

SUBDIVISION ORDINANCE



ADOPTED APRIL 18, 1989
EFFECTIVE MAY 1, 1989
REVISED THROUGH JULY 2005

TABLE OF CONTENTS

| <u>Section</u> | <u>Title</u> | <u>Page(s)</u> |
|---------------------|---|----------------|
| Section 101. | Title | 1 |
| Section 102. | Purpose | 1 |
| Section 103. | Authority | 1 |
| Section 104. | Jurisdiction | 1 |
| Section 105. | Compliance With Ordinance Required | 1 |
| Section 106. | Plats to be Approved | 1 |
| Section 107. | “Subdivision” Defined | 2 |
| Section 108. | “Minor Subdivision” Defined | 2 |
| Section 109. | “Major Subdivision” Defined | 2 |
| Section 110. | Other Definitions, Agencies | 3 |
| Section 111. | Word Interpretation | 8 |
| Section 112. | Thoroughfare Plans | 9 |
| Section 113. | School Sites on Land Use Plan | 9 |
| Section 114. | Zoning and Other Plans | 9 |
| | | |
| Section 200. | Reserved | 10 |
| | | |
| Section 301. | Plat Shall be Required on Any Subdivision of Land | 11 |
| Section 302. | Approval Prerequisite to Plat Recordation | 11 |
| Section 303. | Appeals | 11 |
| Section 304. | Reserved | 11 |
| Section 305. | Procedure for Review of Minor Subdivisions | 11 |
| Section 306. | Reserved | 15 |
| Section 307. | Sketch Plan for Major Subdivisions | 15 |
| Section 308. | Preliminary Major Subdivision Plat Submission and Review | 16 |
| Section 309. | Final Subdivision Plat Submission and Review | 17 |
| Section 310. | Planned Unit Developments (PUD’s) | 22 |
| Section 311. | Information to be Contained in or Depicted on Preliminary and Final Plats | 22 |
| Section 312. | Recombination of Land | 26 |
| Section 313. | Resubdivision Procedures | 26 |
| Sections 314 – 317. | Reserved | 26 |
| Section 318. | Provisions for Subdivisions Located in a Water Supply Watershed | 26 |
| | | |
| Section 401. | General | 37 |
| Section 402. | Suitability of Land | 37 |
| Section 403. | Name and Road Duplication | 37 |
| Section 404. | Subdivision Design | 37 |
| Section 405. | Road Standards | 39 |
| Section 406. | Water and Sanitary Sewer Systems | 43 |
| Section 407. | Buffering | 45 |
| Section 408. | Other Requirements | 45 |

TABLE OF CONTENTS

| <u>Section</u> | <u>Title</u> | <u>Page(s)</u> |
|----------------|---|----------------|
| Section 501. | General Procedure for Plat Approval | 47 |
| Section 502. | Issuance of Building Permits on Subdivision Lots | 47 |
| Section 503. | Penalties for Violation | 47 |
| Section 504. | Separability | 48 |
| Section 505. | Variances | 48 |
| Section 506. | Amendments | 49 |
| Section 507. | Abrogation | 49 |
| Section 508. | Re-Enactment and Repeal of Existing Subdivision Ordinance | 49 |
| Section 509. | Effective Date | 49 |
| Section 510. | Adoption | 50 |

ARTICLE I

INTRODUCTORY PROVISIONS

Section 101. Title

This ordinance shall be known and may be cited as the Subdivision Ordinance of the County of Iredell, North Carolina, and may be referred to as the Subdivision Regulations.

Section 102. Purpose

The purpose of this Ordinance is to establish procedures and standards for the development and subdivision of land within Iredell County. It is further designed to provide for the orderly growth and development of the County; for the coordination of roads and highways within proposed subdivisions with existing or planned roads and highways and with other public facilities; for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for road and utility purposes; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to the public's health, safety and general welfare. This Ordinance is designed to further facilitate adequate provision of water, sewerage, parks, schools, and playgrounds, and also to facilitate the further resubdivision of larger tracts into smaller parcels of land.

Section 103. Authority

This Ordinance is hereby adopted under the authority and provisions of the General Statutes of North Carolina, Chapter 153A, Article 18, Part 2.

Section 104. Jurisdiction

The regulations contained herein, as provided in G.S. 153A, Article 18 shall govern each and every subdivision within Iredell County outside of the jurisdiction of any incorporated municipality.

Section 105. Compliance With Ordinance Required

All plats for the subdivision of land shall conform to the requirements of this Ordinance, and shall be submitted in accordance with the procedures and specifications established herein.

Section 106. Plats to be Approved

After the effective date of this Ordinance no subdivision plat of land within the County's Subdivision Ordinance jurisdiction shall be filed or recorded until it shall have been submitted to and approved by the Subdivision Administrator of Iredell County as provided hereinafter in this Ordinance, and no land shall be sold or transferred by reference to a plat that has not been approved and recorded in accordance with the provisions of this Ordinance.

Section 107. “Subdivision” Defined

For the purposes of this Ordinance, “subdivision” means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new road or a change in existing roads; but the following shall not be included within this definition nor be subject to any regulations enacted pursuant to this Ordinance:

- A. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultants lots are equal to or exceed the standards of Iredell County as shown in this Ordinance;
- B. The division of land into parcels greater than ten (10) acres where no road right-of-way dedication is involved;
- C. The public acquisition by purchase of strips of land for the widening or opening of roads, and
- D. 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 road right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of Iredell County as shown in this Ordinance.

Section 108. “Minor Subdivision” Defined

A minor subdivision is defined as a subdivision where:

- A. No new roads are proposed, and
- B. No rights-of-way are dedicated, no easements are dedicated and no utilities extended, and
- C. Where ten (10) or fewer lots will result after the subdivision is completed.

Section 109. “Major Subdivision” Defined

A major subdivision is defined as a subdivision where:

- A. New streets or roads are proposed, and/or
- B. New utilities are proposed to be extended, and/or
- C. The entire tract to be subdivided is greater than five acres, and/or
- D. More than ten (10) lots are created after the subdivision is completed.

Section 110. Other Definitions, Agencies

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

Administrator, Subdivision.

The staff member of the Planning Department to whom the Planning Director has delegated authority to review, seek technical guidance and approve all subdivision plats submitted under the regulations in effect under this Ordinance.

Block. A piece of land bounded on one or more sides by streets or roads.

Board of Adjustment. see Government Agencies.

Board of Commissioners. see Government Agencies.

Buffer Strip. The purpose of a buffer strip is to create visual separation. A buffer strip shall consist of one of the following:

- A. One row of evergreen trees spaced not more than ten (10) feet apart; at least four feet in height after two growing seasons; and maintained in a healthy growing condition; or
- B. One row of dense shrubs; spaced to provide visual separation after two growing seasons; at least four feet in height after two growing seasons, and maintained in a healthy growing condition; or
- C. A solid fence or wall at least six feet in height; or
- D. Existing woodland at least thirty (30) feet in width and six feet in height may qualify as a buffer if visual separation is achieved from adjacent properties; or
- E. Earth berms four feet high with shrubs at least four feet in height after two growing seasons; or
- F. Other measures as approved by the Subdivision Administrator, provided visual separation is achieved.

Building Setback Line. A line parallel to the front property line in front of which no structure shall be erected. Setbacks shall be figured from the right-of-way line.

Condominium. Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

Cul-De-Sac. A short road having but one end open to traffic and the other end being permanently terminated and a vehicular turnaround provided.

Dedication. A gift to another party, by the owner, or a right to use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with an acceptance. All such dedications shall be recorded at the office of the Register of Deeds.

Deeds Office. see Register of Deeds, under Government Agencies.

Dwelling Unit. One or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided therein. Units in dormitories, hotels, motels, shelters for the homeless, or other structures designed for transient residents are not dwelling units.

Easement. A grant by the property owner to the public, a corporation, or persons of the right to use a specified portion of a tract or tracts of land for a specified purpose.

FEMA. see Government Agencies.

Government Agencies.

County Agencies.

County. Iredell County, North Carolina

Board of Adjustment. County Board of Adjustment of Iredell County, North Carolina

Board of Commissioners. County Board of Commissioners of Iredell County, North Carolina

Board of Education - County Board of Education of Iredell County, North Carolina

Health Department. County Health Department of Iredell County, North Carolina

Mapping Department. County Mapping Department of Iredell County, North Carolina

Planning Board. County Planning Board of Iredell County, North Carolina

Planning Department. County Planning Department of Iredell County, North Carolina

Planning Director. County Planning Director of Iredell County, North Carolina

Register of Deeds. County Register of Deeds of Iredell County, North Carolina

Federal Agencies.

FEMA. Federal Emergency Management Agency, or its successory agency responsible for preparing or certifying maps of 100 year floodplains for purposes of federal flood insurance programs.

National Historic Register. United States Department of Interior National Register of Historical Places, or its successor agency responsible for maintaining a national register of historic places.

State Agencies.

State – State of North Carolina

Division of Environmental Health. North Carolina Department of Environment and Natural Resources, Division of Environmental Health, or its successor agency responsible for regulation of public water supply systems (currently through the Public Water Supply and Groundwater Sections) and wastewater and sanitary sewer systems for sub-surface disposal methods (currently through the OnSite Wastewater Section).

Division of Highways. North Carolina Department of Transportation, Division of Highways, or its successor agency responsible for regulation of state-maintained roads and the public road system.

Division of Land Resources. North Carolina Department of Environment and Natural Resources, Division of Land Resources, or its successor agency responsible for regulation of sedimentation and erosion control.

Division of Water Quality. North Carolina Department of Environment and Natural Resources, Division of Water Quality, or its successor agency responsible for regulation of wastewater and sanitary sewer systems for surface disposal methods.

DOT District Highway Office. North Carolina Department of Transportation, Division of Highways, District Highway Office, or its successor agency responsible for NC DOT's coordination with and assistance to local government in the County's jurisdiction.

Environmental Management Commission. North Carolina Environmental Management Commission, or its successor agency, responsible for promulgating rules governing water supply watershed protection.

Health Commission. North Carolina Health Commission, or its successor agency, responsible for promulgating rules governing water supply and wastewater systems.

NC DOT. North Carolina Department of Transportation, or its successor agency responsible for regulation of state-maintained roads, the public road system and surface water drainage systems.

State Board of Examiners. North Carolina State Board of Examiners for Engineers and Land Surveyors, or its successor agency responsible for registering Professional Engineers and Land Surveyors licensed in the State.

Lot. A parcel of land or a contiguous combination of several parcels of land in one ownership, and of sufficient area and dimensions to comply with all minimum requirements for the uses permitted in the district in which such lot is located.

