SUBDIVISION REGULATIONS

YADKIN COUNTY, NORTH CAROLINA

AN ORDINANCE ESTABLISHING COMPREHENSIVE SUBDIVISION REGULATIONS FOR YADKIN COUNTY, NORTH CAROLINA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF

ARTICLE I

TITLE

This ordinance shall be known and may be cited as the Subdivision Regulations for Yadkin County, North Carolina

ARTICLE II

AUTHORITY AND ENACTMENT CLAUSE

The County Commissioners of the County of Yadkin, pursuant to the authority conferred by Chapter 153A, Article 18 of the General Statutes of the State of North Carolina, do hereby ordain and enact into law these Articles and Sections.

ARTICLE III

JURISDICTION AND PURPOSE

Section 30. Jurisdiction

On and after the date of adoption, these regulations shall govern each and every subdivision of land within Yadkin County (hereinafter referred to as the "county") and outside the subdivision regulation jurisdiction of any incorporated municipality. However, this ordinance may also regulate territory within the subdivision regulation jurisdiction of any municipality whose governing body by resolution agrees to such regulation provided, however, that any such municipal governing body may, upon one year's written notice, withdraw its approval of the County Subdivision Regulations, and those regulations shall have no further effect within the municipality's jurisdiction.

Section 31. Purpose

The purpose of these subdivision regulations is to guide and regulate the subdivision of land within the county in order to preserve the public health, safety and welfare. The regulations included herein are designed to ensure an adequately planned street system and to avoid sharp curves, hazardous intersections; to avoid overcrowding of the land and extreme concentration of population; to secure safety from fire, panic, and other dangers; to provide for adequate water and sewage systems, schools, parks and playgrounds; to insure against flood damage; to facilitate an orderly system for the design, layout, and use of the land; to insure the proper legal description and monumenting of subdivided land; and to provide for the further subdivision of larger land parcels.

ARTICLE IV

INTERPRETATIONS AND DEFINITIONS

Section 40. Word Interpretation

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

40.01 The word "county" shall mean Yadkin County, North Carolina.
40.02 The words "County Commissioners" shall mean the Board of Commissioners of Yadkin County, North Carolina.
40.03 The words "Planning Board" shall mean the Planning Board of Yadkin County, North Carolina.
40.04 The words "Register of Deeds" shall mean the Register of Deeds for Yadkin County, North Carolina.
40.05 The words "ordinance" and "regulations" shall mean the Subdivision Regulations for Yadkin County, North Carolina.
40.06 The word "may" is permissive.
40.07 The word "shall" is mandatory.
40.08 The word "lot" includes the words "plot", "parcel", "tract", or "site".
40.09 The word "building" includes the word "structure".
40.10 The word "street" includes the words "road" and "highway".
40.11 The words "Planning Department" shall mean the Planning and Zoning Office of the Department of Planning and Development, Yadkin County, North Carolina.
40.12 The words "Health Department" shall mean the Health Department of Yadkin County, North Carolina.
40.13 The words "Subdivision Coordinator" shall mean the Director of the Yadkin County Department of Planning and Development or the Director's designee.

Section 41. Definitions

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

41.01 **ALLEY.** A minor right-of-way privately or publicly owned, primarily for service access to the back or side of properties.

41.02 **BUILDING SETBACK LINE.** A line parallel with the property line designating an area bordering the property line on which no building shall be placed.

41.03 **DWELLING UNIT.** A building, or portion thereof, providing complete and permanent living facilities for one family.

41.04 **EASEMENT.** A grant by the property owner of a strip of land for a specified purpose and use by the public, a corporation, or persons.

41.05 **EXISTING SUBDIVISION.** A subdivision with a recorded plat or plats at the register of deeds on or before January 2, 1995.

41.06 **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.

41.07 **OFFICIAL MAPS OR PLANS.** Any maps or plans officially adopted by the County Commissioners as a guide to the development of the County.

41.08 **PANHANDLE LOT.** Also known as a "flag" lot: A lot with its main usable portion situated at a distance from a road, and having a narrow appended portion of land deeded as a part of the lot, so that the narrow portion extends to the road and is used for access. Panhandle lots may be approved after review by the Planning Board or the Planning Director under Article VII, Section 72, subsection 72.06.

41.09 **PLANNED RESIDENTIAL DEVELOPMENT.** A permitted use designed to provide for developments incorporating a single type or a variety of residential and related uses which are planned and developed as a unit. Such development may consist of individual lots or common building sites. Common land must be an element of the plan related to affecting the long-term value of the entire development.

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

41.11 **PRIVATE DRIVEWAY.** A roadway serving one (1) lot, building site or other division of land and not intended to be public ingress or egress.

