

CHATHAM COUNTY SUBDIVISION REGULATIONS

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- (35) Amendment effective November 17, 2003
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SECTION 1. GENERAL PROVISIONS

1.1 Title

This document shall be known; cited and referred to as the Chatham County Subdivision Regulations.

1.2 Authority

By the authority of Chapter 153-A Article 18 of the General Statutes of North Carolina the Chatham County Board of Commissioners does hereby exercise the powers and authority to regulate the subdivision of land within its territorial jurisdiction.

1.3 Purpose

This ordinance is adopted for the following purposes:

- A. To protect and provide for the public health, safety and general welfare of Chatham County.
- B. To provide for the orderly growth and efficient development of the County.
- C. To provide for the coordination of subdivision streets with existing and/or planned streets.
- D. To insure an adequately planned street system and to avoid sharp curves, steep grades and hazardous intersections.
- E. To provide for safe and adequate water and sewer systems, schools, parks and playgrounds.
- F. To provide for the dedication of right-of-ways for streets and utilities.
- G. To insure against flood damage.
- H. To facilitate an orderly system for the design and layout of land.
- I. To insure the proper legal description, and monumenting of land.
- J. To provide for the resubdivision of land.
- K. To avoid overcrowding of the land and extreme concentration of the population.
- L. To provide for the orderly safe flow of traffic and to avoid congestion and traffic hazards.

The minimum standards specified herein are adopted and shall be considered as achieving the purposes listed above.

1.4 Jurisdiction

- A. This document shall govern each and every subdivision of land, as herein defined, lying within Chatham County and outside the extraterritorial jurisdiction of any incorporated municipality as provided in Chapter 169A-360(d) of the General Statutes of North Carolina.
- B. Whenever a subdivision of land takes place as herein defined, a plat shall be prepared, approved and recorded pursuant to the provisions specified herein. Since the definition of subdivision refers to the division of land into lots or building sites for sale or building development whether immediate or in the future, this shall be interpreted to mean that any time a separate residential structure is to be situated on a parcel of land, a separate lot shall be created and said lot shall, prior to any construction thereon, be reviewed according to the procedure set forth herein, unless said lot is exempted from the definition of subdivision.

Parcels of land, which a owner does not intend to transfer, but upon which a mobile home(s) is located whether in a rental mobile home park or not in such a park are not required to comply with these regulations provided said land meets the requirements of the Health Department, provided that prior to any transfer of such a parcel except by will or intestacy, the owner shall comply with these regulations.

- C. The owner of land 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 jurisdiction of the subdivision regulations of Chatham County. (See Appendix A).
- D. Whenever land shown on a plat for recordation is within the territorial jurisdiction of the subdivision regulations of Chatham County, but is exempt from the regulations, the owner of the land shown or his authorized agent shall sign a statement giving the reasons why his plat is exempt from the subdivision regulations, if such be the situation (See Appendix A).

1.5 Enactment

In order that land may be subdivided in accordance with these purposes and policy, these subdivision regulations are hereby adopted May 20, 1985 and become effective July 1, 1985.

1.6 Interpretation

The parts and provisions of this document in their interpretation and application, shall be considered to be the minimum requirements for the promotion of the public health, safety and general welfare.

1.7 Conflict with Public Provisions

This document is not intended to interfere with, annul or abrogate any other ordinance, rule or regulation, statute or other provision of law applicable to Chatham County. Where any provisions of this document imposes limitations different from those imposed by any other provision of the document or any other ordinance, rule or regulation, or other provision or law, whichever provisions are more restrictive or impose higher standards shall control.

1.8 Conflict with Private Provisions

This document is not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where the provisions of this document are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of this document shall govern. Where the private provisions impose more restrictive or higher standards than this document then such private provisions shall be operative and supplemental to these regulations.

1.9 Separability

If any part or provision of these regulations or application thereof to any person or circumstances is held invalid by any court of competent jurisdiction, such judgement shall be confined in its operation to the part, provision or application directly involved in all controversy in which such judgement shall have been rendered. Such judgement shall not affect or impair the validity of the remainder of this document even without any such part, provision or application.

1.10 Saving Provision

These regulations shall not be interpreted as altering any action now pending under prior existing subdivision regulations.

All pending applications in which preliminary plat approval has been given may proceed to final review under the procedures set forth herein, but shall be governed by the substantive provisions of the subdivision regulations of Chatham County, North Carolina, made effective July 1, 1980, as amended.

1.11 Reservations

Upon the adoption of these regulations according to law the Subdivision Regulations of Chatham County, North Carolina, made effective July 1, 1980, as amended, are hereby repealed, except as to such sections expressly retained herein.

1.12 Amendments

For the purpose of providing for the public health, safety and general welfare, the Chatham County Board of Commissioners may amend, when deemed necessary, the provisions imposed by these regulations. Public hearings on all proposed amendments shall be held in the manner

prescribed by Chapter 153-323 of the General Statutes of North Carolina.

1.13 Variances

A. General

Where the Planning Board finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may recommend variances to these subdivision regulations to the Board of County Commissioners so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Planning Board shall not recommend nor the Board of County Commissioners grant such variances unless it shall make findings based upon the evidence presented to it in each specific case: (#9)

- (1) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land.
- (2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- (3) 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.
- (4) 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.

B. Conditions

In approving variances, the Board of County Commissioners may require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements of these regulations. (#9)

C. Procedures

A petition for any such variance shall be submitted in writing by the subdivider at the time when the sketch design or preliminary plat is filed for the consideration of the Planning Board. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner. Applicants shall pay any administrative fee established by the County at the time of the application or request. (#5) (#9)

1.14 Prohibited Acts, Enforcement, and Penalties

- A. No owner or agent of the owner, of any land located within the territorial jurisdiction of the County, shall subdivide his land

in violation of these regulations or transfer or sell land by reference to, exhibition of or any other use of a plat showing a subdivision of land before the plat has been properly approved under these regulations and recorded in the office of the Register of Deeds. The description by metes and bounds in the instrument of transfer or other document use in the process of selling or transferring land does not exempt the transaction from these regulations.

- B. The Register of Deeds shall not record a plat of any subdivision unless the plat has been approved in the manner prescribed by these regulations or the owner has certified that the subdivision is exempt from these regulations. (See 1.4C and D)
- C. No officer or agency of the County may issue permits for the construction of any building or structure located on or authorize the extension, connection or construction of any public or private facilities or services to a lot or other division of land that has not been properly created and approved, as provided by these regulations.
- D. The Planning Department is responsible for enforcing these regulations and shall bring to the attention of the Planning Board and the County Board of Commissioners any violations or lack of compliance.
- E. The County may enjoin illegal subdivision, transfer or sale of land by action of injunction. Any violation of these regulations shall constitute a misdemeanor and violations of such provisions shall be punished by a fine or by imprisonment for a term not exceeding 30 days, as provided in N.C. General Statute 14-4. (#40)
- F. Any violation of the provisions of these regulations or a failure to comply with any of its requirements shall subject the offender to a civil penalty of \$50.00 per day for the first violation. If the same violation occurs on the same property within six (6) years after the initial violation is remedied, a civil penalty in the amount of \$100.00 per day shall automatically apply. If the same violation occurs on the same property within six (6) years after the second occurrence of the violation is remedied, a civil penalty in the amount of \$200.00 per day shall automatically apply. If the same violation occurs on the same property within six (6) years after the third or any subsequent occurrence of the violation is remedied, a civil penalty in the amount of \$500.00 per day shall automatically apply. For the purposes of assessing civil penalties each day such violation continues shall be considered a separate and distinct offense. (#40)

1.15 Fees (#37)

Reasonable fees sufficient to cover the costs of administration, inspection, technical review, publication of notice and similar matters may be charged to applicants for subdivision plat approval, variances and other administrative relief. The amount of the fees charged shall be as set forth in the county's budget

or as established by resolution of the Board of Commissioners. Fees established in accordance herewith shall be paid upon submission of an application.

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SECTION 2. DEFINITIONS

2.1 Meaning of Words Generally

Words and terms used in this document have their commonly accepted, dictionary meaning unless specifically defined or the context in which they are used in this document clearly indicates otherwise.

2.2 Meaning of Common Words

All words use in present tense include future tense.

All words in the plural include the singular, and all words used in the singular include the plural.

All words used in the masculine gender include the feminine gender.

The word "shall" is mandatory, and the word "may" is permissive.

The word "building" includes the "structure and any part thereof".

The word "lot" includes the words "plot", "parcel", and "tract".

The word "person" includes the words "association", "company", "corporation", "firm", "individual", "organization" and "partnership".

2.3 Meaning of Specific Words and Terms

Adjacent - Having a common border such as a lot line or street right-of-way.

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

Applicant- The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises prior to the Planning Board granting final approval of a subdivision plat.

Architect- A person certified and currently licensed to practice architecture in North Carolina. This includes landscape architects.

Block- A tract of land bounded by visible physical boundaries such as streets, public parks, cemeteries, railroad right-of-ways, shorelines of waterways, or boundary lines of municipalities.

Board- The Chatham County Planning Board.

Board of Commissioners- The Chatham County Board of County Commissioners.

Bond- Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Planning Board. All bonds shall be approved by the County Attorney wherever a bond is required by these regulations.

Building- Any structure built for the support, shelter, or enclosure of persons, animals, immovable, or movable, property of any kind.

Building Setback Line- A line in the interior of a lot which is generally parallel to, and a specified distance from, the street right-of-way line or other lines; which creates a space between such lines in which no building shall be placed.

Community Water System- A private water company formed by a developer to serve a new subdivision development in an outlying area.

Community Sewage System- A community sewer system including collection and treatment facilities established by a developer to serve a new subdivision in an outlying area.

County- Chatham County, North Carolina or the governing body of.

County Attorney- Person so designated by the Chatham County Board of Commissioners.

CU-CC Conditional Use - Compact Community - A compact residential development with a mixed commercial use village center with a conditional use permit required as a prerequisite to any use or development, as provided in the Compact Communities Ordinance. (#37)

Cul-de-sac- A street with only one end open to traffic and the other end being permanently terminated and a vehicular turnaround provided for the safe and convenient reversal of traffic movement. Length is measured from the centerpoint of the turn around to the center line of the connecting non-cul-de-sac street.

Dedication- The object or the act of an owner offering property or property rights to the public. Since a transfer of property rights is involved, dedications must be made by written recordable instruments.

Developer- The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.

District Division of Highways- The Division of Highways of the North Carolina Department of Transportation both agency and persons.

Double Front Lot- A continuous (through) lot which is accessible from both streets upon which it fronts.

Easement- The right to use another person's property, but only for a limited and specifically named purposes, the owner generally continues to make use of such land since he has given up only certain, and not all, ownership rights.

Family Subdivision(#30-A) - Family subdivision means one or more divisions of a tract of land (a) to convey the resulting parcels, with the exception of parcels retained by the grantor, to a relative or relatives of direct lineage, or to the surviving spouse, if any, of any deceased lineal descendant, as a gift or for nominal consideration, but only if no more that one parcel from such tract is conveyed by the grantor to any one relative or such relative's surviving spouse; or (b) to divide land from a common ancestor among tenants common, all of whom

inherited by intestacy or by will. This provision shall apply only where the grantor or decedent already owned the land so divided upon the effective date of this ordinance.

Final Plat- The map or plan or record of a subdivision and any accompanying material, as described in these regulations.

Flood Hazard Area- The minimum area of the flood plain that, on the average, is likely to be flooded once every one hundred years (i.e., that has a one percent chance of being flooded each year) as identified on the most current Flood Insurance Rate Map Chatham County, North Carolina Unincorporated Area as referenced in the Chatham County Flood Damage Prevention Ordinance. (#39)

Grade- The slope of a road, street, or other public way, specified in percentage (%) terms.

Health Department- The agency and person designated to administer the local regulations. The Chatham County Health Department.

Individual Sewage Treatment Facility- A sewage disposal system developed to function on an individual lot basis. A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device.

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

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

Lot Area- The total horizontal area included within lot lines.

Lot Area (Useable)- Lot area suitable for septic fields. The area within the lot lines which is a contiguous or non-contiguous area suitable for a septic field, well, house and access. This area does not include areas such as public right-of-ways or land within the water hazard area or floodway. (#39)

Lot Improvement- Physical changes made to raw land and structures on or under the land surface in order to make the land more useable for man's activities. Typical improvements in these regulations would include but not be limited to grading, street pavement, drainage ditches, and street name signs. Certain lot improvements shall be properly bonded as provided in these regulations.

Major Subdivision- All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of six (6) or more lots, or any size subdivision requiring any new street, or extension, or the creation of any public improvements. (#15R)

Minor Subdivision- Any subdivision containing not more than five (5) lots fronting on an existing public street, not involving any new

streets or road, or the extension or the creation of any public improvements. (15R)

Monuments- Markers placed on or in the land. Metal pins not less than three-fourth (3/4) inches in diameter and 18 inches long or concrete monuments 4 inches in diameter or square and three feet long.

Non-cul-de-sac Street- A street with more than one end open to traffic or which may be opened in the future, such as a stub street.

Non-residential Subdivision- A subdivision whose intended use is other than residential, such as commercial or industrial.

Official Submission Date- This shall be considered the date of the Board meeting at which a plat is considered for approval. This is not the date upon which the plat is submitted to the Planning Board staff for review.

Off-Site- Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant requesting subdivision plat approval.

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

Official Maps or Plans- Any maps or plans officially adopted by the Board of Commissioners as a guide to the development of Chatham County. The Land Development Plan and Thoroughfare Plan are two examples of an official map or plan.

Owner- Any person, group or persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under the regulations.

Percolation Test- An examination of subsoil used in determining the acceptability of the site and the design of the subsurface disposal field. The procedure of administering the test is set forth in Section 1921 of the North Carolina Administrative code, Title 10 Department of Human Resources, Chapter 10 Health Services; Sanitary Engineering Subchapter 10A, Sanitation.

Planning Board- The Chatham County Planning Board.

Planned Unit Development (PUD)- This is a development with a unique design that is comprised of a mixture of housing densities and types (detached and attached) and land uses, including open space. The open space shall be deeded to a property owner's association or an appropriate governmental body. A PUD shall be developed according to the master plan as specified in Section 8.

Private Street- An undedicated private right-of-way which affords access to abutting properties according to the standards of this

ordinance and requires a subdivision streets disclosure statement in accordance with the North Carolina General Statutes.

Public Improvement- Any drainage ditch, roadway, sidewalk, lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

Public Sewer- A system to provide the public with the collection and treatment of wastewater which shall be owned and operated by a county, municipal government, or service district. (#8)

Public Street- A dedicated and accepted public right-of-way which affords to access to abutting property and meets the standards of this ordinance and the most recent North Carolina Department of Transportation minimum construction standards for subdivision roads.

Public Water- A system to provide or furnish water to the public which shall be owned and operated by a county, municipal government, or service district. (#8)

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

Register of Deeds- Chatham County Register of Deeds.

Reservation- An obligation to keep property free from development for a stated period of time for the purpose of making the land available for a specified use at a later time.

Right-of-way- A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "right-of-way" for land plating purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-ways intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the owner of the property on which such right-of-way is established.

Road Right-of-way Width- The distance between property lines measured at right angles to the centerline of the street.

Rural Road- For purposes of this ordinance the following classification of rural roads apply:

Principal Arterial: A rural link in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel and existing solely to serve

traffic. This network would consist of interstate routes and other routes designed as principal arterials.

Minor Arterial: A rural link in a network joining cities and larger towns and providing intrastate and intercounty service at relatively high (55mph) overall travel speeds with minimum interference to through movement. The network would primarily serve traffic.

Major Collector: A road which serves major intercounty travel corridors and traffic generators and provides access to the arterial system.

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

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

Setback- The distance between a building and the street line or property line nearest thereto.

Staff- The professional assistants to the Chatham County Planning Board.

Street Line- The legal line between street right-of-way and abutting property.

Street Sign- The sign designating the official name and/or number of the street.

Stub Street- A street with one end open to traffic and one end temporarily closed preferably with a temporary turn around for the safe and convenient reversal of traffic movement. The end that is temporarily closed shall have access reserved on site for future extension.

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

Subdivider- Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided or who, (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel, site, unit, or plat in a subdivision, or who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision, of any interest, lot, parcel, site, unit, or plat in a subdivision, and who (4) is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

Subdivision- A subdivision means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions are created (#39) 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; however, the following are not included within this definition and are not subject to any regulations enacted pursuant to this document:

1. The combination or recombination of portions of previously platted lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its subdivision regulations;
2. The division of land into parcels greater than ten (10) acres if no street right-of-way dedication is involved.
3. The public acquisition by purchase of strips of land for widening or opening streets; and
4. The division of a tract in single ownership the entire area of which is not greater than two acres into not more than three 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 shown by its subdivision regulations.
5. A conveyance made for the purpose of dividing up the estate of a decedent among his heirs and devisees, by will or the courts.
6. The combination or recombination of previously recorded lots or portions of previously recorded lots if the total number of lots is not increased, provided the resultant lots meet or exceed the standards of the Health Department.

Subdivision Agent- Any person who represents, or acts for or on behalf of a subdivider or developer, in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

Subdivision Plat- The final map or drawing, described in these regulations, on which the subdivision is presented to the Planning Board for approval and which, if approved, may be submitted to the Register of Deeds for recording.

Surveyor- A qualified land surveyor or engineer registered and currently licensed to practice surveying in the State of North Carolina.

Temporary Improvement- Improvements built and maintained by a subdivider during construction of the subdivision and prior to release of any performance bond.

Unit or Dwelling Unit- A building or portion thereof designed, arranged or used for living quarters for one family.

Usable Land- See Lot Area (Useable).

Water Hazard Area- The area adjacent to continuously flowing waterways and intermittent streams as designated on the most recent USGS quadrangle sheets which due to its proximity to the waterway, soils and/or other topographic information is deemed not suitable for structures or septic fields due to potential water pollution.

SECTION 3. SECURITY FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS
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SECTION 3. SECURITY FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

3.1 Improvement and Adequate Security

A. Completion of Improvements

Before the plat is signed by the Chairman of the Board of County Commissioners, all applicants shall be required to complete, in accordance with the County's decision, all the street, sanitary, and other improvements on the individual lots of the subdivision as required in these regulations, specified in the final subdivision plat, and as approved by the County and to dedicate same to the appropriate government body, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

B. Adequate Security

- (1) When either forty (40) percent of the total cost of improvements have been completed or when a statement of record for the subdivision has been filed in accordance with the federal Interstate Land Sales Full Disclosure Act and when the public health and/or safety will not be endangered, the County may waive the requirement that the applicant complete all required improvements prior to the signing of the subdivision plat, and that, as an alternative, the applicant post an adequate security at the time of application for final subdivision approval. The amount of the security shall not be less than an amount determined by a licensed architect, registered engineer, surveyor, or licensed contractor acceptable to the county as sufficient to secure to the county the satisfactory construction, installation, and dedication of the incomplete portion of required improvements including labor and material payments. (#24) The security shall also assure all lot improvements on the individual lots of the subdivision as required in these regulations.
- (2) Such adequate security shall comply with all statutory requirements and shall be satisfactory to the County Attorney as to form, sufficiency (i.e., inflation or rising construction costs shall be taken into account of security amount), and manner of execution as set forth in these regulations. A copy of the power of attorney for any countersigning agent shall be attached. The period in which required improvements must be completed shall be specified by the County in the resolution approving the final subdivision plat and shall be incorporated in the security. (#36)

The county attorney may at any time during the period of such security accept a substitution of principal or sureties on the security.

3.1 C. Temporary Improvement

The applicant shall build and pay for all costs of temporary improvements required by the County and shall maintain same for the period specified by the County. Prior to construction of any temporary facility or improvement, the developer may be required to file with the

County a separate suitable financial guarantee for temporary facilities, such guarantee assuring that the temporary facilities will be properly constructed, maintained and removed.

D. Costs of Improvements

All required improvements shall be made by the applicant, at his expense, without reimbursement by the local government.

E. Failure to Complete Improvement

In those cases where an adequate security has been posted and required improvements have not been installed within the terms of the assurance, the authorized agent of the county thereupon shall declare the security to be in default and require that all the improvements be installed regardless of the extent of the building development at the time of default. The authorized agent of the county may take such actions necessary to collect on the defaulted security and provide for the completion of the required improvements.

F. Acceptance of Dedication Offers

Acceptance of formal offers of dedication of public areas, easements, and parks shall be by resolution of the Chatham County Board of Commissioners. The approval by the County of a subdivision plat shall not be deemed to constitute or imply the acceptance by the County of any easement, or park shown on said plat.

3.2 Inspection of Improvements

A. General Procedure

The County and other reviewing agencies may provide for inspection of required improvements during construction and assure their satisfactory completion. If the reviewing agencies find upon inspection that any of the required improvements have not been constructed in accordance with the County's or agencies involved construction standards and specifications, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a financial security, the applicant and the bonding company if applicable, shall be severally and jointly liable for completing the improvements according to specifications.