Lot of Record. A lot which is part of a subdivision, a plat of which has been recorded in the Register of Deeds prior to the adoption of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this Ordinance.

Lot Types:

Corner Lot. A lot located at the intersection of two or more roads. A lot abutting on a curved road or roads shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

Double Frontage Lot. Any lot having access by water and road rights of way or by having access on two road rights of way.

Interior Lot. A lot other than a corner lot with only one frontage on a road.

Single-Tier Lot. A lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.

Official Flood Maps. Flood Insurance Rate Maps issued by FEMA.

Official Maps or Plans. Any maps or plans officially adopted by the Board of Commissioners.

Open Space. An area (land and/or water) generally lacking in man-made structures and reserved for enjoyment in its unaltered state.

Panhandle Lot. A lot which contains a narrow strip providing road access.

PIN Number. Parcel Identification Number assigned to tax parcels by the County Department of Tax Administration and Land Records.

Planned Unit Development. A development or proposed development meeting the requirements of a Planned Unit Development as set forth in Article IX, SR13of the Iredell County Zoning Ordinance.

Planning Board. see Government Agencies.

Planning Department. see Government Agencies.

Planning Director. see Government Agencies.

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

Private Road. A dedicated right-of-way not maintained by NC DOT or any municipality in Iredell County.

Public Sewer Disposal System. A system serving two or more dwelling units and approved by the Division of Water Quality and in accordance with the Iredell County Wastewater Disposal Ordinance.

Public Water Supply System. The provision to the public of piped water by a system owned and operated by a public entity.

Quorum. A majority of the members of the Subdivision Review Committee shall constitute a quorum for the transaction of business at any meeting of that body, and unless otherwise specified in this Ordinance, a quorum is required for the act of a majority of the Subdivision Review Committee members present at a meeting to be an act of that Committee.

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

Reservation. A reservation of land does not involve any transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period of time.

Road. A dedicated public right-of-way for vehicular traffic (or a private road when permitted by this Ordinance). The word “road” includes, but is not limited to, “street, freeway, highway, expressway and thoroughfare”. The following classifications shall apply:

Classification of Roads:

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 overall travel speeds with minimum interference to through movement. This network would primarily serve local traffic.

Major Collector. A road which serves major intracounty 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 locally important traffic generators with their rural hinterland.

Local Road. A local road serves primarily to provide access to adjacent land and for travel over relatively short distances.

Specific Type Roads

Freeway, Expressway, or Parkway. Divided multilane roadway designed to carry large volumes of traffic at relatively high speeds. A freeway is a divided highway providing for continuous flow of vehicles with no direct access to abutting property or roads and with access to selected crossroads provided via connecting ramps. An expressway is a divided highway with full or partial control of access and generally with grade separations at major intersections. A parkway is a highway for noncommercial traffic, with full or partial control of access, and usually located within a park or a ribbon of parklike development.

Residential Collector Road. A local access road which serves as a connector road between local residential roads and the thoroughfare system. Residential collector roads typically collect traffic from one hundred (100) to four hundred (400) dwelling units.

Local Residential Road. Cul-de-sacs, loop roads less than twenty-five hundred (2,500) feet in length, or roads less than one mile in length that do not connect thoroughfares, or serve major traffic generators, and do not collect traffic from more than one hundred (100) dwelling units.

Cul-de-sac. A short road having but one end open to traffic and the other end being permanently terminated and a vehicular turnaround provided.

Frontage Road. A local road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

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

Sanitary Sewage System. A complete system of sewage collection, treatment and disposal including approved privies, septic tank systems, connection to public or community sewage systems, sewage reuse or recycle systems, mechanical or biological treatment systems, or other such systems.

Sewage. The waste water, and its contents from kitchen, bathroom, toilet, lavatory and laundry of any residence, business establishment, industrial plant, institution, or any public building.

Subdivider. Any person, firm, or corporation who holds legal title to land and who proposes to subdivide his land as subdivision is herein defined.

Subdivision. Refer to Section 107 of this Ordinance.

Subdivision Major. Refer to Section 109 of this Ordinance.

Subdivision Minor. Refer to Section 108 of this Ordinance.

Subdivision Review Committee. A committee appointed by the Board of Commissioners to review all major subdivision preliminary and final plats and to make recommendations to the Subdivision Administrator to approve, approve with conditions, or disapprove such plats. The Committee shall consist of nine members as follows:

- The Subdivision Administrator (or Designee),
- Two Members of the Iredell County Planning Board, and
- One representative each from the following Iredell County offices or agencies:
 - i. Emergency Communications, Operations & Mgt. Office,
 - ii. Fire Marshal's Office,
 - iii. Register of Deeds Office,
 - iv. Health Department,
 - v. Mapping Department, and
 - vi. Planning Department.

Of these members, the Subdivision Administrator alone shall be entitled to designate, for any meeting of the Committee which he is unable to attend, a member of the Planning Department staff to attend in his place and to cast the Subdivision Administrator's vote on any matters before the Committee at that meeting.

Utility Easement. An easement which grants to the utility provider the right to install and thereafter maintain any and all utilities including, but not limited to, water lines, sewer lines, storm sewer lines, electrical power lines, telephone lines, natural gas lines, and community antenna television systems.

Section 111. Word Interpretation

For the purpose of this Ordinance, certain words shall be interpreted as follows:

Words used in the present tense include the future tense.

Words used in the singular number include the plural and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.

The word "person" includes a firm, association, corporation, trust, and company as well as an individual.

The word “used for” shall include the meaning “designed for”.

The word “structure” shall include the word “building”.

The word “lot” shall include the words “plot”, “parcel”, or “tract”.

The word “shall” is always mandatory and not merely directory.

The word “may” is directory and not mandatory. All words not specifically defined in this Ordinance shall be assigned their customary definitions.

Section 112. Thoroughfare Plans

Where a proposed subdivision includes any part of a thoroughfare which has been designated as such upon the officially adopted thoroughfare plan of the County, such part of such thoroughfare shall be platted by the Subdivider in the location shown on the plan and at the width specified in this Ordinance.

Section 113. School Sites on Land Use Plan

If the Board of Commissioners and Board of Education have jointly determined the specific location and size of any school sites to be reserved and if this information appears in an adopted comprehensive plan of the County, the Subdivision Administrator shall immediately notify the Board of Education whenever a sketch plan for a subdivision is submitted which includes all or part of a school site to be reserved. The Board of Education shall promptly decide whether it still wishes the site to be reserved. If the Board of Education does not wish to reserve the site, it shall so notify the Subdivision Administrator. If the Board does wish to reserve the site, the subdivision shall not be approved without such reservation. The Board of Education shall then have eighteen (18) months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by exercise of the power of eminent domain. If the Board of Education has not purchased or begun proceedings to condemn the site within eighteen (18) months, the Subdivider may treat the land as freed of the reservation.

Section 114. Zoning and Other Plans

Proposed subdivisions must comply in all respects with the requirements of the zoning ordinance in effect in the area to be subdivided, and any other officially adopted plans.

ARTICLE II

Section 200. Reserved

ARTICLE III

PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

Section 301. Plat Shall be Required on Any Subdivision of Land

Pursuant to G.S. 153A-330, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this Ordinance whenever any subdivision of land takes place.

Section 302. Approval Prerequisite to Plat Recordation

Pursuant to G.S. 153A-331, no final plat of a subdivision within the jurisdiction of the County of Iredell as establish in Sections 105 and 106 of this Ordinance shall be recorded by the Register of Deeds until it has been approved by the Subdivision Administrator, as provided herein.

Section 303. Appeals

Any decision on final approval by the Subdivision Administrator may be appealed to the Planning Board. If the applicant is not satisfied with the action of the Planning Board, a further right of appeal to the Board of Commissioners is granted. Further, the Subdivision Administrator may appeal any decision of the Planning Board on plat approval to the Board of Commissioners. To secure each approval of a final plat, the Subdivider shall follow the procedures established in this article.

Section 304. Reserved

Section 305. Procedure for Review of Minor Subdivisions

305.1 Sketch Plan for Minor Subdivisions

Prior to submission of a final plat, the Subdivider may submit to the Subdivision Administrator three copies of a sketch plan of the proposed subdivision. The purpose of the sketch plan is to familiarize the Subdivision Administrator with the proposed development and to insure that it is in compliance with all applicable regulations. While the submittal of a sketch plan is optional, it is suggested that the subdivider submit such a plan in order to familiarize the Subdivision Administrator of the proposed development and, upon review, notify the Subdivider or his authorized agent of any likely problems with the proposed development. The sketch plan should contain the following information:

- A. A sketch vicinity map including north arrow showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;
- B. The boundaries of the tract and the portion of the tract to be subdivided;
- C. The tax map and parcel number(s) of the lot(s) to be subdivided;
- D. The total acreage to be subdivided;

- E. The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it.
- F. The existing and proposed road layout with approximate pavement and right-of-way-width, lot layout and size of lots;
- G. The name, address and telephone number of the owner;
- H. The name of the proposed subdivision;
- I. Roads and lots of adjacent developed or platted properties;
- J. The zoning classification of the tract and of adjacent properties.

The Subdivision Administrator shall review the sketch plan for general compliance with the requirements of this Ordinance and the zoning ordinance; the Subdivision Administrator shall advise the Subdivider or his authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the final plat.

305.2 Final Plat for Minor Subdivisions

The final plat shall be prepared by a Registered Land Surveyor currently licensed and registered in the State of North Carolina by the State Board of Examiners. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. 47-30 and the Standards of Practice for Land Surveying in North Carolina.

At least seven copies of the final plat shall be submitted to the Subdivision Administrator's Office with one copy being on reproducible material. Material and drawing medium for the original shall be in accordance with the Standards of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Iredell County Register of Deeds.

The final plat shall be of a size suitable for recording with the Register of Deeds and shall be at a scale of not less than one inch equals one hundred (100) feet, unless each lot in the proposed subdivision is more than three acres, in such case, the scale shall not be less than one inch equals two hundred (200) feet. All final plats shall be suitable for recording with the Register of Deeds office. Maps may be placed on more than one sheet with appropriate match lines.

Submission of the final plat shall be accompanied by a filing fee of fifty dollars (\$50.00).

The final plat shall meet the specifications in Section 311. The following signed certificate shall appear on all copies of the final plat:

A. 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 the County of Iredell and that I hereby adopt this plan of subdivision with my free consent and establish minimum building setbacks as noted.

I further certify that:

- a. there are no deed restrictions which will be violated by the requested subdivision; and
- b. there are no governmental regulations of any kind, other than those for which a variance has been applied for under the Iredell County Subdivision Ordinance regulations, which will be violated by the requested subdivision; and
- c. I understand that enforcement of deed restrictions and any other contractual agreements is not the responsibility of Iredell County, will not be undertaken by Iredell County, and is the sole responsibility of the parties affected by violations of such deed restrictions and contractual agreements.