41.12 **PUBLIC ROAD.** A dedicated and accepted public right-of-way for vehicular traffic on which is constructed a road which meets the specifications of the North Carolina Department of Transportation.

41.13 **PRIVATE ROAD.** A road within a subdivision that is not dedicated and accepted for public vehicular traffic.

41.14 **PUBLIC SEWAGE DISPOSAL SYSTEM.** A single system of wastewater collection, treatment and disposal owned and operated by a sanitary district, a water and sewer authority, a county or municipality or a public utility.

41.15 **PUBLIC WATER SUPPLY SYSTEM.** A system for the provision of piped water for human consumption if the system serves 15 or more service connections or which regularly serves 25 or more individuals. Two or more water systems that are adjacent and are owned or operated by the same supplier of water and that together serve 15 or more service connections or 25 or more persons.

41.16 **RIGHT OF WAY.** A strip of land dedicated by the owner or other authority over which persons may legally pass, and on which may be constructed a road or other utilities.

41.17 **DOUBLE FRONTAGE LOT.** A continuous (through) lot which borders two or more streets on opposite sides.

41.18 **SINGLE-TIER LOT.** A lot which backs upon a limited-access highway, a physical barrier, or another type of land use, and to which access from the rear is usually prohibited.

41.19 **STREET.** A dedicated and accepted public right of way for vehicular traffic. The following clarifications shall apply:

41.18.1 **Principle (Interstate) Arterial Street.** A street designed to carry heavy volumes of traffic at relatively high speeds with access only from other intersecting streets, but not from abutting properties (controlled access). 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 transportation, and existing solely to serve traffic. This network consists of interstate routes and other (previously considered major arterials) routes designed as principle arterials.

41.18.2 **Minor Arterial Street.** A rural link in a network joining cities and larger towns and providing intrastate and inter-county service at relatively high (55 mph) overall travel speeds with minimum interference to through movement. This network would primarily serve through traffic. The right of way dedication is subject to approval of the North Carolina State Department of Transportation.

41.18.3 **Major Collector Street.** A road which serves major intra-county travel corridors and traffic generators and provides access to the arterial system; right of way dedication is subject to the approval of the North Carolina State Department of Transportation.

41.18.4 **Minor Collector Street.** A road which provides service to small local communities. It is designed to carry light to medium traffic volumes, principally from local streets within a residential development. Right of way dedication is subject to the approval of the North Carolina State Department of Transportation.

41.18.5 **Local Street.** A local road that serves primarily to provide access to adjacent land and for travel over relatively short distances. Right of way dedication is subject to the approval of the North Carolina State Department of Transportation.

41.18.6 **Interior Streets.** A road which provides service primarily to the residential uses within a subdivision, designed to carry light traffic at low speeds. . Right of way dedication is subject to the approval of the Yadkin County Planning Board and/or the North Carolina State Department of Transportation.

41.18.7 **Marginal Access (Frontage) Street.** A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land. Right of way dedication is subject to the approval of the North Carolina State Department of Transportation.

41.18.8 **Cul-de-sac**. A short local street having one end open to traffic and the other end being permanently terminated and a vehicular turnaround provided.

41.18.9 **Public Street**. A road within a subdivision that is dedicated and accepted for public vehicular traffic (See Article VII, Section 71).

41.18.10 **Private Street**. A road within a subdivision that is not dedicated and accepted for public vehicular traffic.

41.20 **SUBDIVIDER.** Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

41.21 **SUBDIVISION.** A "subdivision" shall include all divisions of a tract of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition nor be subject to the regulations prescribed by this ordinance:

41.21.1 The combination or recombination of portions of previously platted lots where 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 this ordinance.

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

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

41.21.4 The division of a tract in single ownership whose entire area is no greater than two (2) acres, where no street right of way dedication is involved, and the resultant lots are equal to or exceed the standards of the county as shown in this ordinance.

41.22 **SUBDIVISION, EXEMPT.** Any division of property specifically excluded from the definition of **SUBDIVISION** provided in Subsection 41.21 above, and consisting entirely of one or more of the four exceptions labeled therein as items 41.21.1 through 41.21.4.

41.23 **SUBDIVISION, MINOR.** A subdivision of contiguous property which may be submitted in the form of a single plat, and which may be approved by the Planning Director or his/her designee without review by the Planning Board. A minor subdivision consists entirely of lots, roads and/or easements that meet the standards of Article VI, Section 66 of this Ordinance.

ARTICLE V

PLANNING BOARD REVIEW

No real property within the jurisdiction of this ordinance shall be subdivided and offered for sale or a plat thereof recorded until a preliminary and final plan have been approved by the Planning Board as provided hereinafter. Plans of group developments for housing, commercial, industrial, or other uses, or for any combination of uses shall be submitted in the same manner as other plats for approval by the Planning Board.

