by will, inherited the land from a common ancestor. Estate settlements shall be exempt from regulation by this chapter.

FAMILY SUBDIVISION. A subdivision for members of the lineal family. The resultant tracts must have frontage on an existing approved state maintained street or abut a dedicated 45' right-of-way, designed to NCDOT specifications, providing access to each tract from a state maintained street. A family subdivision that does not include any new or extension of public utilities shall follow the approval process and plat requirements as established for minor subdivisions. A family subdivision that does include any new or extension of public utilities shall follow the approval process and plat requirements as established for major subdivisions.

FINAL SUBDIVISION PLAT. The map of a subdivision to be submitted following sketch plan and/or preliminary plat approval for final approval by the Director of Planning and Development or the Planning and Zoning Commission and any accompanying material as set forth in these regulations. The plat shall be prepared by a Professional Land Surveyor, in accordance with N.C.G.S. 47-30, as amended.

FLOODPLAIN. The portion of that one hundred year flood-prone area as defined by the Federal Flood Insurance Administration and respective maps.

FRONTAGE. The side of a lot abutting on a street and ordinarily regarded as the front of the lot, but it shall not be considered as the side of a corner lot.

GRADE. The slope of a road, street, or other public way specified in percentage terms. The slope of a proposed road shall not exceed twelve percent (12%).

HOMEOWNERS ASSOCIATION. An association or organization, whether incorporated or not, which operates under and pursuant to recorded covenants or deed restrictions, through which each owner of a portion of a subdivision, whether it be a lot, parcel site, unit plot, condominium or any other interest, is automatically a member as a condition of ownership.

INDIVIDUAL SEWER SYSTEM. Any septic tank, privy or other facility serving a source or connection as approved by the Alexander County Environmental Health Department.

INDIVIDUAL WATER SYSTEM. Any well, spring, stream or other source used to supply a single connection and approved by the Alexander County Environmental Health Department.

LINEAL FAMILY. The members of a lineal family shall include: direct lineal descendants (children, grandchildren, great-grandchildren), direct lineal ascendants (father, mother, grandfather, grandmother) and spouses.

LOT. A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, or transfer of ownership, or possession, or for building development.

MAJOR SUBDIVISION. All subdivisions not classified as rural, minor or family subdivisions, including but not limited to any size subdivision requiring any new or extension of any street or the creation or expansion of any public utilities.

MINOR SUBDIVISION. A subdivision not classified as a major, family or rural subdivision, not involving any new public utilities, new streets or any extensions thereof. Minor subdivisions are further defined as follows:

(A) Level I: Minor subdivision on a non-conforming right-of way. A subdivision created by the conveyance of one (1) lot from a parent tract per year. The resultant tracts shall front by at least thirty-five (35) feet on an existing non-conforming right-of-way recorded prior to the adoption date of this ordinance. Any extension of the existing non-conforming right-of-way shall not be less than forty-five (45') feet and to NCDOT design specifications. No portion of the resultant lot or the parent tract shall be conveyed to another person(s) within one (1) year following the date of recordation of the Level I minor subdivision.

(B) Level II: Minor Subdivision on a conforming right-of-way. A subdivision in which the resultant tracts front on an existing, approved state maintained street by at least thirty-five (35) feet.

NATURAL BUFFER. An area including but not limited to existing landscaping, wooded areas, recreational areas, etc.

NONRESIDENTIAL SUBDIVISION. A subdivision whose intended use is other than residential, such as commercial or industrial.

OFFICIAL MAPS OR PLANS. The map or plan established by the Board of Commissioners pursuant to law showing or outlining the streets, highways, parks, drainage systems and setback lines laid out; adopted, established by law and any amendments or additions adopted by the Board of Commissioners resulting from the approval of subdivision plats by the Director of Planning and Development or the Planning and Zoning Commission and the subsequent filing of approved plats.

PLANNED UNIT DEVELOPMENT (PUD). A form of development characterized by a unified site design for a number of housing units, clustering of buildings and providing common

open space, density increases, and a mix of building types. It permits the planning of a project and a calculation of densities over the entire development rather than on an individual lot-by-lot basis. The site must include two or more principal buildings. Such development shall be based on a plan, which allows for flexibility of designs most available under normal district requirements.

PRELIMINARY PLAT. The preliminary drawing(s) described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning and Zoning Commission for approval. The plat may be prepared by a Professional Land Surveyor, Professional Engineer, Landscape Architect or Land Planner in accordance with N.C.G.S. 47-30, as amended.

PRESALE CONTRACTS. A contract entered into to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved under the Subdivision Ordinance or recorded with the Register of Deeds. The presale contract must meet the requirements of 157.005(C). For the purposes of this chapter, a presale contract does not include the conveyance of land.

PUBLIC SEWAGE DISPOSAL SYSTEM. A system serving two (2) or more dwelling units and approved by the County Staff responsible for the review of such plans and the NC Department of Environment and Natural Resources.

PUBLIC WATER SYSTEM. A system serving two (2) or more dwelling units and approved by the County Staff responsible for the review of such plans and the NC Department of Environment and Natural Resources.

RIGHT-OF-WAY. A recorded 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 any other special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat for public use, 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. Rights-of-way intended for streets shall be dedicated to public use by the draftsman of the plat on which such right-of-way is established. Crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance shall be dedicated as either public or private by the draftsman of the plat on which such right-of-way is established.

ROAD, STREET OR HIGHWAY. A dedicated and accepted public right-of-way for vehicular traffic in accordance with North Carolina General Statutes 136-102.6 and designated as follows:

(A) *Arterial Roads.* A general term denoting a highway primarily for through traffic, carrying heavy loads and large volumes of traffic usually on a continuous route. They are not intended to serve the abutting property and should provide control of access.

(B) *Highway, Limited Access.* A freeway or expressway providing a traffic way for through traffic, with full or partial control of access.

(C) *Collector Roads.* A road intended to move traffic from local roads to arterials. A collector road serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it.

