

# SUBDIVISION ORDINANCE

Effective April 5, 2004



Gates County  
North Carolina

Amended January 12, 2009 • Amended March 3, 2010

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## **ARTICLE I INTRODUCTORY PROVISIONS**

### **Section 101      Title**

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

### **Section 102      Authority & Purpose**

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

### **Section 103      Jurisdiction**

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

### **Section 104      Prerequisite to Plat Recording**

After the effective date of this ordinance, each individual subdivision plat of land within the County's jurisdiction shall receive preliminary plat approval by the Gates County Planning Board and Gates County Board of Commissioners and final plat approval by the Gates County Subdivision Administrator.

### **Section 105      Issuance of Permits**

No permit shall be issued by any administrative agent of Gates County for the construction of any building or other improvement requiring a permit, upon any land concerning which a plat is required to be approved, unless and until the requirements set forth in this Ordinance have been complied with the and same approved by the appropriate board or agent.

### **Section 106      Compliance with Other Official County Plans**

Proposed subdivisions must comply in all respects with the rules and regulations of the Gates County Water District and with all other officially adopted plans in effect in the area to be subdivided.

## **ARTICLE II INCLUSIONS AND EXCEPTIONS**

### **Section 201   Definition of a Subdivision**

A “subdivision” means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future, excluding farmland, woodland, and timber) and includes all divisions of land involving the dedication of a new street or a change in existing streets.

Subdivisions that have three or more manufactured homes must also comply with the Gates County Manufactured Home Park Ordinance as to screening, lighting, parking, safety, and sewage disposal. Please refer to the Gates County Manufactured Home Park Ordinance for specific requirements.

The County does not recognize the “first lot out” exemption. However, the following shall not be included within this definition nor be subject to the regulations authorized by this Ordinance.

### **EXEMPTIONS**

- A. The combination or recombination of portions of previously subdivided and recorded lots if (1) the total number of lots is not increased and (2) the resultant lots are equal to or exceed the standards of the County as required by this Ordinance.
- B. The division of land into parcels greater than ten (10) acres if no streets, roads, or rights-of-way are involved.
- C. The public acquisition by purchase of strips of land for widening or opening streets.
- D. The division of a tract in single ownership whose entire area is no greater than two (2) acres into no more than three (3) lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the County as required by this Ordinance.
- E. The division of property belonging to the heirs of a single individual when such property is divided only for the settlement of the estate and not for sale as building sites.
- F. Cemeteries.
- G. The division of a tract in single ownership that is for the sole purpose of a bona-fide farm or agricultural use may be exempt from the subdivision review process if the resultant lots are equal to or exceed the standards of the County as required by this Ordinance. Plats for these divisions shall be labeled “For agricultural use only”.
- H. The division of land by any method of transfer from a grantor to a grantee (or grantees) who is a member of the grantor’s immediate family, solely for the residential use of the grantee (or grantees) for as long as the use is appropriate under local ordinances. For the purposes of this subdivision, the term “immediate family” includes only direct lineal descendants within (children and grandchildren) and direct lineal ascendants (parents and grandparents), as well as adopted and step relationships. Division of land in this category must have access to an established

public or private right-of-way or an easement for ingress and egress. The burden of proof of kinship shall be placed on the subdivider, and must provide a notarized copy of a birth certificate to the Subdivision Administrator. After conveyance of the parcel, the property must be owned for a minimum of two years by the grantee (or grantees) before further transfer. *(Amended March 3, 2010)*

**Section 202 Plats not subject to regulations**

Plats in the above seven categories shall have the following stamp *(certificate of exemption)*:

*Certificate of Exemption*

*This plat is not subject to subdivision approval by virtue of \_\_\_\_\_. Exemption of a partition of land from the definition of "subdivision" shall not exempt any resulting lots, tracts or parcels from meeting the requirements of any other applicable ordinance(s).*

This stamp shall be signed and dated by the Subdivision Administrator before filing in the office of the Register of Deeds, since a determination must be made as to whether or not the resultant lots are equal to or exceed the standards of this and any other applicable County ordinances or regulations.

**ARTICLE III  
LEGAL PROVISIONS**

**Section 301 Duty of Developer or Authorized Agent**

A plat must be prepared, approved, and recorded whenever the subdivision of land takes place, as defined in this Ordinance. The owner of land shown on a subdivision plat submitted for recording, or an authorized agent, shall sign a statement on the plat stating whether any land shown thereon is within the subdivision regulation jurisdiction of Gates County.

**Section 302 Duty of Register of Deeds & Clerk of Court**

After the effective date of this Ordinance, no subdivision plat of land within the subdivision jurisdiction of Gates County shall be filed or recorded until it has been submitted to and approved by the appropriate board(s) and the Gates County Subdivision Administrator as set forth in Section 104 of this Ordinance and until this approval is entered in writing on the face of the plat by the Subdivision Administrator of Gates County.

The Register of Deeds shall not file or record a plat of a subdivision of land within the territorial jurisdiction of Gates County that has not been 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 303 Effect of Plat Approval on Dedications**

Pursuant to G.S. 153A-333, the approval of a plat does not constitute or effect the acceptance by the County or the public of the dedication of any street or other ground,

public utility line, or other public facility shown on the plat and shall not be construed to do so.

### **Section 304      Penalties for Violation**

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 Office of the Gates County 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 Gates County 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.

### **Section 304.1      Penalty**

The violation of any provision of this ordinance shall subject the offender to a civil penalty in the amount of \$100 to be recovered by the County. Violators shall be issued a written citation, which must be paid within ten (10) days.

### **Section 304.2      Continuing Violations**

Each day's continuing violation of this ordinance shall be considered a separate and distinct offense.

### **Section 304.3      Court Action**

Notwithstanding the Subsection of this section above, this ordinance may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.

### **Section 304.4      Other Remedies**

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 305      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 306      Variances**

The Gates County Board of Commissioners may, on recommendation from the Planning Board, authorize a variance from these regulations 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 County Board of Commissioners finds the following four criteria:

- 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 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.

A person must submit a written request for variance to the Planning Board at least 15 working days prior to its next regularly scheduled meeting. The Planning Board will review the request and forward a recommendation to Board of Commissioners for a final decision.

### **Section 307      Amendments**

The County 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 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).

The governing body shall adopt no amendment until they have held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the Gates County area at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall appear not more than twenty-five (25) or less than ten (10) days prior to the hearing date. In computing the ten (10) and twenty-five (25) day periods, the date of publication is not to be counted, but the date of the hearing is.

### **Section 308      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 309      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 of Gates County, adopted on October 4, 1999 effective November 1, 1999, and it is not the intention to repeal but rather to re-enact and continue to enforce 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, 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 prosecuted to their finality the same as if this Ordinance has 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 310      Effective Date**

This Ordinance shall take effect and shall be in force on and after April 5, 2004. Duly adopted by the Board of Commissioners of the County of Gates, North Carolina, this the 5<sup>th</sup> day of April 2004.

**ATTEST:  
J.S. Pierce, Chairman of the Board of Commissioners.**

**Section 311      Administrator**

The holder of the Office of Gates County Planner is hereby appointed to serve as Subdivision Administrator.

**Section 312      Minimum Standards**

Wherever the provisions of any other law, ordinance or regulation impose higher standards than are required by the provisions of this Ordinance, the provisions of such law, ordinance or regulation shall govern.

**Section 313      Word Interpretation**

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

- a) The word "May" is permissive.
- b) The words "Shall" and "Will" are mandatory.
- c) The present tense includes the future tense and the future tense includes the present tense.
- d) The singular includes the plural and plural includes the singular.