Approval of the final plat by the County Planning Board shall be required before issuance of any building permit for a structure to be erected in a subdivision, except in cases where streets, utilities, and other required improvements are to be constructed concurrently with buildings and where a preliminary plan for such development has been approved, in writing, by the Planning Board. In such cases, approval by the Planning Board of a preliminary plan shall be a sufficient basis for issuance of a building permit. Such preliminary approval shall in no way alter the requirements that the final plat be approved by the Planning Board prior to the sale of land in the development, or the recording of a plat.

ARTICLE VI

PROCEDURES FOR REVIEW AND APPROVAL OF SUBDIVISIONS

Section 60. Submission of Preliminary Plan to Planning Board

A preliminary plan meeting the requirements of this ordinance shall be submitted for review and shall be approved by the Planning Board before any improvements are made in a subdivision. Nine (9) copies of this plan shall be submitted to the Subdivision Coordinator by the last working day of the previous month prior to the next meeting of the Planning Board at which time it is to be reviewed. Two copies of the plan shall be retained in the records of the Planning Board; additional copies shall be sent to local, state and federal agencies as deemed necessary by the Subdivision Coordinator.

The Planning Board shall review the preliminary plan and may negotiate with the subdivider any changes required in order that the subdivision may comply with the provisions of this ordinance and for such other changes as may be found desirable before approval by the Planning Board. The Planning Board shall take formal action on the preliminary plan at the first regular meeting date after receipt of the plan. Within ten (10) days after its action on the plan, the Board shall notify the subdivider by letter indicating the action taken.

After receiving approval of the preliminary plan by the Planning Board (and not before that time), the subdivider may proceed to construct improvements, in accordance with the requirements of this ordinance, as shown on the approved preliminary plan, and to prepare and submit the final plat.

Section 61. Platting and Conveyance of Individual Parcels

61.01 On a tract of land requiring the construction of a new road, the developer may present a preliminary plat to the North Carolina Department of Transportation requesting review of roads. After the review by the NCDOT, the preliminary plat will be submitted to the Planning Board with recommendations.

61.01.1 The preliminary plat shall show total area of the tract (either acreage or square feet), location and dimensions of proposed road indicating maximum grades and location of drainage facilities.

61.01.2 Upon approval of the preliminary (schematic) plan by the Planning Board, the developer shall develop the property as approved by the Planning Board. The property may be developed in stages (phases) if approved by the Planning Board.

Section 62. Submission of Final Plat to Planning Board

Unless a final plat is submitted to the Planning Board within one year from the date on which the preliminary plan was approved, such action on the preliminary plat shall be void and of no effect. A final plat shall be recorded in approved stages. Each stage as approved by the Yadkin County Planning Board falls within the one year deadline from the date of approval for final plat recordation. A final plat meeting the requirements of this ordinance shall be submitted to the Subdivision Coordinator in nine (9) copies by the last working day of the previous month prior to the meeting of the Planning Board at which it is to be considered. Copies of the plat shall be distributed in the same manner as copies of the preliminary plan.

Section 63. Approval of Final Plat by the Planning Board and Recording Thereof

Upon receipt of the final plat, the Planning Board shall review it for compliance with the provisions of this ordinance. The Planning Board may approve the plat in whole or in part, or subject to modifications. The approval of the final plat by the Planning Board shall be on condition that such plat is recorded in the office of the register of deeds within thirty (30) days after such approval.

The original tracing of the final plat shall be made available by the subdivider for authentication when the Planning Board takes final action approving the plat.

63.01 The subdivider shall pay an inspection fee as set by the Board of County Commissioners which shall be paid at the time of the presentation of the preliminary plat to the staff of the Planning Board.

Section 64. Appeal to Board of Commissioners

If either a preliminary or final plat does not receive a favorable recommendation from the Planning Board, the subdivider may appeal to the County Commissioners within thirty (30) days.

Section 65. Sketch Development Plan

A subdivider may submit a sketch to the Subdivision Coordinator prior to submission of a preliminary plan if he/she wishes to ascertain the feasibility of development of his/her property.

Section 66. Minor Subdivisions

66.01 Procedures set forth here for handling applications for approval of minor subdivisions are intended to simplify processing of routine small subdivisions with due regard to protection of the public interest.

66.02 Minor Subdivisions defined. For the purpose of these regulations, a minor subdivision is defined as any subdivision:

(1) consisting of ten (10) lots or less and not involving the development or extension of new public of private roads or utilities, or

(2) consisting of no more than a total of three (3) lots which do not front a public street but have a right of way recorded equal to or greater than that required by the North Carolina Department of Transportation's Minimum Construction Standards for Subdivision Roads (See Section 71).