B. Release or Reduction of security

(1) Certificate of Satisfactory Completion

The County will not accept required improvements, nor will the authorized agent of the county release or reduce said security, until the District Engineer of the Division of Highways, or other appropriate authority has submitted a certificate stating that all required public street improvements have been satisfactorily completed, or until an engineer, surveyor, architect or contractor acceptable to the County has certified that all other required improvements have been completed in conformity with the

requirements of this ordinance. Upon such certification, the County may thereafter accept the improvements in accordance with the established procedure and release the financial guarantee.

(2) Reduction of Security

A guarantee may be reduced upon actual completion of required improvements and then only to the ratio that the required improvements completed bears to the total required improvements for the plat. In no event shall a guarantee be reduced below ten (10) percent of the principal amount.

3.3 Deferral or Waiver of Required Improvements

A. Conditions

The County may defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

B. Payment in Lieu of Improvements

Whenever it is deemed necessary by the County to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the applicant may be required to pay his share of the costs of the future improvements to the County prior to signing of the final subdivision plat, or the applicant may post financial security assuring completion of said improvements upon demand of the County.

SECTION 4. SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS

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(9.) This entire section revised effective 10/21/93

SECTION 4. SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS(#9)

4.1 General Purpose

The purpose of this section is to establish the step-by-step procedure which shall be followed by the developer in submitting plats to the Planning Board and other agencies.

A. The procedure may consist of four main steps, but will vary depending on the subdivision classification:

- (1) Informal consultation
- (2) Sketch design
- (3) Preliminary plat
- (4) Final plat

B. The overriding consideration in having a four step procedure is to assure that subdivisions develop soundly. Other objectives are as follows:

- (1) To assist the developer in the sound and economical development of his property through the examination of the suitability of the property for subdivision development before surveying expenses and improvement costs are incurred.
- (2) That administrative and utility agencies aid in the design of proposed subdivisions.

4.2 General Procedure

The subdivider may follow four main steps when subdividing land within the Chatham County Planning Region.

A. Informal Consultation

This step is strongly recommended, but not required. The subdivider should consult early and informally with the Planning Board technical staff for advice and assistance prior to submitting any formal plat. This will enable the applicant to become thoroughly familiar with these regulations, the major street and road plan, and other official plans or public improvements which affect the area. Such informal consultation should prevent unnecessary and costly revisions.

B. Sketch Design

(1) Purpose

The sketch design is the first of three plats that may be required by these regulations. The sketch design is required in order to properly identify the property being subdivided, to insure the adherence to required design standards, to determine improvement proposals, and to get the initial input of the Planning Board and Board of County Commissioners and adjacent property owners.

(2) Subdivision fee

Applicants shall pay any administrative fee established by the County at the time of the application or request. (#5)

Exception: Fees associated with water plan review and inspection of water improvements to be dedicated to the County shall be paid at a later time as specified in this Ordinance. (#17A)

- (3) Preparation of Sketch Design
The applicant shall submit to the Planning Board a sketch design as provided in these regulations and receive approval of said plat by the Board of County Commissioners prior to submitting a preliminary plat.
- (4) Time limit on validity of sketch design approval
Approval of a sketch design shall be valid for a period of twelve (12) (#39) months following the date of sketch approval by the Board of County Commissioners. There shall be no extension of sketch design approval. If sketch design approval expires the subdivision shall not be considered for preliminary approval until and unless another sketch design approval is granted according to applicable regulations and appropriate additional administrative fees are paid. (#15N) This time limit on the validity of sketch design approval shall not apply for Planned Unit Developments, also referred to as Planned Residential Developments, and subdivisions of more than 50 lots. Sketch design approval shall not expire for developments in these categories provided the development continues according to the overall time schedule established at the time of sketch review. (#16A)

C. Preliminary Plat

- (1) Purpose
The preliminary plat is the second of three plats that may be required by these regulations. The preliminary plat is required to insure that proposed improvements meet the required standards. The preliminary plat serves as a guide to construction.
- (2) Preparation of Preliminary Plat
After sketch design approval is given, various other plans necessary for preliminary submission as provided in these regulations are prepared, reviewed, and approved by appropriate agencies, such as the Department of Transportations, Division of Land Quality, etc.
- (3) Deadline for Submission of Preliminary Plat
If a preliminary plat and required agency approvals are not received within the required validity period of the sketch plan then the plat shall comply with the regulations in effect at the time of preliminary submission. (#39)
- (4) Tie limit on validity of Preliminary Plat approval
Approval of a preliminary plat shall be valid for a period of eighteen (18) months following the date of preliminary approval by the Board of County Commissioners unless a request for an extension has been received and approved by the Board of County Commissioners prior to the expiration of preliminary approval. (#15Q) Upon expiration of preliminary approval, a final plat of the same subdivision shall not be considered by the Board of County Commissioners unless said preliminary plat is submitted for preliminary approval based on standards in effect at the time of resubmission. (#15Q)

- (5) Extension of Time of Preliminary Plat approval
If the developer is unable to complete the improvements required for final approval within the specified time, he may present in writing to the Planning Board a request for an extension of time setting forth the reasons for the extension. The developer shall submit his request at two regularly scheduled Planning Board meetings prior to the date preliminary approval expires and no less than thirty (30) days prior to the expiration of preliminary approval. In the event such an extension is recommended by the Planning Board and/or granted by the Board of County Commissioners, the Board of Commissioners shall state the time limit of the extension which shall be recorded in the minutes of the Board of Commissioners. (#15Q)
- (6) County review of water plans for acceptance into County system. Applicants shall pay a plan review fee, as established by the County, prior to submission of a preliminary plat. The review fee shall be established by the County Commissioners and revised as necessary. This fee shall apply only to water improvements to be dedicated to the County. (#17B)

D. Final Plat

- (1) Purpose
The approved final plat, filed with the Register of Deeds, is the permanent record of the subdivision as constructed. It shows all property lines and other dimensions important for the accurate and legal transfer of property, and records the location of street lines, and easements.
- (2) Preparation of Final Plat
After the preliminary plat has been approved by the Board of County Commissioners and when the required improvements have been installed or appropriate assurance for completion and maintenance of improvements has been filed, the final plat shall be prepared in conformance with these regulations by a surveyor or engineer licensed in the State of North Carolina. (#15Q) Applicants shall pay all inspection fees as established by the County, prior to submission for a final plat. Inspection fees shall be established by the County Commissioners and revised as necessary. These fees shall apply only to water improvements to be dedicated to the County. (#17C)

4.3 Classification of Subdivisions

For the purposes of these regulations, subdivisions shall be classified into two (2) types. The specific review procedure the subdivision plat follows depends upon its classification. Subdivision plats shall be classified as follows:

A. Major Subdivision

All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of six (6) or more lots, or any size subdivision requiring any new street, the creation of any public improvements, or the request for a variance. (#15R)

B. Minor Subdivisions

Any subdivisions containing not more than five (5) lots with access to an existing public street, nor involving any new street or road, the creation of any public improvements, or the request for a variance. (#15R)

C. Recording of Unapproved Lots:

Subdivision lots which are not approved for building development may be approved for recording through the minor subdivision procedure. Such plats shall display a note stating that the lots are not approved for building development and do not meet the requirements of the subdivision regulations, but are approved for recording purposes only. (#1)

4.4 Specific Procedures for Each of the Two Classifications of Subdivisions

A general overview of the review process is provided Section 4.4(A) below (#39) for Major and Minor Subdivisions. Although the standards and design criteria are basically the same for all subdivisions, the specific review procedure varies significantly depending on the classification of the subdivision as described in Section 4.3. The following is an explanation of each of the steps.

A. Procedure for All Subdivisions (Steps 1-3)

(1) Step 1 is not a requirement but is strongly recommended. This initial contact with the Planning Board technical staff should enable the subdivider to become familiar with these regulations and should prevent unnecessary and costly plan revisions at a later date.

(2) Step 2 also is a recommendation. An attorney should be helpful in answering questions regarding legal matters of land subdivision.

(3) The surveyor/engineer who prepares the subdivision plats must be licensed to practice in the State of North Carolina. It is recommended that the surveyor/engineer have informal consultation with the Planning Board technical staff prior to making any survey or drawing a plat.

OVERVIEW OF THE MAJOR SUBDIVISION PLAT REVIEW PROCESS

- | | |
|--|--|
| 1. Informal Consultation
Planning Board Staff | 2. Contact Attorney |
| 3. Hire Engineer/Surveyor | 4. Notification of old and
historic structures to the
Chatham County Historical
Association (#21) |
| 5. Soil Scientist Prepare
Soils Map (19) | |
| 6. Submit Sketch Design to
Board Staff | 7. Planning Board Review and
Action |
| 8. Board of Comm. Action | 9. Submit Prelim. Plat to |

Board Staff

10. Statement of Reasonable Design Certified/Licensed Soil Scientist (19)
11. Preliminary Review of proposed road names by Emergency Operations Center (#21)
12. Prelim. Review Dept. of Transportation
13. Prelim. Review U.S. Army Corps of Engin. & Chatham County Soil Erosion and Sedimentation Control Program
14. Prelim. Review Public water & Public sewer
15. Prelim. review of stormwater mgmnt. plans (#15F)
16. Prelim. review School Superintendent
17. Prelim Review Fire Dept and Dir. Of Emergency Mgmnt.
18. Prelim. Review Telephone & Electric Company
19. Planning Board Staff Review
20. Formal Planning Board & Board of Comm. Action
21. Make Site Improvements
22. Submit Final Plat to Staff
23. Final Review Health Dept.
24. Final Review of D.O.T.
25. Approval of Utilities-Water
26. Approval of Utilities-Electric
27. Approval of Utilities-Sewer
28. Final Staff Review
29. Formal Planning Board & Board of Comm Action (#15Q)
30. Record Plat

OVERVIEW OF THE MINOR SUBDIVISION PLAT REVIEW PROCESS

1. Informal Consultation - Planning Board Staff
2. Contact Attorney
3. Hire Engineer/Surveyor
4. Submit Plat to Planning Board Staff
5. Approval of Health Department
6. Planning Board Staff Review
7. Record Plat

4.4 B. Procedure for Major Subdivisions (Steps 4-29)

- (1) Step 4 - 8 (#39). The sketch design review is required on proposed subdivisions with new roads, but is optional on other subdivisions. The information required on a sketch design map is described in Section 5.1, Section 5.2 A, Section 5.2 B, and Section 5.2 C. (#19) The required number of copies of the information required shall be submitted to the Planning Board staff for review by the Planning Board. (#22) The administrative fee for the subdivision is due at this time. The sketch design map shall be submitted to the Planning Board staff not less than twenty-three (23) days prior to the day on which approval is requested. (#15I)(#23) Following the Planning Board review and action the sketch design map shall be submitted for review and action by the Board of County Commissioners. The required number of sketch design plans shall be submitted to the Planning Board staff for review by the Board of County Commissioners. (#22) When structures of greater than 50 years in age or having historical significance are on the property or within 100 feet of the development property on adjacent property then the developer shall contact the Chatham County Historical Association prior to submittal for sketch subdivision approval. (#21)
- (2) Step 9 (#39). The information required on a preliminary plat is described in Section 5.1 and 5.2. The required number of copies of the information described in Section 5.1 and in Section 5.2 shall be submitted to the Planning Board Staff. (#22) The standards and design requirements for subdivision plats are specified in Section 6 of these regulations. (#5) A subdivision plat with proposed new roads shall be submitted to the Planning Board staff not less than twenty-three (23) days prior to the day on which approval is requested. (#23) A preliminary subdivision plat with no proposed improvements shall be submitted to the Planning Board staff not less than twenty-three (23) days prior to the day on which approval is requested. (#23) The Planning Board staff shall review the plat to be sure it meets the specifications of these regulations. An on-site inspection may be made of the subdivision at that time by the Planning Board staff. (#15I)
- (3) Step 10 (#39). The subdivider is responsible for having the site and the preliminary plat reviewed and signed by a certified/licensed soil scientist concerning the reasonableness of the design. The plat submitted shall exhibit a statement of reasonable design or be accompanied by a letter from the Division of Environmental Management (DEM) signifying approval (issuance of a discharge permit and permit to construct). (#19)
- (4) Step 11 - 12 (#39). Where new public roads are proposed the plat shall be reviewed and approved by the Division of Highways of the North Carolina Department of Transportation. Where new roads are proposed, road names shall be submitted to the County Emergency Operations Center for approval prior to submittal for preliminary subdivision approval. (#21)
- (5) Step 13 (#39). When the development improvements may involve the

placement of excavated material or fill material into streams, creeks, lakes, or wetlands, the subdivider is responsible for contacting the U.S. Army Corps of Engineers for a determination of whether a permit is required. A permit or a letter indicating no permit is required shall be provided twenty-three(23) days prior to the meeting of preliminary plat review.(#23) Failure of the U.S. Army Corps of Engineers to respond within thirty (30) days of an appropriate request to said agency shall not prohibit the subdivision application from proceeding through the county review 4.4 B. Procedure for Major Subdivisions procedures. (#150) The Soil Erosion and Sedimentation Program of the Division of Environmental Health of the Chatham County Public Health Department (#39) shall review and approve plat and erosion control plans when required by law or when new roads are proposed.

- (6) Step 14. Where public water will be provided, the subdivider is responsible for obtaining an approval letter from the State Division of Environmental Health assigning a project identification number. If the public water improvements will be dedicated to the County, approval by the County is also required in addition to state approval. This review is to be considered and fees associated with water plan review by the County shall be paid prior to submission of the preliminary plat. The approval of the public water and sewerage system plans is required at the time the preliminary plat is submitted twenty-three (23) days prior to the Board meeting. (#15I) (#23) (#39)
- (7) The Planning Board Staff may assist the developer upon request with steps 10-14. The preliminary plat application shall be considered incomplete and shall not be scheduled for review by the Planning Board unless the plat along with the approvals specified in steps 10, 11, 12, 13 and 14 are received not less than twenty-three (23) days prior to the Board meeting.(#23) (#39)
- (8) (Reserved)
- (9) Step 15. When required, stormwater management plans shall be submitted to and approved by the county or its designee. (#15F)
- (10) Step 16. In subdivisions larger than thirty (30) acres a plat may be submitted by the Planning Board staff to the School Superintendent for his recommendation concerning the desirability of acquiring a school site in the area. Whenever any subdivision includes part or all of a school site to be reserved as designated on the approved Land Development Plan, said subdivision plat shall be submitted to the County School Superintendent and/or the Board of Education and shall be reviewed as specified in Section 6.5A(1).
- (11) Step 17. Although a signature of approval is not required it is recommended that the local fire department and director of emergency management review the preliminary plat and make recommendations.

- (12) Step 18. Although a signature of approval is not required by the post office or telephone or electric companies it is recommended that these agencies review the preliminary plat so the developer may be assured that the subdivision can be adequately and economically serviced by utilities.
- (13) Step 19. The signed preliminary plats shall be returned to the Planning Board Staff not less than twenty-three (23) days prior to the regularly scheduled Board meeting. (#15I) (#23)
- (14) Step 20. The Planning Board staff shall present the plats along with a recommendation to the Planning Board for formal action. Staff may advise the subdivider of the recommendation prior to the meeting. Following the Planning Board's recommendation, plats of major subdivisions shall be reviewed and approved by the Board of County Commissioners for preliminary approval prior to making any site improvements. The required number of preliminary plats shall be submitted to the Planning Board staff for review by the Board of County Commissioners. (#22) Plats of major subdivisions which do not include new roads may be considered for preliminary and final approval simultaneously by each Board. If a preliminary plat is reviewed and denied approval by the Planning Board during two meetings then the plat may continue the review process and be forwarded by the Planning Board to the Board of County Commissioners for their preliminary review. The preliminary action by the Board of County Commissioners shall be the governing action.
- (15) Step 21. It is recommended that the developer have the local Health Department do a site inspection of the soil scientist's work prior to commencing with land disturbing activity. (19) In this step the developer makes site improvements such as grading and street construction in accordance with the design and specification of the preliminary plat. Any unforeseen difficulties in site development shall be reported to the Planning Board staff. During this step, the agents of the County will conduct periodic inspections of water improvements to insure compliance with plans and specifications. These inspections do not relieve the developer from complying with inspection requirements as outlined by the State Division of Environmental Health. (#17E) The preliminary plat may need to be modified in such circumstances but significant changes may be done only with approval by the Board of County Commissioners. (#15Q) Assurance for completion of improvements such as construction bonds are discouraged but are permitted in lieu of improvements under certain circumstances.
- (16) Step 22. The final plat shall conform significantly to the preliminary plat and shall meet all requirements specified in these regulations. The information required on the final plat is described in Section 5.3. The required number of copies of this information shall be submitted to the Planning Board staff. (#22) If the plat is in order and public improvements are completed or assurance for completion of improvements is submitted, then

appropriate certification stamps shall be applied to the plat. Major subdivisions which do not require new roads may be reviewed simultaneously for preliminary and final approval by the Planning Board and Board of County Commissioners. (#15Q) Subdivisions which request a variance but do not require new roads or public improvements may be reviewed by the Planning Board simultaneously for preliminary and final approval conditional upon the Board of County Commissioners preliminary approval.

- (17) Steps 23-27. These steps need not be taken in order. It is the developer's responsibility to have each of the listed appropriate agencies review the final plat and affix the agency's stamp of certification or provide their respective approval (#39). The Planning Board Staff may assist the developer upon request. Two sets of as-built drawings of utility plans and fees for periodic water improvements inspections by the County shall also be submitted to the County Water Department at this time or prior to the release of a financial guarantee by the County. (#17F)
- (18) Step 28. After all certification stamps are signed or other form of approval is obtained (#39), the developer shall submit the required number of signed plats (#22), along with one (1) reproducible plat to the Planning Board staff for their final review, (#17G) a minimum of twenty-three (23) days prior to the date of the Planning Board meeting approval is requested. (#23)
- (19) Step 29. The Planning Board staff shall submit the final plat along with its recommendation to the Planning Board and Board of Commissioners for formal action. (#15Q) Staff may inform the developer of their recommendation prior to the Planning Board meeting. Upon approval the Chairman of the Board of County Commissioners shall sign the final plats which exhibit original signatures. (#15Q)
- (20) Step 30. The developer shall submit the approved final plat to the Chatham County Register of Deeds for recording in the official plat file. A subdivision plat cannot legally be recorded unless it has been approved by the authorized Planning Agency. Also, lots cannot legally be sold using an approved plat unless said plat is recorded in the Office of the Chatham County Register of Deeds.

4.4 C. Procedure for Minor Subdivisions (Steps 4-7) (#39)

- (1) Step 4 (#39). Minor Subdivisions may be submitted to the Planning Board staff for both preliminary and final review simultaneously since there are no public improvements involved. Since minor subdivisions are easily reviewed by the Planning Board staff there is no deadline for submittal. The applicant shall submit one (1) print and one reproducible plat to the Planning Board staff. Applicants shall pay any administrative fee established by the County at the time of the application or request. (#5) The staff shall inform the applicant of necessary modifications to the plat, and shall affix the necessary certification stamps. (#21) Minor Subdivisions involving access to more than two lots shall have the

access road name approved by the Emergency Operations Center (EOC).

- (2) Steps 5. Minor subdivisions shall be reviewed and approved by the Division of Environmental Health of the Chatham County Health Department or the Division of Environmental Management (issuance of a discharge permit and permit to construct.) This approval shall be in a form prescribed by the issuing agency. (#39)
- (3) Step 6 (#39). The Planning Board staff shall review the plat and if everything is in order the Director of Planning or his authorized agent shall approve the plat as a minor subdivision. (See Appendices)
- (4) Step 7 (#39). The plat shall be recorded by the applicant within the time limit specified in these regulations.
- (5) Before a minor subdivision may follow the minor subdivision procedure the following requirements must be met.
 - a. The subdivision must meet the requirements of the minor subdivision definition.
 - b. The plat must meet all requirements and standards of the Planning Board without exception.
 - c. There can be no variances requested from the subdivision regulations.
 - d. There cannot be, as a result of such subdivision, a creation of any lots which fail to meet all requirements of the subdivision regulations.
 - e. No subdivider may use the minor subdivision procedure in the same immediate location (approximately fifteen hundred [1,500] feet) for a period of twelve (12) months after getting subdivision approval using said procedure in said location, if he owns, has an option on, or has any legal interest in any property adjacent to the property to be subdivided, except as provided in these regulations, specifically in Section 6.4B (4). However, a subdivider may use the minor procedure more than once during a twelve month period to create as many as five (5) individual lots. The minor subdivision procedure may not be used to create more than five (5) lots unless there is a twelve month period after the approval of the fifth lot.
 - f. Additional street right-of-way dedication shall be shown on the plat in cases where the existing right-of-way does not meet the present minimum right-of-way width.
 - g. If a minor subdivision does not meet the above listed requirements it shall be reviewed as a major plat, unless otherwise provided.

