

CALDWELL COUNTY



SUBDIVISION REGULATIONS

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**Prepared for the Caldwell County Board of Commissioners by
the Caldwell County Planning Board.**

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**LAND SUBDIVISION ORDINANCE
OF
CALDWELL COUNTY, NORTH CAROLINA**

AN ORDINANCE, TO REPEAL IN IT'S ENTIRITY THE EXISTING CALDWELL COUNTY LAND SUBDIVISION ORDINANCE, AS AMENDED ON JULY 12, 2001, ESTABLISHING PROCEDURES AND STANDARDS FOR THE DEVELOPMENT AND SUBDIVISION OF LAND AND FOR THE SURVEYING AND PLATTING THEREOF: DEFINING CERTAIN TERMS USED HEREIN; REQUIRING THE INSTALLATION OF CERTAIN IMPROVEMENTS; PROVIDING PENALTIES FOR VIOLATION; REPEALING CONFLICTING ORDINANCE AND FOR OTHER PURPOSES.

**ARTICLE I
SHORT TITLE**

This Ordinance shall be known as The Caldwell County Land Subdivision Ordinance.

**ARTICLE II
AUTHORITY AND ENACTMENT CLAUSE**

The County Commissioners County of Caldwell, pursuant to the authority conferred by an act of the General Assembly of the State of North Carolina (NCGS Chapter 153A, Article 18, Part 2) do hereby ordain and enact into law these Articles and Sections and after this date, any person who, being the owner or agent of the owner of land located within the planning jurisdiction granted to the County of Caldwell, thereafter transfers or sells such land either in violation of this Ordinance or by reference to a plat showing a subdivision of land before such plat has been properly approved 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 shall not exempt the transaction from such penalties. Furthermore, a plat shall be prepared, approved, and recorded pursuant to the provisions of this Ordinance whenever a subdivision of land takes place.

**ARTICLE III
COMPLIANCE**

Section 30. APPROVAL OF PLAT

No subdivision of land within the planning jurisdiction of Caldwell County shall be filed or recorded by the Register of Deeds for Caldwell County until said subdivision plat has been submitted and approved or exempted in accordance with this Ordinance and until such approval, or exemption is entered on the face of the final plat by the Chairman of, or other member authorized by, the Caldwell County Commissioners or the County Planning Department, whichever is applicable.

Section 31. PERMITS

No building permits shall be issued for, nor shall water, sewer, or other County facilities or services be extended to or connected with, any individual building lot within any subdivision for

which a final plat is required to be approved until said plat shall have been approved, or exempted, in accordance with this Ordinance and recorded in the office of the Caldwell County Register of Deeds. This section shall not restrict or prohibit the extension of trunk water and/or sewer lines into any subdivision which requires such extensions in order to gain final approval.

Section 32. TRANSPORTATION PLANS

Where a proposed subdivision includes any part of a proposed thoroughfare which has been designated as such upon an officially adopted transportation or thoroughfare plan of the County, such part of such thoroughfare shall be drawn on the final plat by the subdivider in the approximate location shown on the transportation or thoroughfare plan and at the approximated width specified in the transportation or thoroughfare plan or this Ordinance.

Section 33. SCHOOL SITES ON LAND USE PLAN

If the Caldwell County Board of Education has determined the specific location and size of any school site to be reserved and this information appears in the Land Use section of the Comprehensive Plan, the Planning Board, County Commissioners, or Planning Department shall immediately notify the Board of Education whenever a sketch or preliminary 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 desires the site to be reserved. If the Board of Education does not desire to reserve the site, it shall so notify the Planning Board, County Commissioners, and/or Planning Department. If the Board of Education does desire to reserve the site, the subdivision shall not be approved without such reservation. If the Board of Education desires to reserve the site then it shall have twelve (12) months beginning on the date of preliminary approval of the subdivision within which to acquire the site by purchase or by initiating condemnation proceedings. If the Board of Education has not purchased or began proceedings to condemn the site within twelve (12) months, the subdivider may treat the land as freed of the reservation (NCGS 153A-331).

Section 34. ZONING, OTHER PLANS AND STATE STATUTES

Proposed subdivisions must comply in all respects with the requirements of any Caldwell County Ordinances, officially adopted plans or State Statutes in effect in the area to be subdivided.

ARTICLE IV **JURISDICTION**

These regulations shall govern all subdivisions of land lying within Caldwell County, North Carolina and outside the planning jurisdiction of any municipality, whether it be for residential, commercial or industrial purposes.

ARTICLE V **PURPOSE**

The purpose of these regulations are to provide for the orderly growth and development of the County; for the coordination of streets and highways within proposed subdivisions with existing or planned streets 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 street and utility purposes including the dedication of rights-of-way pursuant to G.S. 136.66.10 or G.S. 136-66.11; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare.

ARTICLE VI
DEFINITION OF TERMS

Section 60: Definitions: For the purpose of this Ordinance, certain words or terms used herein shall be defined as follows:

- 60.1 Block: A piece of land bounded on one or more sides by streets or roads.
- 60.2 Building Setback Line: A line establishing the minimum allowable distance between the nearest portion of any building (excluding the outermost three (3) feet of any uncovered porch, steps, eaves, gutters and similar fixtures), and the nearest right-of-way or property line when measured perpendicular thereto. In the absence of a dedicated right-of-way it shall be assumed that there is a forty-five (45) foot right-of-way, in which the existing street is centered.
- 60.3 Control Corner: Concrete monuments at least four (4) inches in diameter and not less than three (3) feet in length. Each set monument shall be placed at least thirty (30) inches beneath ground surface with at least six (6) inches exposed above ground surface.
- 60.4 Dedication: A gift, by the owner, or right to use land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrumentation and completed with acceptance.
- 60.5 Easement: A grant by the property owner of land for a specified purpose and used by the public, a corporation, or persons.
- 60.6 Floodplain: That portion of the one-hundred year flood-prone area as defined by the Federal Flood Insurance Administration.
- 60.7 Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.
- 60.8 Grandfathered Lot of Record: A lot which is part of a subdivision, a plat of which has been recorded with the Caldwell County Register of Deeds prior to the original adoption of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the original adoption of this Ordinance.
- 60.9 Lot: A parcel of land having fixed designated boundaries.

60.10 Lot of Record: A lot which is part of a subdivision, a plat of which meets all applicable development requirements of Caldwell County and has been properly recorded with the Caldwell County Register of Deeds.

60.11 Lot Types:

- (a) Corner Lot: A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of more than 45 degrees and less than 135 degrees with each other. The owner shall be required to specify which is the front when requesting a zoning compliance permit.
- (b) Double Frontage Lot / Through Lot: A lot that lies between two parallel or semi parallel streets and is accessible from both streets upon which it fronts.
- (c) Cul-de-sac Lot: A lot which fronts onto a cul-de-sac by a minimum of thirty-five (35) feet, additionally the lot shall be at least seventy-five (75) in width at a depth of seventy-five (75) feet from the front right-of-way (The width of the lot shall be measured perpendicular from the right-of-way).
- (d) Flag/Panhandle Lot: A lot design that utilizes a configuration that consists of a “flagpole” and a “flag”. The “flagpole” portion of the lot is an area that provides access to and from an adjacent street. The “flag” portion of the lot is the area that is designed for the construction of all structures. The “flagpole” portion of the lot must abut upon a dedicated right-of-way by no less than forty-five (45) feet. Building setback lines shall be measured from the property lines which encompass the “flag” portion of the lot. Lots abutting Cul-de-sacs shall not be included in the definition.
- (e) Interior Lot: A lot other than a corner lot with one (1) frontage onto a street.
- (f) Reverse Frontage Lot: A lot on which the frontage is at right angles (interior angles less than 135 degrees) to the general pattern in the area. A reverse frontage lot may also be a corner lot, an interior or through lot.
- (g) 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 prohibited.