(3) A panhandle lot authorized by the Planning Board or Planning Director as provided in Article VII, Section 72, Subsection 72.06 may be included in a minor subdivision, if such lot is counted as one of the off-road lots allowed under category 66.02**(2)**.

66.03 In lieu of the procedures set forth in this ordinance, the subdivider may receive preliminary and final approval for any minor subdivisions through procedures set forth as follows:

66.03.1 The staff of the Planning Board shall review the preliminary plat of each minor subdivision and shall find that it is or is not a minor subdivision and that it does or does not meet the requirements of this ordinance. Said findings shall be stated in writing and recorded in the records of the Planning Board.

66.03.2 A decision by the staff shall be made within fifteen (15) days of submission, and the decision of the staff is subject to appeal by the subdivider, if requested, to the Planning Board for approval, before the conveyance of any of the property or the recordation of the plat.

66.03.3 After approval, the subdivision plat shall be recorded with the register of deeds within sixty (60) days.

ARTICLE VII

GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN

Section 70. General Requirements

The subdivider shall observe the following general requirements and principles of land subdivision.

70.01 **Suitability of Land**. Land subject to flooding will be considered unsuitable for development. The decision by the Planning Board will be based on flooding history of the area, U.S. Geological Survey information, Federal Emergency Management Agency (FEMA) Flood Hazard Maps, and any other relevant data sources. Generally, property which has a cross slope of 50% or more is considered unfeasible for subdivision development. Any variance beyond a 50% slope shall require approval by the Planning Board.

70.02 **Conformity to Existing Plans**. All proposed subdivisions shall conform to any adopted plans for the county. Whenever a tract to be subdivided embraces any part of a primary arterial, major arterial, or collector street so designed on any officially adopted plan, such part of such public right of way shall be platted by the subdivider in the location and at the width indicated by said plan and provisions of this ordinance.

70.03 **Coordination and Continuation of Streets**. The proposed street layout within a subdivision shall be coordinated with the existing street system of the surrounding area; and where possible, existing principle streets shall be extended. Streets within a subdivision shall be designated as public or private and meet the requirements set forth in section 71 (Design Standards for Streets) of this ordinance.

70.04 **Access to Adjacent Properties**. Where in the opinion of the Planning Board it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turnaround will be provided.

70.05 **Access Right of Way**. Where a right of way, less than the required North Carolina Department of Transportation's Minimum Construction Standards for Subdivision Roads for a proposed subdivision has been granted prior to adoption of this ordinance and the developer presents proof that he cannot feasibly obtain the additional right of way needed to comply with state standards, then he will be permitted to develop the property.

70.06 **Large Tracts or Parcels**. Where land is subdivided into larger parcels than ordinary building lots, such parcels should be so arranged as to allow for the opening of future streets and logical further subdivisions.

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

70.08 **Lots**. All lots shall front with a minimum of 40 feet on a dedicated street. Double frontage lots shall be avoided except as designated in Section 70.07 above, or where terrain necessitates double frontage for reasonable access to property.

70.09 **Street Names.** Street names shall be subject to the approval of the County Commissioners.

70.10 **Collector and Minor Streets**. Collector and minor streets shall be so laid out that their use by through traffic will be discouraged. Streets shall be designed or walkways dedicated to insure convenient access to parks, playgrounds, schools, and other places of public assembly.

70.11 **Natural Assets**. In any subdivision due consideration will be given to preserving natural features such as streams and rivers.

70.12 **Name of Subdivision**. The name of a subdivision shall not duplicate nor closely approximate the name of an existing subdivision within the county.

70.13 **Erosion and Sedimentation**. In order to prevent soil erosion and sedimentation of streams, springs, flat water bodies, or other drainage networks, the subdivider shall retain the natural vegetation cover wherever possible. Further, land cleared of the natural vegetation shall be reseeded or replanted to an appropriate vegetation cover as approved by the Planning Board. All developers must develop an erosion/sedimentation control plan for approval by local, state, and federal agencies

70.14 **Storm Water Drainage**. The subdivider shall provide an adequate drainage system for the proper drainage of all surface water.

70.14.1 No surface water shall be channeled or directed into a sanitary sewer.

70.14.2 Where feasible, the subdivider shall connect to an existing storm drainage system.

70.14.3 Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to protect the proposed development from water damage.

70.14.4 Surface drainage courses shall have side slopes no steeper than three (3) feet of horizontal distance for each one (1) foot of vertical distance.

70.14.5 The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one (1) foot in each three hundred (300) feet of horizontal distance.

70.15 **Proposed Water and Sewerage Systems.** The final subdivision plat must be accompanied by satisfactory evidence as to the proposed method and system of water supply and sanitary sewage collection and disposal.