4.5 Submission Dates

The official submission date shall be considered the date of the Board meeting at which a plat is considered for approval. This is not the date upon which the plat is submitted to the Planning Board staff for review. The submission deadline is twenty-three (23) days prior to the day on which approval is requested for subdivisions. (#15I) (#23)

4.6 Notice of Review

The Planning Board staff shall give reasonable notice of the time and place of sketch design review and preliminary plat review by the Planning Board for major subdivisions. Notice shall also be given when a request is made for the extension of preliminary approval. Notice shall be sent by regular mail not less than fourteen (14) days prior to the date specified thereon and shall be mailed to the address of the adjacent property owners as specified on the plat or application. (#25) Failure to receive notice by the subdivider or adjacent property owners shall not be grounds for disapproval by the Board of County Commissioners. (#15Q) Notice of the time and location of regular Planning Board meetings shall be posted in the Planning Department not less than fourteen (14) calendar days prior to the meeting. (#25) Called meetings shall be posted in the location specified above and on the door of the regular meeting room not less than forty-eight (48) hours prior to the date of the meeting. (#12C)

4.7 Action by the Planning Board and the Board of Commissioners:*4

A. Sketch Design Review

- (1) Within sixty-five (65) days after the official submission date of the sketch design, the Planning Board will review it and indicate their approval, disapproval, or approval subject to modification. Failure of the Planning Board to act on the sketch design within this sixty-five (65) day period will be deemed approval of the plan by the Planning Board. The sketch design plan along with the Planning Board's recommendation shall be forwarded to the Board of County Commissioners. The Board of Commissioners will review the plan and indicate their approval, disapproval, or approval subject to modifications within forty-five (45) days of the official submission date to the Board of Commissioners. (#32) Failure of the Board of Commissioners to act on the sketch design plan within this forty-five (45) day period will be deemed approval of the plan. (#32) If the Planning Board or the Board of County Commissioners give disapproval or approval subject to modifications, the necessary reasons or modifications will be specified in the minutes of the meeting.
- (2) Approval of the sketch design plan by the Board of County Commissioners serves as permission to prepare other required plans for preliminary review. The preliminary plat shall conform significantly with the sketch design plan. Approval of the sketch design plan does not constitute acceptance or approval of the preliminary plat.

4.7 B. Preliminary Plat Review

- (1) Within sixty (60) days after the official submission date of the preliminary plat, the Planning Board will review it and indicate their approval, disapproval, or approval subject to modification. Failure of the Planning Board to act on the preliminary plat within this sixty (60) day period will be deemed approval of the plat by the Planning Board. Preliminary plats shall be forwarded to the Board of County Commissioners. (#15M) The Board of Commissioners will review the preliminary plat and indicate their

approval, disapproval or approval subject to modifications within sixty (60) days of the official submission date to the Board of Commissioners. (#26) Failure of the Board of Commissioners to act on the preliminary plat within this sixty (60) day period will be deemed approval of the plat as submitted. (#26) If the Planning Board or the Board of County Commissioners give disapproval or approval subject to modifications, the necessary reasons or modifications will be specified in the minutes of the meeting.

- (2) The approval of the preliminary plat by the Planning Board and the Board of County Commissioners serves as permission to begin construction according to the plans and as a basis for preparation of the final plat. It is recommended that the developer have the local Health Department do a site inspection of the soil scientist's work prior to commencing with land disturbing activity. (#19) Preliminary approval does not constitute acceptance or approval of the final plat.

C. Final Plat Review

- (1) Within sixty (60) days after the official submission date of the final plat, the Planning Board will review it and recommend its approval, disapproval or conditional approval. Grounds for disapproval or conditional approval shall be stated upon the records of the Planning Board. Failure of the Planning Board to act on the final plat within this sixty (60) day period shall be deemed recommendation of approval of the plat. Final plats shall be forwarded to the Board of County Commissioners. The Board of County Commissioners will review the final plat and indicate their approval, disapproval or approval subject to modifications within sixty (60) days of the official submission date to the Board of County Commissioners. (#26) Failure of the Board of County Commissioners to act on the final plat within the sixty (60) day period will be deemed approval of the plat as submitted. (#15Q) (#26)
- (2) After approval of the final plat, the reproducible plat shall be returned to the subdivider for his records and for filing with the County Register of Deeds as the official plat of record. One copy of the plat exhibiting certifications shall be retained by the Planning Board for its records.
- (3) The subdivider shall file the approved final plat with the Chatham County Register of Deeds for recording within sixty (60) days of the date of the Board of Commissioners approval or such approval shall be null and void and the plat will be denied recordation, except as provided below. Final plats not recorded in the Register of Deeds Office within sixty (60) days may be reviewed by the Planning Department for compliance with current regulations. Plats found to be in compliance may be approved by signature of the Planning Department authorized personnel, dated, and allowed to be recorded. Plats not in compliance shall not be approved by the Planning Department or recorded prior to approval by the appropriate Board. (#15H)

4.7 D. Appeals

- (1) The disapproval of a minor plat by the Planning Department may be appealed to the Board of County Commissioners if filed with the Planning Department within ten (10) days of notice of disapproval. The administrative fee for appeal is required in order to perfect the appeal. (#5) An appeal shall be forwarded to the Planning Board for their recommendation. The submission deadline is the same as major subdivisions without new roads. The recommendation of the Planning Board shall be forwarded to the Board of County Commissioners for their action. The action by the Board of County Commissioners shall be the governing action. (#15Q)
- (2) If a preliminary plat is reviewed and denied approval by the Planning Board during two meetings then the plat may continue the review to the Board of County Commissioners for their preliminary review. The preliminary action by the Board of County Commissioners shall be the governing action.
- (3) The disapproval of any plat by the Board of County Commissioners may be appealed to the courts, following exhaustion of the review procedures specified herein.

SECTION 5. SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

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SECTION 5. SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

5.1 Sketch Design Plan and Preliminary Plat (#9)

Plats submitted to the Planning Board, prepared in pen or pencil, shall be drawn to a convenient scale of not more than two hundred (200) feet to an inch when practical and shall show the following information.

A. Name

- (1) Name of subdivision if property is within an existing subdivision.
- (2) Proposed name if not within a previously plated subdivision. The proposed name shall not duplicate the name of any plat previously recorded.
- (3) Name of property if no subdivision name has been chosen. (This is commonly the name of the property owner.)

B. Ownership

- (1) Name and address, including telephone number, of legal owner or agent of property.
- (2) Name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of public improvements and for surveys.
- (3) Citation of any existing legal rights-of-way or easements affecting the property.
- (4) Reference to existing covenants on the property, if any.

C. Description

Location of property by tax map and parcel number, when available. The Warranty Deed Book number and page on which the property is currently recorded, when available.

D. Features

The plat shall show the following information when available.

- (1) Location sketch map showing relationship of the subdivision site to the surrounding area.
- (2) Graphic scale, date, approximate North arrow, legend.
- (3) The location of property with respect to the surrounding property and streets, the names of all adjacent property and streets, or the names of adjacent developments. The name and address of adjacent property owners according to the county tax records, which may be listed on a separate page from the plat. Property on the opposite side of an easement or public right-of-way shall also be considered adjacent property. (#15L)
- (4) Zoning Classification of proposed subdivision and adjacent property if applicable.

- (5) The approximate location of all boundary lines of the property.
- (6) Approximate total acreage of land to be subdivided in Chatham County, and other county if applicable.
- (7) Approximate lineal feet of the proposed street.
- (8) The approximate location of existing and plated streets, easements, water bodies, water courses (including sinkholes, dry stream beds, and pond overflow streams), buildings (including mobile homes), railroads, parks, cemeteries, bridges, sewers, water mains, culverts, lands subject to flood and other pertinent features.
- (9) The location and width of all existing and proposed street right-of-ways and easements, and other public ways, and water hazard areas, where applicable. (#9)
- (10) The approximate location, dimensions, and acreage of all proposed or existing lots. (#15A)
- (11) The approximate location, dimensions and acreage of all property proposed to be set aside for a park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
- (12) Names of all streets(#21)existing and proposed.
- (13) A notation on the use of any lots proposed for a use other than single family residential.
- (14) All lots in each subdivision shall be consecutively numbered.
- (15) A notation specifying that a public water system is not presently available to the subdivision.
- (16) A time schedule of development for subdivisions of more than 50 lots. (#16F)
- (17) The approximate location of structures of approximately 50 years old or having historical significance on the development property or within 100 feet of the development property on adjacent land. (#21)

5.2 Additional Sketch Design or Preliminary Plat Information (#9)

A. Impact Assessment

(1) Environmental

Pursuant to Chapter 113A of the North Carolina General Statutes, the Planning Board may require the subdivider to submit an environmental impact statement with the preliminary plat if the development exceeds two acres in area, and if the Board deems it necessary for responsible review due to the nature of the land to be subdivided, or peculiarities in the proposed layout.

The environmental impact assessment shall address the following areas:

- a. The environmental impact of the proposed action;
- b. Any significant adverse environmental effects which cannot be avoided should the proposal be implemented;
- c. Mitigation measures proposed to minimize the impact;
- d. Alternatives to the proposed action;
- e. The relationship between the short-term uses of the environment involved in the proposed action and the maintenance and enhancement of long-term productivity; and
- f. Any irreversible and irretrievable environmental changes which would be involved in the proposed action should it be implemented.

(2) Economic

Developers of subdivisions consisting of more than fifty (50) lots or dwelling units may be required to submit an economic impact assessment compiled by the developer with assistance from the Planning Board staff. The impact assessment shall address the probable effects of the development in terms of the following area:

- a. Approximate schedule of occupancy of the subdivision.
- b. Attendance to public schools; number of children by age
- c. Increases in vehicular traffic; number of automobiles
- d. Changes in the number of legal residents; increase in population
- e. Provisions of housing for persons of low and moderate income
- f. Increases in public service costs; schools, police protection, maintenance of roads, etc.
- g. Projected demands on public utilities
- h. Changes in property tax revenues
- i. Increased demand for refuse disposal service
- j. Harmony with the character of surroundings

(3) Where potential negative impacts have been identified, it shall be the responsibility of the subdivider to provide plans and methods of how such impacts may be alleviated or minimized to the satisfaction of the Board of County Commissioners. (#15Q)

(4) The failure to provide reasonably adequate or accurate information under any item specified shall be cause for disapproval of the preliminary plat.

B. Topographic Map

A topographic map with contours at vertical intervals of not more than five (5) feet, at the same scale as the preliminary plat, for all major subdivisions unless not deemed necessary by staff. Staff may require a topographic map for other subdivisions if necessary for adequate review. United States Geological Survey quadrangle sheets may be adapted to meet this requirement. The date and method of preparing the topographic survey shall be stated.

C. Soils Evaluation

A soils evaluation shall be performed by a certified/licensed soil scientist or persons approved by the Health Department to perform such evaluations or investigations. Such evaluations shall be performed unless a central sewage disposal system is proposed. A soils map showing the location of suitable soils and a letter of explanation shall be submitted. (19)

D. Drainage Plan and Erosion Control Plan

For all subdivisions with new roads the developer shall submit a drainage plan and an erosion control plan which provides information as specified in the regulations of the Soil Erosion and Sedimentation Control Program of the Division of Environmental Health of the Chatham County Public Health Department. (#39)

The official submission date shall be considered the date of the Board meeting at which a plat is considered for approval. This is not the date upon which the plat is submitted to the Planning Board staff for review. The submission deadline is ~~sixteen (16)~~ **twenty-three (23)** days prior to the day on which approval is requested for subdivisions. ~~with new roads and fourteen (14) days prior if no new roads are required.~~ (#15I)

E. Utility Plans

Plans of proposed utility layouts for sewer and water where applicable, showing feasible connections to the existing utility system, or any proposed utility system.

F. U.S. Army Corps of Engineers Permit

When the development improvements may involve the placement of excavated material or fill material into streams, creeks, lakes, or wetlands, a letter shall be submitted by the subdivider from the U.S. Army Corps of Engineers indicating whether a permit is required. An approved permit shall be submitted if required. (#12B) Failure of the U.S. Army Corps of Engineers to respond within thirty (30) days of an appropriate request to said agency shall not prohibit the subdivision application from proceeding through the county review procedure. (#150)

5.3 Final Subdivision Plat

A. General

The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time, provided, however that such portion conforms to all requirements of these standards.

B. Features

The final plat shall show the following information:

- (1) The final plat shall be drawn to an appropriate scale of not more than one (1) inch equals two hundred (200) feet on sheets having an outside marginal size of not more than twenty-four (24) inches by thirty-six (36) inches. When more than one sheet is required, an index sheet of the same size shall be labeled showing the entire subdivision with the sheets lettered in alphabetical order as a key, or the location sketch map shall show the relationship of the separate sheets.
- (2) Location sketch map showing relationship of the subdivision to the surrounding area.
- (3) Graphic scale, date, and north arrow accurately positioned and designated as;
 - a. magnetic north,
 - b. true north, or
 - c. North Carolina grid north.
- (4) Name, and address of owner and person responsible for plans.

- (5) The location of the property with respect to surrounding property and streets, the names of all adjacent owners of record or the names of adjacent developments; and the book and page number of recordation, and the name and/or number of adjacent streets. Property on the opposite side of an easement or public right-of-way shall also be considered adjacent property. (#15L)
- (6) The total acreage of land to be subdivided in Chatham County. If less than one (1) acre, the square footage of each lot and if one (1) acre or greater the acreage of each lot.
- (7) All lots in each subdivision shall be consecutively numbered throughout the several additions if there exists more than one.
- (8) The location, and width of all existing and proposed right-of-ways and easements, alleys, and other public ways and water hazard areas, if applicable. Septic system easements shall show bearings, distances, and area. (#9)
- (9) All streets shall be designated as either public or private.
- (10) The location, dimension and area of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof and conditions, if any, of the dedication or reservation.
- (11) Accurate description of all monuments and markers. Monuments and control corners shall be designated.
- (12) Sufficient data to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground; the location of all proposed monuments. This shall include but not be limited to (a) radius, (b) length, (c) cord bearing and distance. (#16G)
- (13) Any other information required on surveys as specified by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors in its Manual of Practice for Land Surveying in North Carolina.
- (14) When available the tax map and parcel number of the property being subdivided.
- (15) When appropriate major subdivisions shall contain a note which states that a public or community water system is not presently available to the subdivision lots.
- (16) Certificate of Ownership and Dedication (See Appendices).
- (17) Certificate of Survey and Accuracy.
- (18) Certificate of Division of Highways (See Appendices).
- (19) Certificate of Approval by the Planning Board or authorized person (See Appendices).
- (20) Certificate of the Register of Deeds.
- (21) On final plats which show new publicly dedicated roads, a note shall be placed designating maintenance responsibility until acceptance of said roads by the Department of Transportation. (#10H) The maintenance responsibility for private roads shall be disclosed by a note on the plat. (#16D)
- (22) Certificate of sewerage system approval (#15C) (#39)
- (23) Name of Subdivision (#15D)

C. As-Built Utility Plans (#17I)

When public or community water and/or sewage systems are installed, two sets of (#17I) as-built drawings of said systems shall be submitted at

the time of final review or prior to the release of a financial guarantee by the County.

SECTION 6. GENERAL REQUIREMENTS AND MINIMUM STANDARDS FOR
IMPROVEMENTS, RESERVATIONS AND DESIGN

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SECTION 6. REQUIREMENTS AND MINIMUM STANDARDS FOR IMPROVEMENTS,
RESERVATIONS, AND DESIGN

6.1 Suitability of the Land

A. Land Physically Unsuitable for Subdivision

Land which the Board of County Commissioners has found to be unsuitable for development: (#15Q)

- (1) Because of flooding, bad drainage, steep slopes, rock formations, and other such features which may endanger health, life, or property, aggravate erosion, or increase flood hazard or
- (2) Which other public agencies concerned have investigated and found in the best interest of the public not suitable for the type of platting and development proposed, may not be approved for subdivision unless adequate methods are formulated by the developer for meeting the problems created by subdivision of such land. Such land within any plat shall be set aside for such uses as shall not produce unsatisfactory living conditions.

B. Land Subject to Flood

Land within any floodway shall not be platted for residential occupancy or other building site and shall not be raised by fill. Other land subject to flood may be platted for residential use only if filled to such height as will secure a flood-free site based on data submitted by the subdivider and prepared by competent engineers, provided such use or fill does not endanger health, life, or property or restrict the flow of water or increase flood heights. To prevent such hazards, fill material should be taken from between the stream bank and the area to be filled. In applying these provisions, land subject to flood shall be defined as follows:

- (1) Land lying within the Special Flood Hazard Area as indicated on the most current Flood Insurance Rate Map Chatham County, North Carolina Unincorporated Areas as referenced in the Chatham County Flood Damage Prevention Ordinance (#39) or best available data. The maps are available for review at the Chatham County Planning Department. Land within a flood hazard area boundary shall not be considered a portion of the lot when calculating minimum lot area. (#31)
- (2) Areas included in the floodway shall be considered those shown on the floodway map for unincorporated areas of Chatham County, North Carolina prepared by the Federal Emergency Management Agency or best available data. The areas shown in the floodway shall not be included when calculating the lot area. (#31)

C. Water Hazard Setback (#8)

To help lessen the constant potential of water pollution from septic fields, sedimentation and storm water runoff and to maintain the scenic character of the county's waterways, the following areas shall be considered within the water hazard setback where neither buildings or septic systems shall be situated.

Roads that run parallel to rivers and streams specified below shall not have right-of-ways within the water hazard setback. Roads shall cross rivers and streams at angles that approximate right angles as closely as possible to minimize stream disturbance. The water hazard setback shall not be included when calculating the minimum useable lot area.

- (1) Along Deep River, Cape Fear River, Rocky River, Haw River and New Hope River or B. Everett Jordan Lake the water hazard setback shall extend one hundred (100) feet landward from the edge of the bank at normal pool level. A one-hundred (100) foot setback shall apply on each side (200 foot total) of all continuously flowing and intermittent streams as shown on the most recent U. S. Geological Survey maps within a distance of 2,500 feet from the bank of the rivers listed above. The land area within this water hazard setback shall not be included when calculating the minimum area requirement of three acres for lots having frontage along the rivers of the county. (#27)
- (2) The above shall be required unless the subdivider demonstrates that a lesser distance (but not less than fifty (50) feet) is adequate to maintain the scenic character of the waterway and to guard against stream pollution. Evidence may be based on topography, soils, geology, and other pertinent information and shall be prepared by a registered engineer, architect or other persons approved by the Board of County Commissioners. (#15Q)
- (3) Along tributaries of the above mentioned rivers and other continuously flowing streams, and intermittent streams as designated on the most recent USGS quadrangle maps for a distance of 2,500 feet from the specified rivers, the water hazard setback shall extend fifty (50) feet landward from the edge of the bank.
- (4) The above shall be required unless the subdivider demonstrates that a lesser distance (but not less than twenty-five (25) feet) is adequate to maintain the scenic character of the waterway and guard against stream pollution. Evidence may be based on topography, soils, geology and other pertinent information and shall be prepared by a registered engineer, architect, or other persons approved by the Board of County Commissioners. (#15Q)

The approximate location of the water hazard setback shall be marked with wooden stakes prior to preliminary approval.

6.2 Rural Roads

A. Classification

Streets and roads are hereby classified according to the function which they are to serve, the type, speed, and volume they will carry. The broad categories shall be (a) arterials, (b) collectors, and (c) local roads. The designation in the thoroughfare plan of arterials and collectors does not prevent other streets proposed in or adjoining subdivisions from being similarly classified. Classifications of rural roads are defined Section 2. (#39)

B. Relation to Present, Proposed and Future Road System

- (1) The location and width of all streets and roads shall not be in conflict with the Chatham County Thoroughfare Plan.
When a subdivision is proposed in an area designated for a future right-of-way on the County Thoroughfare Plan and the construction of a road along this right-of-way is not necessary for the purpose of providing access to plated lots, or carrying the traffic that will be generated by the subdivision development, the construction of this road by the subdivider shall not be required. Such right-of-way shall, however, be reserved for sale to or dedicated to the Highway Commissioner for the purpose of implementing the Thoroughfare Plan.
- (2) For the purpose of these design standards, existing streets which terminate at or adjoin a subdivision boundary shall be deemed a part of the subdivision. The proposed street system shall extend the right-of-way of existing streets at no less width than the required minimum width. Subdivisions that adjoin only one side of existing streets shall dedicate one-half of the additional right-of-way needed to meet minimum width requirements. If any part of the subdivision includes both sides of an existing street all the required additional right-of-way shall be dedicated.
- (3) Where necessary to provide public street access to adjoining landlocked property or connectivity to large tracts with future development potential, proposed public streets shall be extended by dedication of right-of-way to the boundary of such property. Legal documents shall be recorded assuring future public accessibility. Two of the issues to be reviewed when considering the extension of public roads are the improvement of traffic distribution to prevent unnecessary congestion and the improvement of public safety by providing increased access for law enforcement and emergency vehicles.(#35)
When developments are proposed with private gravel roads, the Board of County Commissioners may require said roads right-of-ways be reserved to adjacent properties where deemed appropriate for future access. The future disposition of said right-of-ways is left to the discretion of the owners of the development. (#10E, #15Q)
- (4) When an arterial adjoins or is included in a subdivision, lots therein which abut the arterial shall have the number of access points limited or reduced with such conditions specified on the plat or shall be provided with another means of access, e.g-
 - (1) platting a single tier of lots which back to the arterial

and front on a minor street, or (2) other method approved by the Planning Board such as a frontage road.(#2)

- (5) When land is subdivided into larger parcels than ordinary building lots, such parcels may be required to be arranged so as to allow for the opening of streets in the future and for logical further resubdivision.