**ARTICLE IV  
SUBDIVISION REVIEW PROCESS**

**Section 401      Categories**

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

**Section 402      Minor Subdivision Review**

**Section 402.1      Purpose**

Minor subdivision review provides a faster and more convenient review for smaller developments that are not likely to have extensive impact on nearby residents or other subdivisions either planned or developed. The minor subdivision procedure may only be used once per parent parcel.

## **Section 402.2      Definition**

A minor subdivision shall be defined as a subdivision of land that:

1. Involves no more than two (2) lots each of which front on an existing road; and
2. Includes contiguous land under single ownership; and
3. Does not involve any new streets or alteration of an existing street, or interfere with prospective access to interior property; and
4. Does not require the extension of public sewage or water lines; and
5. Does not require the creation of new drainage easements through lots in order to serve other property; and
6. Creates no new or residual parcels that do not conform to the requirements of this Ordinance; and
7. Does not constitute an enlargement or extension of a previously approved minor subdivision above two (2) lots maximum. The third lot would constitute a major subdivision.

## **Section 402.3      Plat Review**

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

Fifteen (15) copies of the plat must be submitted to the Subdivision Administrator. The Subdivision Administrator will have forty (40) working days to present the project to the Technical Review Committee for comment on the proposed subdivision.

It shall be the duty of the Administrator to ensure that the following agencies, as designees serving as the Technical Review Committee, have an opportunity to review and make recommendations concerning the proposed subdivision:

1. The Gates County Health Department, Environmental Health Division, must review plats for proposed water and sewerage systems. Every proposed new lot must be suitable for a septic system except in the event that sewer service becomes available to the proposed lot(s).
2. The Gates County Soil Conservation Service must compare the plat to the Soil Survey of Gates County to provide information regarding soil characteristics and drainage.
3. The Gates County Water Department must review the plan as to the availability of County water service.

4. E-911 must assign a permanent address to each proposed lot.
5. North Carolina Department of Transportation must review the plan for potential impacts on transportation networks within the county.
6. The Gates County Superintendent's office must review the plat for potential impacts on the County school system.
7. The County Sheriff must review the plat for potential impact on the department's ability to provide law enforcement services.
8. The Gates County Firemen's Association must review the plat for compliance with NFPA 1144 regulations adopted by the County.
9. North Carolina Division of Coastal Management must review the plat for potential environmental impacts.

#### **Section 402.4 Information Required**

The final plat shall include the information required under Article VI. Any further information requested by the Subdivision Administrator shall be submitted upon request.

#### **Section 402.5 Action**

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

1. If the final plat is found to be in compliance with this Ordinance and has met the approval of the Technical Review Committee, the Subdivision Administrator shall certify it for recording. The developer or an authorized agent shall file the final plat with the Register of Deeds of Gates County for recording within ninety (90) days from approval or such approval shall be void.
2. If the final plat receives conditional approval by the Technical Review Committee, the developer shall resubmit the plat to the Subdivision Administrator for approval after the conditions have been met.
3. If the final plat is disapproved, the reasons for such action shall be recorded in writing and one (1) copy to be sent to the developer and another to the Planning Board Chairman. The developer shall have thirty (30) calendar days within which to submit a written appeal to the Planning Board.
4. The Subdivision Administrator shall present to the Planning Board at the regular monthly meeting any plats that have been approved by the Technical Review Committee.

## **Section 403 Major Subdivision Review**

### **Section 403.1 Purpose**

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

### **Section 403.2 Definition**

Major subdivision shall include any subdivision other than that which meets the definition of minor subdivision, i.e. subdivisions with three (3) or more lots.

### **Section 403.3 Plat Review**

#### 1. Sketch Plan Review

##### Information Required

When a subdivision is subject to the major subdivision review process, the developer shall present a sketch plan of the proposed subdivision in its entirety to the Planning Board for review. It shall contain the following information:

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

##### Action

The Planning Board shall review and discuss the proposed plan with the developer prior to preparation of a preliminary plat for major subdivision. Following a vote of approval of the sketch plan by simple majority of the Planning Board, the developer may prepare a preliminary plat.

## **Section 404 Preliminary Plat Review**

### **General**

The developer shall submit fifteen (15) copies of the preliminary plat, 18" x 24" in size, and any supplementary material along with one (1) reduced copy of the subdivision plat which is 8 ½" x 11" or 11" x 17" in size. Upon submission of the preliminary plat for processing by the Subdivision Administrator, the developer shall pay a processing fee to Gates County in accordance with an approved Subdivision Fee Schedule adopted by the Gates County Board of Commissioners. The Subdivision Administrator shall have forty (40) working days to present the project to the Technical Review Committee for comment on the proposed subdivision.

The Technical Review Committee shall have an opportunity to review and make recommendations concerning the proposed subdivision. The Technical Review Committee will vote to either approve or to reject the preliminary plat at their regularly scheduled meeting. The Technical Review Committee is made up of representatives of the following agencies:

- 1) Gates County Health Department, Environmental Health Division
- 2) Gates County Soil Conservation Service
- 3) NC Department of Transportation District Engineer
- 4) Gates County Superintendent of Public Schools
- 5) Gates County Water Department
- 6) Gates County Sheriff's Department
- 7) Gates County Firemen's Association
- 8) E-911
- 9) NC Division of Coastal Management

### **Section 404.1 Preliminary Plat Requirements**

The Preliminary Plat shall depict or contain the following information:

- 1) The preliminary plat shall be at a scale of one hundred feet to one inch or larger and 18" x 24" in size.
- 2) The location of existing and platted property lines, streets and street names, buildings, water courses, railroads, transmission lines, sewers, bridges, culverts and drain pipes, water mains, existing fire hydrant location nearest to site, city and county lines (if adjoining) and any public utility easements.
- 3) Boundaries of tract shown with bearings and distances.
- 4) Wooded areas, marshes, and any other conditions affecting the site.
- 5) Names of adjoining property owners or subdivisions.
- 6) Zoning classification both of the land to be subdivided and on adjoining land.

- 7) Proposed streets, street names, rights-of-way, roadway widths, and approximate grades.
- 8) The plans for proposed utility layouts (sewer, water, gas, electricity) showing connections to existing systems or plans for individual water supply, sewage disposal, storm drainage, etc. Utility plans are encouraged to be a separate drawing(s) from the preliminary plat.
- 9) Other proposed right-of-way or easements; locations, widths, and purposes.
- 10) Proposed lot lines, lot and block numbers, and approximate dimensions.
- 11) Proposed minimum building setback lines.
- 12) Contour lines with elevation intervals of one foot (applies to subdivisions with proposed streets).
- 13) The 100-year flood plain contour shall be labeled and clearly indicated with a bolder thicker line.
- 14) Wetland certification where needed based on inclusions of hydric soils.
- 15) Proposed parks, school sites, or other public opens spaces, if any.
- 16) Title, date, north point and graphic scale.
- 17) Names, addresses, and phone numbers of owner and surveyor or land planner.
- 18) Site Data
  - a) Acreage in total tract
  - b) Acreage in parks or other land usage
  - c) Total number of lots
  - d) Lineal feet in streets
- 19) Sketch vicinity map showing relationship between subdivision surrounding area, 100-year floodplain, and Areas of Environmental Concern (AEC).
- 20) Environmental Impact Statement, when required  
Pursuant to Chapter 113A-8 thru 113A-10 of the North Carolina General Statutes, the Planning Board may require the developer to submit an environmental impact statement with his preliminary plat if:
  - a) The development exceeds 10 acres in area, and
  - b) If the Board deems it necessary due to the nature of the land to be subdivided, or peculiarities in the proposed layout.
- 21) Provide a letter from the appropriate electric utility company certifying that the utilities will be installed underground.
- 22) Gates County is not responsible for maintaining drainage within the subdivision or drainage outlets for discharging water collected within the subdivision. The developer/developer is responsible for providing adequate

drainage improvements in accordance with the North Carolina Department of Environment and Natural Resources, Division of Water Quality Section.