60.12 Official Maps or Plans: Any maps or plans officially adopted by the Board of County Commissioners as a guide for the development of Caldwell County.

60.13 Open Space:

Property dedicated to a Property Owners Association, government agency, or nonprofit organization for the purposes of recreation or conservation.

- 60.14 Plat: A map or plan of a parcel of land which is to be or has been subdivided or meets the exemption requirements.
- 60.15 Private Driveway: A driveway which provides access to a lot not intended for the purposes of public ingress or egress.
- 60.16 Public Sewage Disposal System: A system serving two or more dwelling units and approved by the Caldwell County Health Department and the North Carolina Department of Economic and Community Development.
- 60.17 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.
- 60.18 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.
- 60.19 Sponsor: A group or entity which collaborates together.
- 60.20 Street: A dedicated, recorded and accepted right-of-way for vehicular traffic which affords the principal means of access to abutting properties. The following classifications shall apply:
- (a) Rural Streets.
 1. 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.
 2. Minor Arterial: A rural link in a network joining cities and larger towns providing intrastate and intercounty service at relatively high overall travel speeds with minimum interference to through movement. This network would primarily serve traffic.
 3. Major Collector: A road which provides service to small local communities and links locally important traffic generators with their rural hinterland.
 4. Minor Collector: A road which provides service to small local communities and links locally important traffic generators with their rural hinterland.
 5. Local Road: A local road serves primarily to provide access to adjacent land and for travel over relatively short distances.

- (b) Urban Streets.

1. Major Thoroughfares: Major thoroughfares consist of interstate, other freeway and expressway links, and major streets that provide for the expeditious movement of volumes of traffic within and throughout urban areas.
2. Minor Thoroughfares: Minor thoroughfares are important streets in the urban system and perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system by facilitating a minor through traffic movement and may also serve abutting property.
3. Local Street: A local street is any link not part of a higher order urban system which serves primarily to provide direct access to abutting land and access to higher systems.

(c) Specific Type Rural or Urban Streets.

1. Freeway, Expressway, or Parkway: Divided multi-lane 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 streets and with no 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 separation 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 park like development.
2. Residential Collector Street: A local access street which serves as a connector street between local residential streets and the thoroughfare system. Residential collector streets typically collect traffic from 100 to 400 dwelling units.
3. Local Residential Street: Cul-de-sac, loop streets less than 2,500 feet in length, or streets less than one mile in length that do not connect thoroughfares, or serve major traffic generators, and do not collect traffic from more than 100 dwelling units.
4. Cul-de-sac: A short street having but one end open to traffic and the other end being permanently terminated and a vehicular turnaround provided.
5. Frontage Road: A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

6. Alley: A public or private thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

60.21 Subdivider: Any person, firm or corporation who creates a subdivision.

60.22 Subdivision: “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 street or a change in existing streets; however, the following are not included within this definition, but do require a certificate of no approval required in accordance with Section 71 of this Ordinance:

- (a) The combination or re-combination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown in its Subdivision Regulations;
- (b) The one-time combination or re-combination of portion of previously subdivided and recorded lots if the total number of lots is not increased;
- (c) The division of land into parcels greater than ten (10) acres if no street right-of way dedication is involved;
- (d) The public acquisition by purchase of strips of land for the widening or opening of streets; and
- (e) The division of a tract in single ownership the entire area of which is no greater than two (2) acres into not more than three (3) lots, if no new street right-of-way dedication is involved, and if the resultant lots are equal to or exceed the standards of the County, as shown by its Subdivision Regulations.

60.23 Terrain Classifications:

- (a) Level: Cross slope range of 0% to 8%
- (b) Rolling: Cross slope range of 8.1% to 15%
- (c) Mountainous: Cross slope over 15%

60.24 Word Interpretation.

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

- (1) Words used in the present tense include the future.

- (2) Words used in the singular number include the plural and words used in the plural include the singular, unless the natural construction of the word indicates otherwise.
- (3) The word “person” includes a firm, association, corporation, sponsor, trust, and company as well as an individual.
- (4) The words “used for” shall include the meaning “designed for”.
- (5) The word “structure” shall include the word “building”.
- (6) The word “lot” shall include the words “plot”, “parcel” or “tract”.
- (7) The word “shall” is always mandatory not merely directory.

ARTICLE VII
PROCEDURE

Section 70. Procedure for Review of Divisions or Alterations of Property Lines Where No Local Approval is Required and Review Minor and Major Subdivisions

- (a) All subdivisions shall be considered major subdivisions except those defined as minor subdivisions in this section. Divisions or alterations of property lines where no local approval is required shall be reviewed in accordance with the requirements in Article VII Section 71 of this Ordinance to verify such status. Minor subdivisions shall be reviewed in accordance with Article VII Sections 72 and 75 of this Ordinance. Major subdivisions shall be reviewed in accordance with the requirements in Article VII Sections 73 through 75 of this Ordinance.
- (b) For purposes of these regulations, a minor subdivision is defined as the following:
 - (1) The division of a tract of land, regardless of period of time, into not more than five (5) lots or parcels which front on an existing state maintained road or existing private road constructed to the specifications of this Ordinance; all further divisions of the parent tract into any additional lots or parcels shall be considered a major subdivision, and shall be subject to the requirements of Article VII Sections 73 and 75 of this Ordinance.
 - (2) Does not involve any new street or prospectively require any new street for access to interior property;
 - (3) Does not create any new or residual lots or parcels not conforming to the requirements of this Ordinance; and
 - (4) All included land must be under one ownership or sponsor.
- (c) All proposed subdivisions shall be reviewed prior to preliminary approval for watershed status by submitting a vicinity map to the Watershed Administrator to determine whether or not the property is located within a designated watershed

area. All subdivisions located within a designated watershed must comply with all provisions set forth in the Caldwell County Watershed Protection Ordinance and the Caldwell County Zoning Ordinance.

- (1) Subdivision applications shall be filed with the Watershed Administrator. The application shall include a completed application form, two (2) copies of the plat and supporting documentation deemed necessary by the Watershed Administrator.
- (2) The Watershed Administrator shall review the completed application and shall either approve, approve conditionally or disapprove each application.
- (3) If the Watershed Administrator approves the application, such approval shall be indicated on both copies of the plat by the following certificate and signed by the Subdivision Administrator:

Certificate of Approval for Recording

I certify that the plat shown hereon complies with the Caldwell County Watershed Protection Ordinance and/or Caldwell County Zoning Ordinance and is approved for recordation with the Register of Deeds.

Date	Watershed Administrator

NOTICE: This property is located within a Public Water Supply Watershed – development restrictions may apply.