Date

Owner

North Carolina
** _____ County

I, a Notary Public for said County and State, do hereby certify that _____, owner(s) personally appeared before me this day, and acknowledged the execution of the foregoing instrument. Witness my hand and official seal, this ____ day of _____, 20__.

Notary Public

My Commission Expires: _____

B. Certificate of Survey and Accuracy in Accordance With North Carolina General Statutes Chapter 40, Section 30, as amended and With the Standards and Practice for Land Surveying in North Carolina:

There shall appear on each plat a certificate by the person under whose supervision the survey or plat was made, stating the origin of the information shown on the plat, including recorded deed and plat references shown thereon. The ratio of precision before any adjustments must be shown. Any lines on the plat that were not actually surveyed must be clearly indicated and a statement included revealing the source of information. Where a plat consists of more than one sheet, only one sheet must contain the certification and all other sheets must be signed and sealed.

The certificate required above shall include the source of information for the survey and data indicating the ratio of precision of the survey before adjustments and shall be in substantially the following form:

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____, page _____, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, page _____; that the ratio of precision as calculated is 1: _____; that

** Amended 08/07/90

this plat was prepared in accordance with G. S. 47-30, as amended. Witness my original signature, registration number and seal this _____ day of _____, A.D. 20__.

Seal or Stamp

Surveyor

Registration Number

305.3 Approval of Final Plat by the Subdivision Administrator and Recording

Once the Subdivision Administrator has received the required number of copies of the final plat, he shall have fourteen (14) days to review the plat and to grant approval, approval with conditions or disapproval. If more than fourteen (14) days is required for approval, the Subdivision Administrator must notify the Subdivider in writing advising him of the delay, the nature of the delay and an approximate date as to when a decision can be forwarded.

During his review of the final plat the Subdivision Administrator may employ the Mapping Department to confirm the accuracy of the final plat. If substantial errors are found, the costs shall be charged to the Subdivider and the plat shall not be recommended for approval until such errors have been corrected.

If the Subdivision Administrator does not approve the final plat, he shall instruct the Subdivider concerning resubmission of a revised plat and the Subdivider may make such changes as will bring the plat into compliance with the provisions of this Ordinance and resubmit same for reconsideration by the Subdivision Administrator, or appeal the decision first to the Planning Board and second to the Board of Commissioners if the Subdivider is not satisfied with the decision of the Planning Board.

Failure of the Subdivision Administrator to approve, approve with conditions or disapprove the plat or notify the Subdivider of a delay in reviewing the plat within fourteen (14) days of plat submittal shall constitute grounds for the Subdivider to apply to the Planning Board for plat approval.

If the Subdivision Administrator approves the final plat or if the plat is approved on appeal to the Planning Board or to the Board of Commissioners, such approval shall be shown on each copy of the plat by the following signed certificate:

Certificate of Approval for Recording

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

Subdivision Administrator
Iredell County, North Carolina

Date

If the final plat is disapproved by the Subdivision Administrator, the reasons for such disapproval shall be stated in writing, specifying the provisions of this Ordinance with which the final plat does not comply. One copy of such reasons and one print of the plat shall be retained by the Subdivision Administrator as part of its records; a copy of such reasons and the remaining 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 same for reconsideration by the Subdivision Administrator.

If the final plat is approved by the Subdivision Administrator, said approval shall be noted on the plat and the reproducible copy of the approved final plat. The Subdivider shall have seven days from the date of the final plat approval to remit to the Subdivision Administrator the current charge for recording the plat. Upon receipt of this fee, the Subdivision Administrator shall have five days to have the plat recorded in the Register of Deeds. If the final plat is not recorded within the required amount of time, this shall not invalidate any prior approvals.

Section 306. Reserved

Section 307. Sketch Plan for Major Subdivisions

Section 307.1 Number of Copies and Contents

Prior to the preliminary plat submission, the Subdivider shall submit to the Subdivision Administrator three copies of a sketch plan of the proposed subdivision containing the following information:

- A. A sketch vicinity map including north arrow showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;
- B. The boundaries of the tract and the portion of the tract to be subdivided;
- C. Tax map and parcel number(s) of the lot(s) to be subdivided;
- D. The total acreage to be subdivided;
- E. The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;
- F. The existing and proposed road layout with approximate pavement and right-of-way width, lot layout and size of lots;
- G. The name, address, and telephone number of the owner;
- H. The name, if any, of the proposed subdivision;
- I. Roads and lots of adjacent developed or platted properties;
- J. The zoning classification of the tract and of adjacent properties.

307.2 Submission and Review Procedure for Major Subdivisions

The Subdivision Administrator shall review the sketch plan for general compliance with the requirements of this Ordinance and the zoning ordinance; the Subdivision Administrator shall advise the Subdivider or his authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the preliminary and final plats.

One copy of the sketch plan shall be retained as a part of the record of the Subdivision Administrator with one copy being returned to the Subdivider or his authorized agent along with any comments made by the Subdivision Administrator concerning the proposed plat.

Section 308. Preliminary Major Subdivision Plat Submission and Review

308.1 Submission Procedure

The Subdivider shall submit a preliminary plat to the Subdivision Administrator's Office except as provided in Section 306, which shall be reviewed by the Subdivision Review Committee (hereinafter referred to as the "Committee"). The Committee shall send their recommendation to the Subdivision Administrator who shall have authority to approve the plat before any construction or installation improvements may begin.

At least seven (7) copies of the preliminary plat (additional copies may be required by the Subdivision Administrator to send to various agencies) shall be submitted to the Subdivision Administrator no less than thirty (30) days prior to the Committee meeting at which the Subdivider desires the Committee to review the preliminary plat.

The fee for submitting the preliminary plat shall be based on the number of lots in the proposed subdivision as follows: \$125 plus \$5/lot.

Preliminary plats shall meet the specifications in Section 311.

308.2 Review by Health Department and Other Agencies

Concurrent with submission of the preliminary plat to the Subdivision Administrator, the Subdivision Administrator shall submit copies of the preliminary plat and any accompanying material for review and recommendation to various officials and agencies concerned with new development including all members of the Committee.

If lots are proposed to be receiving septic tanks as the means of solid waste disposal, a disclaimer must be placed on the plat stating, "as of the date of this recording, the lots represented on this plat have not been inspected or approved by the Health Department. Until inspected there is no assurance that a building permit will be issued." (Amended 09/03/91)

308.3 Review Procedure

The Committee shall recommend to the Subdivision Administrator on a majority vote of the members present to approve the plat, conditionally approve the plat with recommended change to bring the preliminary plat into compliance, or disapprove the plat with reasons, within seven days of the Committee meeting at which the plat was discussed. If no recommendation is made by the

Committee within this time, the Subdivider may apply directly to the Subdivision Administrator for preliminary plat approval. Once the Committee makes the recommendation to the Subdivision Administrator (or if the seven days elapses without recommendation) the Subdivision Administrator shall have seven days to approve or disapprove the plat. If action is not taken by the Subdivision Administrator within said seven days, the plat shall be deemed approved.

If the preliminary plat is disapproved by the Subdivision Administrator, the Subdivider may make the recommended changes and submit a revised preliminary plat or appeal the decision first to the Planning Board and second to the Board of Commissioners if the Subdivider is not satisfied with the decision of the Planning Board.

If the Subdivision Administrator approves the preliminary plat, it shall be noted on a copy of the plat and said copy shall be filed with the Subdivision Administrator. If the Subdivision Administrator approves the preliminary plat with conditions approval shall be noted on the copy with a reference to the conditions. Once these conditions are met, the plat shall be noted as approved and shall be filed with the Subdivision Administrator.

If the Subdivision Administrator disapproves the preliminary plat, the reasons for such disapproval shall be specified in writing. One copy of the plat and the reasons shall be retained by the Subdivision Administrator and one copy shall be returned to the Subdivider.

Section 309. Final Subdivision Plat Submission and Review

309.1 Preparation of Final Plat and Installation of Improvements

Upon approval of the preliminary plat by the Subdivision Administrator the Subdivider may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this Ordinance. Prior to approval of a final plat, the Subdivider shall have installed the improvements specified in this Ordinance or guaranteed their installation as provided herein. No final plat shall be approved unless accompanied by a written notice from the Iredell County Finance Officer acknowledging compliance with the improvements and guarantee standards of this Ordinance.

309.2 Improvements Guarantees

A. Agreement and Security Required

In lieu of requiring the completion, installation and dedication of all improvements prior to final plat approval the County of Iredell shall enter into an agreement with the Subdivider whereby the Subdivider shall agree to complete all required improvements. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Subdivision Administrator, if all other requirements of this Ordinance are met. To secure this agreement, the Subdivider shall provide to the Board of Commissioners either one, or a combination, of the following guarantees. The amount of such guarantees shall be satisfactory to the Board of Commissioners as to form, sufficiency (i.e., sufficient funds to cover inflationary price increases, increased construction costs, engineering costs, etc.) and manner of execution as set forth in these regulations. All such guarantees shall be made payable to the County of Iredell.

1. Surety Performance Bond(s)

The Subdivider shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina. The duration of the bond(s) shall be until such time as the improvements are accepted by the Board of Commissioners.

2. Cash or Equivalent Security

The Subdivider shall deposit cash, an 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 Board of Commissioners.

If cash or other instrument is deposited in escrow with a financial institution as provided above, then the Subdivider shall file with the Board of Commissioners an agreement between the financial institution and himself guaranteeing the following:

- a. That said escrow account shall be held in trust until released by the Board of Commissioners and may not be used or pledged by the Subdivider in any other matter during the term of the escrow; and
- b. That in the case of a failure on the part of the Subdivider to complete said improvements, the financial institution shall, upon notification by the Board of Commissioners, and submission by the Board of Commissioners to the financial institution of an engineer's estimate of the amount needed to complete the improvements, 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.

B. Default

Upon default, meaning failure on the part of the Subdivider to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution holding the escrow account, shall, if requested by the Board of Commissioners, pay all or any portion of the bond or escrow fund to the County of Iredell up to the amount needed to complete the improvements based on an engineering estimate. Upon payment, the Board of Commissioners, 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 bonding firm any funds not spent in completing the improvements.

C. Release of Guarantee Security

The Board of Commissioners may release a portion of any security posted as the improvements are completed and recommended for approval by the Subdivision Administrator. Within thirty (30) days after receiving the Subdivision Administrator's recommendation, the Board of Commissioners shall approve said improvements and immediately release any security posted.