## **Section 404.2 Preliminary Plat Approval**

### Action

After review of the preliminary plat, the Planning Board may recommend the approval, conditional approval, or disapproval of the plat to the Board of Commissioners. The Subdivision Administrator or a Planning Board member shall place the preliminary plat on the Board of Commissioners' agenda.

The Board of Commissioners shall approve, conditionally approve or disapprove the preliminary plat. Approval of the preliminary plat is authorization for the developer to proceed with preparation of the final plat. Conditional approval of the preliminary plat is authorization for the developer to proceed with preparation of the final plat only if or when special conditions have been met, which may include the submittal of a revised preliminary plat. Disapproval of the preliminary plat shall require submittal of a revised plat.

A copy of the preliminary plat shall be stamped and dated with the action taken and shall be returned to the developer with accompanying conditions, requirements, and comments.

If the Board of Commissioners disapproves the preliminary plat, the developer shall be given the reasons in writing and one (1) copy of the plat. The developer shall be instructed concerning possible resubmission of the plat to the Board of Commissioners, if deficiencies can be corrected.

Upon approval of the preliminary plat by the Board of Commissioners, the developer may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this Ordinance. Preliminary plat approval shall in no way be construed as constituting an official action of approval for recording of the subdivision as required by this Ordinance.

Preliminary plat approval shall remain valid provided that a final plat for the first phase or section of the subdivision is submitted and approved within one (1) year.

## **Section 405 Final Plat Review**

### Preparation of Final Plat and Installation of Improvements

Upon approval of the preliminary plat by the Gates County Board of Commissioners, the Developer may proceed with the preparation or the arrangement for the required improvements in accordance with the approved preliminary plat and the requirements of this ordinance. Prior to approval of a final plat, the developer shall have installed the improvements specified in this ordinance. The Gates County Subdivision Administrator will accept no final plat for review unless accompanied by written notice by the site engineer acknowledging compliance with the improvement and guarantee standards of this

ordinance. The final plat shall constitute only that portion of the preliminary plat that the developer proposes to record and develop at that time; such portion shall conform to all requirements of this ordinance.

The final plat, representing either the entire tract or one or more sections indicated on the preliminary plat, shall be submitted not more than twelve (12) months after the date on which the preliminary plat was approved, otherwise approval of the preliminary plat shall be null and void, unless a written extension of this time limit is granted by the Board of Commissioners on or before the one (1) year anniversary of the approval.

The developer or authorized agent shall submit fifteen (15) copies of the final plat to the Planning Board at least thirty (30) days prior to the next regularly scheduled Planning Board meeting, at which time the plat will be considered.

#### **Section 405.1 Information Required**

- 1) The final plat shall depict or contain the information required in Article VI.
- 2) The appropriate certificates, as set forth in Article VI, Section 604, shall appear on at least eight (8) copies of the final plat.
- 3) The final plat shall be prepared by a registered surveyor or engineer and shall be drawn in accordance with the approved preliminary plat.

#### **Section 405.2 Action**

The Planning Board shall review the final plat as to compliance with the approved preliminary plat. Final approval will be based on compliance and satisfactory completion of required improvements.

The Planning Board may return the final plat to the Technical Review Committee to check the final plat in the field, or it may appoint an engineer, to check the final plat against the subdivision preliminary layout for accuracy, charging the costs to the developer if the plat is found to be in error.

The Planning Board shall approve or disapprove the final plat. Should the Planning Board approve the final plat, such approval shall be indicated on three (3) copies of the plat by the Certificate of Approval for Recording signed by the Subdivision Administrator, as set forth in Article VI, Section 604.

If the Planning Board disapproves the final plat, the reasons for such disapproval shall be stated in writing and one (1) copy shall be retained for the Planning Office records and one (1) copy shall be transmitted to the developer. If the final plat is disapproved, the developer shall make the changes required to bring the plat into compliance with this Ordinance and resubmit it to the Planning Board for review, or the developer may appeal, in writing, the Planning Board's decision to the Board of County Commissioners within thirty (30) calendar days from the date of the Planning Board action.

## **Section 406    Final Plat Approval**

- 1) Upon approval of the final plat the developer shall have authorization to file the plat with the Register of Deeds. Approval shall be null and void for any plat not recorded within ninety (90) days.
- 2) If the final plat is disapproved, the reasons for such action shall be noted and recommendations made on the basis of which the proposed subdivision would be approved.
- 3) The approval or disapproval shall be noted on two (2) copies of the final plat. One copy shall be returned to the developer, one (1) copy shall be retained for the permanent file in the Gates County Planning Department.
- 4) No final plat shall be approved until all improvements are installed or meet the requirements set forth in Article VI of this Ordinance, all required fees have been paid, and the certificates required by this Ordinance to appear on the final plat have been properly filled out and signed.

### **Section 406.1 Approval does not constitute Acceptance of Dedications**

The approval of a plat in accordance with this Ordinance, shall not be deemed to constitute or affect the acceptance by the County of the dedication of any street or other ground, any public utility line, or other facility shown on the plat. However, the Board of County Commissioners may by resolution, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purpose, when the lands or facilities are located within its subdivision regulation jurisdiction.

### **Section 406.2 Final Plat Requirements**

The final plat shall be at the same scale, same sheet size and shall conform substantially to the preliminary plat as approved and shall constitute only that portion of the approved preliminary plat, which the developer proposes to record, and develop at the time.

The final plat will show:

- 1) The lines of all streets and roads.
- 2) Lot lines and lot numbers.
- 3) Minimum building setback lines.
- 4) Reservations, easements, alleys and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.
- 5) Sufficient data to determine readily and reproduce on the ground, the location, bearing and length of every street line, lot line, boundary line, block line and building line, whether curved or straight, and including true north point. This should include the radius, center angle, and tangent distance for the centerline of curved streets and curved property lines that are not the boundary of curved streets.

- 6) All dimensions should be to the nearest one-tenth (1/10) of a foot and angles to the nearest minute.
- 7) Accurate location and description of all permanent monuments and stakes.
- 8) The proposed utility system: water, gas, sewers, storm drainage, electric utilities
- 9) The names and locations of adjoining subdivisions, and streets, and the location and ownership of adjoining properties.
- 10) Title, date, name and location of subdivision, graphic scale and north point (indicate if true north, magnetic north or N. C. State Grid System is used).
- 11) Name, address, and phone number of owner and surveyor or land planner.
- 12) Sketch vicinity map showing relationship between subdivision and surrounding area.
- 13) Provide guarantee for street maintenance until acceptance by the North Carolina Department of Transportation; Street Maintenance Disclosure Statement as set forth in Article VI, Section 604-H.
- 14) Payment of fees for water laterals and meters in areas served by the Gates County Water System. The fee shall be paid to the Gates County Water Department in accordance with a fee schedule established by the Gates County Board of Commissioners.