- (4) If the Watershed Administrator disapproves or approves conditionally the application, the reasons for such action shall be stated in writing for the applicant. The subdivider may make changes and submit a revised plan which shall constitute a separate request for the purpose of review

Section 71. Procedure for Review of Divisions or Alteration of Property Lines where no Local Approval is Required

- 71.1 The subdivider shall submit to the County Planning Department a mylar and at least four (4) copies of the proposed recombination or division. For the purpose of this section a division or manipulation where no local approval is required shall be defined by Article VI, Section 60 of this Ordinance.
- 71.2 The County Planning Department shall review the submitted division or alteration of property lines to ensure the division or alteration of the lots or parcels will not adversely affect the property or any surrounding properties or create residual nonconforming lots.
- 71.3 After the County Planning Department has determined that the division or alteration of the lot(s) or parcel(s) meet the criteria laid out in NCGS 153A-335 and will not have adverse consequences, the following certificate shall be placed

on the face of the plat that acknowledges no approval is required from the Caldwell County Subdivision Regulations.

Certificate of No Approval Required

I certify that the plat shown hereon qualifies as division or alteration in property lines where no local approval is required as outlined under North Carolina General Statute 153A-335.

Date

Caldwell County Planning Department

NOTE: See the definition of subdivision as contained in Section 60 of this Ordinance for list of platting events where no local approval is required.

Section 72. Procedure for Review of Minor Subdivisions

- 72.1 The subdivider shall submit to the County Planning Department a mylar and at least four (4) copies of the proposed subdivision.
- 72.2 The County Planning Department shall review the Minor Subdivision for complete compliance with the requirements outlined for final approval of subdivisions contained within this Ordinance. The final plat shall be complete and show all information required for preliminary and final plats in Section 75, and all certificates and notarizations required in this section for final plat approval of a minor subdivision.
- 72.3 The final plat shall be of a size suitable for recording with the Caldwell County Register of Deeds. Maps may be placed on more than one sheet with appropriate match lines.
- 72.4 Forms for final certifications. The following certificates shall appear on the final plat.
 - a. Certificate of Final Approval of a Minor Subdivision

We, the undersigned hereby certify that the subdivision entitled _____ fully meets the minimum requirements of the Caldwell County Subdivision Regulations, however before any lot can be built upon, an improvement permit must be obtained from the Caldwell County Health Department to allow a septic tank disposal system to be located thereon and to approve the placement of any well thereon. The approval of the Caldwell County Planning Department nor the recordation of this map in any way guarantees that any lot shown hereon can or will be permitted for a septic tank or for placement of a well.

Caldwell County Planning Department

Date

- (b) A description of the proposed method of providing a water supply and sewer disposal for each lot, including any protective covenants to be applied to the subdivision;
- (c) One (1) copy of any required supplemental information. An erosion control plan if applicable, stormwater control measures, etc.;
- (d) A street profile.

The Planning Board shall then forward their recommendation to the County Commissioners for their consideration.

73.2 Before acting on a preliminary plat the Planning Board and County Commissioners shall require that the plat be submitted to the District Highway Engineer for review and comment as to the proposed streets and the drainage system; the County Health Director for his/her approval as to the proposed water and sewage disposal system; the County School Superintendent for his/her information; and such agencies and officials as the County Planning Board and Commissioners deem necessary or desirable.

73.3 If the County Commissioners disapproves or conditionally approves the preliminary plat, the reason for such action shall be noted in the Commission Board's minutes and reference shall be made to the specific sections of the Ordinance with which the preliminary plat does not comply, if applicable. The applicant shall receive said denial in writing from county planning staff.

73.4 Preliminary plat approvals are valid for the period of one (1) year per phase. Each phase of the development shall be started within two (2) years of final approval of the previous phase and in the order shown on the approved preliminary plat. Each phase shall be constructed, excluding the initial phase, within three (3) years of the final approval date of the previous phase. The initial phase of the development shall be completed within one (1) of preliminary plat approval.

73.5 Phases approved as part of a greater preliminary plan which are unable to be completed within the one (1) year time constraint may request that the County Commissioners grant an extension to the time allotted to complete the phase under construction. The County Commissioners may grant extensions not exceeding one (1) year in length upon written application and upon findings by the County Commissioners that good cause exists, provided that the total cumulative term of such shall not exceed four (4) years per phase of the overall development.

Section 74. Procedure for Final Approval of Major Subdivisions

Where a permit is required for the construction of any building or other improvement, said permit shall not be issued until a final plat, meeting the requirements of this Ordinance, has been approved by the Caldwell County Board of Commissioners. The Procedures for obtaining final plat approval is as follows:

- 74.1 The subdivider within one (1) year of the date of preliminary plat approval and at least fourteen (14) days prior to a scheduled meeting of the Planning Board, shall submit to the Planning Department an original mylar and at least four (4) copies of the final plat. The final plat shall adhere to all requirements of Sections 74 and 75 of this Ordinance. The Planning Board shall forward their recommendation to the County Commissioners for their consideration.
- 74.2 Before acting on the final plat the Planning Board and/or County Commissioners shall request reports from the District Highway Engineer, or if applicable private consulting engineer, the County Health Director, the County Public School Superintendent and other officials or agencies affected by the proposed development. Said reports shall certify compliance with or note deviations from the requirements of this Ordinance.
- 74.3 If the County Commissioners disapproves the final plat, the reasons for such action shall be noted in the Board's minutes and reference shall be made to the specific section of the Ordinance with which the plat does not comply. The applicant shall receive written notice from the county planning staff regarding the reasons, including specific sections, for disapproval of the final plat. The written explanation will also address the proper steps and issues that must be taken and/or corrected so that final approval may be granted.
- 74.4 Upon approval of the final plat by the County Commissioners, that action shall be noted in writing on the face of the original mylar and on four (4) copies of the final plat. Two (2) prints and the original mylar shall be returned to the subdivider for recording.
- 74.5 Inspections:
1. The County Planning Department shall be notified in writing at least 48 hours in advance, excluding weekends and holidays, to schedule all required inspections of the work that has been completed.
 2. It shall be the responsibility of the subdivider to arrange the proper scheduling of field inspections by the Caldwell County Planning Department and other agencies responsible for approving a particular phase or type of work.
 3. The County Planning Department and other inspectors shall be allowed access to all parts of the work, and shall be furnished with every reasonable facility to ascertain whether or not the work as performed is in accordance with the specifications.
 4. If proposed development contains any new public water and/or sewer lines which are to be tied into the Caldwell County system or maintained by Caldwell County, the Caldwell County Public Works Department shall inspect and verify their installation.
- 74.6 Forms for Final Certifications. The following certificates shall appear on the final plat.

a. Certificate of Final Approval of a Major Subdivision:

We, the undersigned hereby certify that the subdivision entitled _____ fully meets the minimum requirements of the Caldwell County Subdivision Regulations. However, before any lot can be built upon an improvement permit must be obtained from the Caldwell County Health Department to allow a septic tank disposal system to be located thereon and to approve the placement of any well thereon. Neither the approval of the Caldwell County Commissioners nor the recordation of this plat map in any way guarantees that any lot shown hereon can or will be permitted for a septic tank or for placement of a well.