309.3 Submission Procedure

At least seven copies of the final plat (additional copies may be required by the Subdivision Administrator to send to various agencies) shall be submitted to the Subdivision Administrator's Office no less than fifteen (15) days prior to the Committee meeting at which the Subdivider desires the Committee to review the final plat with one copy being on reproducible material. Material and drawing medium for the original shall be in accordance with the Standards of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Iredell County Register of Deeds.

The final plat shall be of a size suitable for recording with the Register of Deeds and shall be at a scale of not less than one inch equals one hundred (100) feet unless each lot in the proposed subdivision is more than three acres, in such case, the scale shall not be less than one inch equals two hundred (200) feet. Maps may be placed on more than one sheet with appropriate match lines.

The fees for submittal and review of a final plat and improvement guarantees shall be as follows:

| | |
|--------------------------------|-------|
| Final Plat | \$100 |
| Improvements Guarantees Review | \$100 |

The final plat shall meet all applicable specifications in Section 311 of this Ordinance.

The following signed certificates shall appear on all copies of the final plat:

A. Certificate of Ownership and Dedication

On the face of the final plat, there shall appear a certificate of ownership and dedication acknowledged before an officer authorized to take acknowledgements and executed by the person making the acknowledgement. The certificate shall include a statement of ownership of the property shown on the plat, of its location within the County's subdivision jurisdiction, and of the free consent with which this Ordinance's requirements are met as to setbacks and dedications. If sanitary sewers, storm sewers, and water lines are to be included in the subdivision, the certificate shall also include a statement of their dedication to the County or a public utility designated by the County.

The certificate shall take the following general form:

I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the County of Iredell and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all roads, alleys, walks, parks, and other sites and easements to public or private use as noted.

Furthermore, I hereby (certify that no sanitary sewers, storm sewers, or water lines are to be included in the subdivision)(dedicate all sanitary sewer to _____, all storm sewer system to _____ and all water lines to _____).

I further certify that:

- a. there are no deed restrictions which will be violated by the requested subdivision; and
- b. there are no governmental regulations of any kind, other than those for which a variance has been applied for under the Iredell County Subdivision Ordinance regulations, which will be violated by the requested subdivision; and
- c. I understand that enforcement of deed restrictions and any other contractual agreements is not the responsibility of Iredell County, will not be undertaken by Iredell County, and is the sole responsibility of the parties affected by violations of such deed restrictions and contractual agreements.

Owner

North Carolina
_____ County

I, a Notary Public for said County and State, do hereby certify that _____, owner(s) personally appeared before me this day, and acknowledged the execution of the foregoing instrument. Witness my hand and official seal, this _____ day of _____, 20____.

Notary Public

My Commission Expires: _____

B. Certificate of Survey and Accuracy

In Accordance With North Carolina General Statutes Chapter 40, Section 30, as amended and With the Standards of Practice for Land Surveying in North Carolina:

There shall appear on each plat a certificate by the person under whose supervision the survey or plat was made, stating the origin of the information shown on the plat, including recorded deed and plat references shown thereon. The ratio of precision before any adjustments must be shown. Any lines on the plat that were not actually surveyed must be clearly indicated and a statement included revealing the source of information. Where a plat consists of more than one sheet, only one sheet must contain the certification and all other sheets must be signed and sealed.

The certificate required above shall include the source of information for the survey and data indicating the ratio of precision of the survey before adjustments and shall be in substantially the following form:

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____, page _____, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, page _____; that the ratio of precision as calculated is 1:_____; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this _____ day of _____, A.D.,20____.

Seal or Stamp

C. Certificate of Approval of the Design and Installation of Roads, Utilities, Other Required Improvements, and Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the County of Iredell, North Carolina. I further certify that all roads, utilities, and other required improvements have been installed in an acceptable manner or that an agreement and security for completion of installation of the required improvements in an amount and manner satisfactory to the County of Iredell has been received, and that the filing fee for this plat, in the amount of \$ _____ has been paid. This plat has been approved by the Subdivision Administrator for recording in the Register of Deeds.

Date

Subdivision Administrator

A quorum of the Committee shall recommend to the Subdivision Administrator on a majority vote of the members present to approve, conditionally approve with recommended changes to bring the final plat into compliance, or disapprove the final plat with reasons, within fourteen (14) days of the Committee meeting. If no recommendation is made by a quorum of the Committee within this time, the Subdivider may apply directly to the Subdivision Administrator for final plat approval. Once the Committee makes its recommendations to the Subdivision Administrator (or if the fourteen (14) day period elapses without recommendation), the Subdivision Administrator shall have seven days to approve or disapprove the plat. If action is not taken by the Subdivision Administrator within said seven days, the plat shall be deemed approved.

During the review of the final plat the Subdivision Administrator may utilize the Mapping Department to confirm the accuracy of the final plat. If substantial errors are found, the costs shall be charged to the Subdivider and the plat shall not be recommended for approval until such errors have been corrected.

If the Subdivision Administrator conditionally approves the final plat with modifications to bring the plat into compliance, he shall retain two copies of the plat and return the written recommendations and the reproducible copy to the Subdivider.

If the final plat is disapproved by the Subdivision Administrator, the reasons for such disapproval shall be stated in writing, specifying the provisions of this Ordinance with which the final plat does not comply. One copy of such reasons and one print of the plat shall be retained by the Subdivision Administrator as part of his/her records; one copy of the reasons and one copy of the plat shall be transmitted to the Subdivider.

If the final plat is approved by the Subdivision Administrator, said approval shall be noted on the plat and the reproducible copy of the approved final plat. The Subdivider shall have seven days from the date of the final plat approval to remit to the Subdivision Administrator the current charge for recording the plat. Upon receipt of this fee, the Subdivision Administrator shall have

five days to have the plat recorded in the Register of Deeds. If the final plat is not recorded within the required amount of time, this shall not invalidate any prior approvals.

** Amended 08/07/90

Section 310. Planned Unit Developments (PUD’s)

Design standards set out in this Ordinance may be waived or modified for PUD’s 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.

Private ownership and maintenance of roads within a PUD is allowed so long as such roads are suitable and adequate to carry the anticipated traffic.

A plan shall be submitted to the Committee along with the preliminary plat indicating the parties responsible for the maintenance of all private roads. Plat approval shall also include approval of said plan. Private roads shall be duly noted as such upon all plats.

All PUD’s shall be considered major subdivisions and shall follow all applicable procedures set forth for the approval of said subdivisions.

All efforts will be made to streamline the process of zoning and subdivision approval. The Subdivision Review Committee and Subdivision Administrator shall coordinate their review and advisory efforts wherever feasible in order to limit any unnecessary delays. All PUD plats for subdivision review shall include the following information in addition to that data required in Section 311:

- A. Total number and type of dwelling units proposed
- B. The density of the development
- C. The location of all open space areas and total open space acreage
- D. The approximate location of all buildings and the types of buildings to be constructed

Section 311. Information to be Contained in or Depicted on Preliminary and Final Plats

The preliminary and final plats shall depict or contain the information indicated in the following table. An x indicates that the information is required. Preliminary plat information is only required for major subdivisions.

| <u>Information</u> | <u>Preliminary Plat</u> | <u>Final Plat</u> |
|---|--------------------------------|--------------------------|
| A. Title Block Containing | | |
| a) Subdivision name | x | x |
| b) Name of owner | x | x |
| c) PIN number | x | x |
| d) Location (including township, county and state) | x | x |
| e) Date or dates survey was conducted and plat prepared | x | x |

| | | |
|--|---|---|
| f) A bar graph scale and north arrow | x | x |
| g) Name and address of the Registered Land Surveyor | x | x |
| h) Surveyor's registration number and seal | | x |
| B. The name of the Subdivider | x | x |
| C. A sketch vicinity map with north arrow showing the relationship between the proposed subdivision and surrounding area | x | x |
| D. Corporate limits, Extraterritorial Jurisdiction and county lines if on the subdivision tract | x | x |
| E. The names and addresses of all owners, mortgagees, Registered Land Surveyors, land planners, architects, landscape architects, utility planners, and professional engineers responsible for the subdivision | x | x |
| F. Date of plat preparation | x | x |
| G. The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and distances shown | x | |
| H. The exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands | | x |
| I. The names of owners of adjoining properties | x | x |
| J. The names of any adjoining subdivisions of record or proposed and under review | x | x |
| K. Minimum building setback lines | x | x |
| L. The zoning classifications of the tract to be subdivided and adjoining properties | x | x |
| M. Existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining | x | x |
| N. Proposed lot lines, lot and block numbers, and approximate dimensions | x | x |
| O. The lots numbered consecutively throughout the subdivision in a manner using only numeric symbols | | x |
| P. Marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds and any other natural features affecting the site | x | x |
| Q. The exact location of the flood hazard area, floodway and floodway fringe areas from the county's Official Flood Maps, and Community Panel Number if applicable | x | x |
| R. Soil application rates as may be required by the | | |

| | | |
|---|---|---|
| Health Department or the disclaimer required by Section 308.2 if septic systems are proposed and soil testing is not yet completed | X | |
| S. All certifications required by this Ordinance | X | X |
| T. The following data concerning streets: | | |
| a) Proposed roads | X | X |
| b) Existing and platted roads on adjoining properties and in the proposed subdivision | X | X |
| c) Rights-of-way, location and dimensions | X | X |
| d) Pavement widths | X | X |
| e) Approximate grades | X | X |
| f) Design engineering data for all corners and curves | X | X |
| g) Typical road cross sections | X | X |
| h) Road names | X | X |
| i) Private road disclosure statements indicating (a) who will maintain private roads in subdivision, (b) right of access to any private road in the subdivision by all lots served by the road | | X |
| j) Type of road dedication; all roads must be designated either “public” or “private”. Where public roads are involved which will not be dedicated to a municipality, the Subdivider must submit the following documents to the DOT District Highway Office for review: a complete site layout, including any future expansion anticipated; horizontal alignment indicating general curve data on site layout plan; vertical alignment indicated by percent grade, PI station and vertical curve length on site plan layout; (the District Engineer may require the plotting of the ground profile and grade line for roads where special conditions or problems exist); typical section indicating the pavement design and width and the slopes, widths and details for either the curb and gutter or the shoulder and ditch proposed; drainage facilities and drainage areas. | X | X |
| k) Where roads are dedicated to the public, but not accepted into the State System before lots are sold, a statement explaining the status of the road in accordance with Section 405.1 of this Ordinance. | | X |
| l) If any road is proposed to intersect with a State maintained road, the Subdivider shall apply for driveway approval as required by the Division of Highways’ Manual on Driveway Regulations. Evidence that the Subdivider has obtained such approval. | X | |
| U. The location and dimensions of all: | | |
| a) Utility and other easements | X | X |