(D) *Local Roads.* A road whose sole function is to provide access to abutting properties and to other roads from individual properties. These roads are not classified as thoroughfares and are designed for short trips. Local roads include but are not limited to residential access streets and residential collector streets defined as follows:

(1) *Residential Access Streets.* The primary purpose is to provide access to lots and serve no more traffic than is generated by the lots it serves. This is the lowest order street and such streets include cul-de-sacs and loop streets.

(2) *Residential Collector Streets.* The purpose is to promote free traffic flow with minimal interruptions from curb cuts and intersections. It is not intended to provide on-street parking. The street should intersect with higher order streets and provide primary access to non-residential, commercial or industrial land.

(3) *Marginal Access Street.* A local or collector street which parallels and is immediately adjacent to an arterial road or highway which also provides access to abutting properties and protects the abutting properties from through traffic.

(4) *Cul-de-sac.* A local street permanently terminated by a turn-around.

RURAL SUBDIVISION. A division of land into resultant tracts greater than ten (10) acres that does not meet the criteria of Subdivision Roads to be added to the state maintained system. Please refer to the SUBDIVISION ROADS MINIMUM CONSTRUCTION STANDARDS established by the NC Department of Transportation. The resultant tracts must have frontage on a publicly dedicated 45' right-of-way. Furthermore, the right-of-way shall be designed to NCDOT specifications. Any rural subdivision shall follow the approval process and plat requirements as established for a minor subdivision.

SETBACK. The distance between a structure and the street right-of-way line, property line or public right-of-way nearest to the structure.

SKETCH PLAT. A sketch plan submitted prior to the preliminary plat (or final plat in the case of rural, minor or family subdivisions) to enable the subdivider to save time and expense in reaching general agreement with the Director of Planning and Development and/or the Planning and Zoning Commission as to the form of the plat and the objectives of these regulations.

SUBDIVISION. (A) All divisions of a tract or parcel of land into two (2) 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 shall include all division of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this chapter:

(1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this chapter.

(2) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.

(3) The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.

(4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this chapter;

(B) A county may provide for expedited review of specified classes of subdivisions.

VESTED RIGHTS. Right to initiate or continue the establishment of a use which will be contrary to a restriction or regulation coming into effect when the project associated with the use is completed. Vested rights shall be granted by the Planning and Zoning Commission. (Ord. Adopted 8-1-00; Amended 2-6-01, 1-23-06)

§ 157.007 SUBDIVISION APPROVAL PROCEDURE AND APPROVAL PROCESS

All proposed subdivisions shall be reviewed prior to sketch plan approval by submitting a vicinity map to the Director of Planning and Development/Watershed Administrator to determine whether or not the property is located within the designated Public Water Supply Watershed. Proposed subdivisions located within the Public Water Supply Watershed areas shall comply with the provisions and procedures set forth in this chapter and in the Alexander County Watershed Protection Ordinance, Chapter 151, and all other state and local requirements that may apply. Proposed subdivisions located outside of the designated watershed area shall be subject to the procedures and provisions established in this chapter.

No final subdivision plat within the jurisdiction of Alexander County shall be recorded by the Alexander County Register of Deeds until it has been approved as provided herein. Before any land is subdivided, the owner of the property proposed to be subdivided, or his authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the provisions provided herein. Furthermore, no street shall be accepted for ownership and maintenance by the North Carolina Department of Transportation, nor shall water, sewer or other public facilities or services be extended to or connected with any subdivision for which a final plat is required to be approved unless and until such preliminary plat has been approved.

Any subject property proposed for a minor or major subdivision that is directly adjacent to public utilities such as a public water system and a public sewer system, shall be required to extend the public utilities and follow the requirements and procedure for a major subdivision.

§ 157.007(A) Procedures for Approval of Family, Rural, Minor and Major Subdivisions

(1) All subdivisions shall be considered major subdivisions except those defined as rural, family and minor subdivisions in this subchapter. Rural, family and minor subdivisions shall be reviewed in accordance with the procedure in Subsection (B). Major subdivisions shall be reviewed in accordance with the procedures in Subsection (C).

(2) However, if the subdivider owns, leases, holds an option on, or holds any legal or equitable interest in any property adjacent to or located directly across a street, easement, road or right-of-way from the property to be subdivided, the subdivision shall not qualify under the abbreviated minor subdivision procedure. Furthermore, the abbreviated procedure may not be used a second time within one year on any property less than 1500 feet from the original property boundaries by anyone who owned, had an option on, or any legal interest in the original subdivision at the time the subdivision received preliminary or final plat approval.

(3) For purposes of these regulations, a minor subdivision is defined as a subdivision, that does not qualify under the definition of family, rural or major subdivision, fronting on an existing approved street; not involving any new or extension of any street or prospectively requiring any new street for access to interior property; not requiring extension of public or private sewage or water lines or creation of new drainage easements through lots to serve property at the rear; not adversely affecting the development of the remainder of the parcel or of adjoining property; creating no new or residual parcels not conforming to the requirements of these regulations, and all included land must be under ownership of one individual.

A family subdivision is defined as a subdivision of not more than 5 resultant tracts for members of the lineal family. The resultant tracts must have frontage on an existing approved state maintained street or abut a dedicated 45' right-of-way providing access to each tract from a state maintained street.

A rural subdivision is defined as a division of land into resultant tracts greater than ten (10) acres that does not meet the criteria of Subdivision Roads to be added to the state maintained system. The resultant tracts must have frontage on a publicly dedicated 45' right-of-way providing access to each tract. (Ord. Passed 8-01-00; Amended 2-6-01)

§ 157.007(B) Procedure for Review of Rural, Family and Minor Subdivisions

(1) Sketch Plan.

(A) The subdivider may submit a sketch plan to the Director prior to submitting a final plat for any rural, family or minor subdivision of land. The purpose of submitting the sketch plan is to grant the subdivider an opportunity to obtain the advice and assistance of the Director in order to facilitate the subsequent preparation and approval of the final plat. The approval of a sketch plan does not constitute final approval by the Director and this procedure does not require a formal application or fee. The information required on the sketch plan shall be in accordance with the provisions set forth in Table 1.

(B) Following approval of the sketch plan, the Director of Planning and Development shall advise subdivider or the authorized agent of the regulations pertaining to the procedures, preparation and submission of the final plat.

(2) Final Plat.