Chairman, Caldwell County Board of Commissioners Date

b. Certificate of Ownership and Dedication.

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish minimum building lines, and dedicate all roads, alleys, walks, parks, and other sites to (public or private, choose which ever is applicable) use as noted. Further, I (we) certify the land as shown hereon is within the platting jurisdiction of Caldwell County.

Owner or Authorized Agency Date

c. Certificate of Accuracy

(As required under NCGS 47-30 as amended)

Licensed Surveyor Date

d. Review Officer's Certificate

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

Review Officer Date

e. Public Works Director Certificate

I, _____, Public Works Director of
Caldwell County certify that all public water and/or

sewer lines installed were inspected and are in conformity with all applicable County and State standards.

Public Works Director

Date

Section 75. Information to be Depicted on or Submitted with Preliminary and Final Plats.

The information indicated in the following table shall either be depicted on or submitted along with preliminary and final plats. An X indicates that the information is required.

INFORMATION	Preliminary	Final
Title Block Containing <ul style="list-style-type: none"> • Property designation • Name, address & telephone number of Owner • Location (including township, county and state) • Date or dates survey was conducted and plat prepared • A scale of drawing in feet per inch listed in words or figures • A bar graph • Name, address, registration number of the Licensed Land Surveyor • Caldwell County Tax Map Number 	X	X
Name of Subdivision (Major Subdivisions Shall be Named)	X¹	X
Name of the subdivider	X	X
A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area	X	X
Corporate limits, ETJ lines, county lines	X	X
Names, addresses and telephone numbers of all responsible parties, licensed land surveyors, land planners, architects, landscape architects, and professional engineers responsible for the subdivision	X	X
Registration numbers of professional engineers and/or surveyors (seals must be provided on final plats)	X	X
The boundaries of the tract, or portion thereof, to be subdivided, distinctly and accurately represented with all bearings and distances shown.	X	X
North arrow and orientation.	X	X
The names of owners of adjacent properties.	X	X
The names of any adjoining subdivision of record	X	X
The zoning classifications and of the tract to be subdivided and adjoining properties.	X	X
Approximate location of known wetlands and other major environmentally sensitive areas	X	X
The Watershed designation if applicable	X	X
Show all major land features. Example: bridges, railroads, cemeteries	X	X
Proposed lot lines and lot numbers, and minimum lot size, in the	X	X

case of a final plat exact lot dimensions and size shall be shown		
The lots numbered systematically throughout the subdivision	X	X
Boundaries and sequence of phasing (if any)	X	X
Identify approximate location of major natural land features. Example: lake or pond, sheer rock cliff, etc.	X	X
<ul style="list-style-type: none"> The location of the flood hazard, floodway and floodway fringe from the community's FEMA maps On Final plat base flood elevation data (if studied) for subdivisions which contain at least five (5) lots or fifty acres, whichever is less 	X	X
STREET INFORMATION	Preliminary	Final
State if Mountain Road Standards will be utilized	X	X
Proposed roadways	X¹	X¹
Intersecting points of platted streets on adjoining properties	X¹	X¹
Rights-of-way locations and dimensions existing or proposed	X¹	X¹
Design engineering statement that all corners and curves are in accordance to requirements of Caldwell County Subdivision Ord.		X¹
Typical street cross sections	X¹	X¹
Statement that all intersections are constructed in accordance with Article IX Section 91 of this Ordinance		X¹
Names of proposed streets.(Must be approved E-911 names)		X¹
Type of street dedication; all streets must be designated as "public" or "private" as defined in Article IX Section 91 of Ordinance.	X¹	X¹
If the streets are to be public the final plat must contain a certificate from the NCDOT District Highway Office that confirms the street design meets NCDOT criteria.		X¹
Where private streets are involved the subdivider shall submit to the Planning Department a statement, signed and sealed (with attached testing results/documentation) by a professional engineer licensed to work in the State of North Carolina certifying that the private street(s) were inspected and built to the standards contained within this Ordinance		X¹
Where streets are dedicated to the public, but not accepted into the state system until the proper criteria is met, a statement explaining the status and maintenance of the street in accordance with Section 91.1 of this Ordinance shall be required.		X¹
Where streets are intended to be used for private use and not accepted into the State Highway System a statement regarding their perpetual maintenance shall be required on the face of the plat in accordance with Section 91.2 of this Ordinance and stated on the deed.		X¹
If any street is proposed to intersect with a state maintained road, the subdivider shall apply and receive by final plat, driveway approval as required by the NCDOT, Division of Highways' Manual on Driveway Regulations.		X¹
Evidence that the subdivider has obtained such driveway approval		X
Evidence that the subdivision adheres to all officially adopted transportation or thoroughfare plans	X	X

OPEN/COMMON/PUBLIC SPACE	Preliminary	Final
Location of all fill and stump dump areas		X
Location of all easements or conservation areas (non utility)		X
Areas to be dedicated to or reserved for public use		X
Approximate areas for Prelim. & exact area for Final to be used for purposes other than residential. Statement of the projected purposes. Example: Biking path, walking trails, natural buffer, passive park, etc.	X	X
The future ownership of recreation and open space lands. Dedication or reservation for public use to governmental body, for owners to duly constituted homeowner's association, or for tenants remaining in subdivider's ownership.	X	X
UTILITY INFORMATION	Preliminary	Final
Location of all existing utility easements for preliminary and all utility easements for final.	X	X
If applicable the following plans for utility layouts shall be provided to the Planning Board, County Commissioners, and/or Planning Department: <ul style="list-style-type: none"> • Sanitary sewers • Storm sewers • Other drainage facilities, if any • Water distribution lines Plans should illustrate connections to existing systems, showing line sizes, the location of fire hydrants, blowoffs, manholes, force mains and gate valves.		X
Plans for public water supply and sewerage disposal systems, if any (statement of intent for preliminary)		X
Letter of final construction approval for public water and sewer		X
In development where a private water and/or sewer system is being utilized the developer must provide commitment (to be submitted with final plat) that a professionally certified/licensed third party shall be retained to operate the utility. Proof of such services must be submitted each January thereafter.		X
SITE CALCULATIONS	Preliminary	Final
Area of tract to be subdivided	X	X
Approximate area in parks and recreation areas, and other nonresidential uses		X
Area of each lot in the subdivision, calculated from all right-of-way lines.		X
Linear feet in streets	X	X
Plat scales. Scales shall be no less than one (1) foot equals one-hundred (100) feet. (1:100)	X	X
The accurate location and description of all monuments, markers and control points		X
Topographic-map with contours at a scale appropriate to illustrate the topography of the property	X	
All certifications required in Sections 71, 72 & 74		X

Any other information considered to be pertinent to the review of the plat by either the subdivider, Planning Department, Planning Board or County Commissioners, such as heli-pads, fire ponds/hydrants, emergency entrances, trout stream buffers, public trail easements necessary to implement county approved plans, and other necessary development related features.	X²	X²

¹Not required on plats for minor subdivisions.

²This information must accompany plat submittal.

Section 76. Effect of Final Approval on Dedications

The approval of a final plat shall not constitute or affect the acceptance by the County of the Dedication of any land, utility line or other facility on said plat.