| | | |
|--|---|---|
| b) Fire Hydrants, if applicable | X | X |
| c) Riding trails | X | X |
| d) Buffer strips | X | X |
| e) Pedestrian or bicycle paths | X | X |
| f) Parks and recreation areas with specific type indicated | X | X |
| g) School sites (both existing and proposed) | X | X |
| h) Areas to be used for purposes other than residential with the purpose of each stated | X | X |
| i) The future ownership (dedication or reservation for public use to governmental body, for owners' to duly constituted homeowners' association, or for tenants' remaining in Subdivider's ownership) of recreation and open space lands | | X |
| V. Site calculations including: | | |
| a) acreage in total tract to be subdivided | X | X |
| b) acreage in parks and recreation areas and other nonresidential uses | X | X |
| c) total number of parcels created | X | X |
| d) acreage in the smallest lot in the subdivision | X | X |
| e) linear feet in roads | X | X |
| W. The name and location of any property or buildings within the proposed subdivision or within any contiguous property that is located on the National Historic Register | X | X |
| X. Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, road line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles, and tangent distance for the center line of curved property lines that are not the boundary line of curved roads. All dimensions shall be measured to the nearest one-hundredth (1/100) of a foot and all angles to the nearest minute. | | X |
| Y. The accurate locations and descriptions of all monuments, markers and control points. | | X |
| Z. A copy of the erosion control plan submitted to the Division of Land Resources for approval, where necessary. | X | |
| AA. A topographic map with contour intervals of no greater than five feet at a scale of no less than one inch equals two hundred (200) feet may be required. | X | |
| AB. If Section 318.5 (Water Supply Watershed provisions) applies to the property being platted: | | |
| a) Certification that the Subdivision Lies Within a Watershed (per Section 318.1) | X | X |
| b) Designation of Vegetative Watershed Buffer(s) | | |

| | | |
|---|---|---|
| along Perennial Streams. Said buffer shall be a minimum of thirty (30) feet in width if subsequent development takes place if the low-density option is used or one hundred (100) feet in width if the high-density option is used. | x | x |
| c) Identification of Lots not to be Developed for Single-Family Residential Purposes | x | x |
| d) Acreage of Each Lot Not Being Developed Single-Family Residential Purposes | x | x |
| e) Identification of Stormwater Drainage Facilities Used (including direction of flow) and any Best Management Practices Employed | x | x |

Section 312. Recombination of Land

312.1 Any plat or any part of any plat may be vacated by the Subdivider at any time before the sale of any lot in the subdivision by gaining approval of and filing a plat that either a) is inconsistent with the originally approved plat, or b) shows the tract without the lots if no lots have been sold. The same procedures, rules, and regulations shall apply in gaining approval of and filing a plat for this purpose as prescribed herein for an original subdivision.

312.2 The replatting of any previously platted property shall not abridge or destroy any public rights.

312.3 The filing and recording of an amended plat as described in Section 312.1 shall serve to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the roads, alleys, and public grounds, and all dedications laid out or described in such plat.

312.4 When lots have been sold, the plat may be vacated or amended by all owners of the lots in such plat joining in the execution of such writing.

312.5 Roads which have not been used within fifteen (15) years of dedication may be deemed abandoned. The withdrawal of dedication shall be consistent with G.S. 136.96.

Section 313. Resubdivision Procedures

For any replatting or resubdivision of land, the same procedures, rules and regulations shall apply as prescribed herein for an original subdivision.

Sections 314 – 317. Reserved

Section 318. Provisions for Subdivisions Located in a Water Supply Watershed

The provisions of Section 318 shall be applicable only to subdivisions located in a Water Supply Watershed designated by the Environmental Management Commission and as depicted on the Watershed Protection Map of Iredell County. Such provisions are enacted under Chapter 143,

Article 21, Watershed Protection Rules, and are designed to promote the public health, welfare, and safety of local citizens.

The following definitions shall apply only to the regulations contained in Section 318. Definition for other words shall be as found in Section 110.

Best Management Practices (BMP). A structural or nonstructural management-based practice used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.

Buffer, Vegetative. An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Built-Upon Area. Built-upon area shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel area (e.g., roads, parking lots, paths), recreation facilities (e.g., tennis courts, etc.) Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.

Cluster Development. The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts. This term includes nonresidential development as well as single-family residential subdivision and multi-family developments.

Critical Area. The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

Development. Any land-disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

Development, Existing. Those projects that are built or those projects that at a minimum have established a vested right under North Carolina Zoning Law as of the effective date of this Ordinance based on at least one of the following criteria:

- A. Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or
- B. Having an outstanding valid building permit as authorized by the General Statutes (G.S. 153A-344.1), or

C. Having an approved site-specific or phased development plan as authorized by the General Statutes (G.S. 153A-344.1).

Existing Lot (Lot of Record). A lot which is part of a subdivision, a plat of which has been recorded in the Register of Deeds prior to January 1, 1994 of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to January 1, 1994.

High-Density Option. A subdivision or development which contains engineered stormwater control devices approved by a local government jurisdiction, thereby enabling development to occur at a higher intensity (than if the low-density option were used) as prescribed by the Environmental Management Commission's adopted Water Supply Watershed Protection Rules.

Low-Density Option. A subdivision or development which does not contain engineered stormwater control devices (i.e., wet detention ponds) approved by a local government jurisdiction.

Planning Director. References to the Planning Director shall mean the Planning Director or his designated staff.

Protected Area. The area adjoining and upstream of the critical area in a WS-IV water supply in which protection measures are required. The boundaries of the protected area are defined as within five miles of the normal pool elevation of the reservoir and draining to water supply reservoirs (measured from normal pool elevation) or to the ridge line of the watershed (whichever comes first); or ten (10) miles upstream and draining to the intake located directly in the stream or river (run-of-the-river), or to the ridge line of the watershed (whichever comes first). Major landmarks such as highways or property lines may be used to delineate the outer boundary of the protected area if these landmarks are immediately adjacent to the appropriate outer boundary of five or ten (10) miles. In some cases the protected area will encompass the entire watershed.

Residence, Single-Family. Any development where: 1) every dwelling unit (including mobile homes) is on a separate lot, and 2) where no lot contains more than one dwelling unit. Notwithstanding, a mobile home park shall be considered a single-family residential development.

Toxic Substance. Any substance or combination of substances (including disease-causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their offspring or other adverse health effects.

Variance, Major. A variance from the County's water supply watershed regulations that results in a relaxation by a factor greater than five percent of any buffer, density, or built-upon area requirement under the high-density option; or any variation in the design, maintenance, or operation requirements of a wet detention pond or other approved stormwater management system; or relaxation by a factor greater than ten (10) percent of any management requirement under the low density option.

Variance, Minor. A variance from County's water supply watershed regulations that results in a relaxation by a factor of up to five percent of any buffer, density, or built-upon area requirement

under the high-density option; or that results in the relaxation by a factor of up to ten (10) percent of any management requirement under the low density option.

Water-Borne Structure. Any structure for which the use requires access to or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

318.1 General Provisions

Any subdivision of land (as herein defined) which is located within a Water Supply Watershed (as depicted on the Watershed Protection Map of Iredell County) shall not be filed or recorded by the Register of Deeds until it has been approved in accordance with the provisions of this Section. Likewise, the Clerk of Superior Court shall not order or direct the recording of a plat if the recording of such plat would be in conflict with Section 318 of this Ordinance.

All subdivisions of land shall have a statement signed by the Subdivision Administrator indicating whether or not a subdivision lies within a designated Water Supply Watershed. Said statement shall take one of the following forms, as appropriate:

- A. The (name of subdivision) Subdivision, to the best of my knowledge, does not lie within a Water Supply Watershed designated by the Environmental Management Commission as appears on the Watershed Protection Map of Iredell County.

Date

Subdivision Administrator

- B. Lots (fill in appropriate lot numbers) of the (name of subdivision) Subdivision, to the best of my knowledge, lie within the (classification of watershed) of the (name of body of water), as designated by the Environmental Management Commission as appears on the Watershed Protection Map of Iredell County. Lots (fill in appropriate lot numbers) of the (name of subdivision) do not lie within a water supply watershed.

Date

Subdivision Administrator

- C. All lots within the (name of subdivision), to the best of my knowledge, lie within the (classification of watershed) of the (name of body of water), as designated by the Environmental Management Commission and as appears on the Watershed Protection Map of Iredell County.

Date

Subdivision Administrator

318.2 Subdivision Application and Review Procedures

Subdivisions not located within a designated Water Supply Watershed shall not be subject to the regulations of this Section. In addition, any subdivision located within a WS-IV watershed shall be subject to these regulations only when an erosion and sedimentation plan is required to be filed under provisions of the North Carolina General Statutes or an adopted local sedimentation control plan.

318.3 Subdivision Standards and Required Improvements

A. Density Limitations

Except as provided in Section 318.2, every lot created for single-family development and recorded after the effective date of these regulations shall meet the minimum lot areas described below. Any lot not to be used for single-family residential purposes shall be noted on the preliminary and final plats with the designation “**NOT FOR SINGLE-FAMILY RESIDENTIAL PURPOSES**”.

| <u>WATER SUPPLY WATERSHED DISTRICT IN WHICH THE LOT IS LOCATED</u> | <u>MINIMUM LOT AREA</u> |
|---|--|
| WS-II Balance of Watershed | One dwelling unit per acre |
| WS-III Balance of Watershed | Two dwelling units per acre |
| WS-IV Critical Area | Two dwelling units per acre |
| WS-IV Protected Area | Two dwelling units per acre with curb and gutter; three dwelling units per acre without curb and gutter. |

Said densities may be obtained through conventional subdivisions or in a cluster subdivision so long as the overall density of the subdivision does not exceed that which would be allowed if clustering were not employed.

318.4 Information To Be Depicted on Sketch Plan

In addition to all information required to be placed on the sketch plan as indicated in Section 305.1 and Section 307.1, the following information shall also be shown on or attached to any sketch plan containing properties located within a designated Water Supply Watershed:

- A. Identification of lots located within a designated Water Supply Watershed.
- B. Water Supply Watershed classification of such lots.