70.15.1 Where the proposed subdivision system is to be connected to the system owned and operated by any municipality-associated sanitary district, or to any sanitary facility of Yadkin County, but not constructed by the municipalities or county, the final subdivision plat shall be accompanied by a complete set of construction plans for the proposed system, prepared by a registered engineer, and approved by the engineer of the public sewer system or public water system, and the appropriate local, state, and federal agencies.

70.15.2 Where the proposed system does not contemplate the use of facilities owned and operated by any of the above, the developer shall note on the final plat that each lot shall have an individual water supply and sewage disposal facility approved by the appropriate local, state and federal agencies.

70.16 **Every Subdivision Shall Have Permanent Access to a State-System Road.** Where it is necessary to cross the lands of private property owners in order to provide access, the subdivider shall provide documentation satisfactory to the Planning Board that he has obtained from the property owners a permanent right of way from the state-system road to his/her subdivision. The right of way dedication shall be equal to or greater than that required by the North Carolina Department of Transportation's Minimum Construction Standards for Subdivision Roads. Full disclosure concerning rights of way shall be made on the final plat prior to recording.

Section 71. Design Standards for Streets

71.01 **Standards for Minor Subdivisions.** Minor subdivisions have no specific street construction standards; however, an access maintenance agreement is required where right-of-way easements are shared by two (2) or more lots.

71.01.1 New or existing private rights of way shall be equal to or greater than that required by the North Carolina Department of Transportation's Minimum Construction standards for Subdivision Roads.

71.02 **Standards for New or Existing Public Streets.** All streets and related storm drainage facilities intended for public dedication shall be constructed to the North Carolina Department of Transportation's Minimum Construction Standards for Subdivision Roads. The subdivider shall provide the Planning Board with acceptable assurances that he/she has complied with this provision.

71.03 **Standards for New and Existing Private Streets.** New and existing private streets that will be used for internal subdivision movement must provide adequate access to subdivision lots. Unless affirmatively waived by the Planning Board, based on the advice and expertise of the subdivision coordinator or other pertinent agencies, departments or persons, private streets shall meet the following requirements:

71.03.1 Private streets must have a right of way dedication greater than or equal to that required by the North Carolina Department of Transportation's Minimum Construction Standards for Subdivision Roads.

71.03.2 Cul-de-sacs shall have a turnaround right of way dedication which is a minimum of eighty (80) feet in diameter.

71.03.3 Private streets servicing a total of four (4) to eight (8) lots shall be paved with concrete or asphalt or provided with an all-weather surface of at least six (6) inches of crushed stone on a well-compacted sub-base to a continuous width of twenty (20) feet.

71.03.4 Should a private street be extended to service a total of nine (9) or more lots, or should the new construction of a private street service nine (9) or more lots, said street shall meet the specifications of the North Carolina Department of Transportation.

71.03.5 Shoulders shall not be less than four (4) feet in width.

71.03.6 Ditches shall be provided where necessary for proper drainage. The ditch front slope shall not be greater than 4:1.

71.03.7 Sight distance easements at the intersection of a private street with a public street shall be equal to or greater than those required by the North Carolina Department of Transportation.

71.03.8 Erosion control measures shall be equal to requirements for public roads.

71.04 **Exceptions.** Exceptions to these standards may be granted by the Planning Board under ARTICLE XI; EXCEPTIONS AND VARIANCES, to those subdivisions which are governed by property owners' associations. Such subdivisions may be characterized by strictly controlled access or unique design features that make it necessary to deviate from these standards for streets.

71.05 **Disclosure.** New or existing private streets to be used for internal subdivision movement must be upgraded to these specifications and the subdivider must designate the streets as "private", prepare, place on the public record and record with the final plat a full disclosure statement in accordance with G.S. 136-102.6, which guarantees:

71.05.1 A right of access to any private street in the subdivision by all lots served by the street.

71.05.2 Maintenance of any private street in the subdivision at the standards set for approval (the responsibility of such maintenance shall be given to a property owners' association).

71.05.3 A full disclosure of street maintenance responsibilities and that these responsibilities shall run with the land.

71.05.4 Neither North Carolina nor Yadkin County as any responsibility for maintaining the identified streets.

Section 72. Design Standards for Blocks

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

72.01 **Block Length.** Blocks shall not be less than four hundred (400) feet, nor more than thirteen hundred feet in length, except where topographic conditions require a greater length. Where additional length is required, there shall be a turnaround meeting the requirements as stated herein, or as recommended by the Planning Board, and located as near as practical to the first 800 foot point, and each 800 foot point thereafter, but not to vary more than 100 feet shorter or longer.

72.02 **Block 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.

72.03 **Lot Area.** Minimum lot area shall be as set forth in the Yadkin County Zoning Ordinance, subject to zoning district and including all exceptions and modifications found therein.