Section 77. Recording of Final Plat

Within thirty (30) days after the final plat is exempted or approved and properly executed by the County Commissioners/County Planning Department it shall have been properly recorded with the Caldwell County Register of Deeds. This plat shall be recorded prior to any conveyance of any portion of said property by reference to said plat. Should the thirty (30) day time limit expire before the plat is recorded it must be resubmitted to the County Commissioners/Planning Department for reapproval. Upon adoption of this Ordinance the Register of Deeds shall not thereafter file or record a plat or subdivision located within the territorial jurisdiction of Caldwell County until said plat has been approved and properly executed by the Caldwell County Commissioners or County Planning Department or exemption by the County Planning Department.

Section 78. Guarantee of Improvements:

Where the required improvements have not been completed prior to the submission of the plat for final approval, the approval of said plat shall be subject to the subdivider guaranteeing the installation of said improvements by one of the following methods:

- (1) Cash
- (2) A certified check
- (3) A performance bond payable to Caldwell County from a surety-bonding Company authorized to do business in North Carolina; or
- (4) An "Irrevocable Letter of Credit" payable to Caldwell County and sufficient documentation from a recognized financial institution.

General bonding requirements:

- a. Bond shall exceed the requested bonding period (date of expiration) by 30 days
- b. The amount of bond must be 125% of the cost estimates
- c. Bond or letter of credit shall be made payable and/or released in full, free and clear to Caldwell County upon failure on the part of the subdivider to complete the required improvements.

d. Said method of guarantee shall be approved by the Caldwell County Manager or his/her designee.

e. The duration of said method of guarantee shall be up to a period of two (2) years from the date of acceptance by the Board and shall be subject to the completed improvements complying with the requirements of this Ordinance. If at the end of the two (2) year duration period said improvements have not been completed, the discretion of the County Commissioners may grant up to two (2) separate six (6) month extensions. Extension(s) may be granted provided substantial improvements have been completed, although project is not complete. In order for the extension request to be considered the subdivider shall present to the County Commissioners a revised letter of credit or bond stating that the project will be guaranteed for the duration of the extension, if granted.

The procedures for bonding include the following:

a. Said bond or letter of credit shall be accompanied by a signed construction contract(s) and a payment and performance bond from subcontractors contracted to perform improvements.

(or)

b. A per-unit cost sheet submitted by a registered, professional engineer who has civil engineering qualifications. Developer must pay for a 3rd party review of said estimates. 3rd party is to be selected by the Planning Director or his designee. Cost of review shall be no greater than \$1,500 unless agreed upon by both parties. This option may require up to two additional weeks review time.

All phases (or combination thereof) of land development may be bonded, including such improvements as:

- 1) Roads
- 2) Required ditches
- 3) Drainage structures and/or facilities
- 4) Required seeding and grassing
- 5) Erosion control measures
- 6) Water lines
- 7) Sewer lines
- 8) Electrical service lines
- 9) Any other requirements necessary to meet this ordinance

However, the following conditions shall apply:

- 1) No building permits shall be issued prior to rough road grading
- 2) No Certificate of Occupancy shall be issued prior to the full completion of improvements serving structure

ARTICLE VIII
SURVEYING STANDARDS AND
INSTALLATION OF IMPROVEMENTS

Section 80: Surveying Standards

Final plats shall be prepared by a Professional Land Surveyor currently licensed in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. 47-30, as amended, and the Manual of Practice for Land Surveying in North Carolina. Furthermore, all subdivision plats shall conform to all applicable county ordinances and the following additional requirements:

- a) Minor subdivisions as defined by Section 70 (b) of this Ordinance shall be required to install two (2) control corners;
- b) Major subdivisions as defined by Section 70 (a) of this Ordinance shall be required to install one (1) control corner for each major subdivision, plus an additional control corner for each block as defined in Section 91.8 of this Ordinance with a minimum of two (2) control corners per major subdivision;
- c) All lots shall be surveyed to all property lines not right-of-way lines;

Section 81: Installation of Improvements:

Before the County Commissioners shall approve a final plat for recording the subdivider shall have guaranteed the installation or complied with the following requirements:

81.1 Road Improvements: All dedicated roads which are to be publicly maintained shall be constructed in accordance with the specifications and standards established by the NCDOT for acceptance on to the State Highway System unless otherwise noted in Article IX of this Ordinance. All dedicated roads which are to be privately maintained shall be constructed in accordance with the specification contained within Article IX of this Ordinance

81.2 Utilities:

- a. All private and community well water systems intended for connection to the County Water System shall first submit plans and specifications to the North Carolina Department of Environmental Health and Natural Resources for approval. These systems shall also meet all standards required by the Caldwell County Public Works Department.
- b. Plans for public and community sewer systems must be approved by the Department of Natural and Economic Resources.
- c. Individual water supplies shall be located, constructed and operated in accordance with the Commission for Natural and Economic Resources publication, WELL CONSTRUCTION REGULATIONS AND STANDARDS (NCGS Chapter 87, Article 7,).

- d. Individual sewage disposal systems shall be installed and maintained in accordance with the Commission for Health Services publication, RULES AND REGULATIONS GOVERNING THE DISPOSAL OF SEWAGE FROM ANY RESIDENCE, PLACE OF BUSINESS OR PLACE OF PUBLIC ASSEMBLY IN NORTH CAROLINA, and the regulations of the County Board of Health.

81.3 Inspection and Certification: Prior to final approval of any subdivision plat, the County Commissioners shall request that the Planning Department, the District Highway Engineer, the County Health Director and other qualified persons designated by the County Commissioners regularly inspect the construction of the required improvements. Upon completion of said improvements, the inspectors shall file with the County Commissioners and/or Planning Department a statement certifying that these improvements have been either completed as required except for certain listed minor defects, and recommending the approval or disapproval of said improvements.

81.4 Street and Traffic Signs: Prior to final approval of any subdivision plat, the developer shall provide for the installation of all required street and traffic signs.

ARTICLE IX
GENERAL REQUIREMENTS AND MINIMUM
STANDARDS OF DESIGN

Section 90: General Requirements

90.1 Watershed Protection Area

All subdivisions located within a designated watershed shall comply with all provisions set forth in the Caldwell County Watershed Protection Ordinance and the Caldwell County Zoning Ordinance.

- (1) For the purpose of calculating built-upon area, total project area shall include total acreage of the tract on which the project is to be developed.
- (2) Storm Water Drainage Facilities. The application shall be accompanied by a description of the proposed method of providing storm water drainage. The subdivider shall provide a drainage system that diverts storm-water runoff away from surface waters and incorporate best management practices to minimize water quality impacts.
- (3) Erosion and Sedimentation Control. The application shall, where required, be accompanied by a written statement that a Sedimentation and Erosion control Plan has been submitted to and approved by the N.C. Division of Land Quality.

90.2 Continuation of Existing Roads: The proposed road layout shall be coordinated with the existing road system of the surrounding area and where possible, existing principal roads shall be extended.