C. Design Standards for Roads

- (1) Except as specified in these regulations all streets in subdivisions shall be public.

The design and construction of all public streets and roads, including the grading, roadbed, shoulders, slopes, medians, ditches, drainage, driveway entrances to lots, right-of-way and pavement widths, grades, curves, intersections and other proposed features shall conform to the respective current standards of the North Carolina Department of Transportation Division of Highways, (#20A) except as provided. The minimum cul-de-sac pavement radius for curb and gutter section and shoulder section is 40 feet. The minimum right-of-way radius for curb and gutter section and shoulder section is 55 feet.

- (2) Impervious Surface Area

To reduce the amount of runoff and subsequently stream pollution, roads (i.e. road surfaces) and parking areas shall not exceed four (4) percent of the area of the subdivision, unless the developer provides plans which demonstrate that the first half inch of runoff will be managed on site as approved by the County or its designee. (#15F)

- (3) Reserve Strips

There shall be no reserve strips controlling access to public streets except where the control of such strips is definitely placed with the community under conditions approved by the Board of County Commissioners. (#15Q)

- (4) Street Names

Proposed streets which are obviously in alignment with others already existing and named shall bear the names of existing streets. In no case shall the name for a proposed street duplicate any existing street names in Chatham County or the towns therein, irrespective of the use of the suffix street, avenue, boulevard, road, pike, drive way, place, court, or other derivatives.

- (5) Offer of Dedication (#33)

A developer of roads in subdivisions that are to be public roads shall provide an irrevocable offer of dedication prior to final plat approval.

D. Private Road

- (1) Private Roads:

Private roads may be allowed in the following types of developments:

- a. Developments which due to the very nature of their design could not occur if required to meet the requirements for subdivision roads by the Division of Highways. Such

developments include mobile home parks, apartment complexes, and planned unit developments.

- b. The division of land into tracts which are on the average five (5) acres or greater in size with no tract less than three (3) acres. The acreage of a tract is determined by the area located within lot lines. Tracts larger than ten (10) acres will not be included when calculating the average lot size of the subdivision. All land within the lot lines except public right-of-ways may be included in the lot area.

(2) Private Roads may be allowed when the following conditions exist.

- a. The subdivision does not include any part of a proposed thoroughfare or street shown on the Chatham County Thoroughfare Plan; and (#16B)

- b. The developer shall reference on the final plat the recording of a roads instrument that provides the following:

1. Guarantees full right of access via any private road in the subdivision to any lot served by that road.
2. Specifies the standards to which private roads in the subdivision have been designed and constructed.
3. Affirms the developer's responsibility to maintain the private roads in the subdivision to the specified standards until such responsibility is formally transferred to a legally constituted association of subdivision homeowners.
4. Includes a road maintenance agreement which at a minimum establishes the following:
 - a legally constituted association of subdivision homeowners with specified authority to set and collect fees from members for road maintenance purposes
 - a sinking fund for emergency repair and long range improvement of subdivision roads
 - an association decision-making process
 - an association road maintenance policy with related standards. (#16C)
5. If a large lot subdivision has 24 or less lots and the road is to be paved then it shall be constructed to state standards although not designed to state standards. (#34)
6. If there is an established (prior to subdivision) 60 foot wide easement to adjacent land on property and the developer proposes to use the easement as the road of access, then the road shall be designed and built to state standards. (#34)

(3) Design and Construction Standards for Private Roads:
Standards proposed for such developments as mobile home parks, apartment complexes, and planned unit developments shall be reviewed by the Board of County Commissioners based on the type of requirements necessary for the development. (#15Q)
Low density developments (as specified in D (1) b above) with private roads shall meet the following requirements:

- (a) The minimum width of right-of-ways shall be sixty (60) feet. Where necessary for adequate drainage additional right-of-way may be required.
 - (b) The travel way width shall be not less than sixteen (16) feet, with a crown of approximately one (1) inch per foot fall. (#16H)
 - (c) Shoulders shall not be less than four (4) feet in width.
 - (d) The ditch slope shall be established according to best management practices which deter erosion. (#16I)
 - (e) Cut and fill slopes shall be established to maintain stability and provide for maintenance where necessary. (#16J)
 - (f) The maximum grade of the travel way shall be ten (10) percent. (#16K) Grades at stop intersections shall not be greater than four (4) percent for a distance not less than fifty (50) feet from the intersection of right-of-ways. (#10C)
 - (g) Travel ways shall be covered with crush and run stone or other material approved by the Board of County Commissioners. (#15Q) The stone shall be laid the width of the travel way and shall be a uniform depth of not less than four (4) inches, at the time of final subdivision review, unless the Board of County Commissioners approves a lesser amount based on information from the developer prepared by a registered engineer, architect, contractor or qualified soil specialist. (#15Q) The information shall substantiate the fact that road equal in quality to a road with a four (4) inch stone base can be constructed with a lesser amount of stone in the given situation.
 - (h) Private roads that are cul-de-sacs shall have an adequate turn around which has a road bed with (#20B) a radius not less than forty (40) feet. The radius of the right-of-way of the turn-around shall not be less than fifty-five (55) feet.
 - (i) Sight distance easements at the intersection of private roads with public state maintained roads shall be equal to or greater than those required by the Division of Highways.
 - (j) Drainage and erosion control measures shall be equal to those required for public roads.
 - (k) All roads which will provide direct or indirect access to twenty-five (25) or more subdivision lots shall be designed to meet N.C. Division of Highways' standards for subdivision roads, and travel ways shall be constructed to said standards. (#16E)
- (4) Certification of Private Roads
- The design and construction of private roads shall be certified to be in compliance with these regulations, by a licensed engineer, architect, contractor or, surveyor prior to final approval.

6.3 Blocks

A. Length

Blocks shall be neither less than four hundred (400) feet nor more than twelve hundred (1200) feet in length, except as the Board of County Commissioners considers necessary to secure efficient use of land or desired features of street pattern. (#15Q)

In blocks greater than eight hundred (800) feet in length (or at the ends of cul-de-sacs) the Board of County Commissioners may require at locations it deems necessary one (1) or more public cross walks of not less than ten (10) feet in width to extend entirely across the block, or pedestrian easements in lieu thereof. (#15Q)

B. Width

Blocks shall be wide enough to allow two (2) rows of lots, except where reverse frontage on major streets is provided or where prevented by topographic conditions or size of the property or location next to an arterial, in which case the Board of County Commissioners may approve a single row of lots. (#15Q)

6.4 Lots

A. Adequate Building Sites

Each lot shall contain a building site suitable for habitation as defined in Section 6.1.

B. Arrangement

Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Every lot shall have frontage on a public street except as provided below.

- (1) Subdivision lots may be allowed provided that every lot has frontage on a private road as specified in Section 6.2.
- (2) One additional subdivision lot may be allowed provided that the lot has frontage on a perpetual easement or private road that extends to meet a public road, if the easement or private road existed prior to October 1, 1975. (#15B) Proof of the existence of said easement prior to said date and proof of its permanence shall be provided to the Planning Director and certified by the applicant's attorney. A subdivider shall not create any subdivision in the same immediate location that has this type of frontage, for a period of twelve (12) months after receiving approval of a subdivision with this type of frontage, if he owns, has an option on, or has any legal interest in any property adjacent to the property to be subdivided.

Both the additional lot and the remaining parcel if ten (10) acres or less in size shall be plated and approved.

- (3) Three (3) subdivision lots may be allowed provided that every lot has frontage on a perpetual easement not less than thirty (30) feet in width that meets a public road. (#29) If found to be desirable to the road design, up to four (4) lots may be served by the thirty (30) foot easement, provided a portion of the easement is built to county private road standards (16 foot wide travelway with four inches of crush and run stone). The length of the easement to be improved in this manner will be established at sketch design approval." The easement shall not be within one hundred (100) feet of another easement of this type, unless approved by the Board of County Commissioners after considering lot design, land ownership, topography, and other appropriate information. (#15Q) If additional subdivision lots are to be created and served by the easement, it shall be sixty (60) feet in width and meet other standards required unless a variance is granted. Proof of the permanence of the easement shall be provided to the Planning Director and shall be certified by the applicant's attorney. (#7)

(#20D) Easements shall be improved such that the travelway has a minimum clearance of 12 feet wide and 14 feet high and an all weather travel surface. Such improvement shall be made prior to the occupancy of any dwelling on said subdivision lot.

- (4) Lots designated for duplex development (two family dwellings) or other attached residential units may be divided provided:
- a. they meet the provisions of Section 6.4C (2)
 - b. access from each unit to a public or private road as specified herein or to a previously plated and recorded sixty foot perpetual easement is had by an easement not less than ten feet in width.
 - c. the total number of units allowed on said lots is not increased by said subdivision.

The types of lot arrangements described in (2), (3), and (4) above may be reviewed according to the minor subdivision procedure described in Section 4. The lot arrangements described in (4) may follow the minor subdivision procedure with no limit on the number of lots or times the procedure may be used in this situation.

Before additional lots may be created along a private road that was created after October 1, 1975 said lots must front on a public or private road as specified in these regulations unless said lots fit in one of the categories listed above. (#10A)

C. Minimum Lot Dimensions and Areas

The size, shape and orientation of lots shall be such as the Board of County Commissioners deems appropriate for the use contemplated, type of water supply and sewage disposal services, soil characteristics, improvements, and relation to the street system. (#15Q)

- (1) Residential lots
Residential lots shall meet the following minimum requirements:
Useable (#10B)
- (#28) Increase minimum lot size requirement for lots with individual wells and individual waste water disposal systems

from approximately 1 acre (40,000 square feet) to 1.5 acres (65,340 square feet).

Classification of Street of Access	Frontage on Street of Access	Lot Width at Bldg. Line	Lot Area with Public Water & Sewer (Sq.Ft.)	Lot Area++ without Public Sewer or Public Water (Sq.Ft.)	Useable (#10B) Lot Area++ w/o Public water+++ & Sewer (Sq.Ft.)
Major Arterial	300'+	75'	40,000	40,000	65,340
Minor Arterial and Major Collectors	150'+	75'	40,000	40,000	65,340
Minor Collector	100'	75'	40,000 (#14A)	40,000 (#14A)	65,340
Local Roads	30'	75'	40,000 (#6,14A)	40,000 (#14A)	65,340

+ Access not recommended

++ For residential lots not served by a public sewage system the Board of County Commissioners may require data from percolation tests or soil investigations, be submitted as a basis for passing upon such subdivisions. Greater lot area may be required for private sewage disposal if, in the opinion of the Board of County Commissioners, there are factors of drainage, soil conditions or other conditions to cause potential health problems. (#15Q)

+++ Lot(s) served by a private source of water (wells) and individual sewage disposal systems shall have a lot width in an area suitable for building not less than one hundred (100) feet.

The frontage on street access for major and minor arterials and collectors may be reduced if the average lot frontage equals or exceeds the minimum and the reduction is not less than one third (1/3) the minimum specified.

Flag lots may have the minimum road frontage reduced but not below the minimum requirement for local roads.

There shall be no more than two flag lots adjacent to each other unless an easement is provided allowing one common access and such is approved by the Board of County Commissioners. The maximum allowed length of a flag or access strip shall be two-thousand five-hundred (2,500) feet unless it is providing access to previously landlocked property. (#10F, #15Q) Corner lots may be required to have greater area to allow for sight easements required by the Division of Highways.

Lots that have frontage along the rivers of the county shall have a minimum land area of five acres of which three acres shall be outside the 100 year flood plain area and the water hazard setback area. (#27)

(2) The lot areas listed above shall be increased by forty thousand (40,000) square feet for a two family dwelling. (#14B) Said lots may be subdivided in order for each unit of the duplex to be situated on a separate lot, provided that each lot consists of not less than half (1/2) the required lot area.

(3) Properties reserved or platted for commercial, institutional or industrial purposes shall be adequate in size to provide for the type of use and development contemplated. Platting of individual lots should be avoided in favor of an overall design of the land to be used for such purposes. Land subdivided for commercial, institutional or industrial use shall follow the

major subdivision procedure with preliminary plat review by the Board of County Commissioners.

Land shall not be platted for commercial, institutional or industrial purposes unless the subdivider can demonstrate the following to the Board of County Commissioners: (#15Q)

- a. A site arrangement that prevents undue interference with through traffic. (Each industrial subdivision or area shall utilize a single collector for all heavy traffic between the area and the general system of streets and roads. Minor industrial streets and individual industrial parcels shall be oriented at right angles with the collector and with adjacent railroads.)
- b. An integrated parking area.
- c. An insulation against any adverse effect on any present or future adjacent residences.
- d. A parcel size sufficient in area to allow future expansion.
- e. A plan that demonstrates that the first 1/2 inch of storm water runoff will be managed on site, if more than six (6) percent of the lot area is covered with impervious surfaces such as buildings, parking, and drives. (#15F)

- (4) A comprehensive multi-family, group housing, or other unified and planned development, including unified design and construction of units together with necessary drives and ways of access, may be approved by the Board of County Commissioners although the design of the project does not include standard streets, lots, and subdivision arrangements, if departure from the foregoing standards can be made without destroying their intent. (#15Q)

6.5 Public Use and Service Areas

A. Public Use Areas

(1) Reservation of School Sites

This ordinance provides for the reservation of school sites in accordance with the approved Land Development Plan. Before approving such a plan, the Board of Education and County Commissioners shall determine jointly the specific location and size of each school site to be reserved and shown as part of the plan.

Whenever a subdivision that included part or all of a school site to be reserved under the plan is submitted for approval, the Board of County Commissioners shall immediately notify the Board of Education. (#15Q) The Board of Education shall promptly decide whether it still wishes the site to be reserved and shall notify the Board of Commissioners or planning agency of its decision.

If the Board of Education does wish the site to be reserved, the subdivision may not be approved without the reservation. The Board of Education must acquire the site within 18 months after the date the site is reserved, either by purchase or by exercise of the power of eminent domain. If the Board of Education has not purchased the site or begun proceedings to

condemn the site within the 18 months, the subdivider may treat the land as freed of the reservation.

(2) Recreation Sites (#30-B)

All residential subdivisions, except family subdivisions, shall provide public community recreation areas consistent with County plans, policies, and regulations including, but not limited to, the Chatham County Parks and Recreation Master Plan. For purposes of this section, public community recreation areas shall be areas developed for active recreational uses. The following are illustrative of the type of facilities that shall be deemed to serve active recreational needs: tennis courts, swimming pools, sauna and exercise rooms, meeting or activity rooms in clubhouses, basketball courts, ball fields, swings, slides, and play apparatus. Each subdivision development shall satisfy its public community recreational requirement by:

- a. Dedicating and conveying to the County the type of public recreational facilities that are most likely to be appropriate for the community consistent with the County's Parks and Recreation Master Plan. (#38) Each public community recreation area shall satisfy the standards set forth in the Master Plan as to size, shape, location, slope, access and usefulness to the community and shall be not less than the product of $1/35$ of an acre multiplied by the maximum number of lots to be developed or maximum number of dwelling units proposed, whichever is greater. The County shall be authorized to sell any land dedicated pursuant to this section, but the proceeds shall be used only for the acquisition, or development of other public recreation facilities.
- b. In lieu of dedicating public community recreation areas, a fee shall be paid to the County. (#38) The fee shall be equivalent to the post-development tax value of the area of land required to be dedicated pursuant to a. above. In order to serve the public recreation needs of more than one development or subdivision, the County shall establish recreation service districts and fees paid in lieu of dedication hereunder shall be expended for acquisition or development of recreation or park facilities or areas.
- c. The County may require payment of the fee in lieu of dedication at the time of final approval upon finding that the land required to be dedicated is not suitable for public community recreation purposes or upon finding that the recreational needs of the proposed development can be met by other public recreational facilities planned or constructed by the County within the recreational service district where located. The County shall decide during the review and approval process as to which option shall be available.

B. Easements, Dedications, and Reservations

All easements, dedications and reservations shall be shown on the plat with notes stating their purpose.

(1) Utility Easements

Easements shall be provided for utilities along lot lines where necessary to provide utilities to every plated lot. The subdivider and the utility companies shall agree on the width of easements needed. Easements for subsurface sewage disposal systems shall be staked prior to preliminary approval and shall be designated on the final plat as a utility easement and described by bearings and distances and acreage.

(2) Pedestrian Easements

In such cases and at such locations as the Board of County Commissioners deems advisable, easements along side of rear lot lines not exceeding twenty (20) feet in width may be required for pedestrian or bicycle traffic to and from schools, neighborhood parks, and other public places. (#15Q)

(3) Drainage Easements

In cases in which a subdivision is traversed by a stream or drainage channel there shall be provided if requested a storm water easement of such width along each side of the stream as the Board of County Commissioners deems necessary for the purpose of widening, deepening, protecting, relocation, or otherwise improving such drainage easement. (#15Q) Other drainage easements may be required for the proper drainage of all lots.

(4) Sight Distance Easements at Intersections

Triangular sight distance easements at all street intersections shall be shown in dashed lines and so noted on the final plat. These easements will remain free of all structures, trees, shrubbery, driveways, and signs, except utility poles, fire hydrants, and traffic control signs. Sight distance easements shall be in accordance with the requirements of the State Division of Highways.

(5) Dedication of Waterways

Lakes, ponds, creeks, and similar areas will be accepted by the County for maintenance only if sufficient land is dedicated as a public recreation area or park or if such area constitutes a necessary part of the drainage control system. The suitability of such dedicated areas shall be evaluated by the Planning Board prior to being considered for acceptance by the Board of Commissioners.

(6) Community Service Facilities - Solid Waste Collection and/or Recycling Sites

The developer may be required to provide land suitable for solid waste collection and/or recycling sites. In lieu of land the developer may provide funds to the county for the acquisition of said land. The amount of land or funds provided

shall be based on a formula approved by the Board of County Commissioners. Said formula may take into consideration the number of lots in the development, the availability of other sites in close proximity to the development, the recommendation of the county director of solid waste and other appropriate factors. (#11)

C. Community Assets

In all subdivisions due regard may be shown for all natural features such as large trees and water courses and for historical spots and similar community assets which, if preserved will add attractiveness and value to the property.

6.6 Zoning or Other Regulations

No final plat of land within the force and effect of an existing zoning regulation shall be approved unless it conforms to such regulations.

Wherever there is a discrepancy between minimum standards or dimensions noted herein and those contained in the zoning regulations or other agencies regulations the more stringent standards shall apply.

SECTION 7. DEVELOPMENT PREREQUISITE TO FINAL APPROVAL

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SECTION 7. DEVELOPMENT PREREQUISITE TO FINAL APPROVAL

A perfectly prepared and recorded subdivision plat means little to a prospective lot buyer until he can see raw acreage physically transformed into lots suitable for building and human habitation. Improvements by the subdivider spares the community from a potential tax liability. The following tangible improvements are required before final plat approval in order to assure the physical reality of a subdivision for which recordation will establish legality.

7.1 Required Improvements

Every subdivision developer shall be required to grade and improve streets, install monuments, sanitary sewers, storm drainage, water mains, and other utilities, and make other site improvements in accordance with the following specifications.

A. Monuments and Lot Markers

Iron pins not less than three-fourths (3/4) inches in diameter and eighteen (18) inches long shall be set at all street corners, at points where the street lines intersect the exterior boundaries of the subdivision, at the intersection of curves and tangents along street lines, at all lot corners, and at all corners of the plat. These pins shall be driven so as to be snug in the ground and shall not have over six inches exposed above the finished grade. The location of these pins shall be identified with wooden stakes or other suitable markers at the time the plat is submitted for final approval so that all necessary inspections may be made by the various agencies involved in the review of the subdivision. At least one concrete monument shall be set for major subdivisions with new roads. Additional concrete monuments may be required where deemed necessary due to large acreage and/or a large number of lots.