(A) The final plat shall be prepared by a Professional Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Professional Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in N.C.G.S. 47-30, as amended; Standard of Practice for Land Surveying in North Carolina, as amended, where applicable, and Table 1. Subdivision Plat Requirements.

(B) Five copies of the final plat shall be submitted; one of these shall be on reproducible material; four shall be black or blue line paper prints. Material and drawing medium for the original shall be in accordance with the Standard of Practice for Land Surveying in North Carolina, as amended, where applicable, and the requirements of Alexander County Register of Deeds.

(C) The final plat shall be of a size suitable for recording with the Alexander County Register of Deeds and shall be at a scale as set forth in Table 1.

(D) Submission of the final plat shall be accompanied by a filing fee as set by the Alexander County Commissioners in the Alexander County Planning and Development Department Fee Schedule.

(E) The final plat shall meet the specifications in Table 1. In addition, the following signed certificates shall appear on all five copies of the final plat:

(1) Certificate of Ownership and Dedication

I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of Alexander County and that I hereby adopt this plan of subdivision with my free consent and establish minimum building setback lines as noted.

_____ Date _____ Owner

(2) Certificate of Survey and Accuracy

State of North Carolina Alexander County
I, _____, certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book ____, Page ____, etc.) (Other); that the ratio of precision as calculated by latitudes and departures is 1:____, (that the boundaries not surveyed are shown as broken lines plotted from information

found in Book _____, Page _____); that this map was prepared in accordance with N.C.G.S. 47-30, as amended. Witness my hand and seal this _____ day of _____, 20____.

Professional Land Surveyor

Registration Number

Official Seal

(3) Review Officer Certificate

State of North Carolina
I, _____, Review Officer of Alexander County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Date

Review Officer

(4) Family Subdivision Certificate

I hereby acknowledge that this plat was approved under the provisions of a family subdivision and any further subdividing of any of these parcels for other than family members, as defined in Section 157.006 of Alexander County’s Subdivision Ordinance, shall require road improvements according to Alexander County’s Subdivision Ordinance.

Owner

(Ord. Passed 8-01-00; Amended 2-6-01)

Date

(3) Review of Final Plat.

(A) The Director of Planning and Development shall review the final plat following the twenty (20) days after which the Director of Planning and Development receives the final plat. The Director shall either approve, give conditional approval with modifications to bring the plat into compliance, or disapprove the final plat with reasons stated.

(B) If the Director of Planning and Development approves the final plat, such approval shall be shown on each copy of the plat by the following signed certificate as required in Table 1:

Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of Alexander County, North Carolina and that this plat has been approved for recording in the Office of the Register of Deeds of Alexander County.

Date

Director of Planning and Development

(C) If the final plat is disapproved by the Director, the reasons for such disapproval shall be stated in writing, specifying the provisions of this chapter with which the final plat does not comply. One copy of the statement and one print of the plat shall be retained by the Director as a part of staff records; one copy of the statement and three copies of the plat shall be transmitted to the subdivider. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance, and resubmit the plat for reconsideration by the Director.

(D) If the final plat is approved, the original tracing and one print of the plat shall be retained by the subdivider. One reproducible tracing shall be filed with the Register of Deeds and two prints shall be retained by the Director of Planning and Development for staff records.

(E) The subdivider shall file the approved final plat with the Register of Deeds of Alexander County within fifteen (15) days of Director approval, otherwise such approval shall be null and void. The Subdivider shall also provide the Director of Planning and Development with a copy of the recorded plat.

§ 157.007(C) *Procedure for Review of Major Subdivisions*

(1) Sketch Plan. The subdivider may submit a sketch plan to the Director of Planning and Development prior to submitting a preliminary plat for any major subdivision of land. The purpose of submitting the sketch plan is to grant the subdivider an opportunity to obtain the advice and assistance of the Director in order to facilitate the subsequent preparation and approval of the preliminary plat. The approval of a sketch plan does not constitute final approval by the Planning and Zoning Commission and this procedure does not require a formal application or fee. The information required on the sketch plan shall be in accordance with the provisions set forth in Table 1. Subdivision Plat Requirements. Following approval of the sketch plan, the Director of Planning and Development shall advise the subdivider or his/her authorized agent of the regulations pertaining to the procedures, preparation and submission of the preliminary plat.

(2) Preliminary Plat.

(A) For all subdivisions within Alexander County, which do not qualify for the abbreviated rural, family or minor subdivision procedure, the subdivider shall submit a

preliminary plat, which shall be reviewed and approved by the Planning and Zoning Commission before any construction or installation of improvements may begin.

(B) Twelve (12) copies of the preliminary plat, as well as any additional copies in which the Director of Planning and Development may require, shall be submitted to the Director. The copies must be submitted to the Director at least twenty (20) days prior to a regularly scheduled meeting of the Planning and Zoning Commission at which the subdivider desires the Planning and Zoning Commission to review the preliminary plat.

(C) The preliminary plat shall meet the requirements set forth in Table 1.

(1) Common open space and facilities are also to be designated in a major subdivision, where greater than fifty percent (50%) of the lots are less than 20,000 square feet, for the purpose of providing open space for recreation, preservation and recreation facilities for the owners and/or occupants within the major subdivision. The common open spaces are to be arranged so as to provide accessibility to all residents and to create an aesthetic environment. Furthermore, the common open space shall be accessible to all residents by way of streets, sidewalks or a combination of both. In no case shall the common areas be less than ten percent (10%) of the total development acreage.

(2) All common areas, common facilities and private streets, including but not limited to land, structures and facilities to be held and used in common in the major subdivision shall be conveyed to a legal Homeowners Association. Within the conveyance, provisions for maintenance and repair of said land and facilities shall be stipulated. The conveyance shall also provide a mandatory membership of present and future owners and residents within the major subdivision. The conveyance shall also provide for a levy against all property within the development for said maintenance and repair. All such conveyance and covenants shall be submitted prior to final approval by the Planning and Zoning Commission and shall be approved as to form and content by the County Attorney. (Ord. Passed 8-01-00; Amended 2-6-01)

(D) After having received the preliminary plat from the subdivider, the Director of Planning and Development shall submit copies of the preliminary plat and any accompanying material to other officials and agencies concerned with new development including but not limited to:

(1) The District Highway Engineer as to proposed streets and drainage systems;

(2) The County Environmental Health Supervisor as to proposed water and/or sewerage systems;

(3) Any other agency or official designated by the Director of Planning and Development or the Planning and Zoning Commission. The Director shall request a report from these agencies. Such reports shall certify compliance with or note deviations from the requirements of the respective regulations and include comments on other factors, which bear upon the public interest. The review by other designated agencies does not guarantee approval of proposed streets, drainage systems or water and/or sewerage systems, etc.