- 90.3 Road Profiles: Road profiles indicating grades shall be submitted to the Planning Board and County Commissioners.
- 90.4 Contour Maps: A contour map of a specified interval shall be provided for any subdivision when requested by the County Commissioners, Planning Board, or County Planning Department. Furthermore, preliminary subdivision designs shall be overlaid on the contour map.
- 90.5 Lots: All lots shall front upon a dedicated and maintained road or street. This frontage shall be no less than seventy-five (75) feet. Note: Cul-de-sac lots (as defined by Section 60.11 (c) of this Ordinance) shall be required to have a minimum of thirty-five (35) feet of road frontage.
- 90.6 Flag Lots: Flag lots as defined by Section 60.11(d) of this Ordinance shall be allowed contingent upon the following items:
- a. The access drive to the “flag” portion of the lot must be constructed on the “flag pole” portion of the lot;
 - b. No more than five percent (5%) of the total number of lots contained within a major subdivision as defined in Section 70 of this Ordinance may be flag lots, however major subdivisions containing less than twenty (20) lots shall be permitted to contain one (1) flag lots in their design;
 - c. No more than two flag lots may share common property lines. In the case of adjacent flag lots a drive may be shared.
- 90.7 Access to Adjacent Properties and Future Access: Where it is logical to provide access to adjoining property, the required right-of-way shall be encouraged to be extended by dedication to the boundary of such property, and in the instance of strip development along transportation corridors, building lots shall be encouraged to be laid out as to provide for the opening of future roadways.
- 90.8 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 shall be subject to approval of the Caldwell County E-911 staff.
- 90.9 Drainage: Surface drainage courses shall have side slopes of at least three (3) feet of horizontal distance for each one (1) foot of vertical distance, and shall be of sufficient size to accommodate run-off from the drainage area without flooding. The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one (1) foot in each two hundred (200) feet of horizontal distance.
- 90.10 Floodplain: Lands lying within designated flood areas as shown on the Caldwell County flood hazard map shall be subject to the requirements of the current Caldwell County Flood Control Ordinance. Lands lying within designated flood

areas as shown on the Caldwell County flood hazard map, shall have flood ways and 100 year flood hazard boundaries delineated on the plat

90.11 Right-of-Way Clearing:

Clearing more than 10' beyond the cut/fill slope or beyond the ROW if there is no cut/fill shall be prohibited. The ROW shall not exceed 50' unless approved by the County Commissioners. When excessive cuts occur, a licensed landscape architect or a professional arborist shall prepare and submit to the Board of Adjustment a restoration plan incorporating native shrubs, understory, and canopy trees. Once approved by the Board of Adjustment the trees must be planted before final plat approval. Restoration plan must have a one year warranty.

Section 91: Subdivision Streets:

All streets shall be designated in writing on the face of the plat as either "public" maintained or "private" maintained. All "public" maintained streets in subdivisions shall be constructed and paved to the minimum standards as required by the North Carolina Department of Transportation's Minimum Subdivision Road Construction Standards. Streets designated as "private" maintained shall be constructed and paved in accordance with the provisions of this Ordinance.

91.1 Public Streets: "Public" streets shall be designed, paved and dedicated to the "Public" in accordance with the minimum standards established by the North Carolina Department of Transportation for acceptance on the State Highway System for maintenance. Subdivision plats shall not be recorded by the Register of Deeds nor shall any conveyance of property occur until said plat has received final plat approval by the County Commissioners and a "Certificate of Approval" by the Division of Highways has been executed. Streets which are eligible for acceptance into the State Highway System, but which do not meet the density requirements for acceptance shall be required to place a statement on the final plat explaining the method, and who is responsible for street(s) maintenance until which time the street(s) is taken into the State Highway System. "Public" street means publicly maintained.

91.2 Private Streets: "Private" streets shall be designed, paved and dedicated for "private" use, and shall be designed and constructed in accordance with the minimum standards established by the North Carolina Department of Transportation. Subdivision plats shall not be recorded by the Register of Deeds nor shall any conveyance of property occur until said plat has received final plat approval by the County Commissioners. Subdivisions which involve "private" streets shall be required to place a statement on the final plat explaining the method, and whom is responsible for street(s) maintenance and ROW ownership. "Private" street means privately maintained.

Developments that establish private streets may elect to construct roads according to the Caldwell County Mountain Road Standards. The purpose of these standards is to allow for deviation from NCDOT road standards and promote greater environmentally sensitive road construction.

Applicability

Caldwell County Mountain Road Standards may be utilized if 30% of the development has a 30% or greater average cross slope.

Caldwell County Mountain Road Standards

1. Horizontal curves shall have:

a) a minimum sixty (60) foot centerline radius with a minimum eighteen (18) foot wide pavement width or

b) a minimum fifty (50) foot centerline radius with a minimum twenty four (24) foot wide pavement width.

2. Roadway shoulder and ditch combination may be reduced to a minimum of three (3) feet from the edge of pavement. If the design engineer deems necessary due to extreme embankments; a two (2) foot wide paved ditch adjacent to the edge of pavement shall be permitted.

3. Cul de sacs servicing ten (10) home sites or less and having a maximum length of 800' from an intersection street may utilize a pavement width of 16'. The cul de sac length shall be taken from the local road intersection (i.e. not off of another cul de sac. The intended use of the aforementioned deviation is for the preservation of sensitive areas, (i.e. view sheds, etc.)

4. The Design Engineer shall have the option to either crown the roadway cross section or slope the cross section toward the ditch section.

5. All vertical curves shall utilize a K value of no less than 5.

6. Roadway intersections shall maintain a twenty (20) foot minimum queuing distance from the edge of pavement at a maximum slope of five (5) percent. No vertical curve may overlap with this designated queuing area.

7. Slope embankments for roadway construction shall comply with the North Carolina Department of Environmental & Natural Resources.

91.3 Grades: All streets grades, both "Public" and "Private", shall be designed to adhere to the standards of the NCDOT. Furthermore street grades for "Private" streets shall be designed, inspected, and certified, at the expense of the developer, by a professional engineer or professional land surveyors licensed to work in the State of North Carolina.

91.4 Culverts: All culverts size, material and installation shall be subject to District Highway Engineers approval. If the roadway is "private" the culvert and ditch designs shall be designed to the specifications of the NCDOT. Culverts servicing "private" roadways shall be inspected and certified, at the expense of the developer, by a professional engineer licensed to work in the State of North Carolina.

91.5 Intersections: Intersections of proposed subdivision streets with existing road network(s) shall be laid out as follows:

- a. All roads shall intersect as nearly as possible at right angles and no road shall intersect at less than seventy-five (75) degrees.
- b. Intersections shall be constructed with due regard to vehicular safety. Intersections shall not be constructed so that motor vehicle traffic merges onto roadways at unsafe points. The following chart lists the distances in which intersecting roadways must be separated from topographical and road curvature features. The distance shall be measured from center line to centerline.