B. Street Development

Every subdivision developer shall be required to grade and improve new streets. These improvements for public roads shall be in accordance with the minimum standards for design as specified in the most recent appropriate road standards by the Division of Highways. Private street improvements shall meet the design and construction standards specified in these regulations.

C. Storm Drainage

An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water. Banks of ditches shall be immediately seeded upon grading and installation of utilities and the ditch itself shall be improved with appropriate vegetative cover to retard erosion.

D. Sanitary Sewers (#8)

Where public service is available, public sewer shall be provided and installed in such a manner as to serve adequately all lots within the subdivision. Where public service is not available each lot must have a suitable sanitary sewage disposal system approved by the Chatham County Health Department or other appropriate agency. Installation of all sewage disposal systems shall conform to appropriate regulations of any governmental agency having jurisdiction thereof.

E. Water Supply Systems (#8)

Where public service is available, public water shall be provided and installed in such a manner as to serve adequately all lots within the subdivision. Where public service is not available, each lot must have a suitable water supply system approved by the Chatham County Health Department or other appropriate agency. Installation of all water supply systems shall conform to appropriate regulations of any governmental agency having jurisdiction thereof.

F. Installation of Utilities

All utility services shall be so designed and installed as to conform with all appropriate state, local and utility agency requirements. Underground electric and telephone lines are encouraged and may be required in subdivisions where lot densities and soil conditions exist to make the installation of such facilities economically feasible in the opinion of the Board of County Commissioners.

G. Sidewalks

Sidewalks may be required where deemed necessary by the Board of County Commissioners as an integral part of a pedestrian traffic system within a one (1) mile radius of existing or planned schools, neighborhood recreation or commercial areas, or other public places. (#15Q) Where provided, sidewalks shall be located not less than one (1) foot from the property line to prevent interference or encroachment by fencing, walls, hedges or other planting or structures placed on property lines at a later date. Sidewalks shall be installed to conform with accepted standards of good practice.

H. Street Name Signs and Traffic Signs

Appropriate street signs enable strangers, delivery concerns, and even potential lot buyers to find their way around. Street name signs shall be installed at all intersections. Traffic signs shall also be installed where required. The signs shall be of standard design, size and material as approved by the Division of Highways unless provided by other county ordinances addressing signs. State and local permits for signs may be required prior to installation. (#15J)

I. Site Improvements

Banks which infringe on sight lines at intersections shall be appropriately graded to correct the deficiency.

Whenever grading or filling occurs on lots within the subdivision, the subdivider shall first stockpile the topsoil from the affected areas; immediately after grading and filling shall redistribute to areas disturbed sufficient topsoil to support growth of lawn grass, and other vegetative cover, as specified in the U.S. Department of Agriculture Handbook entitled Guide for Sediment Control on Construction Sites in North Carolina. This is to prevent erosion, silting of streams, and other damage. Provisions to establish vegetative cover shall be completed in bare soil areas prior to final approval by the Planning Board

All drainage ditches within the subdivision shall be treated for erosion control. The following minimum treatment may be required for ditches with respective grades:

Grade	Treatment
0%-2%	Seeding
3%-5%	Grass Sodding
6%-8%	Dumped rip-rap
above 8%	Concrete or asphalt pavement

Due regard shall be shown for such desirable trees as are already on the site, and grading and filling should be planned to preserve as many as possible; however, no retained planting shall infringe on sight lines at intersections. If trees are planted by the subdivider, they shall be located five (5) feet inside or behind property lines where they are less subject to injury, decrease the chances of motor accidents and enjoy more favorable conditions for growth. If trees are to be planted within a planting strip in the right-of-way, their proposed locations and species to be used must be submitted for the Division of Highways' approval since the public inherits the care and maintenance of such trees.

Where land is platted or reserved for commercial or industrial use bordering and across minor streets from residential lots, a suitable buffer planting of trees and shrubs (not infringing on sight lines or intersections) approved by the Board of County Commissioners may be required.

J. Guarantee in Lieu of Completed Improvements

No final subdivision plat shall be approved by the Board of County Commissioners or accepted for recording by the County Register of Deeds until one of the following conditions has been met: (#15Q)

- (1) All required improvements have been constructed in a satisfactory manner and approved by the Board of County Commissioners, or (#15Q)

- (2) The Board of County Commissioners and/or any of the certifying agencies have accepted a security for completion and maintenance of improvements as established in Section 3 of these regulations, whereby improvements may be made and utilities installed without cost to public bodies in the event of default of the subdivider. This also assures the prospective purchaser that improvements shall be installed as stated on the final plat.

SECTION 8. SPECIAL DEVELOPMENT STANDARDS PLANNED UNIT DEVELOPMENTS

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SECTION 8. SPECIAL DEVELOPMENT STANDARDS PLANNED UNIT DEVELOPMENTS

8.1 Procedure for Preliminary and Final Master Plan Approval

All master plans for planned unit developments shall be reviewed and granted final approval by the Board of County Commissioners prior to recordation. The time limit on the validity of sketch and preliminary approval may be extended by the Board of Commissioners for Planned Unit Developments. (#15K, #15Q)

8.2 Additional Required Information for Preliminary Master Plan Approval

A. Existing and proposed land uses and the approximate density of the proposed dwellings.

B. The approximate location of any road shown on the major thoroughfare plan.

C. Public uses, including schools, parks, play areas, and other open spaces, both existing and proposed.

D. Areas proposed to be conveyed, dedicated, or reserved for parks, playgrounds, swimming pools, recreation buildings, supporting commercial areas, similar public and semi-public uses.

E. A plan showing the approximate location of common open area.

F. A development schedule indicating (1) the approximate date when construction of the project can be expected to begin; (2) the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin; (3) the anticipated rate of development; (4) the approximate dates when the development of each of the stages in the development will be completed; and (5) the area and location of common open space that will be provided at each stage.

G. An estimate of population and density and extent of activities to be allocated to parts of the project.

H. A tabulation of the land area to be devoted to various uses and activities and overall densities.

I. A market analysis and financial statement may be requested by the Planning Board to help determine the demand for the development and the probability of its completion.

8.3 Design Standards for Planned Unit Development

A. Common Open Space

- (1) The location, shape, size, and character of the common open space shall be reviewed in detail.
- (2) Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development considering its size, density, expected population, topography, and the number and type of dwellings to be provided. There shall be no less than fifteen (15) percent of the total land area reserved as open space. Roads and road right-of-ways shall not be calculated as open space.
- (3) Common open space must be suitably improved for its intended use but common open space containing natural features worthy or preservation may be left unimproved. The buildings, structures, and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.
- (4) The use and improvements of common open space must be planned in relation to any existing or proposed public or semi-public open space which adjoins or which is within close proximity to the perimeter of the planned development.
- (5) All land shown on the final master plan as common open space must be conveyed under one of the following options:
 - a. It may be conveyed to a public agency which will agree to maintain the common open space and any building, structures, or improvements which have been placed on it.
 - b. It may be conveyed to a trustee(s) provided in a deed of record which establishes an association or similar organization for the maintenance of the planned development.The common open space may be conveyed to the trustees subject to the approval of the Planning Board which will result in the restriction of the common open space to the uses specified on the final plan, and which will provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purposes.
- (6) No common open space may be put to any use not specified on the final master plan unless the final master plan has been amended to permit that use.

B. Minimum Size

The minimum size of a planned unit development shall be twenty (20) acres.

C. Roads

General subdivision road standards set out or referenced in these regulations may be waived for Planned Unit Developments provided that the intent of these regulations is not negated or lessened. Privately maintained roads may be allowed by the Board of County Commissioners provided that the status and maintenance of said roads is made known by

appropriate notes on the plat, in deeds, protective covenants or other means approved by the Board of County Commissioners. (#15Q) Roads shall be constructed to a generally accepted standard practice of design approved by the Board of County Commissioners and the construction of said roads shall be certified by a registered architect, contractor or engineer licensed to practice in North Carolina. (#15Q)

D. Other Design Standards

Design standards set out in these subdivision regulations may be waived for Planned Unit Developments provided that the intent of these regulations is not nullified or lessened and provided that sufficient proof is given substantiating the adequacy of the alternative design.

SECTION 9. COMPACT COMMUNITIES

PAGE

9.1 Procedure

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9.2 Required Information

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9.3 Standards

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9.1 Procedure

All master plans, sketch designs, preliminary and final subdivision plans shall be reviewed and approved prior to recordation.

9.2 Required Information

All applications for compact communities shall contain the information required by the separate Chatham County Compact Community Ordinance.

9.3 Standards

All compact communities shall comply with the provisions of the Chatham County Compact Community Ordinance.

Appendix A

Suggested Certification Forms
For
Preliminary and Final Approval

PRELIMINARY

Form 1

(Reserved) (#39)

Form 2

ACKNOWLEDGEMENT OF HEALTH DEPARTMENT REVIEW PROCEDURE

This is to acknowledge that I am aware that preliminary plan approval is based on a soils investigation by my consulting soil scientist and lots are subject to change following review by the County Health Department. I am aware that I am required to have lots and suitable soil areas surveyed and that the County Health Department will evaluate said locations prior to final plat approval by the county.

Signature
(Developer/Applicant)

Date
(19)

Form 3

CERTIFICATION OF PRELIMINARY PLANS OF STREETS

I hereby certify that the plans for streets in the subdivision shown hereon meet the design standards and specifications of the Department of Transportation, Division of Highways except as noted hereon.

_____ 19 _____

District Engineer

FINAL

Form 4

CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the subdivision plat shown hereon has been found to comply with the subdivision regulations for Chatham County, with the exception of such variances, if any, as noted in the minutes of the Board of Commissioners, and that it has been approved by the body for recording in the Office of the County Register of Deeds.

_____ 19 _____

Chairman, Chatham County Board of Commissioners

Form 5

APPROVAL FOR MINOR SUBDIVISIONS

I hereby certify that the subdivision plat shown hereon is a minor subdivision and has been found to comply with the subdivision regulations for Chatham County. The plat has been approved for recording in the Office of the County Register of Deeds.

_____ 19 _____

Director of Planning or Authorized Agent

Form 6

CERTIFICATION OF PLAT BEING EXEMPT FROM THE SUBDIVISION REGULATIONS

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that said property is exempt from the subdivision regulations of Chatham County by definition.

_____ 19 _____

Owner(s) or Authorized Agent and Title

Form 7

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, and dedicate all right-of-ways, streets, alleys, walks, easements, parks, and other open spaces to public or private use as noted.

_____ 19 _____

Owner(s)

Form 8

(Reserved) (#39)

Form 9

CERTIFICATION OF THE APPROVAL OF STREETS

I hereby certify that the streets and related improvements have been installed according to plans approved by the Division of Highways, except as noted hereon; or proper provisions have been made for their installation.

_____19_____

District Engineer, N.C. Division of Highways

Form 10

CERTIFICATION OF THE APPROVAL OF UTILITIES

I hereby certify that the _____ improvements have been installed in an acceptable manner and according to the specifications of the Chatham County utility policy and/or the Chatham County Subdivision Regulations, except as noted hereon; or proper provisions have been made for their installation.

_____19_____

Signature

Title

SOIL EROSION AND SEDIMENT CONTROL PLANS

Soil erosion and sediment control plans shall conform to the rules and regulations of the Soil Erosion and Sedimentation Control Program of the Chatham County Division of Environmental Health. (#39)

SECTION 10. AMENDMENTS

PAGE

10.1	Amendments effective July 1, 1988	(#10)	73
10.2	Amendments effective July 18, 1988	(#11)	74
10.3	Amendments effective August 15, 1988	(#12)	74
10.4	Amendments effective December 19, 1988	(#13)	75
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10.13	Amendments effective June 19, 2000	(#22 & 23)	92
10.14	Amendments effective August 7, 2000	(#24,25,26,27)	94
10.15	Amendment effective May 7, 2001	(#28)	97
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10.17	Amendment effective September 1, 2002	(#30 A&B)	98
	-approved 6-17-02		
10.18	Amendment effective October 7, 2002	(#31)	99
10.19	Amendment effective April 7, 2003	(#32)	100
10.20	Amendment effective August 18, 2003	(#33)	100
10.21	Amendment effective August 18, 2003	(#34)	100
10.22	Amendment effective November 17, 2003	(#35)	101
10.23	Amendment effective December 8, 2003	(#36)	101
10.24	Amendment effective April 19, 2004	(#37)	102
10.25	Amendment effective February 20, 2006	(#38)	103
10.26	Amendment effective June 19, 2006	(#39)	103
10.27	Amendment effective March 19, 2007	(#40)	

A) TEXT: Page 48, Section 6.4B(4) -

Before additional lots may be created along a private road that was created after October 1, 1975 said lots must front on a public or private road as specified in these regulations unless said lots fit in one of the categories listed above.

B) TEXT: Page 49, Section 6.4C -

Place "useable lot area" in last two columns of table.

C) TEXT: Page 46 Section 6.2D(3)(f) -

The maximum grade of the travel way shall be twelve (12) percent. Grades at stop intersections shall not be greater than four (4) percent for a distance not less than fifty (50) feet from the intersection of right-of-ways.

D) TEXT: Page 46 Section 6.2D(3)(k) - (add new sub-paragraph)

Developments served by private gravel roads shall be designed so that no lot shall be more than one mile by road from a state-maintained road.

E) TEXT: Page 43 Section 6.2(b)(3) - (add new sentence)

When developments are proposed with private gravel roads the Planning Board may require said roads right-of-ways be reserved to adjacent properties where deemed appropriate for future access. The future disposition of said right-of-ways is left to the discretion of the owners of the development.

F) TEXT: Page 49 Section 6.4C(1)

There shall be no more than two flag lots adjacent to each other unless an easement is provided allowing one common access and such is approved by the Board. The maximum allowed length of a flag or access strip shall be two-thousand five-hundred (2,500) feet unless it is providing access to previously landlocked property.

G) TEXT: Page 22 Section 3.5 - (add new subsection)

Maintenance of publicly dedicated roads before acceptance into the state road system.

To assure the clarity of responsibility and maintenance of publicly dedicated roads before their acceptance by the Department of Transportation into the state road system, the developer of a subdivision shall, at the time of final plat submittal, submit a financial guarantee to the county of sufficient form and amount to assure the road is in acceptable form 12 months from the date of final

plat approval. A financial guarantee shall be submitted by the developer to assure the road is in acceptable form at the time it is eligible for acceptance beyond the 12 month period stated above. In lieu of a financial guarantee beyond the 12 month period the developer may record legally binding documentation acceptable to the County whereby a homeowners association and/or the County shall correct any deficiency necessary to bring a publicly dedicated road up to state standards at the time it is eligible for acceptance.

H) TEXT: Page 39 Section 5.3B(21) -

On final plats which show new publicly dedicated roads, a note shall be placed designating maintenance responsibility until acceptance of said roads by the Department of Transportation.

AMENDMENTS EFFECTIVE JULY 18, 1988
(#11)

TEXT: Page 52, Section 6.5B(6) -

(6) Community Service Facilities - Solid Waste Collection and/or Recycling Sites

The developer may be required to provide land suitable for solid waste collection and/or recycling sites. In lieu of land the developer may provide funds to the county for the acquisition of said land. The amount of land or funds provided shall be based on a formula approved by the Board of County Commissioners. Said formula may take into consideration the number of lots in the development, the availability of other sites in close proximity to the development, the recommendation of the county director of solid waste and other appropriate factors.

AMENDMENTS EFFECTIVE AUGUST 15, 1988
(#12)

A) TEXT: Page 30 Section 4.4B (3)

(3) Steps 8, 9, 10, & 11. The subdivider is responsible for having the preliminary plat reviewed and approved by the Chatham County Health Department. When the development improvements may involve the placement of excavated material or fill material into streams, creeks, lakes, or wetlands, the subdivider is responsible for contacting the U.S. Army Corps of Engineers for a determination of whether a permit is required. A permit or a letter indicating no permit is required shall be provided fourteen (14) days prior to the meeting of preliminary plat review. Where new public roads are proposed the plat shall be reviewed and approved by the Division of Highways of the North Carolina Department of Transportation. The Land Quality Section of the North Carolina Department of Natural Resources and Community Development or the local District Conservationist of the United States Soil

Conservation Service shall review and approve plats and erosion control plans when required by law or when new roads are proposed. The Planning Board Staff may assist the developer upon request. The preliminary plat application shall be considered incomplete and shall not be scheduled for review by the Planning Board unless the plat along with the approvals specified in steps 8, 9, 10, & 11 is received not less than fourteen (14) days prior to the Board meeting.

B) TEXT: Page 38 Section 5.2F

F. U.S. Army Corps of Engineers Permit
When the development improvements may involve the placement of excavated material or fill material into streams, creeks, lakes, or wetlands, a letter shall be submitted by the subdivider from the U.S. Army Corps of Engineers indicating whether a permit is required. An approved permit shall be submitted if required.

C) TEXT: Page 33.1 Section 4.6

The Planning Board staff shall give reasonable notice of the time and place of sketch design review and preliminary plat review by the Planning Board for major subdivisions. Notice shall also be given when a request is made for the extension of preliminary approval. Notice shall be sent by regular mail not less than seven (7) days prior to the date specified thereon and shall be mailed to the address of the adjacent property owners as specified on the plat or application. Failure to receive notice by the subdivider or adjacent property owners shall not be grounds for disapproval by the Board. Notice of the time and location of regular Planning Board meetings shall be posted in the Planning Department not less than seven (7) calendar days prior to the meeting. Called meetings shall be posted in the location specified above and on the door of the regular meeting room not less than forty-eight (48) hours prior to the date of the meeting.

AMENDMENTS EFFECTIVE DECEMBER 19, 1988
(#13)

TEXT: Page 19, Section 3.1B(1)

(1) When either forty (40) percent of the total cost of improvements have been completed or when a statement of record for the subdivision has been filed in accordance with the federal Interstate Land Sales Full Disclosure Act and when the public health and/or safety will not be endangered, the Planning Board may waive the requirement that the applicant complete all public improvements prior to the signing of the subdivision plat, and that, as an alternative, the applicant post a performance bond, including labor and material payments, at the time of application for final subdivision approval. The amount of the bond shall not be less than an amount estimated by a registered licensed architect or engineer hired by the developer to provide said improvements as approved by the Planning Board, as sufficient to

secure to the county the satisfactory construction, installation, and dedication of the incomplete portion of required improvements.

The performance bond shall also secure all lot improvements on the individual lots of the subdivision as required in these regulations.

AMENDMENTS EFFECTIVE FEBRUARY 20, 1989
(#14)

- A) TEXT: Page 49, Section 6.4C(1)

Change to 40,000 square feet.

- B) TEXT: Page 50, Section 6.4C(2)

The lot areas listed above shall be increased by forty thousand (40,000) square feet for a two family dwelling.

AMENDMENTS EFFECTIVE OCTOBER 1, 1989
(#15)

- A) Add "acreage" to the information required on lots at sketch and preliminary review.

TEXT: Page 36, Section 5.1D (10)

"The approximate location, dimensions, and acreage of all proposed or existing lots."

- B) Correct error on date from October 31, 1973 to October 1, 1975.

TEXT: Page 47, Section 6.4B (2)

"One additional subdivision lot may be allowed provided that the lot has frontage on a perpetual easement or private road that extends to meet a public road, if the easement or private road existed prior to October 1, 1975."

- C) Add sewerage system certification of approval to list of information on final plats.

TEXT: Page 39, Section 5.3B (22)

"Certificate of sewerage system approval (See Appendices)."

- D) Add name of subdivision to required information on final plat.

TEXT: Page 39, Section 5.3B (23)

"Name of subdivision"

- E) Correct typographical error from "nor" to "not".

TEXT: Page 47, Section 6.3A

"Public roads which are cul-de-sacs, designed to have one end permanently closed, shall be not more than one thousand (1000) feet long unless necessitated by topography or design considerations."

- F) Change language concerning stormwater management from impervious surfaces to allow flexibility of management methods. Substitute the word "managed" for "infiltrated".

TEXT: Page 44, Section 6.2 C (2)

"To reduce the amount of runoff and subsequently stream pollution, roads (i.e. road surfaces) and parking areas shall not exceed four (4) percent of the area of the subdivision, unless the developer provides plans which demonstrate that the first half inch of runoff will be managed on site as approved by the County or its designee."

TEXT: Page 28 - #12

"Preliminary review of stormwater management plans"

TEXT: Page 31 (5) - Step (12)

"When required, stormwater management plans shall be submitted to and approved by the county or its designee."

TEXT: Page 50, Section 6.4C(3) e

"A plan that demonstrates that the first 1/2 inch of storm water runoff will be managed on site, if more than six (6) percent of the lot area is covered with impervious surfaces such as buildings, parking, and drives."

- G) Add language concerning floodable areas to clarify use of flood hazard area land in calculating lot areas.