72.04 **Lot Dimensions.** All lots shall have minimum dimensions as set forth in the Yadkin County Zoning Ordinance, subject to zoning district and including all exceptions and modifications found therein.

72.05 **Orientation of Residential Lot Lines.** Side lot lines shall be substantially at right angles or radial to street lines.

72.06 **Panhandle Lots.** The Planning Board or Planning Director may approve panhandle or "flag" lots in exceptional cases where it is impractical to serve an isolated lot by a state maintained road. The frontage of the panhandle lot shall have a minimum width of twenty-five (25) feet providing an access strip between two regular lots to the isolated building site. The area of such strip shall be excluded in computing the lot area and width, and the length of said strip shall not exceed three hundred (300) feet and the grade shall not exceed eighteen per cent (18%).

72.07 **Building Setback Lines.** The minimum building setback distance shall be as set forth in the Yadkin County Zoning Ordinance, subject to zoning district and including all exceptions and modifications found therein. Zoning setback requirements shall be observed when locating new structures near existing property lines, or when creating new property lines near existing structures. However, these requirements may be waived by the Planning Director or Planning Board for new property lines at existing accessory structures, where it is determined that adverse impact would be minimal.

Section 73. Design Standards for Easements

Easements shall be provided as follows:

73.01 **Utility Easements.** Easements for underground or above ground utilities shall be provided where necessary across lots, preferably centered on rear or side lot lines, and shall be at least fifteen (15) feet in width.

73.02 **Buffer Strips.** A buffer strip at least ten (10) feet in width may be required by the Planning Board adjacent to a major street or a commercial or industrial development. This strip shall be in addition to the normally required lot dimension, shall be part of the platted lot, and shall be reserved for the planting of trees and shrubs by the owners.

ARTICLE VIII

ALLOWABLE DENSITY VARIATIONS

Section 80. Intent

Density variation will be considered by the Planning Board under the concept of a Planned Residential Development.

ARTICLE IX

INSTALLATION OF PERMANENT REFERENCE POINTS AND IMPROVEMENTS

Section 90. Permanent Reference Points

Prior to the approval of the final plat, permanent reference points shall have been placed in accordance with the following requirements:

90.01 **Subdivision Corner Tie.** At least one corner of the subdivision shall be designated by course and distance (tie) from a readily discernible reference marker. If a corner is within two thousand (2000) feet of a U.S Coast and Goedetic Station or NC grid system coordinated monument or such other coordinated system, then this corner shall be marked with a monument so designated by computer X and Y coordinates, which shall appear on the map with a statement identifying this station or monument, to an accuracy of 1:10,000. Where such monument or station is not available, the tie shall be made to some permanent and readily recognizable landmark or identifiable point, physical object or structure.

90.02 **Monuments.** Within each block of a subdivision, at least two (2) monuments designed as control corners shall be installed. The surveyor shall employ additional monuments when necessary. Monuments shall be constructed of concrete and shall be at least four (4) inched in diameter or square, and not less than three (3) feet in length. Each monument shall have imbedded in its top of attached by a suitable means a metal plate of non-corrosive material and marked plainly with the point, the surveyor's registration, and the word "monument" or "control corner". A monument shall be set at least thirty (30) inches in the ground with at least six (6) inches exposed above the ground unless this requirement is impractical because of vehicular traffic or other factors.

90.03 **Property Markers.** A steel or wrought iron pipe or equivalent not less than three-fourths (3/4) inches in diameter and at least thirty (30) inches in length shall be set at all corners, except those located by monuments. A marker shall also be set at a point of curve, point of intersection, property corner, point of tangency, reference point and tangent unless a

monument has been placed at these points. Additional markers shall be placed at other points of importance.

90.04 **Accuracy.** Land surveys, except subdivision corner ties, beyond the corporate limits of any municipality which is not subject to these regulations, shall be as follows:

90.04.1 Angular error of closure shall not exceed twenty (20) seconds times the square root of the square root of the number of angles turned.

90.04.2 Linear error of closure shall not exceed one (1) foot per ten thousand (10,000) feet of perimeter of the lot of land (1:10,000).

Section 91. Installation of Improvements

Prior to the approval of the final plat, the subdivider shall have complied with the following requirements:

91.01 **Streets and Storm Drainage Facilities.** All streets and storm drainage facilities in the subdivision shall be constructed in accordance with specifications and standards of the North Carolina Department of Transportation.