DESIGN SPEED	LEVEL	ROLLING	MOUNTAINOUS
35 MPH	250' Minimum	200' Minimum	125' Minimum
45 MPH	500' Minimum	250' Minimum	125' Minimum
55 MPH	800' Minimum	500' Minimum	250' Minimum

- c. The surface of roads at intersections shall be rounded with a minimum radius of thirty (30) feet.
- d. Where a centerline off set (jog) occurs at an intersection, the distance between centerline shall be no less than one-hundred and fifty (150) feet.
- e. Entrance(s) into a subdivision shall, if deemed necessary by the County Commissioners, have a deceleration and/or left-turn lane for turning vehicles. This lane shall be in accordance with NCDOT standards.
- f. Intersections shall be void of all visual obstructions between the heights of three feet (3') and nine feet (9'). Additionally sight distance areas shall meet the following criteria:

DESIGN SPEED	RADIUS
35 MPH	70' Minimum
45 MPH	140' Minimum
55 MPH	210' Minimum

The radius mention above shall be measured from the center of each intersection. The sight line shall be measured horizontally from a point three (3) foot vertically above the finished grade of the intersection.

Note: 1) The intersection of a private road and a public road shall be approved by the NCDOT. The intersection of two private roads shall be designed, inspected and certified, at the expense of the

developer, by a professional engineer licensed to work in the State of North Carolina.

- 2) The intersections of internal subdivision streets shall be constructed in accordance with the standards of the NCDOT.

91.6 Cul-de-sacs: Permanent dead-end roads shall have turn around space for vehicles every 1700 feet and there shall be a turn-around at the end of the street having a right-of-way diameter of not less than one hundred (100) feet, and surface diameter of not less than seventy (70) feet. "T" cul-de-sacs which meet the Department of Transportation's minimum construction standards for subdivision roads are also acceptable. In no instance shall a cul-de-sac exceed seventeen hundred (1700) linear feet in length without an intersecting street or a turnaround appropriate for emergency vehicles.

91.7 Entrance Requirements: A proposed subdivision which contains seventy-five (75) or more lots shall be required to install a second ingress/egress entrance which conforms to all applicable County and State requirements. Exemptions from this provision, up to 150 lots, include:

- a. An emergency entrance approved by Caldwell County EMS (or)
- b. A divided entrance (10 feet each direction) and/or a 2 lane (20 feet of pavement) that connects to a "y" intersection up to 1,700 feet

Exemptions from this provision, up to 300 lots, include:

- a. A divided entrance (20 feet of pavement in each direction) and/or a four lane (40 feet of pavement) entrance to the "y" intersection up to 1,700 feet

Entrances which serve seventy-five (75) or more lots and are served by a roadway with a speed limit of forty-five (45) miles per hour or greater shall be required to install either a deceleration lane or left turn lane or, in instances where engineering calculations demonstrate the need, both a deceleration lane and left turn lane shall be required. These improvements shall be built to the standards of the NCDOT. If such improvements are to service a private street(s) it shall be designed to NCDOT standards and certified by a professional engineer licensed to work in the State of North Carolina. Traffic and trip generation calculations shall be used to determine whether to require both a deceleration and left turn lane. If a development does not meet the requirements which trigger the installation of a second entrance or deceleration lane, such development shall be required to install such improvements once the threshold has been reached.

91.8 Blocks: The maximum length and width of blocks shall be as follows:

- a. Length: Block lengths shall not exceed two-thousand (2000) linear feet.

- b. Width: Blocks shall have sufficient width to allow two (2) tiers of lots of minimum depth except where single-tier lots are required to separate residential development from through-vehicular traffic or a nonresidential use.

91.9 Double Frontage Lots: Double frontage lots or lots which afford access from both frontages shall not be allowed. In order to create a lot with two (2) parallel or near parallel frontages the plat on which it is created must clearly state that access shall only be allowed from either the newly created road, or from one (1) existing road if no new construction is initiated and said access point must be clearly identified on the final plat.

91.10 Orientation of lot lines: Side lot lines shall be substantially at right angles or radial to street lines.

91.11 Easements: Public easements shall be provided as follows:

- a. Culverts, drainage and utility easements along rear or side lots lines which do not abut a dedicated vehicular right-of-way shall be provided where necessary and shall be at least twenty (20) feet in width. Such easements which do not abut a dedicated vehicular right-of-way may center on rear or side property lines.
- b. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

91.12 Resubdivision Procedures: For any re-platting or re-subdivision of land which has been previously platted or subdivided, the same procedures and requirements shall apply as prescribed in this Ordinance for an original subdivision.

Section 92. Powers and Duties of the County Commissioners

The County Commissioners shall have the following powers and duties:

- a. Receive recommendations from the Planning Board for approval of Preliminary Plats for major subdivisions;
- b. Take action under these regulations to approve, approve with conditions or disapprove applications for approval of Preliminary Plats for major subdivisions;
- c. Receive recommendations from the Planning Board for approval of Final Plats for major subdivisions;
- d. Take action under these regulations to approve, approve with conditions or disapprove applications for approval of Final Plats of major subdivisions;

- e. Establish minimum requirements for the contents of Preliminary Plats, and Final Plats for major subdivisions, in accordance with these regulations and State Statutes;
 - f. Procedures for the conduct of its affairs shall be in accordance with Robert's Rules of Order;
 - g. Maintain a record of its minutes, including the votes of its members, attendance and a summary of the information submitted to it;
 - h. Receive the cooperation of the various elements of the government of Caldwell County;
- 92.1 Procedures Generally on Applications for Approval of Preliminary Plats and Approval of Final Plats; Time Limits

Applications for approval of Preliminary Plats and Final Plats for major subdivisions shall be filed with the Planning Department in form and in the manner required by rules and administrative regulations of this ordinance, together with applicable fees and charges as approved by the County Commissioners.

The Planning Department shall review such applications and make recommendations to the Planning Board regarding major subdivisions, including the recommendations of other affected agencies of government. The Planning Board shall forward their recommendation to the County Commissioners to take action as provided herein.

Each application for plat approval shall contain the name and address of a person to whom notice of the meeting at which this plat is to be considered may be sent. Notice to other parties in interest or nearby property owners may be given as directed by the County Commissioners.

92.2 Timing of Actions

Planning Board recommendation for approval of a Preliminary Plat, and for approval of a Final Plat shall be taken within 30 calendar days after acceptance of the application by the Planning Department, unless the applicant consents in writing to an extension of this time limit.

If the County Commissioners, Planning Board, or Planning Department determines that there are errors or omissions in the application, plat, or related materials during the processing period indicated, unless such errors or omissions are minor and promptly correctable, the application and related materials shall be returned to the applicant with written indication as to required correction and/or completion prior to resubmission. A new 30-day period shall begin as of the date of acceptance of such resubmission. Where applications are approved unconditionally, such approval shall be indicated in writing on the plat by the Chairman of the County Commissioners. The applicant shall be notified in writing by the Caldwell County Planning Department, on behalf of the County Commission Chairman, of the approval and its date.

Where applications are approved with conditions, the Planning Staff on behalf of the Chairman shall notify the applicant in writing of the conditions and the reasons therefore.

Where applications are denied, the Planning Staff on behalf of the Chairman shall notify the applicant in writing of the reasons therefore.

All such notices shall be in writing and dispatched by mail to the address required by Section 92.1 above, within 5 working days of the date of decision by the County Commissioners.

Approvals of plats or disapproval and grounds therefore shall be recorded in the minutes of the County Commissioners.