318.5 Information To Be Contained in or Depicted on Preliminary and Final Plats

In addition to all information required to be placed on plats as indicated in Section 311, the following information shall also be shown on or attached to any plat containing properties located within a designated Water Supply Watershed. An “X” indicates what information is required. Preliminary plat information is only required for major subdivisions.

| Information | Preliminary Plat | Final Plat |
|--|-------------------------|-------------------|
| A. Certification that the Subdivision Lies Within a Watershed (per Section 318.1) | X | X |
| B. Designation of Vegetative Watershed Buffer(s) along Perennial Streams. Said buffer shall be a minimum of thirty (30) feet in width if subsequent development takes place if the low-density option is used or one hundred (100) feet in width if the high-density option is used. | X | X |
| C. Identification of Lots not to be Developed for Single-Family Residential Purposes | X | X |
| D. Acreage of Each Lot Not Being Developed Single-Family Residential Purposes | X | X |
| E. Identification of Stormwater Drainage Facilities Used (including direction of flow) and any Best Management Practices Employed | X | X |

318.6 Watershed Regulation Variances

A. Applications for Variances

Applications for major and minor variances (see definition) shall be handled in the following manner:

1. The Iredell County Board of Adjustment shall have the power to a) authorize, in specific cases, minor variances, and b) review requests, in specific cases, for major variances, from the terms of this Ordinance as will not be contrary to the public interests where, owing to special conditions, a literal enforcement of this Ordinance will result in practical difficulties or unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. In addition, Iredell County shall notify and allow a reasonable comment period for all other local governments having jurisdiction in the designated watershed where the variance is being considered and major water consumers whose point of intake lies within that watershed. The Board of Adjustments shall, in the case of major variances, either deny the request, or make

a recommendation to the State's Environmental Management Commission for approval or approval with conditions, of the requested variance.

2. Applications Form and Fee. Applications for a minor variance shall be made on a form prescribed by the Planning Director and accompanied with an appropriate fee as established by the Board of Commissioners. Applications shall include the following information:
 - a) A site plan, indicating the property lines of the parcel upon which the use is proposed and all contiguous pieces of property (i.e., all properties traversed and/or separated by a road, stream, right-of-way, or any similar natural or man-made configuration); any existing or proposed structures; parking areas and other built-upon areas; and surface water drainage. In addition, a list of names and addresses of the owners of said properties, from the most recent official tax records, shall be provided by the applicant.
 - b) A complete and detailed description of the proposed variance, together with any other pertinent information which would be helpful to the Board of Adjustment in considering the application.
 - c) The Planning Director shall notify in writing each local government having jurisdiction in the watershed and all major consumers of water whose point of intake lies within the watershed. Such notice shall include a description of the variance being requested. Local governments and major consumers of water receiving notice of the variance request may submit comments to the Planning Director prior to a decision by the Board of Adjustment. Such comments shall become a part of the record of proceedings of the Board of Adjustment.
3. Determination of Application Completeness. Within five working days after having received an application for a major or minor variance, the Planning Director shall determine whether the application is complete. If he determines that the application is not complete, he shall serve a written notice on the petitioner specifying the application's deficiencies. The Planning Director shall take no further action on the application until the deficiencies are remedied. If the Planning Director fails to so notify the petitioner, the application shall be deemed complete.
4. Scheduling Board of Adjustment Meeting. The Planning Director, having determined that an application is complete, shall place the application on the agenda of a Board of Adjustment regular or special meeting occurring at least fifteen (15) days thereafter.
5. Public Hearing Notification. Prior to making a determination on a major or minor variance the Board of Adjustment shall hold a public hearing. Notification of said public hearing shall be as follows:
 - a) Notices shall be sent by the Planning Director by first class mail to the applicant, to owners of all contiguous pieces of property, to the clerks of all local governments having jurisdiction within that watershed, and to all major consumers of water whose point of intake lies within that watershed, at least ten

(10) days prior to the public hearing. The notice shall indicate the nature of the public hearing and the date, time, and place at which it is to occur.

- b) A notice of the public hearing shall be given once a week for two consecutive weeks in a newspaper of general circulation in Iredell County. Said notice shall be published not less than ten (10) days prior to the date fixed for the public hearing.
 - c) A conspicuous sign shall also be placed by the County in a conspicuous location on the subject property(ies) indicating the nature of the public hearing and date, time, and place at which it is to occur. Said sign shall be placed on the property(ies) in question at least ten (10) days prior to the public hearing.
6. Board of Adjustment Consideration. The Board of Adjustment, in considering an application for a minor variance, shall give due consideration to the following:
- a) The siting of other nonconforming or conforming uses of land or structures in the same or other districts, shall not be considered grounds for the granting of a variance.
 - b) The request for a variance for a particular use expressly, or by inference, prohibited in the district involved, shall not be granted.
7. Board of Adjustment Action. The Board of Adjustment shall make a recommendation on a major variance or a decision on a minor variance no later than thirty-one (31) days from the close of the public hearing. Said recommendation or decision shall be in one of the following forms:
- a) Approval of the variance if the findings of fact in Section 318.6(A)(8) are found in the affirmative; or
 - b) Approval of the variance with fair and reasonable conditions attached if the findings of fact in Section 318.6(A)(8) are found in the affirmative; or
 - c) Denial of the variance if at least one finding of fact in Section 318.6(A)(8) is found in the negative.

The concurrent vote of four-fifths (4/5) of the voting members of the Board of Adjustment shall be necessary to approve a minor variance application.

The Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the items under which a minor variance is granted, or when included by the Environmental Management Commission as part of the terms under which a major variance is granted, shall be deemed a violation of this Ordinance and shall be punishable as prescribed in Section 104 of this Ordinance.

8. Findings of Fact. The Board of Adjustment may approve a major or minor variance only after each of the following findings are found in the affirmative:

- a. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance. In order to determine that there are practical difficulties or unnecessary hardships, the Board of Adjustment must find that the following conditions exist:
 1. If the applicant complies with the provisions of the Ordinance, he can secure no reasonable return from, nor make reasonable use of, his property. (Merely proving that the variance would permit a greater profit to be made from the property will not be considered adequate to justify the Board in granting a variance.)
 2. The hardship results from the application of the Ordinance to the property rather than from other factors such as deed restrictions or other hardship.
 3. The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property.
 4. The hardship is not the result of the actions of an applicant who knowingly or unknowingly violates the Ordinance, or who purchases the property after the effective date of the Ordinance, and then comes to the Board for relief.
 5. The hardship is peculiar to the applicant's property, rather than the result of conditions that are widespread. If other properties are equally subject to the hardship created in the restriction, then granting a variance would be a special privilege denied to others, and would not promote equal justice.
 - b. That the variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit; and
 - c. That in the granting of the variance, the public safety and welfare have been assured and substantial justice has been done; and
 - d. That the reasons set forth in the application justify the granting of a variance, and that the variance is a minimum one that will make possible the reasonable use of land or structures.
9. Major Variance Denial. If the Board of Adjustment recommends that an application for a major variance should be denied, then the application shall not be forwarded to the Environmental Management Commission, and shall be considered denied by the Board of Adjustment. The Planning Director shall send written notice of the denial by first class mail to the applicant within five working days of the Board of Adjustment's decision.
10. Preliminary Record. If the Board of Adjustment makes a favorable recommendation on a major variance, said recommendation shall be forthwith forwarded, along with all supporting information, to the Environmental

Management Commission. Information which shall be forwarded shall include the following:

- a. The variance application;
 - b. Evidence that proper notification of the Board of Commissioners' public hearing has been made;
 - c. A summary of evidence presented including comments from other local governments, or major water consumers;
 - d. Proposed findings and exceptions;
 - e. The Board of Commissioners' recommendation, including any conditions attached as a requisite for approval.
11. Environmental Management Commission Action. If, after having received and reviewed the major variance application and the preliminary record, the Environmental Management Commission approves the major variance application, any conditions, stipulations, or modifications it requires shall become part of any permit subsequently issued by Iredell County pertinent to that development. The Planning Director shall notify the applicant by first class mail within five working days of receipt of the Environmental Management Commission's decision, stating that the major variance was approved. Subsequent to the approval of a variance application by the Environmental Management Commission, the Planning Director shall issue a watershed permit for the development thus authorized so long as the application for the Watershed Permit is made within sixty (60) days after the Planning Director has notified the applicant of the Environmental Management Commission's decision and so long as such development is in accordance with all other provisions of this Ordinance. In areas of the County which are zoned by Iredell County, a zoning permit may be issued by the Planning Director in lieu of the Watershed Permit.

If the Environmental Management Commission overturns the Board of Commissioners' recommendation for approval of a major variance, the Planning Director shall send the decision by first class mail to the applicant within five working days of receipt of the Environmental Management Commission's decision, stating that the major variance request was denied, and the reasons for such denial.

B. Application for Zoning Permit

The application for a zoning permit shall be made within one year of receiving a variance approval.

C. Re-submittal of Minor or Major Variance

If the Board of Adjustment or Environmental Management Commission disapprove a major variance request, or the Board of Adjustment disapproves a minor variance request, the Planning Director shall not accept an application for a similar variance request affecting the same property(ies) for a period of twenty-four (24) months following the date of denial.

D. Appeals From Board of Adjustment

Every decision of the Board of Adjustment shall be subject to review by the Superior Court Division of the General Courts of Justice of the State of North Carolina by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be duly verified and filed with the Clerk of Superior Court within thirty (30) days after the decision of the Board is filed in the office of the Planning Director, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Planning Director or the Chairman of the Board of Adjustment at the time of the Board's hearing of the case, whichever is later.

E. Records

The Planning Director shall maintain a file on all applications for minor and major variances. A copy of all information pertaining to such application requests (including minutes of the public hearing, findings made by the Board of Adjustment, actions taken by the Board, the names and addresses of all persons giving evidence at the public hearing) shall be submitted annually during the last week of December to the Environmental Management Commission, Supervisor of the Classification and Standards Group.

318.7 Amendments to Regulations

Under no circumstances shall the Board of Commissioners adopt any amendment, addition, or deletion that would cause these regulations to violate the watershed protection rules as adopted by the Environmental Management Commission. Amendments to the regulations contained in Section 318 of this Ordinance shall follow the procedures described in Section 506 of this Ordinance.

ARTICLE IV

REQUIRED IMPROVEMENTS, DEDICATION, RESERVATION, MINIMUM STANDARDS OF DESIGN

Section 401. General

Prior to final plat approval, each subdivision shall contain the improvements specified in this article, which shall be installed in accordance with the requirements of this Ordinance and paid for by the Subdivider, unless other means of financing is specifically stated in this Ordinance. Land shall be dedicated and reserved in each subdivision as specified article. Each subdivision shall adhere to the minimum standards of design established by this article.

Section 402. Suitability of Land

402.1 Land which has been determined by the Subdivision Administrator 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.

402.2 Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Health Department, a structural engineer and a soils expert determine that the land is suitable for the purpose proposed.

402.3 All subdivision proposals shall be consistent with the need to minimize flood damage.

402.4 All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

Section 403. Name and Road Duplication

The name of the subdivision and the names of the roads within the subdivision shall not duplicate nor closely approximate the name of an existing subdivision nor any existing roads within Iredell County.