91.02 **Water Lines.** Where public water is reasonably accessible, the subdivider shall connect with the public supply and shall provide water mains and a suitable water connection to each lot. Where a public water supply is not reasonably accessible, the subdivider may provide a central water system meeting the requirements and approval of the appropriate local, state and federal agencies. It shall be the responsibility of the subdivider to establish a satisfactory method of insuring the continuing operation and maintenance of the system.
Subject to approval of the Planning Board and the Yadkin County Health Department, the subdivider may provide individual water supplies. These supplies shall be located, constructed, and operated in accordance with standards of the appropriate local, state and federal agencies. The plans and specifications shall be approved by these agencies, where applicable.

91.03 **Sanitary Sewers.** Where a public sanitary sewer system is reasonably accessible, the subdivider may connect with the public system and shall provide a connection for each lot. Where a public sanitary sewer system is not accessible, the subdivider may provide a central package sewer system to serve the subdivision and shall establish a satisfactory method of insuring the continuing operation and maintenance of the system. Such a system shall meet the requirements and the approval of the appropriate local, state and federal agencies.
Approval of individual systems shall be based on investigation and evaluation of the suitability of the site for on-site wastewater disposal and treatment. In such cases construction shall not commence on said lots until an improvements permit is obtained from the Yadkin County Health Department.

Section 92. Deferment of Improvements.

Where it is in the best interest of all parties concerned to defer the installation or completion of some required improvement, the Planning Board may approve the final plat if the subdivider posts a bond with surety or other guarantees satisfactory to the County Commissioners, in an amount equal to or greater than the estimated cost of the deferred improvements. Such guarantees shall assure either the performance of

the specified work or payment of the specified sum to the County if such improvements have not been installed within the time specified on the final plat. The County Commissioners may require that the bond or other guarantee be greater than the estimated cost of the improvements, to allow for cost increases.

ARTICLE X

SPECIFICATIONS FOR DRAWINGS

Section 100. Preliminary Plan

The preliminary plan shall be at a scale of one hundred (100) feet to one (1) inch or less and shall be on a sheet eighteen inches by twenty-four inches (18" x 24"). The plan shall show the following information:

100.01 A sketch vicinity map showing the relationship between the proposed subdivision and the surrounding area.

100.02 The location of existing and platted property lines, streets, buildings, water courses, transmission lines, sewers, bridges, culverts, and drain pipes, water mains, city and county lines (if adjoining) and any public utility easements.

100.03 Boundaries of the tract shown with bearings and distances.

100.04 Any conditions affecting the site.

100.05 Names of adjoining property owners and subdivisions.

100.06 Zoning classification, if any, both on the land to be subdivided and on adjoining land.

100.07 Proposed streets, street names, rights of way, roadway widths, approximate grades, must be designated as public or private roads.

100.08 Other proposed rights of way or easements, showing locations, widths, and purposes.

100.09 Proposed lot lines, lot and block numbers, and approximate dimensions.

100.10 Proposed minimum building setback lines.

100.11 Topography with contour intervals of at least ten (10) feet.

100.12 Proposed parks, open spaces, or any other public areas.

100.13 Proposed utility layouts (sewer, water, electricity) showing connections to existing systems or plans for central water system or package sewer system, or plans for individual water and sewage.

100.14 Name of owner, engineer, registered surveyor and land planner.

100.15 Title, date, north reference, and graphic scale.

100.16 When an area covered by the plan includes or abuts a water area (stream, river, or lake), flood area certification by a registered surveyor or other reliable source is required.

Section 101. Final Plat

The final plat shall be drawn on reproducible linen or mylar with permanent drafting ink at the same scale and on the same sheet size as the preliminary sketch plan. The final plat shall constitute only that portion of the approved preliminary sketch plan which the subdivider proposes to record, provided that such portion conforms to all requirements of this ordinance. The final plat shall show:

101.01 A sketch vicinity map showing the location of the subdivision in relation to the surrounding area.

101.02 The right of way lines and easements of all streets and roads, must be designated public or private roads.

101.03 Lot lines and lot numbers showing bearings and distances. All dimensions should be to the nearest one-hundredths (0.01) of a foot and angles to the nearest minute.

101.04 Minimum building setback lines.

101.05 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.

101.06 Where applicable, normal and ordinary high water lines of water areas, and any proposed dock lines.

101.07 Sufficient data to determine readily and reproduce on the ground the location, bearing, and length of every street line, block line and building 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 the boundary of curved streets.

101.08 Accurate location and description of all monuments and markers and block tie lines.

101.09 The names and locations of adjoining subdivisions and streets, and the location and ownership of adjoining property not subdivided, including water areas.

101.10 Title, date, name, and location of subdivision, graphic scale, and true north reference.

101.11 Name of owner, developer, engineer, and land planner.

101.12 Reservations or easements, areas to be dedicated to public use or maintained by a property owners' association, or sites for other than residential use shall be shown on the plat with notes stating their purposes. Each project, prior to final approval, must submit a preliminary description of the organization of the property owners' association as well as the maintenance procedures which will apply to the community. All covenants governing the maintenance of private roads or open space shall bear the certification of approval of the County Attorney as to their legal sufficiency.