TEXT: Page 41, Section 6.1B (1)

"These maps are available for review at the Chatham County Planning Department. Land within a flood hazard area boundary shall not be considered a portion of the lot when calculating minimum lot area."

- H) Add language to allow maps to be recorded in Register of Deeds Office after existing sixty day deadline.

TEXT: Page 33.2, Section 4.7C (3)

"The subdivider shall file the approved final plat with the Chatham County Register of Deeds for recording within sixty (60)

days of the date of the County Commissioners approval or such approval shall be null and void and the plat will be denied recordation except as provided below. Final plats not recorded in the Register of Deeds Office within sixty (60) days may be reviewed by the Planning Department for compliance with current regulations. Plats found to be in compliance may be approved by signature of the Planning Department authorized personnel, dated, and allowed to be recorded. Plats not in compliance shall not be approved by the Planning Department or recorded prior to approval by the appropriate Board."

- I) Change the submission deadline of major subdivisions with improvements for Board review from 14 to 16 calendar days. The deadline for major subdivisions without improvements would remain 14 days.

TEXT: Page 30 Section 4.4B (1), (2), and (3)
Page 31 Section 4.4B (4) and (9)

The preceding sections were changed from fourteen (14) days to sixteen (16) days.

TEXT: Page 30 Section 4.4B (2)

"A preliminary subdivision plat with no proposed improvements shall be submitted to the Planning Board staff not less than fourteen (14) days prior to the day on which approval is requested."

TEXT: Page 33.1 Section 4.5

"The submission deadline is sixteen (16) days prior to the day on which approval is requested for subdivisions with new roads and fourteen (14) days prior if no new roads are required."

- J) Revise language concerning street name signs to indicate needed permits.

TEXT: Page 55, Section 7.1H

"Traffic signs shall also be installed where required. The signs shall be of standard design size and material as approved by the Division of Highways unless provided by other county ordinances addressing signs. State and local permits for signs may be required prior to installation."

- K) Add language to clarify flexibility of review deadlines of sketch and preliminary phases for Planned Unit Developments.

TEXT: Page 58, Section 8.1

"The time limit on the validity of sketch and preliminary approval may be extended by the Board of Commissioners for Planned Unit Developments."

L) Add language to define adjacent owners.

TEXT: Page 35, Section 5.1D (3)
Page 39, Section 5.3 B (5)

"Property on the opposite side of an easement or public right-of-way shall also be considered adjacent property."

M) Revise language to delete requirement of forwarding subdivisions to the Board of County Commissioners at their next regular meeting.

TEXT: Page 33.2, Section 4.7B (1)

"Preliminary plats shall be forwarded to the Board of County Commissioners."

N) Add language explaining the significance of sketch design expiration.

TEXT: Page 25, Section 4.2B (4)

"There shall be no extension of sketch design approval. If sketch design approval expires the subdivision shall not be considered for preliminary approval until and unless another sketch design approval is granted according to applicable regulations and appropriate additional administrative fees are paid."

O) Add language restricting the review period by the U.S. Army Corps of Engineers.

TEXT: Page 30, Section 4.4 B(3)
Page 38, Section 5.2 F

"Failure of the U.S. Army Corps of Engineers to respond within thirty (30) days of an appropriate request to said agency shall not prohibit the subdivision application from proceeding through the county review procedure."

P) TEXT: Page 18-21, Section 3

Revise language concerning financial guarantee to reflect methods of assurance preferable to bonding, approval of terms of assurances by the County attorney, and release or collection of assurance by the County's authorized agent.

TEXT: Page 22, Section 3.4 and 3.5

Delete Section 3.4 and 3.5 entirely

Q) Revise language to allow the Board of County Commissioners to have final plat approval of major subdivisions.

TEXT: Page 25 Section 4.2C (4) **2 changes**
Page 33.3 Section 4.7D (1)

Page 37 Section 5.2 (3)
 Page 41 Section 6.1A
 Page 42 Section 6.1C (2) &
 Section 6.1C (4)
 Page 43 Section 6.2B (3) **2 changes**
 Page 44 Section 6.2C (3)
 Page 45 Section 6.2D (3)
 Page 46 Section 6.2D (3)e
 Section 6.2D (3)g **2 changes**
 Page 47 Section 6.3A **3 changes**
 Section 6.3B
 Page 48 Section 6.4B (3)
 Page 49 Section 6.4C **4 changes**
 Page 50 Section 6.4C (3)
 Section 6.4C (4)
 Page 51 Section 6.5A (1)
 Section 6.5A (2)
 Page 52 Section 6.5B (2)
 Section 6.5B (3)
 Page 55 Section 7.1G
 Section 7.1F
 Page 56 Section 7.1I
 Section 7.1J
 Section 7.1J (1)
 Section 7.1J (2)
 Page 58 Section 8.1
 Page 59 Section 8.3C **3 changes**

TEXT: Page 25 Section 4.2C (5)

"In the event such an extension is recommended by the Planning Board and/or granted by the Board of County Commissioners, the Board of Commissioners shall state the time limit of the extension which shall be recorded in the minutes of the Board of Commissioners."

TEXT: Page 26 Section 4.2D (2)

Delete "the Planning Board and when appropriate by"

TEXT: Page 28 #26

Added "and Board of Commissioners Action"

TEXT: Page 33.2 Section 4.7C (1)

Insert the following after the last sentence.

"Final plats shall be forwarded to the Board of County Commissioners. The Board of County Commissioners will review the final plat and indicate their approval, disapproval or approval subject to modifications within thirty(30) days of the official submission date to the Board of County Commissioners. Failure of the Board of County Commissioners to act on the final plat within

this thirty (30) day period will be deemed approval of the plat as submitted."

TEXT: Page 33.3 Section 4.7D (1)

"An appeal shall be forwarded to the Planning Board for their recommendation. The submission deadline is the same as major subdivisions without new roads. The recommendation of the Planning Board shall be forwarded to the Board of County Commissioners for their action. The action by the Board of County Commissioners shall be the governing action."

- R) Revise language to classify a minor subdivision as one with not more than five (5) lots and a major subdivision as one having six (6) or more lots.

TEXT: Page 12 Definition of Major Subdivision
Page 26 Section 4.3A

Change four (4) lots to six (6) lots

TEXT: Page 13 Definition of Minor Subdivision
Page 26 Section 4.3B

Change three (3) lots to five (5) lots

AMENDMENTS EFFECTIVE FEBRUARY 18, 1991
#16)

- A) Add language to clarify sketch design expiration

TEXT: Page 25 Section 4.2 B(4)

"This time limit on the validity of sketch design approval shall not apply for Planned Unit Developments, also referred to as Planned Residential Developments, and subdivisions of more than 50 lots. Sketch design approval shall not expire for developments in these categories provided the development continues according to the overall time schedule established at the time of sketch review."

- B) Revise language

TEXT: Page 45 Section 6.2 D (2)(a)

"The subdivision does not include any part of a proposed throughfare or street shown on the Chatham County Thoroughfare Plan; and..."

- C) Revise language

TEXT: Page 45 Section 6.2 D (2)(b)

"The developer shall reference on the final plat the recording of a roads instrument that provides the following:

1. Guarantees full right of access via any private road in the subdivision to any lot served by that road.
2. Specifies the standards to which private roads in the subdivision have been designed and constructed.
3. Affirms the developer's responsibility to maintain the private roads in the subdivision to the specified standards until such responsibility is formally transferred to a legally constituted association of subdivision homeowners.
4. Includes a road maintenance agreement which at a minimum establishes the following:
 - a legally constituted association of subdivision homeowners with specified authority to set and collect fees from members for road maintenance purposes
 - a sinking fund for emergency repair and long range improvement of subdivision roads
 - an association decision-making process
 - an association road maintenance policy with related standards."

D) Add language

TEXT: Page 39 Section 5.3 B (21)

"The maintenance responsibility for private roads shall be disclosed by a note on the plat."

E) Omit existing item k and replace with the following

TEXT: Page 46 Section 6.2 D (3)(k)

"All roads which will provide direct or indirect access to twenty-five (25) or more subdivision lots shall be designed to meet N.C. Division of Highways' standards for subdivision roads, and travel ways shall be constructed to said standards."

F) Add language

TEXT: Page 36 Section 5.1 D(16)

"A time schedule of development for subdivisions of more than 50 lots."

G) Revise language

TEXT: Page 39 Section 5.3 B(12)

"(b) length (c) cord bearing and distance"

H) Revise language

TEXT: Page 46 Section 6.2 D (3)(b)

"...with a crown of approximately one (1) inch per foot fall."

I. Revise language

TEXT: Page 46 Section 6.2 D (3)(d)

"The ditch slope shall be established according to best management practices which deter erosion."

J. Revise language

TEXT: Page 46 Section 6.2 D (3)(e)

"Cut and fill slopes shall be established to maintain stability and provide for maintenance where necessary."

K. Revise language

TEXT: Page 46 Section 6.2 D (3)(f)

"The maximum grade of the travel way shall be ten (10) percent."

AMENDMENTS EFFECTIVE DECEMBER 16, 1991 (#17)

A. Add language:

TEXT: Page 24 Section 4.2 B (2) Subdivision Fee

Exception: Fees associated with water plan review and inspection of water improvements to be dedicated to the County shall be paid at a later time as specified in this Ordinance.

B. Add language:

TEXT: Page 25 Section 4.2 C Preliminary Plat

(6) County review of water plans for acceptance into County system. Applicants shall pay a plan review fee, as established by the County, prior to submission of a preliminary plat. The review fee shall be established by the County Commissioners and revised as necessary. This fee shall apply only to water improvements to be dedicated to the County.

C. Add language:

TEXT: Page 26 Section 4.2 D (2) Preparation of Final Plat

Applicants shall pay all inspection fees as established by the County, prior to submission for a final plat. Inspection fees shall be established by the County Commissioners and revised as necessary. These fees shall apply only to water improvements to be dedicated to the County.

D. Revise language:

TEXT: Page 30 & 31 Section 4.4 B (3) - (7)

- (3) Step 8. The subdivider is responsible for having the preliminary plat reviewed and approved by the Chatham County Health Department. The plat submitted shall exhibit the preliminary approval of the Health Department or be accompanied by a letter from the Division of Environmental Management (DEM) signifying approval (issuance of a discharge permit and permit to construct).
- (4) Step 9. Where new public roads are proposed the plat shall be reviewed and approved by the Division of Highways of the North Carolina Department of Transportation.
- (5) Step 10. When the development improvements may involve the placement of excavated material or fill material into streams, creeks, lakes, or wetlands, the subdivider is responsible for contacting the U.S. Army Corps of Engineers for a determination of whether a permit is required. A permit or a letter indicating no permit is required shall be provided sixteen (16) days prior to the meeting of preliminary plat review. Failure of the U.S. Army Corps of Engineers to respond within thirty (30) days of an appropriate request to said agency shall not prohibit the subdivision application from proceeding through the county review procedures. (#150) Land Quality Section of the North Carolina Department of Natural Resources and Community Development or the local District Conservationist of the United States Soil Conservation Service shall review and approve plat and erosion control plans when required by law or when new roads are proposed.
- (6) Step 11. Where public water will be provided, the subdivider is responsible for obtaining an approval letter from the State Division of Environmental Health assigning a project identification number. If the public water improvements will be dedicated to the County, approval by the County is also required in addition to state approval. This review is to be considered and fees associated with water plan

review by the County shall be paid prior to submission of the preliminary plat.

- (7) The Planning Board Staff may assist the developer upon request with steps 8 - 11. The preliminary plat application shall be considered incomplete and shall not be scheduled for review by the Planning Board unless the plat along with the approvals specified in steps 8, 9, 10 & 11 are received not less than sixteen (16) days prior to the Board meeting. Failure of the approving agencies in steps 9, 10 and 11 to respond within thirty (30) days of an appropriate request to said agency shall not prohibit the subdivision application from proceeding through the county review procedure.

E. Add language:

TEXT: Page 32 Section 4.4 B (15) Step 19

Planning Board Staff. During this step, the agents of the County will conduct periodic inspections of water improvements to insure compliance with plans and specifications. These inspections do not relieve the developer from complying with inspection requirements as outlined by the State Division of Environmental Health. The preliminary plat..

F. Revised language:

TEXT: Page 32 Section 4.4 B (17) Step 21 - 25

Board Staff may assist the developer upon request. Two sets of as-built drawings of utility plans and fees for periodic water improvement inspections by the County shall also be submitted to the County Water Department at this time or prior to the release of a financial guarantee by the County.

G. Deleted language:

TEXT: Page 32.1 Section 4.4 B (18) Step 26

~~After all certification stamps are signed, the developer shall submit a minimum of fifteen (15) signed plats, along with one (1) reproducible plat to the Planning Board staff for their final review. One set of as built of utility plans shall also be submitted at this time or prior to the release of a financial guarantee by the county.~~

H. Add language:

TEXT: Page 34 Section 5.3 C

C. As-Built Utility Plans

I. Revised language:

TEXT: Page 39 Section 5.3 C

C. As-Built Utility Plans

When public or community water and/or sewage systems are installed, two sets of as-built drawings of said systems shall be submitted at the time for final review or prior to the release of a financial guarantee by the County.

10.9 AMENDMENTS EFFECTIVE SEPTEMBER 27, 1993 (#18)

A. Deleted language:

TEXT: Page 31 Section 4.4 C (3): Procedure for Minor Subdivisions (Steps A-D)

The Planning Board staff shall review the plat and if everything is in order the Director of Planning or his authorized agent shall approve the plat as a minor subdivision. (See Appendices)
~~Said approval shall be reported to the Planning Board at the next regularly scheduled meeting.~~

B. Add language:

TEXT: Page 32 Section 4.4 C (5) (e):

No subdivider may use the minor subdivision procedure in the same immediate location (approximately fifteen hundred [1,500] feet) for a period of twelve (12) months after getting subdivision approval using said procedure in said location, if he owns, has an option on, or has any legal interest in any property adjacent to the property to be subdivided, except as provided in these regulations, specifically in Section 6.4 B(4). However, a subdivider may use the minor procedure more than once during a twelve month period to create as many as five (5) individual lots. The minor subdivision procedure may not be used to create more than five (5) lots unless there is a twelve month period after the approval of the fifth lot.

C. Deleted language:

TEXT: Page 48 Section 6.4 B (3): Arrangement

Three (3) subdivision lots may be allowed provided that every lot has frontage on a perpetual easement not less than thirty (30) feet in width that meets a public road. The thirty (30) foot easement shall serve no more than three (3) subdivision lots. The easement shall not be within one hundred (100) feet of another easement of this type, unless approved by the Board of County Commissioners after considering lot design, land ownership, topography, and other appropriate information. (#15Q) If additional subdivision lots are to be created and served by the easement, it shall be sixty (60) feet in width and meet other standards required unless a variance is granted. Proof of the permanence of the easement shall be provided to the Planning Director and shall be certified by the applicant's attorney. ~~A subdivider shall not create any subdivision lots of this type for a period of thirty six (36) months after subdivision approval of lots with this type of access on the same property or adjacent properties.~~

10.10 AMENDMENTS EFFECTIVE FEBRUARY 19, 1996 (#19)

A. Revise language:

TEXT: Page 25 Section 4.4 A. Chart - Overview of the Major Subdivision Plat Review Process

~~8. Prelim. Review Health Dept.~~

9. Statement of Reasonable Design
Certified/Licensed Soil Scientist

B. Add language:

Step 4: Soil Scientist prepare soils map

Re-number existing steps beginning with 5

C. Revise language:

TEXT: Page 28 Section 4.4 B (1-20) - Procedure for Major Subdivisions

Re-number steps 4-29

Add language:

(1) Re-number steps 5 - 7. The sketch design review is required on proposed subdivisions with new roads, but is optional on other subdivisions. The information required on a sketch

design map is described in Section 5.2, Section 5.2 A, Section 5.2 B, and Section 5.2 C.

Revise language:

(3) Step 9. The subdivider is responsible for having the site and the preliminary plat reviewed and signed by a certified/licensed soil scientist concerning the reasonableness of the design (see Appendix A Form 1). The plat submitted shall exhibit a statement of reasonable design or be accompanied by a letter from the Division of Environmental Management (DEM) signifying approval (issuance of a discharge permit and permit to construct).

D. Add language:

TEXT: Page 30 Section 4.4 B

(15) Step 20. It is recommended that the developer have the local Health Department do a site inspection of the soil scientist's work prior to commencing with land disturbing activity.

E. Revise language:

TEXT: Page 33 Section 4.7 B - Preliminary Plat Review

(2) The approval of the preliminary plat by the Planning Board and the Board of County Commissioners serves as permission to begin construction according to the plans and as a basis for preparation of the final plat. ~~It does not constitute acceptance or approval of the final plat.~~ It is recommended that the developer have the local Health Department do a site inspection of the soil scientist's work prior to commencing with land disturbing activity. Preliminary approval does not constitute acceptance or approval of the final plat.

F. Deleted language:

TEXT: Page 38 Section 5.2 C ~~Percolation Tests~~

~~Percolation tests or other forms of soil investigation shall be performed for all subdivisions unless a central sewage disposal system is proposed. Tests may be performed by the Health Department or persons approved by the Health Department to perform such tests or investigation.~~

Add language:

Soils Evaluation

A soils evaluation shall be performed by a certified/licensed soil scientist or persons approved by the Health Department to perform such evaluations or investigations. Such evaluations shall be performed unless a central sewage disposal system is proposed. A soils map showing the location of suitable soils and a letter of explanation shall be submitted.

G. Deleted language:

TEXT: Page 61 Form 1

~~CERTIFICATION OF PRELIMINARY APPROVAL BY COUNTY HEALTH DEPARTMENT~~

~~I hereby certify that the plans and related information required meet the specifications for preliminary approval by the Chatham County Health Department.~~

Add language:

I have reviewed the property shown hereon and the lot sizes and plat design is reasonable for the existing soil conditions.

Name	Title	Date
------	-------	------

H. Add language:

TEXT: Page 61, Appendix A
Re-number existing form numbers beginning with Form 2

Form 2
Acknowledgement of Health Department Review Procedure

This is to acknowledge that I am aware that preliminary plan approval is based on a soils investigation by my consulting soil scientist and lots are subject to change following review by the County Health Department. I am aware that I am required to have lots and suitable soil areas surveyed and that the County Health Department will evaluate said locations prior to final plat approval by the county.

Signature (Developer/Applicant)	Date
------------------------------------	------

A.

Page 45 Section 6.2 C. - Add *[italicized]* language

"(1) Except as specified in these regulations all streets in subdivisions shall be public.

The design and construction of all public streets and roads, including the grading, roadbed, shoulders, slopes, medians, ditches, drainage, driveway entrances to lots, right-of-way and pavement widths, grades, curves, intersections and other proposed features shall conform to the respective current standards of the North Carolina Department of Transportation Division of Highways, **except as provided. The minimum cul-de-sac pavement radius for curb and gutter section and shoulder section is 40 feet. The minimum right-of-way radius for curb and gutter section and shoulder section is 55 feet.**"

B.

Page 47 Section 6.2 D. (3) - Revised *[italicized]* language

"(h) Private roads that are cul-de-sacs shall have an adequate turn-around which has a roadbed with **a radius** not less than **forty (40)** feet. The **radius** of the right-of-way of the turn-around shall not be less than fifty-five (55) feet."

C.

Page 48 Section 6.3 A. - Omit the following *[italicized]* paragraph

"Public roads which are cul-de-sacs, designed to have one end permanently closed, shall be not more than one thousand (1000) feet long unless necessitated by topography or design considerations. (#15E) This regulation may not be required by the Board of County Commissioners when paved turn-arounds are provided at intervals of one thousand (1000) feet or less. (#15Q) The length of a cul-de-sac shall be measured from the center of the turn-around to the intersection of its center line with the center line of the connecting non-cul-de-sac street."

D.

Page 49 Section 6.4 B. - Add language

"(3) **Easements shall be improved such that the travelway has a minimum clearance of 12 feet wide and 14 feet high and an all weather travel surface. Such improvement shall be made prior to the occupancy of any dwelling on said subdivision lot.**"

ADD LANGUAGE: - [italicized]

1.

Page 25, Section 4.4 Specific Procedures for Each of the Two Classifications of Subdivisions

A. Procedure for All Subdivisions

(3) OVERVIEW OF THE MAJOR SUBDIVISION PLAT REVIEW PROCESS

9. Preliminary Review of proposed road names by Emergency Operations Center

2.

Page 28, Section 4.4

B. Procedure for Major Subdivisions

4. Step 10. Where new public roads are proposed the plat shall be reviewed and approved by the Division of Highways of the North Carolina Department of Transportation. **Where new roads are proposed, road names shall be submitted to the County Emergency Operations Center for approval prior to submittal for preliminary subdivision approval.**

3.