Section 93 Effect of Failure to Act Within Time Limits

In cases where the Planning Department fails to approve conditionally approve, or disapprove minor subdivision plats within 30 days from the date of acceptance of the application (except where applications have been returned for corrections of errors or omissions and resubmittal, or applicants have extended time limitations, as provided above), the applicant may request, in writing, that the Caldwell County Planning Board review the plat at their next scheduled meeting. On written demand of the applicant, the Planning Department shall transmit the subject plat to the Caldwell County Planning Board for review and recommendation to the County Commissioners within thirty days of receipt of such demand. The Planning Department shall notify the applicant by mail to the address required in Section 92.1 above of the decision of the County Commissioners.

In cases where the County Commissioners fail to approve, conditionally approve or disapprove major subdivision plats within 45 days from the date of acceptance of the application (except where applications have been returned for correction of errors or omissions and resubmittal, or applicants have extended time limitations, as provided above), the applicant may request, in writing, that the Caldwell County Board of Adjustment review the plat at their next scheduled meeting. On written demand of the applicant, the Planning Department on behalf of the Chairman of the County Commissioners shall transmit the subject plat to the Caldwell County Board of Adjustment for review within thirty days of receipt of such demand. The Planning Staff on behalf of the Chairman shall notify the applicant by mail to the address required in Section 92.4 above of the decision of the Board of Adjustment.

Section 94 Appeal of Decisions of the Planning Department or County Commissioners

In cases where the Planning Department denies the final plat of a minor subdivision the applicant may appeal the decision of the Planning Department to the Caldwell County County Commissioners. The County Commissioners shall hear the appeal during its next regularly scheduled meeting.

NOTE: Appeals shall be submitted in writing within thirty (30) days of the decision to the Planning Department in accordance with the procedures of the Caldwell County Commissioners.

In cases where the County Commissioners conditionally approves or denies the preliminary or final plat of a major subdivision the applicant may appeal the decision of the

County Commissioners to the Caldwell County Board of Adjustment. The Board of Adjustment shall hear the appeal during its next regularly scheduled meeting.

NOTE: Appeals shall be submitted in writing within thirty (30) days of the decision to the Planning Department in accordance with the procedures of the Caldwell County Commissioners and/or the Caldwell County Board of Adjustment.

Section 95 Exceptions

95.1 Family Subdivisions:

Family Subdivisions shall meet the minimum requirements of the Subdivision Regulations, including the minimum lot size according to Planning and/or Zoning District, except as follows:

- (1) Collettsville and Yadkin Valley Overlay Districts the minimum lot size shall be 1 acre.
- (2) A subdivision where lots are intended to be conveyed to members of the owners' lineal family for the purpose of building a residence for the new owner (family member). Lineal family shall include only direct lineal descendants (children and grandchildren) and direct lineal ascendants (father, mother, grandfather, and grandmother). Lots can be conveyed as a gift or for a nominal consideration. All new lots conveyed under the Family Subdivision provision must remain in the ownership of the lineal family member for 1 year after recordation with the Caldwell County Register of Deeds. Proof of recording of plat and deed must be provided to the Planning Department within 30 days of Family Subdivision plat approval by the Planning Department. Furthermore, no building permits shall be issued until said recorded Family Subdivision plat and deed has been presented to the Planning Department.

NOTE: Only one (1) lot may be conveyed to each family member.

- (3) This ordinance is intended to facilitate the subdivision of the family homestead. Accordingly, the land to be subdivided must have been in the possession of the original owner as of the date of enactment of this section which is May 17, 1999.
- (4) The cumulative creation of no more than seven (7) new lots may be approved under this section. Plats consisting of two or fewer lots shall be submitted to the Planning Department for approval and reviewed in accordance with Section 72 of this Ordinance. Plats consisting of three to seven lots shall be submitted to the Planning Board and reviewed in accordance with Section 73 of this Ordinance.
- (5) All lots created by a Family Subdivision shall have a recorded forty-five (45) foot ingress/egress easement extending to a state maintained road. If

an existing ingress/egress easement, located on adjoining non-family owned property, is to be utilized, this ingress/egress easement may be utilized at its existing width if it was recorded prior to May 17, 1999. Within the newly created forty-five (45) foot ingress/egress easement, that is created after May 17, 1999, a gravel drive at least eighteen (18) feet in width shall be constructed if such easement serves three or more lots.

- (6) A plat map is required showing the resulting lots and ingress/egress easements. The plat shall state that it is a Family Subdivision, and shall state the name(s) of the owner(s) of the original tract being subdivided and the specific family member to which the subdivided property is being conveyed. Such plat shall be prepared by a Licensed Surveyor, and recorded with the Register of Deeds.

NOTE: When possible family subdivisions shall meet the provisions of Article VII of this Ordinance.

- (6) When two (2) or more parcels are created by a family subdivision the required ingress/egress easement shall be named at no cost to the subdivider.

Note: When the strict interpretation of this Ordinance prohibits the utilization of the family subdivision option, the applicant may request a variance from the Caldwell County Board of Adjustment if the circumstances surrounding such request clearly demonstrate a hardship as outlined in Article X, Section 100 of this Ordinance.

- (7) The following certificates shall be executed on the face of the final plat:

Certificate of Final Approval of a Family Subdivision

- a. We, the undersigned hereby certify that the subdivision entitled _____ fully meets the minimum requirements of the Caldwell County Subdivision Regulations, however before any lot can be built upon, an improvement permit must be obtained from the Caldwell County Health Department to allow a septic tank disposal system to be located thereon and to approve the placement of any well thereon. Neither the approval of this plat nor the recordation of this plat in any way guarantees that any lot shown hereon can or will be permitted for a septic system or for placement of a well.

Caldwell County
Board of Commissioners or Caldwell County
Planning Department (whichever is applicable)

Date

- b. Certificate of Ownership and Dedication.

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt

this plan of subdivision with my (our) free consent, establish minimum building lines, and dedicate all roads, alleys, walks, parks, and other sites to (public or private, whichever is applicable) use as noted. Further, I (we) certify the land as shown hereon is within the platting jurisdiction of Caldwell County.

Owner or Authorized Agent Date

c. Certificate of Accuracy

(As required under NCGS 47-30 as amended)

Licensed Surveyor Date

d. Review Officer's Certificate

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

Review Officer Date

e. Public Works Director Certificate

I, _____, Public Works Director of
Caldwell County certify that all public water and/or
Sewer lines installed were inspected and are in conformity
with all applicable County and State standards.

Public Works Director Date

ARTICLE X
EXCEPTIONS AND VARIANCES

Section 100 Variances

The Board of Adjustment may authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Board shall make 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 Board finds:

- (a) That there are special circumstances or conditions affecting said property such that strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of their 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 vicinity in which said property is located.

ARTICLE XI
PENALTIES

Section 110. Violation a Misdemeanor

Violations of these regulations shall be punishable as provided in Section 153A-334 of the North Carolina General Statutes.

Section 111. Separability

Should any section or provisions of this Ordinance be declared by the courts to be unconstitutional or invalid, such declarations shall not affect the validity of the Ordinance as a whole or part thereof, other than part so declared to be unconstitutional or invalid.

Section 112. Enactment

Adopted this 17th day of March, 2008.

This Ordinance will become effective March 17, 2008.

Amended this 2nd day of November, 2009.

Ben Griffin, Chairman
Caldwell County Board of Commissioners

ATTEST:

Kathy T. Myers
Clerk to the Board

Date