101.13 Utility plans for water, sanitary sewerage, storm drainage, and electrical distribution system. When individual on-site wastewater disposal and treatment systems are needed the final plan should include an improvements permit from the health department (for each lot).

101.14 The following certificates shall be shown on the final plat:

101.14.1 Certification of Ownership and Dedication

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

_____ _____

Date Owner

_____

Owner

101.14.2 Certificate of Approval of N.C. Department of Transportation

I, _____, Division of Highways Engineer, do certify that the streets as indicated hereon are approved by the North Carolina Department of Transportation, and will be accepted to the State system at such time as density warrants.

_____ _____

Date Division of Highways Engineer

101.14.3 Certification of Approval of Water and Sewage System

Certification of Approval of the Individual Water Supply and On-site Waste Water Systems.

_____ _____

Date Yadkin County Environmental Health Specialist

_____

NC Division of Environmental Health Official

_____

NC Division of Environmental Management Official

101.14.4 Certification of the Approval of Streets and Utilities

I hereby certify: (1) that streets, utilities and other improvements have been installed in an acceptable manner and according to county specifications in the subdivision entitled _____ or (2) that a security bond in the amount of $_____ , or cash in the amount of $_____ , has been posted with the county to assure completion of all required improvements in case of default.

_____ _____

Date Chairman, Yadkin County Planning Board

101.14.5 Certification of Approval of Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of Yadkin County, North Carolina, with the exception of such variances, if any, as are noted in the Minutes of the Planning Board and recorded on the plat, and that it has been approved by the Yadkin County Planning Board at their regular meeting of _____ for recording in the office of the County Register of Deeds.

_____ _____

Date Chairman, Yadkin County Planning Board

ARTICLE XI

EXCEPTIONS AND VARIANCES

Section 110. Exceptions

110.01 The standards and requirements of this ordinance may be modified by the Planning Board in the case of a plan and program for a complete group development, which in the judgment of the Planning Board provides adequate public spaces and improvements of the circulation, recreation, light, air, and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will insure conformity to and achievement of the plan.

110.02 Existing developments, as defined, are not subject to the requirements of this Ordinance. However, expansions to existing developments must meet the requirements of this ordinance.

Section 111. Variances

Where, because of topographical or other conditions peculiar to the site, strict adherence to the provisions of this ordinance would cause an unnecessary hardship, the Planning Board may authorize a variance, if such variance can be made without destroying the intent of this ordinance. Any variance thus authorized is required to be entered in writing in the Minutes of the Planning Board and recorded on the final plat with the reasoning set forth on which the departure was justified. All requests for variances must be made in writing by the developer.

ARTICLE XII

PENALTIES

Section 120. Violation a Misdemeanor

The following penalties as provided in the General Statutes of North Carolina (G.S. 153A, Sale of land by reference to an unapproved plat a misdemeanor; injunctions) shall prevail. Any person who, being the owner or agent of the owner of any land located within the platting jurisdiction granted to the County by G.S. 153A, thereafter transfers or sells such land by reference to a plat showing a subdivision of such land, before such plat has been properly approved by the Yadkin County Planning Board and recorded in the office of 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. The County, through its County Attorney or other official designated by the County Commissioners, may enjoin such transfer or sale by action for injunction.

ARTICLE XIII

AMENDMENTS

Section 130. Amendment Procedure

This ordinance may be amended from time to time by the County Commissioners as herein specified, 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 within which to submit its report. If the Planning Board fails to submit a report within the specified time to the County Commissioners, it shall be deemed to have approved the amendment.

ARTICLE XIV

LEGAL STATUS PROVISIONS

Section 140. Duty of Register of Deeds

The County Commissioners shall file a copy of this ordinance with the Register of Deeds. The Register of Deeds shall not thereafter file or record a plat of subdivision located within the territorial jurisdiction of the ordinance without approval as required in this ordinance. The landowner shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the territorial jurisdiction of the Ordinance as defined herein, or the filing or recording shall be null and void. The Clerk of Superior Court of the County shall not order nor direct the recording of a plat where such recording would be in conflict with this section.

Section 141. Effect of Invalidity of One Section

Should any section or provision of this ordinance be decided by the courts 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 142. Effective Date

Duly adopted by the Yadkin County Board of Commissioners, Yadkin County, North Carolina, this ordinance shall take effect and be in force on March 20, 2007.

Adopted this 19th Day of March, 2007

Kimberly Clark Phillips

Chairman, Yadkin County Board of Commissioners

Eric Williams

Clerk to the Board (Interim)