(E) The Planning and Zoning Commission shall review the preliminary plat at or before the next regularly scheduled Planning and Zoning Commission meeting, which follows at least twenty (20) days after the Director of Planning and Development receives the plat. The Planning and Zoning Commission shall take action on the preliminary plat at its first consideration or within forty-five (45) days of its first consideration. Should the Planning and Zoning Commission fail to act on the preliminary plat within the indicated period, the plat shall be deemed to have been approved.

(F) If the Planning and Zoning Commission approves the preliminary plat, such approval shall be indicated on three (3) copies by the Chairperson or his/her designee. One (1) copy shall be returned to the subdivider, and two (2) copies shall be retained by the Planning and Zoning Commission for staff records.

(G) If the Planning and Zoning Commission disapproves said plat, the reasons for such action shall be stated in writing and entered in the records of the Planning and Zoning Commission. One copy of the statement and one copy of the preliminary plat shall be sent to the subdivider within fifteen (15) days of disapproval and one copy of the statement and one copy of the preliminary plat shall be retained by the Planning and zoning Commission as part of its proceedings. The subdivider may submit a revised plat, which shall be submitted, reviewed and acted upon by the Planning and Zoning Commission in accordance with this section.

(H) Approval of the preliminary plat shall be valid for two (2) years unless a written extension is granted by the Planning and Zoning Commission on or before the two (2) year anniversary of said approval. If the final plat is not submitted for approval within the two (2) year period or any period of extension, the said approval of the preliminary plat shall be null and void.

(4) Improvement Installation or Guarantees.

Upon approval of the preliminary plat by the Planning and Zoning Commission, the subdivider may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this chapter. Prior to approval of final plat, the subdivider shall have installed said improvements or guaranteed the installation as provided below.

(A) Improvement Guarantees.

(1) Agreement and Security Required. In lieu of requiring the completion, installation and dedication of all improvements prior to final plat approval, Alexander County may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements as specified on the approved preliminary plat within a reasonable time, to be determined in the agreement. Once the agreement is signed by the subdivider and the Planning and Zoning Commission and the security required herein is provided, the final plat may be approved by the Planning and Zoning Commission provided it meets with the requirements of Table 1 and either (A), (B) or both listed below is submitted:

(A) *Surety Performance Bond(s)*. The subdivider shall obtain a performance bond(s) from a surety bonding company authorized for business in North Carolina. The bond(s) shall be payable to Alexander County and shall be in an amount equal to 1.25 times the entire cost, as estimated by the subdivider's licensed engineer and approved by the Planning and Zoning Commission of installing all required improvements as specified on the approved preliminary plat. The duration of the bond(s) shall be until such time as the improvements are approved by the Planning and Zoning Commission.

(B) *Cash of Equivalent Security*. The subdivider shall deposit cash, irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the County or in escrow with a financial institution designated as an official depository of the County. The use of any instrument other than cash shall be subject to the approval of the Planning and Zoning Commission on a form approved by the County Attorney. The amount of deposit shall be equal to 1.25 times the cost, as estimated by the subdivider's licensed engineer and approved by the Planning and Zoning Commission of installing all required improvements as specified on the approved preliminary plat.

If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with the Planning and Zoning Commission, an agreement between the financial institution and himself guaranteeing the following:

(1) That said escrow account shall be held in trust until released by the Planning and Zoning Commission and may not be used or pledged by the subdivider in any other matter during the term of the escrow; and

(2) That in case of failure on the part of the subdivider to complete said improvements, the financial institution shall, upon notification by the Planning and Zoning Commission, immediately either pay to the County the funds estimated to complete the improvement, up to the full balance of the escrow account, or deliver to the County any other instruments fully endorsed or otherwise made payable in full to the County.

(2) *Default*. Upon default, meaning failure on the part of the subdivider to complete the require improvements in the time period specified in the agreement, then the surety, or the financial institution holding the escrow account shall, if requested by the Planning and Zoning Commission, pay all or any portion of the bond or escrow fund to Alexander County up to the amount needed to complete the improvements based on the engineering estimate. Upon payment, the Planning and Zoning Commission, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The County shall return to the subdivider any funds not spent in completing the improvements.

(3) *Release of Guarantee Security*. The Planning and Zoning Commission may release a portion of any security posted as the improvements are completed and recommended for approval by the Director of Planning and Development. Within thirty (30) days after receiving the Director's recommendation, the Planning and Zoning Commission shall approve or disapprove said improvements. At such time the Planning and Zoning Commission

approves all improvements placed in the subdivision, then the Commission shall immediately release any security posted. (Ord. Passed 8-01-00; Amended 1-23-06)

(5) Final Plat.

(A) The final plat shall constitute of the approved preliminary plat, which the subdivider proposes to record and develop at the time of submission. No final plat shall be approved unless and until the subdivider has installed all improvements as required by this chapter or has guaranteed the installation as provided in Section 157.007(C)(4).

(B) The subdivider shall submit twelve (12) copies, two of these shall be on reproducible material; ten (10) shall be black or blue line paper prints. The copies must be submitted to the Director of Planning and Development at least twenty (20) days prior to a regularly scheduled meeting of the Planning and Zoning Commission at which the subdivider desires the Planning and Zoning Commission to review the final plat. Furthermore, the final plat shall be submitted within two (2) years of the date of approval of the preliminary plat unless the Planning and Zoning Commission grants an extension in accordance with Section 157.007(C)(3)(H).

(C) The final plat shall be prepared by a Professional Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in N.C.G.S. 47-30, as amended; Standard of Practice for Land Surveying in North Carolina, as amended, where applicable, and Table 1. Subdivision Plat Requirements.