## **Section 407 Improvement Guarantees**

### **Section 407.1 Completion of Improvements**

In lieu of prior completion of the improvements, Gates County may, for the purpose of approving a final plat, accept a guarantee from the developer that improvements shown on the preliminary plat will be completed at the expense of the developer. The guarantee provided by the developer to the County will be one of the following:

- a) a surety bond purchased from a surety company licensed to do business in North Carolina;
- b) a certified check drawn in favor of Gates County;
- c) cash deposited with Gates County;
- d) an irrevocable letter of credit on forms approved by the County Attorney with a banking institution insured by either FSLIC or FDIC.

Such guarantees shall equal one hundred twenty-five (125) percent of the cost of improvements as determined by a North Carolina Registered Professional Engineer, in accordance with Article V, Section 514, and verified by the County's consulting engineer. Performance guarantees shall be approved by the Planning Board and the County Board of Commissioners. Guarantees shall run for Eighteen (18) Months. As twenty-five (25), fifty

(50), seventy-five (75) and one hundred (100) percent of the project is completed a corresponding percentage of the guarantee may be released.

### **Section 407.2 Defects Guarantee**

The Planning Board shall require an irrevocable letter of credit approved by the County Board of Commissioners guaranteeing utility taps, drainage facilities, water and sewer lines, streets and other improvements against defects for a minimum of one (1) year and renewable until acceptance of the improvements by the appropriate agency. The developer shall provide, subject to approval of the Gates County Planning Board, the following guarantee:

Irrevocable Letter of Credit on forms approved by the County Attorney with a banking institution insured by either FSLIC OR FDIC - The Developer shall deposit an irrevocable letter of credit with Gates County. The amount of the deposit shall be equal to fifteen percent (15%) of the entire cost of improvements (installing the asphalt street paving, completion of final shoulder/ditch grading and seeding, installation of water and/or sewer lines, etc.), as estimated by the site engineer and approved by the Gates County Planning Board.

### **Section 407.3 Maintenance of Streets Until Acceptance**

The Developer of any development containing streets intended for public dedication shall sign a Street Maintenance Disclosure Statement on the final plat to guarantee that such streets will be properly maintained until the offer of dedication is accepted by the North Carolina Department of Transportation or by the Homeowner's Association if streets are to be private.

### **Section 408 Approval of Amended Subdivision Map**

- 1) Minor changes to a subdivision map, which has received plat approval by the Planning Board, are permissible and the Subdivision Administrator may authorize such minor changes. A change is minor if it has no discernible impact on neighboring properties or the general public. Examples of minor changes are reduction in building setbacks, which meet or exceed the minimum requirements in this ordinance, slight lot line realignments, and the combination of previously approved lots. This is not intended to be an all-inclusive list.
- 2) Major changes to a subdivision map, which has received final plat approval by the Planning Board, must be resubmitted to the Planning Board. The Planning Board shall approve or disapprove the amended map. Examples of major changes are an increase in the number of lots, major shifting of lot lines, and major shifting of streets. This is not intended to be an all-inclusive list.

**ARTICLE V  
MINIMUM DESIGN STANDARDS**

**Section 501 General**

Approval of the final plat by the Planning Board is subject to the developer having installed the improvements required in this Ordinance. Each subdivision shall contain the improvements in Article IV, unless otherwise approved by the majority of the County Board of Commissioners through the variance procedures in Article III, Section 306, or otherwise stated in this Ordinance.

**Section 501.1 Suitability of Land**

Land subject to periodic flooding, irregular drainage conditions, excessive erosion or topographical and other reasons unsuitable for residential use as determined by the appropriate board or agency, shall not be platted for residential use nor for any other use by a citizen that will continue or increase the danger to health, safety, or property unless the hazards can be and are corrected.

**Section 501.2 Fill Areas**

Areas that have been used for the disposal of solid waste or liquid waste shall not be subdivided into commercial or residential building sites. This shall include those areas that have been used for disposal of trash, demolition waste, chemical waste and other waste materials.

**Section 501.3 Site Design Standards**

To the maximum extent practicable, development shall be located to preserve the natural features of the site, to address areas of environmental sensitivity and to minimize alteration of natural features, except as otherwise permitted by this article. In particular, the following areas or items should be considered for protection or preservation:

- a) Unique or fragile areas, including wetlands, as defined in Section 404, Federal Water Pollution Control Act Amendments of 1972, and field-verified by onsite inspection by the regulatory branch of the US Army Corps of Engineer;
- b) Lands within flood hazard areas;
- c) Identified habitats of endangered wildlife; and
- d) Historically significant structures and sites, as listed on federal or state lists of historic places.

**Section 502 Lot Design Standards**

Lot sizes, shapes and locations shall be made with due regard to topographic conditions, contemplated use, and the surrounding area. Land subject to flooding and land deemed by the Planning Board to be uninhabitable for other reasons shall not be platted for occupancy, nor for such other uses as may increase danger to health, life or property or

aggravate the flood hazard; but such land may be set aside for such uses as will not be endangered by periodic or occasional inundation.

- A. Every lot shall have a minimum road or street frontage of one hundred seventy-five (175) feet at the front setback line and a minimum depth of two hundred (200) feet. Subdivisions that have received preliminary plat approval by the Gates County Planning Board prior to April 5, 2004 shall be required to maintain a minimum one hundred twenty-five (125) feet width at the front setback line.
- B. Each lot created shall have its own separate private driveway for purposes of ingress/egress from the residence. Reverse frontage lot configuration shall be required when four or more lots are created for residential purposes. A forty (40) foot long non-ingress/egress buffer shall be maintained on corner lots at the intersection of interior roads designed to serve major subdivisions in order to avoid multiple means of ingress/egress via private driveways.
- C. Lots shall have a minimum lot size of 43,560 square feet (one acre).
- D. A water meter must be placed on each lot to be served by the County's water system.
- E. Each lot shall be capable of maintaining an individual sewage disposal system. The lots shall be evaluated for septic systems/individual sewage disposal systems by the Gates Health Agency.
  - 1)When individual sewage disposal systems are planned the minimum lot sizes specified in this Ordinance shall be increased as required by the standards of Gates County Health Agency.
  - 2)Water supply and sewage facilities shall comply with applicable State and County Public Health laws and regulations.
- E. Side lot lines shall be substantially at right angles or radial to street lines.
- F. All lots shall conform to the minimum standards or dimensions noted herein and those contained in an applicable zoning ordinance, building codes, or other official regulation.
- G. The creation of a new parcel in accordance with these regulations shall not result in the residual parcel being a nonconforming lot.
- H. Building Setback Lines
  - A. From the front property line on existing state roads 40 feet
  - B. From the front property line on internal subdivision streets 30 feet
  - C. From the front property line on major thoroughfares 40 feet
  - D. From water's edge 50 feet
  - E. Minimum building line for sides and rear 20 feet

Subdivisions that have received preliminary plan approval by the Gates County Planning Board prior to April 5, 2004 shall be required to maintain a minimum twenty-foot (20') front setback.

### **Section 503 Blocks**

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

- A. Length – Blocks shall not be less than four hundred (400) feet nor more than fifteen hundred (1,500) feet in length.
- B. Width – Blocks shall have sufficient width to allow two (2) tiers of lots of minimum depth except where single-tier lots are required to separate residential development from through vehicular traffic or another type of use, or when abutting a water area.

### **Section 504 Easements**

The developer shall convey easements to the County or appropriate utility companies for both underground and overhead utility installation where needed. Easements shall be a minimum of twenty (20) feet wide, or as required by utility companies, and normally centered along rear or side lot lines. Wider easements may be required if the topography along the proposed right-of-way is such that maintenance equipment cannot reasonably operate within the minimum twenty (20) feet wide easement.