Page 31, Section 4.4 C. Procedure for Minor Subdivisions (Steps A - D)

(1) Step A. Minor Subdivisions may be submitted to the Planning Board staff for both preliminary and final review simultaneously since there are no public improvements involved. Since minor subdivisions are easily reviewed by the Planning Board staff there is no deadline for submittal. The applicant shall submit one (1) print and one reproducible plat to the Planning Board staff. Applicants shall pay any administrative fee established by the County at the time of the application or request. (#5) The staff shall inform the applicant of necessary modifications to the plat, and shall affix the necessary certification stamps. **Minor Subdivisions involving access to more than two lots shall have the access road name approved by the Emergency Operations Center (EOC).**

4.

Page 37, Section 5.1 D. Features

(12) Names of all streets **existing and proposed.**

5.

Page 25, Section 4.4 A. Procedure for All Subdivisions (Steps 1-3)

(3) OVERVIEW OF THE MAJOR SUBDIVISION PLAT REVIEW PROCESS

3. Notification of old and historic structures to the Chatham County Historical Association

6.

Page 28, Section 4.4 B. Procedure for Major Subdivisions (Steps 4-29)

(1) **When structures of greater than 50 years in age or having historical significance are on the property or within 100 feet of the development property or adjacent property then the developer shall contact the Chatham County Historical Association prior to submittal for sketch subdivision approval.**

AMENDMENTS EFFECTIVE DECEMBER 14, 1998 (#21) –con't

(17) *The approximate location of structures of approximately 50 years old or having historical significance on the development property or within 100 feet of the development property on adjacent land.*

AMENDMENTS EFFECTIVE JUNE 19, 2000 (#22 and #23)

10.13 ADD LANGUAGE: [*italicized*]

Page 31, Section 4.4 B. (1) and (2) - (#22) Clarify the number of copies of documents to be submitted to the Planning Department for review. (#23) - Revise the submittal deadline from 16 days to 23 days prior to the Planning Board meeting.

(1) Step 5 - 7. The sketch design review is required on proposed subdivisions with new roads, but is optional on other subdivisions. The information required on a sketch design map is described in Section 5.1, Section 5.2 A, Section 5.2 B, and Section 5.2 C. (19) ~~A minimum of fifteen (15) copies~~ The required number of copies of the information required shall be submitted to the Planning Board staff for review by the Planning Board. The administrative fee for the subdivision is due at this time. The sketch design map shall be submitted to the Planning Board staff not less than ~~sixteen (16)~~ twenty-three (23) days prior to the day on which approval is requested. (#15I) Following the Planning Board review and action the sketch design map shall be submitted for review and action by the Board of County Commissioners. ~~A minimum of nine (9) additional~~ The required number of sketch design plans shall be submitted to the Planning Board staff for review by the Board of County Commissioners. (#21) When structures of greater than 50 years in age or having historical significance are on the property or within 100 feet of the development property on adjacent property then the developer shall contact the Chatham County Historical Association prior to submittal for sketch subdivision approval.

(2) Step 8. The information required on a preliminary plat is described in Section 5.1 and 5.2. ~~A minimum of fifteen (15)~~ The required number of copies of the information described in Section 5.1 and ~~two (2) copies of the information described~~ in Section 5.2 shall be submitted to the Planning Board Staff. The standards and design requirements for subdivision plats are specified in Section 6 of these regulations. (#5) A subdivision plat with proposed new roads shall be submitted to the Planning Board staff not less than ~~sixteen (16)~~ twenty-three (23) days prior to the day on which approval is requested. (#15I) A preliminary subdivision plat with no proposed improvements shall be submitted to the Planning Board staff not less than ~~fourteen (14)~~ twenty-three (23) days prior to the day on which approval is requested. (#15I) The Planning Board staff shall review the plat to be sure it meets the specifications of these regulations. An on-site inspection may be made of the subdivision at that time by the Planning Board staff.

(#23)- con't

Page 32, Section 4.4 B. (5), (7), (8), (13), (16), and (18) - Revise the submittal deadline from 16 days to 23 days prior to the Planning Board meeting.

(5) Step 11. When the development improvements may involve the placement of excavated material or fill material into streams, creeks, lakes, or wetlands, the subdivider is responsible for contacting the U.S. Army Corps of Engineers for a determination of whether a permit is required. A permit or a letter indicating no permit is required shall be provided sixteen ~~(16) days~~ **twenty-three (23)** prior to the meeting of preliminary plat review. Failure of the U.S. Army Corps of Engineers to respond within thirty (30) days of an appropriate request to said agency shall not prohibit the subdivision application from proceeding through the county review 4.4 B. Procedure for Major Subdivisions procedures. (#150) The Land Quality Section of the North Carolina Department of Natural Resources and Community Development or the local District Conservationist of the United States Soil Conservation Service shall review and approve plat and erosion control plans when required by law or when new roads are proposed.

(7) The Planning Board Staff may assist the developer upon request with steps 9 - ~~12~~ **13**. The preliminary plat application shall be considered incomplete and shall not be scheduled for review by the Planning Board unless the plat along with the approvals specified in steps 9, 10, 11 and 12 are received not less than ~~sixteen (16)~~ **twenty-three (23)** days prior to the Board meeting. Failure of the approving agencies in steps 10, 11, ~~and 12,~~ **and 13** to respond within thirty (30) days of an appropriate request to said agency shall not prohibit the subdivision application from proceeding through the county review procedure. (#17D)

(8) Step ~~13~~ **14**. The approval of the public water and sewerage system plans is required at the time the preliminary plat is submitted ~~sixteen (16)~~ **twenty-three (23)** days prior to the Board meeting. (#15I)

(13) Step ~~18~~ **19**. The signed preliminary plats shall be returned to the Planning Board Staff not less than ~~sixteen (16)~~ **twenty-three (23)** days prior to the regularly scheduled Board meeting. (#15I)

(14) Step ~~19~~ **20**. The Planning Board staff shall present the plats along with a recommendation to the Planning Board for formal action. Staff may advise the subdivider of the recommendation prior to the meeting. Following the Planning Board's recommendation, plats of major subdivisions shall be reviewed and approved by the Board of County Commissioners for preliminary approval prior to making any site improvements. ~~A minimum of nine (9)~~ **The required number of preliminary** plats shall be submitted to the Planning Board staff for review by the Board of County Commissioners. Plats of major subdivisions which do not include new roads may be considered for preliminary and final approval simultaneously by each Board. If a preliminary plat is reviewed and denied approval by the Planning Board during two meetings then the plat may continue the review process and be forwarded by the Planning Board to the Board of County Commissioners for their

preliminary review. The preliminary action by the Board of County Commissioners shall be the governing action.

(16) Step ~~21~~ **22**. The final plat shall conform significantly to the preliminary plat and shall meet all requirements specified in these regulations. The information required on the final plat is described in Section 5.3. ~~A minimum of fifteen (15)~~ **The required number of** copies of this information shall be submitted to the Planning Board staff. If the plat is in order and public improvements are completed or assurance for completion of improvements is submitted, then appropriate certification stamps shall be applied to the plat. Major subdivisions which do not require new roads may be reviewed simultaneously for preliminary and final approval by the Planning Board and Board of County Commissioners. (#15Q) Subdivisions which request a variance but do not require new roads or public improvements may be reviewed by the Planning Board simultaneously for preliminary and final approval conditional upon the Board of County Commissioners preliminary approval.

(18) Step ~~27~~ **28**. After all certification stamps are signed, the developer shall submit ~~a minimum of fifteen (15)~~ **the required number** signed plats, along with one (1) reproducible plat to the Planning Board staff for their final review, (#17G) **a minimum of twenty-three (23) days prior to the date of the Planning Board meeting approval is requested.**

(#23) - con't

Page 36, Section 4.5 - Revise the submittal deadline from 16 days to 23 days prior to the Planning Board meeting.

Submission Dates

The official submission date shall be considered the date of the Board meeting at which a plat is considered for approval. This is not the date upon which the plat is submitted to the Planning Board staff for review. The submission deadline is ~~sixteen (16)~~ **twenty-three (23)** days prior to the day on which approval is requested for subdivisions. ~~with new roads and fourteen (14) days prior if no new roads are required.~~ (#15I)

AMENDMENTS EFFECTIVE AUGUST 7, 2000 (#24, #25, #26, and #27)

10.14 ADD LANGUAGE: *[italicized]*

Re: Clarify who can certify financial estimates for completion of improvements for final subdivision approval.

(#24)

Page 20, Section 3.1 B. (1)

(1) When either forty (40) percent of the total cost of improvements have been completed or when a statement of record for the subdivision

has been filed in accordance with the federal Interstate Land Sales Full Disclosure Act and when the public health and/or safety will not be endangered, the County may waive the requirement that the applicant complete all required improvements prior to the signing of the subdivision plat, and that, as an alternative, the applicant post an adequate security at the time of application for final subdivision approval. The amount of the security shall not be less than an amount determined by a licensed architect, ~~or~~ registered engineer, surveyor, or licensed contractor acceptable to the county as sufficient to secure to the county the satisfactory construction, installation, and dedication of the incomplete portion of required improvements including labor and material payments. The security shall also assure all lot improvements on the individual lots of the subdivision as required in these regulations.

Re: Revise notice of review to adjacent property owners from 7 days to 14 days prior to the Planning Board meeting. (#25)

Page 36 Section 4.6

4.6 Notice of Review

The Planning Board staff shall give reasonable notice of the time and place of sketch design review and preliminary plat review by the Planning Board for major subdivisions. Notice shall also be given when a request is made for the extension of preliminary approval. Notice shall be sent by regular mail not less than ~~seven (7)~~ fourteen (14) days prior to the date specified thereon and shall be mailed to the address of the adjacent property owners as specified on the plat or application. Failure to receive notice by the subdivider or adjacent property owners shall not be grounds for disapproval by the Board of County Commissioners. (#15Q) Notice of the time and location of regular Planning Board meetings shall be posted in the Planning Department not less than ~~seven (7)~~ fourteen (14) calendar days prior to the meeting. Called meetings shall be posted in the location specified above and on the door of the regular meeting room not less than forty-eight (48) hours prior to the date of the meeting. (#12C)

Re: Revise the County Commissioners' review time for sketch, preliminary, and final plat review from thirty (30) days to sixty (60) days.

(#26)

Page 37 Section 4.7, A. (1), B (1), C. (1)

4.7 Action by the Planning Board and the Board of Commissioners:*4

A. Sketch Design Review

(1) Within forty-five (45) days after the official submission date of the sketch design, the Planning Board will review it and indicate their approval, disapproval, or approval subject to modification. Failure of the Planning Board to act on the sketch design within this forty-five (45) day period will be deemed approval of the plan by the Planning Board. The sketch design plan along with the

Planning Board's recommendation shall be forwarded to the Board of County Commissioners. The Board of Commissioners will review the plan and indicate their approval, disapproval, or approval subject to modifications within ~~thirty (30)~~ sixty (60) days of the official submission date to the Board of Commissioners. Failure of the Board of Commissioners to act on the sketch design plan within this ~~thirty (30)~~ sixty (60) day period will be deemed approval of the plan. If the Planning Board or the Board of County Commissioners give disapproval or approval subject to modifications, the necessary reasons or modifications will be specified in the minutes of the meeting.

4.7 B. Preliminary Plat Review

- (1) Within sixty (60) days after the official submission date of the preliminary plat, the Planning Board will review it and indicate their approval, disapproval, or approval subject to modification. Failure of the Planning Board to act on the preliminary plat within this sixty (60) day period will be deemed approval of the plat by the Planning Board. Preliminary plats shall be forwarded to the Board of County Commissioners. (#15M) The Board of Commissioners will review the preliminary plat and indicate their approval, disapproval or approval subject to modifications within ~~thirty (30)~~ sixty (60) days of the official submission date to the Board of Commissioners. Failure of the Board of Commissioners to act on the preliminary plat within this ~~thirty (30)~~ sixty (60) day period will be deemed approval of the plat as submitted. If the Planning Board or the Board of County Commissioners give disapproval or approval subject to modifications, the necessary reasons or modifications will be specified in the minutes of the meeting.

C. Final Plat Review

- (1) Within sixty (60) days after the official submission date of the final plat, the Planning Board will review it and recommend its approval, disapproval or conditional approval. Grounds for disapproval or conditional approval shall be stated upon the records of the Planning Board. Failure of the Planning Board to act on the final plat within this sixty (60) day period shall be deemed recommendation of approval of the plat. Final plats shall be forwarded to the Board of County Commissioners. The Board of County Commissioners will review the final plat and indicate their approval, disapproval or approval subject to modifications within ~~thirty (30)~~ sixty (60) days of the official submission date to the Board of County Commissioners. Failure of the Board of County Commissioners to act on the final plat within the ~~thirty (30)~~ sixty (60) day period will be deemed approval of the plat as submitted. (15Q)

Re: Change the lot size requirement for lots fronting on the rivers of the county. The revision will require river front lots to be a minimum of five acres in size with a minimum of three acres outside the 100 year flood plain and the water hazard setback area:

(#27)

Page 49, Section 6.1 B (1), (2), (3)

(1) Land lying within the special Flood Hazard Area as indicated on the "~~Flood Hazard Boundary~~ **Flood Insurance Rate** Map Chatham County, North Carolina Unincorporated Areas" ~~May 19, 1978~~ **July 16, 1991** prepared by the U.S. Department of Housing and Urban Development **Federal Emergency Management Agency**. These maps are available for review at the Chatham County Planning Department. Land within a flood hazard area boundary shall not be considered a portion of the lot when calculating minimum lot area. (#15G)

(2) Areas included in the Floodway shall be considered those shown on the Floodway map for Unincorporated areas of Chatham County, North Carolina prepared by the U.S. Department of Housing and Urban Development **Federal Emergency Management Agency**. The areas shown in the Floodway shall not be included when calculating the lot area.

(3) - **Land within the 100 year flood plain area shall not be included in calculating the minimum lot size of three acres for lots having frontage along the rivers of the county.**

Page 50, Section 6.1 C. (1)

(1) Along Deep River, Cape Fear River, Rocky River, Haw River and New Hope River or B. Everett Jordan Lake the water hazard setback shall extend one hundred (100) feet landward from the edge of the bank at normal pool level. A one-hundred (100) foot setback shall apply on each side (200 foot total) of all continuously flowing and intermittent streams as shown on the most recent U. S. Geological Survey maps within a distance of 2,500 feet from the bank of the rivers listed above. **The land area within this water hazard setback shall not be included when calculating the minimum area requirement of three acres for lots having frontage along the rivers of the county.**

Page 58, Section 6.4 C. (1) - **Lots that have frontage along the rivers of the county shall have a minimum land area of five acres of which three acres shall be outside the 100 year flood plain area and the water hazard setback area.**

AMENDMENT EFFECTIVE MAY 7, 2001 (#28)

10.15

Section 6.4, C. (1)

Add language and revise table to reflect acreage increase:

"To increase the minimum lot size requirement for lots with individual wells and individual waste water disposal systems from approximately 1 acre (40,000 square feet) **to 1.5 acres (65,340 square feet).**"

AMENDMENT EFFECTIVE OCTOBER 15, 2001 (#29)

10.16

Section 6.4, B. (3)

Revise language to replace the sentence that states, "The thirty (30) foot easement shall serve no more than three (3) subdivision lots".

"If found to be desirable to the road design, up to four (4) lots may be served by the thirty (30) foot easement, provided a portion of the easement is built to county private road standards (16 foot wide travelway with four inches of crush and run stone). The length of the easement to be improved in this manner will be established at sketch design approval."

AMENDMENT EFFECTIVE 6-17-02 (#30-A)

10.17

Section 2.3

Add language:

Family Subdivision. Family subdivision means one or more divisions of a tract of land (a) to convey the resulting parcels, with the exception of parcels retained by the grantor, to a relative or relatives of direct lineage, or to the surviving spouse, if any, of any deceased lineal descendant, as a gift or for nominal consideration, but only if no more that one parcel from such tract is conveyed by the grantor to any one relative or such relative's surviving spouse; or (b) to divide land from a common ancestor among tenants common, all of whom inherited by intestacy or by will. This provision shall apply only where the grantor or decedent already owned the land so divided upon the effective date of this ordinance.

AMENDMENT EFFECTIVE September 1, 2002 (approved 6-17-02) (#30-B)

Section 6.5 A. 2

Revise language:

Delete Section 6.5 A. 2 that states:

Recreation Sites

The developer may be required to provide land suitable for the public recreation or funds to the county for the acquisition of recreational land. The amount of land or funds provided shall be based on a formula approved by the County Recreation Commission or other agency designated by the Board of Commissioners to provide recreational sites for the County.

and substitute with the following language:

"All residential subdivisions, except family subdivisions, shall provide community recreation areas consistent with County plans, policies, and regulations including, but not limited to, the Chatham County Parks and Recreation Master Plan. For purposes of this section, community recreation areas shall be areas developed for active recreational uses. The following are illustrative of the type of facilities that shall be deemed to serve active recreational needs: tennis courts, swimming pools, sauna and exercise rooms, meeting or activity rooms in clubhouses, basketball courts, ball fields, swings, slides, and play apparatus. Each subdivision development shall satisfy its community recreational requirement by:

- a. Dedicating and conveying to the County the type of public recreational facilities that are most likely to be appropriate for the community consistent with the County's Parks and Recreation Master Plan. Each community recreation area shall satisfy the standards set forth in the Master Plan as to size, shape, location, slope, access and usefulness to the community and shall be not less than 1/35 of an acre for each lot to be developed or dwelling unit, whichever is greater. The County shall be authorized to sell any land dedicated pursuant to this section, but the proceeds shall be used only for the acquisition, or development of other recreation facilities in the same recreation service district from which collected.
- b. In lieu of dedicating public community recreation areas, a fee shall be paid to the County. The fee shall be equivalent to the tax value of the land required to be dedicated pursuant to a. above. The County shall establish recreation service districts and payments made hereunder shall be expended within the district from which collected.
- c. The County may require payment of the fee in lieu of dedication at the time of final approval upon finding that the land required to be dedicated is not suitable for public community recreation purposes or upon finding that the recreational needs of the proposed development can be met by other public recreational facilities planned or constructed by the County within the recreational service district where located. The County shall decide during the review and approval process as to which option shall be available. "

AMENDMENT EFFECTIVE OCTOBER 7, 2002 (#31)

10.18

Section 6.1B (1) and (2)

Revise language:

Below is text with revisions underlined.

(1) Land lying within the special Flood Hazard Area as indicated on the Flood Insurance Rate Map Chatham County, North Carolina

Unincorporated Areas with an effective date of July 16, 1991 prepared by the Federal Emergency Management Agency or best available data. The maps are available for review at the Chatham County Planning Department. Land within a flood hazard area boundary shall not be considered a portion of the lot when calculating minimum lot area.

2) Areas included in the floodway shall be considered those shown on the floodway map for unincorporated areas of Chatham County, North Carolina prepared by the Federal Emergency Management Agency or best available data. The areas shown in the floodway shall not be included when calculating the lot area.

AMENDMENT EFFECTIVE APRIL 7, 2003 (#32)

10.19

Section 4.7A (1)

Revise language:

To be amended so that where (45) appears is changed to (65) and where (30) appears is changed to (45).

AMENDMENT EFFECTIVE AUGUST 18, 2003 (#33)

10.20

Section 6.2C Design Standards for Roads

Add language:

5. Offer of Dedication

A developer of roads in subdivisions that are to be public roads shall provide an irrevocable offer of dedication prior to final plat approval.

AMENDMENT EFFECTIVE AUGUST 18, 2003 (#34)

10.21

Section 6.2D Private Roads (2)

Add language:

5. If a large lot subdivision has 24 or less lots and the road is to be paved then it shall be constructed to state standards although not designed to state standards.

6. If there is an established (prior to subdivision) 60 foot wide easement to adjacent land on property and the developer proposes to use the easement as the road of access, then the road shall be designed and built to state standards.

AMENDMENT EFFECTIVE NOVEMBER 17, 2003 (#35)

10.22

Section 6.2B (3) Public Street Access

Revise language:

Item A. is the original language and item B is the revised language.

- A. "Where in the opinion of the Board of Commissioners, it is reasonable to provide for public street access to adjoining landlocked property or additional public street access to large tracts with future development potential, proposed public streets shall be extended by dedication of right-of-way to the boundary of such property. Legal documents shall be recorded assuring future public accessibility."

- B. " Where necessary to provide public street access to adjoining landlocked property or connectivity to large tracts with future development potential, proposed public streets shall be extended by dedication of right-of-way to the boundary of such property. Legal documents shall be recorded assuring future public accessibility. Two of the issues to be reviewed when considering the extension of public roads are the improvement of traffic distribution to prevent unnecessary congestion and the improvement of public safety by providing increased access for law enforcement and emergency vehicles."