(D) The final plat shall be of a size suitable for recording with the Alexander County Register of Deeds and shall be at a scale as set forth in Table 1.

(E) Submission of the final plat shall be accompanied by a filing fee as set by the Alexander County Commissioners in the Alexander County Planning and Development Department Fee Schedule.

(F) The final plat shall meet the specifications in Table 1. In addition, the following signed certificates shall appear on all ten (10) copies of the final plat prior to Planning and Zoning Commission review:

(1) Certificate of Ownership and Dedication

I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of Alexander County and that I hereby adopt this plan of subdivision with my free consent and establish minimum building setback lines as noted.

Date

Owner

(2) Certificate of Survey and Accuracy

State of North Carolina Alexander County
I, _____, certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book ____, Page ____, etc.) (Other); that the ratio of precision as calculated by latitudes and departures is 1:____, (that the boundaries not surveyed are shown as broken lines plotted from information found in Book ____, Page ____); that this map was prepared in accordance with N.C.G.S. 47-30, as amended. Witness my hand and seal this _____ day of _____, 20____.

Professional Land Surveyor

Registration Number

Official Seal

(3) Review Officer Certificate

State of North Carolina Alexander County
I, _____, Review Officer of Alexander County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Date

Review Officer

(4) Certificate of Approval of the Design and Installation of Public Streets

DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
SUBDIVISION ROAD CONSTRUCTION STANDARDS
CERTIFICATION

APPROVED: _____ DATE: _____

District Engineer

(5) “PUBLIC” PLAT DECLARATION

All roads in this subdivision are hereby declared public. The maintenance of all streets and roads in this subdivision shall be the responsibility of _____ and it shall be their responsibility to bring such streets up to the standards of the North Carolina Department of Transportation before any streets on this plat are added to the N.C. State Highway System.

Date

Owner/Subdivider

(G) The Planning and Zoning Commission shall review the final plat at or before the next regularly scheduled Planning and Zoning Commission meeting, which follows at least twenty (20) days after the Director of Planning and Development receives the final plat. The final plat shall be in accordance with the provisions set forth in this Section. The Planning and Zoning Commission shall approve or disapprove the final plat at its first consideration or within forty-five (45) days of its first consideration. If the Planning and Zoning Commission fails to act on the final plat within forty-five (45) days, the plat shall deem to be approved.

(H) If the Planning and Zoning Commission approves the final plat, such approval shall be indicated on the original and on each copy of the final plat by the following signed certificate:

Certificate of Approval by the Planning and Zoning Commission

I, _____, Chairperson of the Planning and Zoning Commission hereby certify that the said board fully approved the final plat of the subdivision entitled _____ on the _____ day of _____, _____.

Date

Chairperson

(I) If the Planning and Zoning Commission disapproves final plat, the reasons for such action shall be stated in writing and entered in the records of the Planning and Zoning Commission. One copy of the statement and one copy of the final plat shall be sent to the subdivider within fifteen (15) days of disapproval and one copy of the statement and one copy of the final plat shall be retained by the Planning and Zoning Commission as part of its proceedings. The subdivider may submit a revised plat, which shall be submitted, reviewed and acted upon by the Commission in accordance with this chapter.

(J) If the final plat is approved, the original tracing and one print of the plat shall be retained by the subdivider. One reproducible tracing shall be filed with the Register of Deeds, and at least one print shall be retained by the Planning and Zoning Commission for staff records.

(K) The Subdivider shall file the reproducible tracing of the approved final plat with the Register of Deeds of Alexander County within fifteen (15) days of Planning and Zoning Commission approval, otherwise such approval shall be null and void. The Subdivider shall also provide the Director of Planning and Development with a copy of the recorded plat.

§ 157.007(D) Effect of Plat Approval on Dedications. The approval of a final plat shall not constitute or affect the acceptance by the County of the dedication of any land, utility line or other facility on the final plat.

§ 157.007(E) Phased Developments. If a developer proposes that a subdivision, including planned unit developments, will be constructed in phases, the following procedure will apply:

(1) A master plan showing the entire proposed subdivision and phases of development, proposed density, type and location of utilities, and development timetable shall be submitted to the Planning and Zoning Commission.

(2) Each phase of development shall be preceded by a submission and approval of a preliminary plat as outlined in 157.007. The master plan may be submitted prior to, or simultaneously, to the submission of the preliminary plat for the first phase of development.

(3) As each phase is completed, a final plat must be submitted and approved for that phase as outlined in 157.007.

(4) Approval of the master plan must be renewed if density increases are proposed.

§ 157.007(F) Cluster Subdivisions. Cluster subdivisions, as defined in this chapter are intended to promote well designed subdivisions which preserve common open areas in return for reduced individual lot area and encourage a more cost effective approach to housing development. This Subsection is designed to promote the general safety and welfare of the public and therefore, cluster subdivisions shall be subject to Planning and Zoning Commission approval and the following regulations:

(1) A cluster subdivision shall have a minimum of five (5) acres and no more than five (5) dwelling units per acre.

(2) All standards for the provision of adequate water and for the disposal of sewage shall be provided in writing by the North Carolina Department of Environment and Natural Resources. Where it is proposed to connect to an existing public water or sewer facility, approval of such connection shall be received in writing and submitted with the plan.

(3) Common open space and facilities are to be designated in the cluster subdivision for the purpose of providing open space for recreation, preservation and recreation facilities for the owners and/or occupants within the cluster subdivision. The common open spaces are to be arranged so as to provide accessibility to all residents and to create an aesthetic environment. Furthermore, the common open space shall be accessible to all residents by way of streets, sidewalks or a combination of both. In no case shall the common areas be less than ten percent (10%) of the total development acreage.

(4) All common areas, common facilities and private streets, including but not limited to land, structures and facilities to be held and used in common in the cluster subdivision shall be conveyed to a legal Homeowners Association. Within the conveyance, provisions for maintenance and repair of said land and facilities shall be stipulated. The conveyance shall also provide a mandatory membership of present and future owners and residents within the cluster subdivision. The conveyance shall also provide for a levy against all property within the development for said maintenance and repair. All such conveyance and covenants shall be submitted prior to final approval by the Planning and Zoning Commission and shall be approved as to form and content by the County Attorney.