Where a subdivision is traversed by a water course, drainage way, channel of stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose of managing storm water runoff in a manner that will safeguard the health and property of the citizens of Gates County. Maintenance responsibility for drainage shall be included in the covenants of the subdivision.

### **Section 505 Buffer Strips**

The Planning Board may require a buffer strip of 10 to 50 feet in depth in addition to the normal lot depth required adjacent to major highways or thoroughfares for the purpose of providing a visual and noise barrier to traffic. This strip shall be a part of the platted subdivision, but shall have the following restrictions lettered on the face of the plat: "This strip reserved for the planting of trees or shrubs by the owner; the building of structures hereon is prohibited." A homeowners association shall be incorporated in accordance with G.S. Chapter 55, to provide for the maintenance of buffer strips. As required, appropriate bylaws shall be prepared, and proposed covenants or deed restrictions, which address maintenance, apportionment of financial responsibility and enforcement shall be provided. The county attorney shall approve the adequacy of these materials prior to final plat review. These materials shall be recorded at the same time as the final plat and shall be appropriately cross-referenced in the county register of deeds office.

## **Section 506 Utilities**

All utilities shall be installed underground. Underground utilities to be located inside the street right-of-way shall meet the standards established by the North Carolina Department of Transportation, Division of Highways.

## **Section 507 Fire Hydrants**

When water lines serving the subdivision are six inches or greater in size, fire hydrants are to be installed on street ends and every 1,000 feet apart, or no further than 500 feet from any lot within the subdivision. Where the water line serving the subdivision is less than six inches in size, the installation of blow-off valves at the end of all line extensions is required. Subdivisions of two (2) lots or less shall be exempt from this requirement provided both lots are within one parcel/tract of land. Any additional lots subdivided from the said one parcel/tract of land shall comply with the fire hydrant requirement, unless the Gates County Water Superintendent waives requirement.

## **Section 508 Open Space Provision**

Every person or corporation who develops a subdivision consisting of five ten or more lots shall be required to reserve a portion of such land for the purpose of park, recreation or open space sites.

The minimum amount of land that shall be reserved for recreation, park, or open space in all subdivisions shall be at least one-half (1/2) acre for each ten homes within a subdivision or five percent (5%) of the gross acreage, whichever is greatest. The recreation, park, or open space area must be usable by residents and maintained by the developer or homeowner's association and shall be noted on the plat.

Any major subdivision plat submitted in which the parent parcel is more than ten acres, a sketch/master plan for the entire tract shall be submitted to ensure compliance with open space requirements and allow for better design of future development of the residual acreage.

Greenway trails throughout and around the subdivision may be used to meet the open space requirement. The total acreage of land in the trails must meet the minimum land requirement for open space as stated above.

At the discretion of the Planning Board, farmland may be allowed as open space by easement. Farmland preservation easements must not be developed nor contain buildings or other structures. If the area ceases to be farmed, the area must remain undeveloped open space for the use of residents in the subdivision.

CAMA wetlands (as defined in North Carolina Administrative Code and as interpreted by the division of Coastal Management 7K.0101) may not be used to satisfy the open space requirement.

A homeowners association shall be incorporated in accordance with G.S. Chapter 55, to provide for the maintenance of open space areas. As required, appropriate bylaws shall be prepared, and proposed covenants or deed restrictions that address maintenance, apportionment of financial responsibility and enforcement shall be provided. The county attorney shall approve the adequacy of these materials prior to final plat review. These

materials shall be recorded at the same time as the final plat and shall be appropriately cross-referenced in the county register of deeds office.

***Exemption***

If each lot within a subdivision is at least three (3) or more acres in size, it may be exempt from the open space requirement.

**Section 509 Stormwater Drainage**

Each subdivision shall provide adequate storm drainage for all areas in the subdivision. Stormwater drainage permits must be obtained from the North Carolina Department of Environment & Natural Resources, Division of Water Quality prior to construction of drainage improvements.

Plans must address maintenance of the drainage system and who will be the responsible party to ensure proper maintenance is performed on the drainage system. The plan will be reviewed and inspected by Gates County Natural Resources Conservation Service, Soil and Water Conservation Office.

**Section 510 Proper Drainage**

All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface shall not be regarded as unduly retained if:

- a) the retention results from a technique, practice or device deliberately installed as part of an approved Sedimentation or Storm Water Control Plan; or
- b) the retention is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless such retention presents a danger to health or safety.

Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets.

The Planning Board may require drainage easements where needed. Septic systems and repair areas shall not be located within drainage easements.

**Section 511 Stormwater Management**

All developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such developments. More specifically:

- a) no development may be constructed or maintained so that development unreasonably impedes the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing damage to such higher adjacent properties; and
- b) no development may be constructed or maintained so that surface waters from such development are unreasonably collected and channeled onto lower adjacent

- c) properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties.

### **Section 512 Wetlands**

Prior to final plat approval, development sites that have inclusions of hydric soils must be verified by the US Army Corps of Engineers as to whether wetlands are present. If wetlands exist on the site, a wetlands delineation may be required and approved by the US Army Corps of Engineers. Wetlands shall not be disturbed unless permitted by the US Army Corps of Engineers.

### **Section 513 Sedimentation and Erosion Control**

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

### **Section 514 Streets**

#### **Minor Subdivisions**

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

1. Such roads shall have a private right-of-way easement of forty-five (45) feet.
2. Such road shall be graded and stabilized according to accepted policies of the North Carolina Department of Transportation.
3. The alignment of such road shall meet applicable standards of the North Carolina Department of Transportation.
4. The final plat and each deed describing a lot within a minor subdivision served by a local road shall include a disclosure statement clearly stating that the local road serving said lot is private in nature, and is not constructed to the standards of the North Carolina Department of Transportation for admission to the State Highway System and is not eligible for State maintenance. It shall state that Gates County accepts no liability to provide any maintenance or improvement assistance for said road. In addition, this document shall disclose the conditions upon which local roads are permitted in a minor subdivision. The execution of this document by the developer and buyers will be a condition upon which approval of a final plat will be based.
5. The addition of a third lot to a minor subdivision served by a local road will constitute a major subdivision; the local road must meet current alignment and construction standards of the North Carolina Department of Transportation, be paved and must be dedicated.

6. Homeowners association – A homeowners association shall be incorporated in accordance with G.S. Chapter 55, to provide for the maintenance of private subdivision streets. As required, appropriate bylaws shall be prepared, and proposed covenants or deed restrictions, which address maintenance, apportionment of financial responsibility and enforcement shall be provided. The county attorney shall approve the adequacy of these materials prior to final plat review. These materials shall be recorded at the same time as the final plat and shall be appropriately cross-referenced in the county register of deeds office.

### Major Subdivisions

Access to lots or parcels formed by a tract of land constituting a major development, including the enlargement of a previously approved minor plat above the two (2) lots maximum, shall meet the current design and construction criteria as referenced in SUBDIVISION ROADS, MINIMUM CONSTRUCTION STANDARDS, published periodically by the North Carolina Department of Transportation. The following shall be considered the acceptable minimum standards of design for new subdivision streets and in no case shall be less than those of the North Carolina Department of Transportation as referenced above.