Section 404. Subdivision Design

404.1 Blocks

- A. The lengths, widths, and shapes of blocks shall be determined with due regard to: provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements; needs for vehicular and pedestrian circulation; control and safety of road traffic; limitations and opportunities of topography; and convenient access to water areas.
- B. Blocks shall not be less than four hundred (400) feet nor more than twelve hundred (1200) feet in length. Where a longer block will reduce the number of railroad grade crossings, major stream crossings, or where longer blocks will result in less traffic through residential

subdivisions from adjoining business or industrial areas, the Subdivision Administrator may authorize block lengths in excess of twelve hundred (1200) feet.

- C. 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 of use, in nonresidential subdivisions, or where abutting a water area.
- D. Where deemed necessary by the Subdivision Administrator, a pedestrian crosswalk at least fifteen (15) feet in width may be required to provide convenient public access to a public area such as a park or school, to a water area, or to areas such as shopping centers, religious, or transportation facilities.
- E. Block and lot numbers shall conform to the County road numbering system, if applicable.

404.2 Lot Dimensions

All new residential lots in subdivisions shall conform to the following requirements:

- A. Residential Lot Area. In calculating lot area, the following shall not be included:
 - 1. Any deeded road right-of-way
 - 2. Any road right-of-way to be dedicated
 - 3. Any road right-of-way claimed by the NC DOT
- B. Residential Road Frontage. All lots shall have a minimum road frontage of twenty-five (25) feet. Land locked parcels that have no road frontage as of the date of the passage of this amendment, shall be allowed to divide a maximum of two lots from that landlocked parcels. Said parcels shall be served by an easement of no less than twenty-five (25) feet in width. Said twenty-five (25) feet easement shall serve only the two lots to be subdivided and the original tract and shall be legally described and recorded in the Register of Deeds. (Amended 8/7/90)
- C. Orientation of Residential Lot Lines. Side lot lines shall be substantially at right angles or radial to road lines. Double-frontage lots shall be avoided wherever possible.
- D. Panhandle lots (i.e., flag lots) and other irregular shaped lots shall not be approved by the Subdivision Administrator except in cases where such lots would (1) not be contrary to the purpose of this Ordinance, and (2) heighten the desirability of the subdivision, and (3) where necessary, enable a lot to be served by water and a waste disposal system. All panhandle lots shall have a minimum road frontage width of twenty-five (25) feet thereby providing an access strip to the lot. The length of said strip shall not exceed two hundred (200) feet. Said strip shall not be used to determine lot area or width or setback lines.
- E. All minimum lot dimensions may be increased in order to meet any applicable requirements of the Health Department.
- F. Where any portion of a subdivision adjoins the Catawba River or its impounded waters, an access lot shall be reserved for the use of:

1. All interior lots located within said subdivision which do not have access to the water, and
2. all other contiguous property owned by the developer located within 650' of the 760 contour line.

Said access lot shall have an area of not less than 10% of the total street frontage of all property without water access that lies within 650' of the 760 contour but shall in no case exceed 20,000 sq. ft. or be less than 50' in width.

Nothing herein shall be construed to prohibit the developer from dedicating more than one access lot or more than 20,000 sq. ft. in a subdivision.

404.3 Easements

Easements shall be provided as follows:

A. Utility Easements

A utility easement of no less than ten (10) feet in width shall be provided along all side and rear lot lines and shall be a minimum of twenty (20) feet in width, ten (10) feet on either side. An easement of not less than ten (10) feet in width shall be provided along the front lot line for utility purposes. These easements may be shown by typical lot section or through certificates on the final plat.

404.4 Reserved

Section 405. Road Standards

Section 405.1 Public Roads

All subdivision roads shall have access to a NC DOT or Municipal maintained road and shall be connected by a continuous dedicated right-of-way. All public roads shall be built to all applicable standards of this Ordinance and all other applicable standards of the NC DOT. Roads which are not eligible to be put on the NC DOT System because there are too few lots or residences shall, nevertheless, be dedicated to the public and shall be in accordance with the standards in this Ordinance or the standards necessary to be put on the NC DOT System, whichever is stricter in regard to each particular item, 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 road until it is put on the State System shall be included with the final plat and recorded with the Register of Deeds office.

Section 405.2 Private Roads

Private roads which are not maintained by NC DOT or any municipality in Iredell County shall be permitted and shall be connected to a maintained road as described in Section 405.1. Such roads shall meet all right-of-way and construction standards of NC DOT, with the following exception:

For the purpose of this Ordinance a total of up to two lots may be served by a private unpaved road. Said private road shall have no less than a forty-five (45) feet right-of-way and shall be graded to NC DOT specifications with accompanying drainage and must be stabilized to an all

weather surface. Only one such unpaved private road shall be allowed on each tax parcel of land existing at the effective date of this amendment; parcels created subsequently shall not be eligible for this exemption. Applicants wishing to utilize an unpaved road must demonstrate that the tax parcel in question existed at the effective date of this amendment by providing copies of the appropriate tax listing. When additional lots are proposed to be served by a private road allowed by this exception, the road must be improved to NC DOT Subdivision Roads Minimum Standards to the extent that at no time will there be in excess of two lots on an unpaved road. (Amended 10/16/90)

405.3 Subdivision Road Disclosure Statement

All roads shown on the final plat shall be designated in accordance with G.S. 136-102.6 and designation as a public road shall be conclusively presumed an offer of dedication to the public. Where roads are dedicated to the public but not accepted into a municipal or the State System, before lots are sold, a statement explaining the status of the road shall be included with the final plat.

405.4 Marginal Access Road

Where a tract of land to be subdivided borders a road that is designated currently by the Iredell County Thoroughfare Plan as a minor rural collector road or higher or is projected to have greater than 5,000 vehicle trips per day within the next five years, the lots shall be prevented from having direct access to the qualifying road. The subdivider shall provide road entry and exit points to the qualifying road to facilitate connectivity. If physical barriers exist which prohibit the construction of a new road, another access design (e.g. joint driveways) may be used to achieve the intent of this regulation (effective 6/01/05).

405.5 Access to Adjacent Properties

Where it is deemed necessary and beneficial to the interconnectivity of local land development by the Subdivision Administrator, proposed roads shall be extended by dedication to the boundary of the developing property and a temporary turn around provided within the existing right of way. The road shall be designated and constructed as a public road and shall be required except when the Subdivision Administrator determined that:

- A. Physical barriers or environmentally sensitive area be crossed (for example, railroad, watercourses, steep topography, or flood area)
- B. There is a large discrepancy in the size of the adjacent parcel (A smaller parcel being subdivided may not have to provide a stub to a much larger parcel, if other, more desirable, interconnections are available to the large parcel).
- C. The stub road would connect to property for which development rights have been sold for a public purpose and access to the property is not desirable for orderly development of the road network.
- D. The stub road would cause the existing roads to go over the capacity allowed on that portion of the roadway.

405.6 Road Rights-of-way

The provision of road rights-of-way shall conform to and meet the requirements of the thoroughfare plan of Iredell County as approved by the Planning Board and adopted by the Board of Commissioners and the North Carolina Board of Transportation, should such thoroughfare plan have been adopted.

405.7 Other Road Standards Requirements

A. Through Traffic Discouraged on Residential Collector and Local Roads

Residential collector and local roads shall be laid out in such a way that their use by through traffic will be discouraged. Roads shall be designed or walkways dedicated to assure convenient access to parks, playgrounds, schools, or other places of public assembly.

B. Sidewalks

When a proposed subdivision lies within 1,500 feet of an existing public school, library, or park, as measured from property line to property line, or where an adjoining subdivision already has sidewalks in place, the Committee shall recommend to the Subdivision Administrator whether sidewalks shall be required. Said recommendation will specify whether sidewalks shall be located on one or both sides of the road. Other criteria that may be considered by the Committee include the potential for heavy pedestrian traffic, proximity to shopping areas, rail services or stations, etc.. Such sidewalks shall be constructed to a minimum width of four feet, and shall consist of a minimum thickness of four inches of concrete. All sidewalks shall be placed in the right-of-way, unless the development is platted as a planned unit or group development.

C. Road Names

Proposed roads which are obviously in alignment with existing roads shall be given the same name. In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names in the county irrespective of the use of a suffix such as street, road, drive, place, court, etc. Road names shall be subject to the approval of the Subdivision Administrator and shall be in accordance with Section 403.

D. Road Name Signs

The Subdivider shall be required to reimburse Iredell County for providing and placing road name signs to County standards at all intersections within the subdivision. This fee shall be paid prior to final plat approval.

E. Permits for Connection to State Roads

An approved permit is required for connection to any existing State System road. This permit is required prior to any construction on the road. The application is available at the office of the nearest district engineer of the Division of Highways.

F. Offsets to Utility Poles

Poles for overhead utilities should be located clear of roadway shoulders, preferably a minimum of at least thirty (30) feet from the edge of pavement on major thoroughfares. On roads with curb and gutter, utility poles should be set back a minimum distance of six feet from the face of curb.

G. Wheelchair Ramps, Curb Cuts for the Handicapped

All roads being constructed, reconstructed, or altered for any reason after September 1, 1973, shall conform to the requirements of North Carolina General Statutes Chapter 136, Article 2A, Section 136-44.14 as to provision of curb ramps or curb cuts for the handicapped.

H. Islands or Short Medians at Subdivision Entrances

Any proposal that include islands or medians at driveway entrances shall conform to the NCDOT – Subdivision Roads, Minimum Construction Standards.