(5) All through streets that intersect or connect with a State maintained street shall have a 45 foot right-of-way, and shall be constructed and paved to the North Carolina Department of Transportation Minimum Subdivision Design Standards.

(6) For preliminary and final plat submittal, cluster subdivision shall be subject to the procedure and information required in the procedure for major subdivisions, Table 1, and shall also provide the following:

(A) The term "Cluster Subdivision" shall be placed in the title block;

(B) A general development plan showing the boundaries or each land use type proposed shall be submitted prior to or simultaneously with the preliminary plat for the first phase of development;

(C) All proposed structures shall be drawn to scale and placed on the plat;

(D) Designation on the plat for all common areas, common facilities, community service facilities such as churches and schools, and specific descriptions for their proposed use;

(E) Indicate all streets, facilities and utilities which are to be owned and maintained by the Homeowners Association with supporting documentation; and

(F) The size of each lot in square feet shall be shown on the preliminary plat or referenced on a separate attachment. The size of common areas, facilities and land use types in square feet or acres shall also be designated on the plat.

(G) The procedure for preliminary and final plat approval procedure shall follow the provisions set forth in Section 73.4.

§ 157.007(G) *Recombination of Land.* Any plat or any part of any plat may be vacated by the owner at any time before the sale of any lot in the subdivision by a written instrument to which a copy of such plat shall be attached, declaring the same to be vacated.

Such an instrument shall be approved by the same agencies as approved the final plat. The Planning and Zoning Commission may reject any such instrument, which abridges or destroys any public rights in any of its public uses, improvements, streets or alleys.

Such an instrument shall be executed, acknowledged or approved, recorded and filed in the same manner as a final plat; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, public grounds and all dedications laid out or described in such plat.

When lots have been sold, the plat may be vacated in the manner provided in this section by all owners of the lots in such plats joining in the execution of such writing.

§ 157.007(H) *Resubdivision Procedures.* For any replatting or resubdivision of land, the same procedures, rules and regulations shall apply as prescribed herein for an original subdivision provided further that the character of the area shall be maintained.

§ 157.008 GENERAL REQUIREMENTS

(A) *Conformity to Existing Maps or Plans.* The location and width of all proposed streets shall be in conformity with official plans and maps of Alexander County, and with existing or amended plans of the Planning and Zoning Commission and Alexander County Board of Commissioners.

(B) *Continuation of Adjoining Street System.* The proposed street layout shall be coordinated with the existing street system of the surrounding area and where possible, existing principal streets shall be extended.

(C) *Access to Adjacent Properties.* Where, in the opinion of the Planning and Zoning Commission, it is desirable to provide for street access to an adjoining property, the required right-of-way and proposed street with a turnaround as set forth in this chapter, shall be extended by dedication to the boundary of such property. Where it is not feasible to provide a lot with direct access to a public right-of-way, one lot per major subdivision may access the right-of-way by a 35' driveway easement. (Ord. Passed 8-01-00; Amended 2-6-01)

(D) *Large Tracts and Parcels.* Where land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further resubdivision.

(E) *Lots.* All lots shall front on a publicly dedicated road or street in accordance with this chapter and the Alexander County Zoning Ordinance.

(F) *Contour Maps.* A contour map of a specified interval shall be provided for a minor or major subdivision when requested by the Director of Planning and Development or Planning and Zoning Commission.

(G) *Street Names.* Proposed streets in alignment with existing streets, shall be given the same name. In no case shall the name of the proposed streets under jurisdiction of this chapter, duplicate or be phonetically similar to existing street names within any municipality or within the County. Furthermore, the proposed name shall be subject to approval of the Planning and Zoning Commission and the E911 Addressing Coordinator.

(H) *Surveying and Placement of Monuments.* The "Standards of Practice of Land Surveying in North Carolina", as adopted and amended by the North Carolina Board of Registration for Professional Engineers and Professional Land Surveyors, under provisions of the North Carolina General Statutes Chapter 89, shall apply when conducting surveys.

§ 157.009 REQUIRED IMPROVEMENTS, DEDICATION, RESERVATION AND MINIMUM STANDARDS OF DESIGN

§ 157.009(A) *Suitability of Land.* Land which has been determined by the Planning and Zoning Commission on the basis of engineering or other expert surveys to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed, shall not be platted for that purpose unless and until the subdivider has taken the necessary measures to correct said conditions and to eliminate said dangers.

Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Alexander County Environmental Health Department, and any other agency as determined by the Planning and Zoning Commission, certify that the land is suitable for the purpose proposed.

Lands which are subject to flooding, excessive erosion, or slides because of soil types or groups, water courses and other drainageways, steep slopes, or other hazards shall not be platted for residential or other uses in such a way as to present a danger to life, property, or to the public health, safety or general welfare.

All proposed subdivisions shall be planned so as to facilitate the most advantageous development of the entire neighboring area, including but not limited to road locations, utility location, development of adjacent property, etc.

§ 157.009(B) *Sedimentation Control.* In order to prevent soil erosion and sedimentation pollution of streams, springs, flat water bodies or other drainage networks, and when there are plans for a land disturbing activity of one (1) acre or more, the subdivider shall show proof with the preliminary plat that an erosion and sedimentation control plan has been submitted to and approved by the Division of Land Resources of the Department of Environment and Natural Resources. This provision is in accordance with the North Carolina Administrative Code Title 15, as adopted by the North Carolina Sedimentation Commission, January 11, 1978, as amended.

§ 157.009(C) *Flood Damage Prevention.* Lots that are subject to flooding shall not be established in subdivisions for the purpose of creating building lots except as herein provided:

(1) If there is any water course of any type running through or within 150 feet of the property proposed for subdivision, the prospective subdivider shall provide evidence to the Planning and Zoning Commission that the lots within the subdivision will not be flooded according to the maps according to the Flood Insurance Rate Maps as distributed by the Federal Emergency Management Agency (FEMA).

(2) The prospective subdivider shall make a determination of the crest elevation of a flood of 100-year probable frequency in accordance with generally accepted engineering practice. This determination must reflect the actual conditions imposed by the completed subdivision, and must give due consideration to the effects of urbanization and obstructions.