1. In any new major subdivision, the street layout shall conform to the arrangement, width, and location indicated by official plans or maps for Gates County, North Carolina. In areas for which such plans have not been completed, the streets shall be designed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, and to proposed use of land to be served by such streets. Any new proposed subdivision street shall be paved according to Department of Transportation standards for such streets.
  - a) Minor thoroughfares, local streets and cul-de-sacs shall be so laid out that utilization by through traffic will be discouraged.
  - b) All new proposed street systems within a subdivision shall be coordinated within the existing street or road system surrounding said subdivision.
    - i) Where, in the opinion of the Planning Board or Board of Commissioners, it is necessary to provide for future street access to an adjoining property, proposed streets shall be extended by platting to the boundary of such property and a temporary turn around shall be provided.
    - ii) When a subdivision abuts a major thoroughfare or principal arterial street, the developer may be required to construct a frontage road, or reverse frontage on a minor street for the lots to be developed adjacent to the thoroughfare. Where reverse frontage is established, private driveways shall be prohibited from having direct access to the thoroughfare.
    - iii) Street names that duplicate or are phonetically similar to existing street names in the County shall be prohibited. A proposed street, which is in

alignment with an existing street shall bear the name of the existing street.

- iv) When a tract of land is subdivided into lots, which are larger than the norm, the lots will be designed and arranged so that they allow for future opening of streets and further logical subdivision.

- 3. Right-of-way widths, measured from lot line to lot line shall be as wide as existing streets to be extended, as specified in an applicable Thoroughfare Plan or as follows, whichever is more restrictive, and shall be as wide as necessary to serve the number of dwelling units:

Residential Collector Streets	50 feet
Minor Streets	45 feet
Cul-de-sacs	45 feet
Curb and Gutter Section	45 feet

A partial width right-of-way less than 45 feet will not be accepted. The developer must secure the entire right-of-way width for dedication purposes.

- 4. Proposed streets shall be adjusted to the contours of the land so as to produce streets having gradients, which provide for safety, proper drainage, and usable lots.
- 5. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at an angle less than 75 degrees.
  - (a) Intersection offsets are to be disallowed. Intersections that cannot be aligned should be separated by a minimum of 125 feet between centerlines for safety purposes.
  - (b) Minimum sight distance shall be determined by Division of Highway Standards.
- 6. Horizontal, vertical, and reverse curves shall be designed by the developer according to standards of the Division of Highways and in the interest of public safety and general welfare. Factors to be considered, among others, shall be the type and importance of the street, sight distance, anticipated traffic volume and design speed.
- 7. Cul-de-sacs shall not be more than fifteen hundred (1,500) feet in length. The vehicular turnaround shall have a street right-of-way diameter of one hundred (100) feet. Cul-de-sacs shall not be used to avoid connection with an existing street or to avoid the extension of an important street in the adjoining area.
- 8. Frontage Road – When a subdivision abuts or contains a fully or partially controlled access facility, whether existing or proposed, a frontage road may be required by the Planning Board.

9. Signs
  - (a) Street Name Signs – Appropriate street name signs which meet the Division of Highways policies shall be installed by the developer at all street intersections.
  - (b) Stop and Yield Signs – Stop and yield traffic signs shall be installed by the developer at appropriate street intersections as required by the Division of Highways. Any supplemental signs deemed necessary to safety and welfare by the Planning Board shall also be required for installation.
10. Industrial Access or Commercial Complex Roads – The minimum construction standards for industrial access road requests or for commercial shopping centers and apartment complexes will be reviewed individually by the Department of Transportation. The construction standards for pavement design will be in line with expected usage.
11. Access Roads - Where a tract of land to be subdivided adjoins a federal or state highway, the developer may be required to provide a marginal access street parallel to the highway or reverse frontage on an interior street for the lots to be developed adjacent to the highway. If reverse frontage is required, then the developer shall be required to provide a ten-foot (10') easement parallel and adjacent to the right-of-way of the highway. Such easement shall be restricted to the planting of trees or shrubs for screening purpose and shall be in addition to all other easements required by this ordinance.
12. Private Roads – If a subdivision development has proposed private streets, a homeowner’s association shall be incorporated in accordance with G.S. Chapter 55, to provide for maintenance. As required, appropriate bylaws shall be prepared, and proposed covenants or deed restrictions, which address maintenance, apportionment of financial responsibility and enforcement shall be provided. The county attorney shall approve the adequacy of these materials prior to final plat review. These materials shall be recorded at the same time as the final plat and shall be appropriately cross-referenced in the county register of deeds office.

## **ARTICLE VI REQUIRED INFORMATION FOR PROCESSING PLATS**

### **Section 601 Information Required on Plats**

#### **General**

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

Areas within the subdivision that are not reviewed and approved for use as building lots during original review shall be labeled “non-buildable”. In addition, a note shall be included on the plat which states that before the status of such areas can be changed and building

permits issued, the owner must comply with subdivision or re-subdivision procedures, as applicable. Areas within the proposed subdivision determined to be “unsuitable” for on-site septic system by Gates Health Agency shall be labeled as non-buildable unless lots are recombined to allow for septic systems.

**Section 602 Size and Scale**

All preliminary and final plats shall be no smaller than 18” x 24” in size and shall be at a scale of not less than one inch equal to one hundred feet (1” = 100’).

**Section 603 Information Required**

The preliminary and final plats shall contain or be accompanied by the information in the following table. As listed in the table in this subsection, the necessary information indicated for each sketch plan (“S”), preliminary plat (“P”) or final plat (“F”).

**INFORMATION REQUIRED**

Name of subdivision	S	P	F
A sketch vicinity map showing the relationship between the proposed subdivision and surrounding areas	S	P	
A topographic map showing vertical contours every one (1) foot or less		P	
Total acreage of tract to be subdivided with the location of previously subdivided lots within the tract	S	P	F
Name of township, county and state in which the subdivision is located	S	P	F
Corporate limits, township boundaries, county lines, if on the subdivision tract	S	P	F
The names, addresses, and telephone numbers of all owners, mortgages, registered surveyors, land planners, and professional engineers responsible for the subdivision		P	F
The registration numbers and seals of the professional engineers and registered surveyors			F
Date of survey and plat preparation		P	F
Scale denoted both graphically and numerically	S	P	F

An accurately positioned north arrow tied into the North Carolina Grid System if within 2,000 feet of a monument		P	F
The exact boundary lines of tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands			F
The names of adjoining property owners	S	P	F
The boundaries of the tract or portion thereof to be subdivided distinctly and accurately represented with all bearing and distances shown		P	
The names of any adjoining subdivision of record or proposed and under review	S	P	F
Minimum building setback lines		P	F
Existing buildings or other structures, water courses, railroad, bridges, culverts, storm drains, both on land to be subdivided and land immediately adjoining	S	P	F
Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line, and building setback line whether curved or straight. This should include the radius central angle, and tangent distance for the centerline of curved streets and curved property lines that are not boundaries of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.			F
Consecutively numbered blocks and lots	S	P	F
Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds and any other natural feature affecting the site, including the location of known areas subject to flooding		P	F
Floodplain statement with references		P	F
Floodplain boundaries, if any	S	P	F
Wetland delineation approved by US Army Corps of Engineers, if required			F

Proposed roadways, existing and platted streets on adjoining properties and in the proposed subdivision, rights-of-way, pavement widths, approximate grades, design and engineering data for all corners and curves and typical street Cross-sections.	P	F	
Street names, type of street dedication as public or local/private	P	F	
The location and dimensions of all rights-of-way, utility or other easements	S	P	F
The plans for utility layouts including sanitary sewers, storm sewers, water distribution lines, natural gas, telephone and electric service or plans for individual water supply systems and sewerage disposal systems (i.e. septic tank systems)	P	F	
Letter of tentative approval of water supply and sewage disposal plans by appropriate county and state authorities	P		
Improvement Certificate or letter of approval for water and sewage systems by appropriate county and state authorities		F	
Letter of approval from the Department of Transportation as to proposed roadway alignment and construction	P		
Letter of approval from NCDOT stating whether the new roadway is constructed to appropriate state standards		F	
A copy of any deed restrictions or similar covenants	P	F	
Street Maintenance Disclosure Statement where proposed roadways are designated public OR Local/Private Road Disclosure Statement	P	F	
The accurate locations and descriptions of all monuments, markers, and control points		F	
Any other information considered by either the developer, Subdivision Administrator, Planning Board or Board of Commissioners to be pertinent to the review of the plat	P	F	

Linear error of closure shall not exceed one (1) foot per 7,500 feet. Angular error of shall not exceed twenty-five (25) seconds times the square root of the number of angles turned. Plus or minus distances will not be approved.