AMENDMENT EFFECTIVE December 8, 2003 (#36)

10.23

Section 3.1 (B) (2)

Revise language (to delete the specified two year time limit on financial guarantees):

The following language be deleted from Section 3.1, Improvement and Adequate Security, (B), Adequate Security, (2).... **"shall not in any event exceed two (2) years from date of final approval. The County may, upon proof of difficulty, grant an extension, if completion date set forth in such security, for a maximum period of one (1) additional year"**, as noted below with strikethrough:

Such adequate security shall comply with all statutory requirements and shall be satisfactory to the County Attorney as to form, sufficiency (i.e., inflation or rising construction costs shall be taken into account of security amount), and manner of execution as set forth in these regulations. A copy of the power of attorney for any countersigning agent shall be attached. The period in which required improvements must be completed shall be specified by the County in the resolution approving the final subdivision plat and shall be incorporated in the security ~~and shall not in any event exceed two (2) years from date of final approval.~~

~~The County may, upon proof of difficulty, grant an extension If completion date set forth in such security for a maximum period of one~~

~~(1) additional year.~~ The county attorney may at any time during the period of such security accept a substitution of principal or sureties on the security.

AMENDMENT EFFECTIVE April 19, 2004 (#37)

10.24

1. That a new Section 1.15 be added to read as follows:

1.15 Fees

Reasonable fees sufficient to cover the costs of administration, inspection, technical review, publication of notice and similar matters may be charged to applicants for subdivision plat approval, variances and other administrative relief. The amount of the fees charged shall be as set forth in the county's budget or as established by resolution of the Board of Commissioners. Fees established in accordance herewith shall be paid upon submission of an application.

2. That Section 2.3 be amended to add the following:

CU-CC Conditional Use - Compact community

A compact residential development with a mixed commercial use village center with a conditional use permit required as a prerequisite to any use or development, as provided in the Compact Communities Ordinance.

3. That a new Section 9 be added to read as follows:

Section 9 Compact Communities

9.2 Procedure

All master plans, sketch designs, preliminary and final subdivision plans shall be reviewed and approved prior to recordation.

9.2 Required Information

All applications for compact communities shall contain the information required by the separate Chatham County Compact Community Ordinance.

9.3 Standards

All compact communities shall comply with the provisions of the Chatham County Compact Community Ordinance.

AMENDMENT EFFECTIVE February 20, 2006 (#38)

10.25

6.5A.2.a.

1. That the second and third sentence sentences in Section 6.5 A.2.a. of the Chatham County Subdivision Regulations be deleted and the following inserted in lieu thereof:

"Each public community recreation area shall satisfy the standards set forth in the Master Plan as to size, shape, location, slope, access and usefulness to the community and shall be not less than the product of 1/35 of an acre multiplied by the maximum number of lots to be developed or maximum number of dwelling units proposed, whichever is greater. The County shall be authorized to sell any land dedicated pursuant to this section, but the proceeds shall be used only for the acquisition, or development of other public recreation facilities."

6.5A.2.b.

2. That the second and third sentences in Section 6.5 A.2.b. of the Chatham County Subdivision Regulations be deleted and the following inserted in lieu thereof.

"The fee shall be equivalent to the post-development tax value of the area of land required to be dedicated pursuant to a. above. In order to serve the public recreation needs of more than one development or subdivision, the County shall establish recreation service districts and fees paid in lieu of dedication hereunder shall be expended for acquisition or development of recreation or park facilities or areas."

AMENDMENT EFFECTIVE June 16, 2006 (#39)

10.26

2.3 Meaning of Specific Words and Terms

Flood Hazard Area- The minimum area of the flood plain that, on the average, is likely to be flooded once every one hundred years (i.e., that has a one percent chance of being flooded each year) as identified on the most current Flood Insurance Rate Map Chatham County, North Carolina Unincorporated Area as referenced in the Chatham County Flood Damage Prevention Ordinance by the Federal Insurance Administration on Flood Hazard Area Boundary Maps of Chatham County dated May 19, 1978.

Lot Area (Useable)- Lot area suitable for septic fields. The area within the lot lines which is a contiguous or non-contiguous area suitable for a septic field, well, house and access. This area does not include areas such as public right-of-ways or ~~land on the opposite side of a public right-of-way from the house site on the lot,~~ land within the water hazard area or floodway ~~and land on the opposite side of a water hazard area or floodway from the house site on the lot.~~

Subdivision- A subdivision means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions are created for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or a change in existing streets; however, the following are not included within this definition and are not subject to any regulations enacted pursuant to this document:

4.2 General Procedure

(B)(4) Time limit on validity of sketch design approval
Approval of a sketch design shall be valid for a period of ~~six~~twelve (~~6~~12) months following the date of sketch approval by the Board of County Commissioners. There shall be no extension of sketch design approval. If sketch design approval expires the subdivision shall not be considered for preliminary approval until and unless another sketch design approval is granted according to applicable regulations and appropriate additional administrative fees are paid. (#15N) This time limit on the validity of sketch design approval shall not apply for Planned Unit Developments, also referred to as Planned Residential Developments, and subdivisions of more than 50 lots. Sketch design approval shall not expire for developments in these categories provided the development continues according to the overall time schedule established at the time of sketch review. (#16A)

(C)(3) Deadline for Submission of Preliminary Plat
If a preliminary plat and required agency approvals are not received within the required ~~six-month~~ validity period of the sketch plan then the plat shall comply with the regulations in effect at the time of preliminary submission.

4.4 Specific Procedures for Each of the Two Classifications of Subdivisions

A general overview of the review process is provided ~~on page 28 and 29~~ Section 4.4(A) below for Major and Minor Subdivisions. Although the standards and design criteria are basically the same for all subdivisions, the specific review procedure varies significantly depending on the classification of the subdivision as described in Section 4.3. The following is an explanation of each of the steps.

(A)

OVERVIEW OF THE MAJOR SUBDIVISION PLAT REVIEW PROCESS

1. Informal Consultation
Planning Board Staff
2. Contact Attorney

- | | |
|---|---|
| <ul style="list-style-type: none"> 3. Hire Engineer/Surveyor 5. Soil Scientist Prepare Soils Map (19) 6. Submit Sketch Design to Board Staff 8. Board of Comm. Action 10. Statement of Reasonable Design Certified/Licensed Soil Scientist (19) 11. Preliminary Review of proposed road names by Emergency Operations Center (#21) 12. Prelim. Review Dept. of Transportation 14. Prelim. Review Public water & Public sewer 16. Prelim. review School Superintendent 18. Prelim. Review Telephone & Electric Company 20. Formal Planning Board & Board of Comm. Action 22. Submit Final Plat to Staff 24. Final Review of D.O.T. 26. Approval of Utilities-Electric 28. Final Staff Review 30. Record Plat | <ul style="list-style-type: none"> 4. Notification of old and historic structures to the Chatham County Historical Association (#21) 7. Planning Board Review and Action 9. Submit Prelim. Plat to Board Staff 13. Prelim. Review U.S. Army Corps of Engin. & Land Quality Sect. <u>Chatham County Soil Erosion and Sedimentation Control Program</u> 15. Prelim. review of stormwater mgmnt. plans (#15F) 17. Prelim Review Fire Dept and Dir. Of Emergency Mgmnt. 19. Planning Board Staff Review 21. Make Site Improvements 23. Final Review Health Dept. 25. Approval of Utilities-Water 27. Approval of Utilities-Sewer 29. Formal Planning Board & Board of Comm Action (#15Q) |
|---|---|

4.4 B. Procedure for Major Subdivisions (Steps 4-29)

- (2) Step 45 - 78. The sketch design review is required on proposed subdivisions with new roads, but is optional on other subdivisions. The information required on a sketch design map is described in Section 5.1, Section 5.2 A, Section 5.2 B, and Section 5.2 C. (#19) The required number of copies of the information required shall be submitted to the Planning Board staff for review by the Planning Board. (#22) The administrative fee for the subdivision is due at this time. The sketch design map shall be submitted to the Planning Board staff not less than twenty-three (23) days prior to the day on which approval is requested. (#15I)(#23) Following the Planning Board review and action the sketch design map shall be submitted for review and action by the Board of County Commissioners. The required number of sketch design plans shall be submitted to the Planning Board staff for review by the Board of County Commissioners. (#22) When structures of greater than 50 years in age or having historical significance are on the property or within 100 feet of the development property on adjacent property then the developer shall contact the Chatham County Historical Association prior to submittal for sketch subdivision approval. (#21)
- (2) Step 89. The information required on a preliminary plat is described in Section 5.1 and 5.2. The required number of copies of the information described in Section 5.1 and in Section 5.2 shall be submitted to the Planning Board Staff. (#22) The standards and design requirements for subdivision plats are specified in Section 6 of these regulations. (#5) A subdivision plat with proposed new roads shall be submitted to the Planning Board staff not less than twenty-three (23) days prior to the day on which approval is requested. (#23) A preliminary subdivision plat with no proposed improvements shall be submitted to the Planning Board staff not less than twenty-three (23) days prior to the day on which approval is requested. (#23) The Planning Board staff shall review the plat to be sure it meets the specifications of these regulations. An on-site inspection may be made of the subdivision at that time by the Planning Board staff. (#15I)
- (3) Step 910. The subdivider is responsible for having the site and the preliminary plat reviewed and signed by a certified/licensed soil scientist concerning the reasonableness of the design—~~(see Appendix A Form 1)~~. The plat submitted shall exhibit a statement of reasonable design or be accompanied by a letter from the Division of Environmental Management (DEM) signifying approval (issuance of a discharge permit and permit to construct). (#19)
- (4) Step 1011 - 12. Where new public roads are proposed the plat shall be reviewed and approved by the Division of Highways of the North Carolina Department of Transportation. Where new roads are proposed, road names shall be submitted to the County Emergency Operations Center for approval prior to submittal for preliminary subdivision approval. (#21)
- (5) Step 1113. When the development improvements may involve the

placement of excavated material or fill material into streams, creeks, lakes, or wetlands, the subdivider is responsible for contacting the U.S. Army Corps of Engineers for a determination of whether a permit is required. A permit or a letter indicating no permit is required shall be provided twenty-three(23) days prior to the meeting of preliminary plat review.(#23) Failure of the U.S. Army Corps of Engineers to respond within thirty (30) days of an appropriate request to said agency shall not prohibit the subdivision application from proceeding through the county review 4.4 B. Procedure for Major Subdivisions procedures. (#150) ~~The Land Quality Section of the North Carolina Department of Natural Resources and Community Development or the local District Conservativnist of the United States Soil Conservation Service Soil Erosion and Sedimentation Program of the Division of Environmental Health of the Chatham County Public Health Department~~ shall review and approve plat and erosion control plans when required by law or when new roads are proposed.

- (6) Step ~~12~~14. Where public water will be provided, the subdivider is responsible for obtaining an approval letter from the State Division of Environmental Health assigning a project identification number. If the public water improvements will be dedicated to the County, approval by the County is also required in addition to state approval. This review is to be considered and fees associated with water plan review by the County shall be paid prior to submission of the preliminary plat. The approval of the public water and sewerage system plans is required at the time the preliminary plat is submitted twenty-three (23) days prior to the Board meeting. (#15I) (#23)
- (7) The Planning Board Staff may assist the developer upon request with steps ~~9-13~~10-14. The preliminary plat application shall be considered incomplete and shall not be scheduled for review by the Planning Board unless the plat along with the approvals specified in steps ~~9, 10, 11, and 12,~~ 13 and 14 are received not less than twenty-three (23) days prior to the Board meeting.(#23) ~~Failure of the approving agencies in steps 10, 11, 12, and 13 to respond within thirty (30) days of an appropriate request to said agency shall not prohibit the subdivision application from proceeding through the county review procedure. (#17D)~~
- (8) ~~(Reserved) Step 14. The approval of the public water and sewerage system plans is required at the time the preliminary plat is submitted twenty three (23) days prior to the Board meeting. (#15I) (#23)~~
- (17) Steps 23-27. These steps need not be taken in order. It is the developer's responsibility to have each of the listed appropriate agencies review the final plat and affix the agency's stamp of certification or provide their respective approval. The Planning Board Staff may assist the developer upon request. Two sets of as-built drawings of utility plans and fees for periodic water improvements inspections by the County shall also be submitted to the County Water Department at this time or prior to the release of a financial guarantee by the County. (#17F)

(19) Step 28. After all certification stamps are signed or other form of approval is obtained, the developer shall submit the required number of signed plats (#22), along with one (1) reproducible plat to the Planning Board staff for their final review, (#17G) a minimum of twenty-three (23) days prior to the date of the Planning Board meeting approval is requested. (#23)

4.4 C. Procedure for Minor Subdivisions (Steps ~~A-D~~ 4-7)

(1) Step 4A. Minor Subdivisions may be submitted to the Planning Board staff for both preliminary and final review simultaneously since there are no public improvements involved. Since minor subdivisions are easily reviewed by the Planning Board staff there is no deadline for submittal. The applicant shall submit one (1) print and one reproducible plat to the Planning Board staff. Applicants shall pay any administrative fee established by the County at the time of the application or request. (#5) The staff shall inform the applicant of necessary modifications to the plat, and shall affix the necessary certification stamps. (#21) Minor Subdivisions involving access to more than two lots shall have the access road name approved by the Emergency Operations Center (EOC).

(2) Steps ~~B5~~. Minor subdivisions shall be reviewed and approved by the Division of Environmental Health of the Chatham County Health Department or the Division of Environmental Management (issuance of a discharge permit and permit to construct.) This approval ~~may be by letter or signing of the designated certification stamp. (See Appendices)~~ shall be in a form prescribed by the issuing agency.

(3) Step ~~C~~ 6. The Planning Board staff shall review the plat and if everything is in order the Director of Planning or his authorized agent shall approve the plat as a minor subdivision. (See Appendices)

(4) Step ~~7D~~. The plat shall be recorded by the applicant within the time limit specified in these regulations.

5.2 Additional Sketch Design or Preliminary Plat Information (#9)

D. Drainage Plan and Erosion Control Plan

For all subdivisions with new roads the developer shall submit a drainage plan and an erosion control plan which provides information as specified in the regulations of the ~~Land Quality Section of the North Carolina Department of Natural Resources and Community Development (See Appendix)~~ Soil Erosion and Sedimentation Control Program of the Division of Environmental Health of the Chatham County Public Health Department. The official submission date shall be considered the date of the Board meeting at which a plat is considered for approval. This is not the date upon which the plat is submitted to the Planning Board staff for review. The submission deadline is ~~sixteen (16)~~ twenty-three (23) days prior to the day on which approval is requested for subdivisions. ~~with~~

~~new roads and fourteen (14) days prior if no new roads are required. (#15I)~~

**Final Subdivision Plat
(B) Features**

~~(22) Certificate of sewerage system approval (See Appendices)~~

6.1 Suitability of the Land

B. Land Subject to Flood

~~(1) Land lying within the sSpecial Flood Hazard Area as indicated on the most current Flood Insurance Rate Map Chatham County, North Carolina Unincorporated Areas as referenced in the Chatham County Flood Damage Prevention Ordinance with an effective date of July 16, 1991 prepared by the Federal Emergency Management Agency or best available data. The maps are available for review at the Chatham County Planning Department. Land within a flood hazard area boundary shall not be considered a portion of the lot when calculating minimum lot area. (#31)~~

6.2 Rural Roads

A. Classification

Streets and roads are hereby classified according to the function which they are to serve, the type, speed, and volume they will carry. The broad categories shall be (a) arterials, (b) collectors, and (c) local roads. The designation in the thoroughfare plan of arterials and collectors does not prevent other streets proposed in or adjoining subdivisions from being similarly classified. Classifications of rural roads are defined ~~on page 13,~~ in Section 2.

Appendix A

Form 1

~~I _____ have reviewed the property shown hereon and the lot sizes and plat design is reasonable for the existing soil conditions.~~

~~Name _____ Title _____ Date
(19)(Reserved)~~

Form 8

~~CERTIFICATION OF GENERAL APPROVAL FOR INSTALLATION OF SUBSURFACE SEWAGE DISPOSAL SYSTEMS~~

~~General approval is hereby granted for lots proposed hereon as being suitable for subsurface sewage disposal.~~

~~Before the initiation of construction, the location of the house or other structures and the specifications for the subsurface sewage disposal system shall be approved by the Chatham County Health Department.~~

~~_____19_____~~

~~_____Chatham County Health Department
(Reserved)~~

~~_____N.C. Department of Natural Resources and Community Development
_____Division of Land Resources
_____Land Quality Section~~

~~GUIDE FOR DEVELOPING SOIL EROSION AND SEDIMENT CONTROL PLANS~~

~~Purpose of the Guide~~

~~The purpose of these guidelines is to provide general instructions for preparing plans for control of accelerated erosion and sedimentation resulting from land disturbing activities.~~

~~Definition of Plan~~

~~A Soil Erosion Control Plan is a plan that includes a narrative and the drawings and specifications that define and measure any techniques that are necessary for carrying out land disturbing activities in a manner that will hold erosion and sediment damage to a minimum.~~

~~Plan Content~~

~~Narrative~~

~~The narrative should include as a minimum, a general description of the area to be cleared or graded and the expected length of time the project is to be under construction.~~

~~The narrative shall include the description of the erosion control measures that are to be installed during and after each phase of construction. If a vegetative ground cover, either temporary or permanent is to be used, the narrative shall include the types and rates of seed, lime, fertilizer, and mulch.~~

~~All engineering assumptions and calculations for runoff computations and structural measures shall be included in the narrative.~~

~~Maps and Plan Drawings~~

~~Erosion and sediment control measures may be shown on drawings with other project facilities as appropriate or on separate drawings. The map and plan drawings shall describe the topography of the area, the proposed alterations to the area, and the planned erosion and sediment control measures. A location map shall be included in sufficient detail to locate the site.~~

~~All temporary measures to be used during construction and all permanent measures for restoring the stability and providing long term protection to the site, shall be located on the drawings and shall be dimensioned in detail. Upon completion of construction, all temporary structures shall be removed and the area restored to its original contour or as shown on the plan and stabilized.~~

~~Guide for Developing Soil Erosion and Sediment Control Plans:~~

~~Listed below are items that should be included in the plan submitted to the Land Quality Section, Regional Engineer, for review and approval:~~

~~I. NARRATIVE~~

- ~~1. General description of the project.~~
- ~~2. General description of the accelerated erosion and sediment control provisions.~~
- ~~3. Expected date project is to begin and expected date final stabilization will be completed; or, the expected length of time from initial disturbance of the ground to final stabilization.~~
- ~~4. Design consideration and calculation, if applicable, of temporary and permanent measures.~~

~~II. ITEMS TO BE INCLUDED ON THE MAPS AND PLAN DRAWINGS OR IN THE SPECIFICATIONS~~

- ~~1. Location map: sufficient in detail to locate the site.~~
- ~~2. Temporary measures: Those measures used during active construction that are to be removed upon completion of the project, such as diversions, silt fences, silt ditches, hay or bale barriers, brush barriers, sediment basins, slope drains, temporary vegetative plans, etc.~~
- ~~3. Permanent measures: for restoring the stability of the site and providing long term protection, describe or show such things as diversions, retaining walls, rip rap, jute netting, vegetative plan, storm water culverts, culvert outlet protection, channels, and ditch stabilization, drop structures, etc.~~
- ~~4. Location and dimensional details of temporary and permanent measures.~~

~~III. MAINTENANCE OF MEASURES~~

- ~~1. Schedule describing the methods and frequency of maintenance for both temporary and permanent measures shall be provided either on the plans or in the narrative.~~

~~Soil erosion and sediment control plans shall conform to the rules and regulations of the Soil Erosion and Sedimentation Control Program of the Chatham County Division of Environmental Health.~~

AMENDMENT EFFECTIVE March 19, 2007 (#40)

10.27

1.14 Prohibited Acts, Enforcement, and Penalties

- E. The County may enjoin illegal subdivision, transfer or sale of land by action of injunction. ~~Further, any person who violates this document shall be subject upon conviction to the penalty provisions of General Statutes 14-4~~Any violation of these regulations shall constitute a misdemeanor and violations of such provisions shall be punished by a fine or by imprisonment for a term not exceeding 30 days, as provided in N.C. General Statute 14-4.
- F. Any violation of the provisions of these regulations or a failure to comply with any of its requirements shall subject the offender to a civil penalty of \$50.00 per day for the first violation. If the same violation occurs on the same property within six (6) years after the initial violation is remedied, a civil penalty in the amount of \$100.00 per day shall automatically apply. If the same violation occurs on the same property within six (6) years after the second occurrence of the violation is remedied, a civil penalty in the amount of \$200.00 per day shall automatically apply. If the same violation occurs on the same property within six (6) years after the third or any subsequent occurrence of the violation is remedied, a civil penalty in the amount of \$500.00 per day shall automatically apply. For the purposes of assessing civil penalties each day such violation continues shall be considered a separate and distinct offense.