(3) No proposed building lot shown that is entirely subject to flooding shall be approved.

(4) No proposed building lot that is partially subject to flooding shall be approved, unless there is established on the lot plan a line representing a contour at an elevation of two (2) feet above the 100 year flood. Such line shall be known and identified on the lot plan or the "building restriction flood line".

All buildings or structures designed or intended for use shall be located on such a lot so that the lowest usable and functional part of the structure shall not be below the elevation of the building restriction flood line. Usable and functional part of the structure is defined as being inclusive of living areas, basements, sunken dens, utility rooms, attached carports and mechanical appurtenances such as furnaces, air conditioners, water pumps, electrical conduits and wiring, but shall not include water lines or sanitary sewer traps, piping and cleanouts provided that the opening serving the structure are above the building restriction flood line.

Where only a portion of a proposed building lot is subject to flooding, such a lot may be approved only if there will be available for building, a usable lot area of not less than 10,000 square feet. The usable lot area shall be determined by deducting from the total lot area of the setback required by the Alexander County Zoning Ordinance or as provided in this chapter, and any remaining area of the lot lying below the building restriction flood line.

(5) During the construction, preparation, arrangement, and installation of subdivision improvements, and facilities in subdivisions located at or along a streambed, the developer shall maintain the streambed of each stream, creek, or backwash channel contiguous to the subdivision in an unobstructed state. The developer shall also remove from the channel and banks of the stream, all debris, logs, timber, junk and other accumulations of nature that would, in time of flood, clog or dam the passage of waters in their downstream course. Installation of appropriately sized storm water drains, culverts or bridges shall not be construed as obstructions in the streams.

§ 157.009(D) Stormwater Drainage. The subdivider shall provide for adequate drainage of all surface water. The purpose of the stormwater system is to control flooding and remove run-off from an area fast enough to avoid unacceptable amounts of ponding, damage, or inconvenience. Points of interception of runoff shall be frequent enough to avoid heavy concentrations in any one system and to eliminate or minimize any flooding. Points of discharge shall be within the site unless otherwise approved by the Planning and Zoning Commission. The subdivider shall provide retention/detention devices as may be applicable. Surface drainage courses shall have side slopes of at least three (3) feet of horizontal distance for each one (1) foot of vertical distance, and shall be of sufficient size to accommodate run-off from the drainage area without flooding. The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one (1) foot in each two hundred (200) feet of horizontal distance.

§ 157.009(E) Fire Hydrants. In order to provide each lot with suitable access to fire protection, the installation of water systems, sewer systems and fire hydrant placement shall be in accordance with the Alexander County Water and Sewer Extension Policy.

§ 157.009(F) *Water and Sewer Systems.* The preliminary subdivision plat must be accompanied by satisfactory evidence as to the proposed method and system of water supply and sanitary sewage collection and disposal. The installation of public systems shall be in accordance with the Alexander County Water and Sewer Extension Policy and shall be required prior to final plat approval unless otherwise permitted pursuant to 157.007.

(1) Plans and specifications for a new public water supply system or expansion of an existing public water supply system shall be prepared by an engineer licensed to practice in North Carolina and shall be approved by the Department of Environment and Natural Resources. The plans must also be approved by the County Staff responsible for the review of such plans. When the proposed system is to be connected to an existing system, approval of the proposed lines must also be obtained from the owner of the existing system prior to construction. The engineer shall provide plans identifying the locations for all valves and hydrant locations.

(2) Plans for individual, private wells and septic tanks must be reviewed by the Alexander County Environmental Health Department.

§ 157.009(G) *Blocks.* The lengths, widths, and shapes of the blocks shall be determined with due regard to: (a) provision of adequate building sites suitable to the special needs of the type of use contemplated; (b) zoning requirements; (c) needs for vehicular and pedestrian circulation; (d) control and safety of street traffic; (e) limitations and opportunities of topography; and (f) and convenient access to water areas.

(1) *Length.* Block lengths shall not exceed 1400 feet nor be less than 400 feet.

(2) *Width.* Blocks shall have sufficient width to allow two tiers of lots of minimum depth except where single tier lots are required to separate residential development from through vehicular traffic or another type or use, in nonresidential subdivisions, or where abutting a water area.

(3) Where deemed necessary by the Planning and Zoning Commission, a pedestrian crosswalk at least 15 feet in width may be required to provide convenient public access to a public area such as a park, school, water area or to areas such as shopping centers, religious or transportation facilities.

(4) Block numbers shall conform to the County street numbering system.

§ 157.009(H) *Lots.* All lots in new subdivisions shall conform to the zoning or watershed requirements of the district or area in which the subdivision is located. If a subdivision is located outside of the zoning or watershed areas, the residential lots shall comply with the following requirements:

(1) *Area.* All lots shall have at least 30,000 square feet. If the lot is served by a public or community water or sewer system, said lot shall not have less than 20,000 square feet.

If a lot is served by public or community water and sewer, the lot shall not have less than 12,000 square feet. In calculating lot area, the street right-of-way shall not be included.

(2) *Width.* All lots shall have a minimum width at the building line of 100 feet and a minimum lot width at the street right-of-way line of thirty-five (35) feet. Corner lots shall have an additional width of ten (10) feet to permit adequate setback from side streets.

(3) *Depth.* All lots shall have a minimum mean depth of not less than 125 feet.

(4) *Orientation of Lot Lines.* Side lot lines shall be substantially at right angles or radial to street lines.

(5) *Building Setback Lines.* The minimum principal building setback from property lines shall be as follows, furthermore, all setbacks are measured from the street right-of-way line, if applicable. For properties served by either an individual well or public water, the setbacks shall be as follows:

- | | | |
|----|---------------------------|--------|
| A) | Front Yard Setback: | 40 ft. |
| B) | Side Yard Setback: | 15 ft. |
| C) | Street Side Yard Setback: | 20 ft. |
| D) | Rear Yard Setback | 40 ft. |

For properties served by public water and public sewer, the setbacks shall be as follows:

- | | | |
|----|---------------------------|--------|
| A) | Front Yard Setback: | 35 ft. |
| B) | Side Yard Setback: | 10 ft. |
| C) | Street Side Yard Setback: | 15 ft. |
| D) | Rear Yard Setback: | 30 ft. |

(6) Double frontage lots shall be avoided wherever possible.