F

**Section 604 Certificates to be applied to face of plat**

**Final Plat**

**A. Certificate of Ownership and Dedication**

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon which was conveyed to me (us) by deed recorded in Book \_\_\_\_\_, Page \_\_\_\_\_, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, and dedicate all streets, alleys, walks, parks and other open spaces to public use unless otherwise noted. Further, I (we) certify that the land as shown hereon is within the subdivision regulations jurisdiction of Gates County and all dedications are free and clear of any lien, lease, deed of trust or any other encumbrance.

\_\_\_\_\_ Date \_\_\_\_\_ Owner or Authorized Agent

**B. Certificate of Accuracy**

State of North Carolina, Gates County, I \_\_\_\_\_ certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey by me) (an actual survey made under my supervision) (deed description recorded in Book \_\_\_\_, Page \_\_\_\_), (other); that the ratio of precision as calculated by Latitudes and departures is 1:7,500; that the boundaries not surveyed are shown as broken lines plotted from information found in Book \_\_\_\_\_, Page \_\_\_\_\_.  
Witness my hand and Seal this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Registered Land Surveyor Registration Number

**C. Certificate of District Highway Engineer**

I hereby certify that these streets as installed or as designed and guaranteed are in accordance with the minimum design criteria presently required by the N. C. Department of Transportation, Division of Highways, for the acceptance of subdivision streets on to the state system for maintenance.

\_\_\_\_\_ Date \_\_\_\_\_ District Engineer  
N.C. Department of Transportation, Division of Highways

**D. Certificate to Subdivision Classification**

I, \_\_\_\_\_, RLS L-\_\_\_\_\_, certify to one of the following as indicated:



necessary maintenance. *(Note: This statement shall not serve as a substitute for any other statutory disclosure requirements.)*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner or Authorized Agent

## **ARTICLE VII – SCHOOLS**

When a preliminary subdivision plat is submitted for approval in which a school site should be reserved, the Planning Board shall notify the Board of Education that the subdivision has been submitted for approval and that under the Ordinance, a school site may be reserved therein. The school site may also be required if the projected size is such that a school site should be considered. The Planning Board shall consult the Board of Education to determine the exact size and location of any school site to be reserved. Before the final plat of the subdivision is finally approved, the Board of Education shall determine whether or not it wishes to have a school site reserved in the subdivision. If the Board of Education does wish to have a school site reserved in the subdivision, the subdivision as finally approved shall reserve a school site of a size and location agreeable to the Board of Education and to the Planning Board. If the Board of Education has not purchased or begun proceedings to acquire the site within a maximum of eighteen (18) months after the subdivision is finally approved, the developer may treat the lands as freed of the reservation. If the Board of Education does not wish to have a school site reserved, the developer shall be immediately notified.

## **ARTICLE VIII – PLANNED UNIT DEVELOPMENT**

### **Section 801 Definition**

A “planned unit development” (PUD) is a tract of land under single, corporate, firm, partnership, or association ownership, which is planned and developed as an integral unit. It is established in a single development operation or a definitely programmed series of development operations according to an approved master development plan and a preliminary site plan.

### **Section 802 Purpose**

It is the objective of this Article to encourage PUD proposals that exhibit such special qualities or concepts that they may deviate from standard ordinance requirements. These regulations are established in order that each PUD proposal will be evaluated on its own merits. It is recognized that some proposals or concepts will be more successful than others and the approval of a specific proposal would be acceptable in other circumstances. It is also recognized that only through ingenuity, imagination, and high quality design can residential or commercial developments be produced which are in keeping with the intent of this Article but which are not constrained by the strict application of conventional use and dimensional requirements of the subdivision regulations.

### **Section 803 Voluntary Alternative Procedure**

Use of the PUD procedure is not mandatory for the development of any site or area. Rather, this process will provide a voluntary alternative development procedure that has one or more of the advantages listed below.

- A. Permit creative approaches to the development of residential or commercial land, reflecting changes in the technology of land development.
- B. Accompany a more desirable environment than would otherwise be possible, by providing for a variety of housing types, designs and arrangements.
- C. Provide for an efficient use of land, which can result in smaller networks of utilities and streets and reduce development costs.
- D. Enhance the appearance of neighborhoods through the preservation of natural features, and the provision of recreational and open space areas.
- E. Provide an opportunity for new approaches to home ownership.
- F. Provide an environment of stable character compatible with surrounding residential and natural areas.

### **Section 804 Minimum Requirements**

- A. The normal lot size, setbacks and frontage requirements are hereby waived for lots or building sites within the planned unit development, provided that the spirit and intent of this Article are complied with in the total development plan, as determined by the Planning Board. Compliance with standard subdivision setback requirements along the perimeter of a PUD is required. The Planning Board shall exercise ultimate discretion as to whether the total development plan does comply with the spirit and intent of this section.
- B. All streets providing access to a PUD and streets within a PUD shall be constructed to at least North Carolina Department of Transportation standards regarding right-of-way and width, and must be paved.
- C. Every dwelling unit shall have access to a public or private street, walkway, or other area dedicated to common use, and there shall be a provision for adequate vehicular circulation to all development properties, in order to ensure acceptable levels of access for emergency vehicles.

### **Section 805 Land Development Standards**

Subject to the provisions set forth herein, common land must be an essential element of the PUD, provided in lieu of large individual lots.

- A. Residential Uses. Residential units within a PUD may include single-family detached or attached units, townhouse developments, garden apartments, patio homes, and other types of residential units excluding manufactured home parks, which must comply with the Gates County Manufactured Home/Manufactured Home Park Ordinance. Condominium, cooperative, individual, municipal, or any other type of ownership development may be recorded, and the plan shall be

approved as a preliminary and final plat according to the requirements of the subdivision regulations.

- B. Nonresidential Uses. Non-residential uses (commercial and office) within residential PUDs shall not constitute the primary use in the PUD, and nonresidential uses shall be carefully designed to complement the residential uses within the PUD.
- C. Privacy. Each development shall provide reasonable visual and acoustical privacy for all dwelling units. Fences, insulation, walkways, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants.

### **Section 806 Density**

The intent of this section is to authorize the developer to decrease lot sizes and leave land as common open space, thereby lowering development costs and increasing the amenity of the project without increasing the density beyond what would be permissible if the land were subdivided into the size of lots required by Article V.

The amount of common open space that must be set aside shall be determined by:

- A. Subtracting from the standard square footage requirement set forth in Article V, the amount of square footage of each lot that is smaller than the standard;
- B. Adding together the results obtained for each lot.