“The Division of Highways will review requests for the allowance of islands or short medians desired for aesthetics on State Highway System Secondary Roads at the entrance to a subdivision. The location will be outside the line of sight at the entrance intersection. Approval will be with the following understanding:

- 1. The Division of Highways will not maintain the island or the median section.*
- 2. The island or the median section will be removed if not properly maintained by someone involved with the subdivision, i.e. developer, homeowners, etc.*
- 3. The Division Engineer may allow the island or median on an individual basis.*
- 4. The minimum lane width at the entrances, excluding curb and gutter will be fourteen (14) feet.”*

I. Curb & Gutter

When a proposed subdivision exceeds 25 lots, where there is a topographic need (such as steep slopes) and a public benefit will be realized, or where an adjoining subdivision already has curb and gutter in place, the Committee may recommend to the Subdivision Administrator where curb and gutter (designed in accordance with NCDOT specifications) shall be required. Curb and gutter development shall only be permitted when 50% or more of the stormwater run-off is discharged into an on-site perennial or annual stream as determined by the most recent version of the U.S.G.S. topographic maps. No run-off may directly discharge into Lake Norman, Lookout Shoals Lake, or the Catawba River. In addition, the developer or his agent shall submit a surfacewater drainage plan, as drawn by a design professional, containing topography and depicting the natural drainage of the property prior to development. (amended 7/01/05)

Section 406. Water and Sanitary Sewer Systems

All lots in subdivisions not adjacent to municipal or public water and/or sanitary sewer systems must have a suitable source of water supply and sanitary sewage disposal, which complies with the regulations of the following agencies as applicable:

| WATER SYSTEMS | |
|--|---|
| Definitions | Regulatory Agency |
| Any well, spring, stream or other source used to supply a single connection, or any water system which serves less than 15 service connections and less than 25 individuals for less than 60 days out of the year. | Division of Environmental Health |
| A system for the provision to the public of piped water for human consumption if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. | Division of Environmental Health |
| Any water system owned and operated by the county, any municipality or water district. | Governing body operating said system. Division of Environmental Health |

| SANITARY SEWER SYSTEMS | |
|--|---|
| Definitions | Regulatory Agency |
| Any Public or Community Sanitary Sewage System and any sanitary sewage system which is designed to discharge effluent to the land surface or surface waters. | (1) Division of Water Quality . (2) Governing Body or public body operating a public system. |
| All other sanitary sewage systems. | Division of Environmental Health |

In addition to meeting all standards and regulations of their respective agencies, water systems must contain water lines a minimum of six inches in diameter in order to provide for future networking with all other public water systems in Iredell County. This provision shall not apply, however, on cul-de-sac roads with lengths of less than five hundred (500) feet. In no instance, however, shall water lines be less than two inches in diameter.

Section 406.1 Fire Hydrants

- A. Every subdivision that is served by at least a six inch water line from either a community or public water system with water service that meets the minimum pounds (#) of water pressure required to maintain flow during peak demand (fire flow) according to the North Carolina Administrative Code 15a, Subchapter 18c, (Rules Governing Public Water Systems) shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within such development. The supplying water company must review and approve the proposed fire hydrant location(s) and certify water pressure compliance in writing to the Subdivision Administrator prior to fire hydrant installation.
- B. Fire hydrants shall be located at intervals of one-thousand (1000) linear feet along every road serving the development or at every intersection, whichever is less.
- C. Unless no practicable alternative is available, water lines shall not be dead-end lines.
- D. These provisions shall not apply to subdivisions containing six or fewer lots.

406.2 Storm Water Drainage System

- A. The Subdivider shall provide a surface water drainage system constructed to the standards of the NC DOT, as reflected in Handbook for the Design of Highway Surface Drainage Structures, 1975, as amended or revised, subject to review by the County Engineer.
- B. No surface water shall be channeled or directed into sanitary sewers.
- C. Where feasible, the Subdivider shall connect to an existing storm drainage system.
- D. Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to protect the proposed development from water damage.
- E. Surface drainage courses shall have side slopes of at least three feet of horizontal distance for each one foot of vertical distance, and courses shall be of sufficient size to accommodate the drainage area without flooding, and designed to comply with the standards and specifications for erosion control of the North Carolina Sedimentation Pollution Control Act, G.S. 143-34.12, Chapter 113A, Article 4 and the N.C. Administrative Code Title 15, Chapter 4, and any County adopted erosion and sedimentation control ordinances.
- F. The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one foot in each two hundred (200) feet of horizontal distance.
- G. Streambanks and channels downstream from any land disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land-disturbing activity in accordance with the North Carolina Sedimentation Pollution Control Act, G.S. 143-34.12, Chapter 113A, Article 4 and the North Carolina Administrative Code Title 15, Chapter 4.

- H. Anyone constructing a dam or impoundment within the subdivision must comply with the North Carolina Dam Safety Law of 1967 and the North Carolina Administrative Code Title 15, Subchapter 2K and shall submit proof of compliance prior to final plat approval.
- I. In all areas of special flood hazards, all subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

Section 407. Buffering

Whenever a residential subdivision is located adjacent to an office, institutional, commercial or industrial use which does not have a buffer, the Subdivider shall provide a buffer-strip approved by the Subdivision Administrator as defined in Section 110. The width of the buffer-strip shall be in addition to the lot area required by the Iredell County Zoning Ordinance in zoned areas or this Subdivision Ordinance in unzoned areas. The buffer shall become part of the lot on which it is located, or in the case of commonly-owned property, shall be deeded to the homeowners' association.

Section 408. Other Requirements

408.1 Placement of Monuments

Unless otherwise specified by this Ordinance, the Standards of Practice for Land Surveying as adopted by the State Board of Examiners, under the provisions of Title 21 of the North Carolina Administrative Code, Chapter 56 (21 NCAC 56), shall apply when conducting surveys for subdivisions; to determine the accuracy for surveys and placement of monuments, control corners, markers, and property corner ties; to determine the location, design, and material of markers, control corners, and property corner ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions.

408.2 Construction Procedures

No construction or installation or improvements shall commence in a proposed subdivision until the preliminary plat has been approved, and all plans and specifications have been approved by the appropriate authorities.

No building, zoning or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this Ordinance until all the requirements of this Ordinance have been met. The Subdivider, prior to commencing any work within the subdivision, shall make arrangements with the Subdivision Administrator to provide for adequate inspection. The approving authorities having jurisdiction or their representatives shall inspect and approve all completed work prior to release of the sureties.

408.3 Oversized Improvements

The County of Iredell may require installation of certain oversized utilities or the extension of utilities to adjacent property when it is in the interest of future development. If the County requires the installation of improvements in excess of the standards required in this Ordinance,

including all standards adopted by reference, the County shall pay the cost differential between the improvement required and the standards in this Ordinance.

408.4 Reserve Strips

There shall be no reserve strips controlling access to roads except where cause can be shown that such control would best serve the purposes of this Ordinance.

408.5 Computer Generated Plats

All major subdivision plats drawn on computer in DXF (Digital eXchange Format) format shall be required to submit a copy of said disk to the Subdivision Administrator prior to recordation of the plat.

ARTICLE V

LEGAL PROVISIONS

Section 501. General Procedure for Plat Approval

After the effective date of this Ordinance, no subdivision plat of land within the County's jurisdiction shall be filed or recorded until it has been submitted to and approved by the Subdivision Administrator as set forth in Section 105 and 106 of this Ordinance, and until this approval is entered in writing on the face of the plat by the Subdivision Administrator.

The Register of Deeds shall not file or record a plat of a subdivision of land located within the territorial jurisdiction of the County that has not been first approved in accordance with these provisions, nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with this section.

Section 502. Issuance of Building Permits on Subdivision Lots

No building permit shall be issued for the erection of any building on any lot within a proposed subdivision until a final plat of said subdivision has been approved by the Subdivision Administrator and recorded at the Register of Deeds and where applicable, an improvements permit has been issued by the Health Department.

Section 503. Penalties for Violation

503.1 After the effective date of this Ordinance, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this Ordinance, thereafter subdivides his land in violation of this Ordinance or 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 Ordinance and recorded in the Register of Deeds, 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. The County through its attorney or other official designated by the Board of Commissioners may enjoin 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 G.S. 14-4.

503.2 In addition to the other remedies cited in this Article for the enforcement of the provisions of this Ordinance, the regulations and standards contained in this Ordinance may be enforced through the issuance of citations by the Subdivision Administrator. These citations are in the form of a civil penalty. The County may recover this penalty in a civil action in the nature of a debt if the offender does not pay the penalty within seventy-two (72) hours after being cited for a violation. In addition, failure to pay the civil penalty within seventy-two (72) hours may subject the violator to criminal charges. The following civil penalties are established for violations under this section:

| Warning Citation | Correct violation within seven days |
|---------------------------------------|--|
| First Citation | \$100.00 |
| Second Citation for Same Offense | \$250.00 |
| Subsequent Citations for Same Offense | \$250.00 |

These civil penalties are in addition to any other penalties which may be imposed by a court for violation of the provisions of the Subdivision Ordinance.

503.3 Notwithstanding Subsection 503.2 above, this Ordinance may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.

503.4 Nothing in this section shall be construed to limit the use of remedies available to the County. The County may seek to enforce this Ordinance by using any one, all, or a combination of remedies.

Section 504. Separability

Should any section or provision of this Ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 505. Variances

Variances to the water supply watershed regulations shall be handled as prescribed in Section 318.6 of this Ordinance. The Planning Board may authorize a variance from all other regulations in this Ordinance when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Planning Board shall make the findings required below, taking into account the nature of the proposed subdivision, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Planning Board finds:

- A. 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 land.
- B. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- C. 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.
- D. 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.

Section 506. Amendments

The Board of Commissioners may from time-to-time amend the terms of this Ordinance (but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation). The Planning Board shall have thirty (30) days from the time the proposed amendment is submitted to it within which to submit its report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have recommended approval of the amendment.

No amendment shall be adopted by the Board of Commissioners until it has held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in Iredell County at least once a week for two successive calendar weeks prior to the hearing. The initial notice shall appear not more than twenty-five (25) nor less than fifteen (15) days prior to the hearing date. In computing the fifteen (15) to twenty-five (25) day period, the date of publication is not to be counted, but the date of the hearing is.

Section 507. Abrogation

It is not intended that this Ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

Section 508. Re-Enactment and Repeal of Existing Subdivision Ordinance

This Ordinance in part carries forward by re-enactment some of the provisions of the Subdivision Ordinance for the Lake Norman area of Iredell County adopted on October 4, 1962 and it is not the intention to repeal but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced. All provisions of the Subdivision Ordinance for the Lake Norman area, which are not re-enacted herein are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of any subdivision ordinance heretofore in effect, which are now pending in any of the courts of this State or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance, but shall be prosecuted to their finality the same as if this Ordinance had not been adopted; and any and all violations of the existing ordinance, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Ordinance shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending and/or which may heretofore have been instituted or prosecuted.

Section 509. Effective Date

This Ordinance shall take effect and be in force from and after May 1, 1989 and shall apply to all applications for subdivisions filed with the Subdivision Administrator on or after that date. All subdivisions and applications filed with the Subdivision Administrator or recorded in the Register of Deeds before May 1, 1989 shall comply with the applicable existing ordinances, if any.

Subdivisions for which applications have been filed prior to May 1, 1989, must be completed within twelve (12) months from the date of enactment of this Ordinance. Those subdivisions for

which applications have been filed prior to May 1, 1989 but which are not completed within twelve (12) months from the enactment date of this Ordinance shall comply with the terms of this Ordinance.

Section 510. Adoption

Duly adopted by the Board of Commissioners of the County of Iredell, North Carolina, this the 18th day of April, 1989. Revised and amended by the Board of Commissioners of the County of Iredell, North Carolina, through this the 15th day of May, 2001. Signatures of the Chairman of the Board of Commissioners and the County Clerk witnessing the adoption of this Ordinance, and signatures witnessing subsequent amendments, are on file with the County Clerk's office.