(7) *Easements.* Easements shall be provided as follows:

A) Utility easements shall be provided, where necessary, across lots or centered on rear or side lot lines and shall be at least 15 feet in width for water and sanitary sewer lines and as required by the companies involved, for telephone, gas and power lines. Principal and accessory structures shall be setback a minimum of ten (10) feet from utility easements.

B) Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose.

§ 157.009(I) Streets.

(1) *Type of Street Required.* All minor and major subdivision lots shall abut on a public street. All public streets shall be designed and built to the standards of the North Carolina Department of Transportation except as provided in Section 157.007(A)(3). Public streets shall be constructed to the state standards and entered onto the State Highway System. Streets which are not eligible to be put on the State Highway System due to too few lots or residences, shall nevertheless, be constructed to the state standards, dedicated to the public and shall be in accordance with the standards necessary to be put on the State Highway System, so as to be eligible to be put on the system at a later date. A written maintenance agreement with provisions for maintenance of the street, until it is put on the state system, shall be included with the final plat.

(2) *Subdivision Street Disclosure Statement.* All streets shown on the final plat shall be designated as "public" in accordance with G.S. 136-102.6. Every lot shall have access to it that is sufficient to provide a means of ingress and egress for emergency vehicles as well as all those likely to need or desire access to the property for its intended use. Designation as public shall be conclusively presumed an offer of dedication to the public.

(3) *Public Streets.* All minor and major subdivision lots shall abut on a public street. All public right-of-ways and streets shall be designed, paved and dedicated to the public in accordance with the design standards as established by North Carolina Department of Transportation "Subdivision Roads Minimum Construction Standards" except as provided in Section 157.007(A)(3). The subdivision plat shall not be approved by the Planning and Zoning Commission, recorded by the Register of Deeds, nor shall any conveyance of property occur until said plat has received approval by the Division of Highways as shown on the Certificate of Approval of the Design and Installation of Public Streets.

(4) *Marginal Access Streets.* Where a tract of land to be subdivided adjoins a principal arterial street, the subdivider may be required to provide a marginal access street parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial. Where reverse frontage is established, private driveways shall be prevented from having direct access to the principal arterial.

(5) *Access to Adjacent Properties.* For the purposes of providing improved traffic flow, limiting the number of subdivision street intersections on collector and arterial streets and providing access between adjoining subdivisions, the approving authority may require that a proposed street be extended by dedication or reservation to the boundary of such property and a temporary turnaround be provided.

(6) *Nonresidential Streets.* The subdivider of a nonresidential subdivision shall provide streets in accordance with the North Carolina Department of Transportation Subdivision Roads Minimum Construction Standards.

§ 157.010 VARIANCES

Where because of severe topographical or other conditions peculiar to a site, strict adherence to the provisions of this chapter would cause an unnecessary hardship, the Alexander County Planning and Zoning Commission may authorize a variance to the terms of this chapter only to an extent that would not violate the intent of the chapter. Any variance thus authorized, is required to be entered in writing in the minutes of the Planning and Zoning Commission and the findings on which the departure was justified set forth.

§ 157.011 AMENDMENTS

(A) *Amendment Procedures.* This chapter may be amended upon recommendation from the Planning and Zoning Commission and approval by the County Commissioners as herein specified, but not amendment shall become effective unless and until it has been proposed by or submitted to the Planning and Zoning Commission for review and recommendation.

The Planning and Zoning Commission shall have forty-five (45) days from the date of staff or applicant submittal within which to submit its recommendation. If the Planning and Zoning Commission fails to submit a report within the specified time, it shall be forwarded to the County Commissioners without recommendation.

No amendment shall be adopted by the County Commissioners until they have held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper providing general circulation in Alexander County at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall not appear more than twenty-five (25) days nor less than ten (10) days prior to the hearing date. In computing the ten (10) to twenty-five (25) day period, the date of publication is not to be counted but the date of the hearing is.

The application for an amendment to the this chapter shall be accompanied by a filing fee as set by the Alexander County Commissioners in the Alexander County Planning and Development Department Fee Schedule.

§ 157.012 LEGAL PROVISIONS

(A) *Penalties for Violation.*

(1) After the effective date of this chapter, any person who, being the owner or agent of any land located within the jurisdiction of this chapter, subdivides his/her land, transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this chapter and recorded in the office of the Alexander County Register of Deeds, except as provided in Section 157.005(C), is in violation of this chapter, and shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or

transferring land shall not exempt the transaction from this penalty. Alexander County, through the County Attorney or other official designated by the County Commissioners, may enjoin any illegal subdivision, transfer or sale of land, by action for injunction. Further, violators of this Ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by N.C.G.S. 14-4.

(2) The violation of any provision of this chapter shall subject the offender to a civil penalty as set forth by the Alexander County Commissioners.

(3) Each day of a continuing violation of this chapter shall be a separate and distinct offense.

(4) Notwithstanding Section 120.2 above, this chapter may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.

(5) This section shall not be construed to limit the use of remedies available to the County. The County may seek to enforce this chapter by using any one, all, or a combination of the aforementioned remedies. (Ord. Passed 8-01-00; Amended 1-23-06)

(B) *Separability.* Should any section or provision of this chapter be decided by the courts to be unconstitutional or invalid, such declarations shall not affect the validity of the chapter as a whole or part thereof, other than the part so declared to be unconstitutional or invalid.

(C) *Abrogation.* This chapter shall neither repeal, abrogate, annul, impair, nor interfere with any existing subdivisions, the plats of which are properly recorded in the Office of the Register of Deeds prior to the effective date of this chapter, nor with existing easements, covenants, deed restrictions, agreements or permits previously adopted or issued pursuant to law prior to the effective date of this chapter.

(D) *Effective Date.* This chapter shall take effect and be in force from and after its adoption by the Alexander County Commissioners, this the 1st day of August, 2000.

Chairman, Board of Commissioners

ATTEST:

Clerk to the Board of Commissioners