### **Section 807 Open Spaces**

“Common open space” is defined as a parcel or parcels of land or an area of water, or a combinations of land and water, designed and intended for the use or enjoyment of residents of the Planned Unit Development, or of the general public. Common open spaces may contain accessory structures and improvements necessary or desirable for religious, educational, non-commercial, recreational, or cultural areas. Common open space does not include parking or loading areas.

A variety of open space and recreational areas is encouraged, such as children’s informal play in close proximity to individual dwelling units (according to the concentration of dwellings), formal parks, picnic areas, playgrounds, and scenic open areas and communal non-commercial recreational facilities.

### **Section 808 Utilities**

Planned Unit Development projects that receive a waiver for water or sewer will include a reservation/easement for the future installation of both water and sewer mains to serve all property that will be developed in the project. The County recognizes that parts of Gates County will develop at densities that make the future provision of water and sewer service probable. The County will insure that easements will be reserved in reviewing PUD plats on the adoption of this section of the ordinance.

## **ARTICLE IX DEFINITIONS**

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

Alley - A roadway easement that affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

Authorized Agent - One who is acting as representative for, or by the authority of the developer.

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

Board of Commissioners - The Board of County Commissioners; County Board of Commissioners; the governing body of the County of Gates, North Carolina.

Buffer Strip - An area of land that shall not be developed, required to separate land uses deemed incompatible; front yard set backs and side yards are examples of buffers. In some cases additional screening, landscaping or otherwise may be required.

Building Setback Line – A line parallel to the front property line, which establishes the minimum allowable distance between nearest portions of any building, steps, eaves, gutters, and similar fixtures, and the street right-of-way line when measured perpendicularly thereto.

Collector Street - A street, which serves as the connecting street system between local residential streets and the thoroughfare system.

Corner Lot - A lot that occupies the interior angle at the intersection of two (2) street lines. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal, in which case, the owner shall be required to specify which is the front when requesting a building permit.

Cul-de-sac - A short street having one end open to traffic and the other end being permanently terminated and a vehicular turn-around provided.

Dedication - A gift of land or right to land, given by the owner to the public at large for a specified purpose or purposes, which entails the transfer of property rights and must be made by written instrument and is completed with an acceptance by a governmental agency.

Disclosure Statement - A statement prepared and signed by the developer and the buyer of the subject real estate, fully and completely disclosing the status (whether public or private) of the street upon which the lot fronts. The statement shall also include an explanation of the consequences and responsibility as to maintenance and construction of proposed roadways.

Double Frontage Lot - A continuous (through) lot of the same depth as the width of a block containing two tiers of lots and which is accessible from both streets upon which it fronts.

Easement -A grant by the property owner for use by the public or others of a strip of a land for specified purposes.

Final Plat - A map of land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications, acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets, public areas, and other dimensions of land, as prescribed by this Ordinance.

Homeowners Association – A private, nonprofit corporation of homeowners formally constituted for the purpose of owning, operating, and maintaining common properties.

Improvements - The construction of infrastructure required by this ordinance to obtain final plat approval. Infrastructure shall consist of but not be limited to water mains, fire hydrants, roadways, surface drainage improvements, and artificial drainage improvements.

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

Local Road – A private road with at least a forty-five (45) foot right-of-way width, which serves no more than two (2) lots.

Lot - A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership or for development, or both. The word "lot" includes the word "parcel" or "plot".

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

Major Subdivision - Any subdivision other than a minor subdivision.

Minor Subdivision - A subdivision that does not involve the creation of more than two (2) lots fronting on a state maintained road and meets other qualifications and requirements specified in this ordinance.

Official Maps or Plan - (Land Development Plan or Comprehensive Plan)-Any maps or plans officially adopted by the County Board of Commissioners as a guide for the development of the County.

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

Parent Parcel – a parent parcel begins at the date of adoption of the Gates County Subdivision Ordinance of April 5, 2004, and is the original parcel or tract of land in existence prior to any division of the parcel. Any division of the parent parcel shall comply with the Gates County Subdivision Ordinance. *(Amended March 3, 2010)*

Planned Unit Development - A land development project comprehensively planned as an entity via a unitary site plan which permits flexibility in building siting, mixtures of building types and land uses, recreational areas and usable open spaces and the preservation of significant natural features. Included within this definition shall be planned unit residential developments and planned unit non-residential developments or combination thereof.

Planning Board -The Planning Board of Gates County as appointed by the Board of Commissioners.

Plat -A map or plan delineating a tract or parcel of land to be subdivided, land to be dedicated for public use, or right-of-way for street or utility purposes. The word plat shall include the terms "map", "plot", and "plan".

Preliminary Plat - A map of proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivisions of land, as prescribed by this Ordinance.

Private (or Local) Road - A roadway serving two (2) or fewer lots, building sites or other division of land and not intended to be public ingress or egress.

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 not involving the transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period of time.

Reversed Frontage lot - A lot on which the frontage is at right angles or approximately right angles (interior angles less than one hundred thirty-five (135) degrees) to the general pattern in that area. A reversed frontage lot may also be a corner lot, an interior lot or a through lot.

Setback Line - A line located a minimum horizontal distance from the right-of-way line of any street or road parallel thereto, between which and the right-of-way line no structure (to include steps, eaves, gutters and similar fixtures) shall be erected or altered. Setback lines are also located a minimum horizontal distance from lot boundary lines parallel thereto, between which and the lot boundary line no structure (to include steps, eaves, gutters, and similar fixtures) shall be erected or altered.

Shall - The word "shall" is always mandatory and not merely directory.

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.

Subdivision - All divisions of a tract or parcel of land (in addition to the undivided remaining portion of the original undivided tract) into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or a change in existing streets.

Streets - Public or private right-of-way used for vehicular traffic.

*Frontage Road* - A street that is parallel to a fully or partially access controlled street which functions to provide controlled access to adjacent land.

*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.

*Residential Collector Street* - A street, which serves as the connecting street between minor streets and the thoroughfare system. It serves or is designed to serve directly or indirectly, more than twenty-five (25) dwelling units.

*Private Street* - An undedicated private right-of-way which affords access to abutting properties and requires a Local/Private Road Disclosure Statement.

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

*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 through urban areas.

*Minor Arterial*- A rural link in a network joining cities and larger towns and providing intrastate and intercounty at relatively high overall travel speeds with minimum interference to through movement. This network would primarily serve traffic.

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

*Minor Street* – A street whose primary function is to provide access to abutting properties and is designed to discourage use by through traffic. It serves or is designed to serve not more than twenty-five (25) dwelling units. Minor streets may also be referred to as “neighborhood” streets.

*Minor Thoroughfares* - Minor thoroughfares are important streets that 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.

*Arterial Street*- A street connecting widely separated areas and designed to carry a large volume of traffic, which may be fast, heavy or both. Arterial streets are sometimes referred to as "major thoroughfares", "freeways", etc. and are usually numbered State or Federal Highways.

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

Developer - Any person, firm, or corporation who subdivides or develops any land deemed to be subdivision as defined in this Ordinance.

Subdivision Administrator - That person appointed by the County Commissioners to administer the provisions of this Ordinance.

Technical Review Committee - A committee appointed to represent different areas of expertise valuable to the field inspection of a subdivision. This committee will be made up of any number of persons the Board of Commissioners feels necessary to complete this review process.

Through Lot or a "Double Frontage Lot" - A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lot.