

UNION COUNTY
SUBDIVISION REGULATIONS

PREPARED FOR:

UNION COUNTY, NORTH CAROLINA

Board of Commissioners

Roy Richardson, Chairman
 Charlie Simpson, Vice-Chairman
 Joe Hudson
 Harry Myers
 Roger Tice

John C. Munn, County Manager

PREPARED BY:

Subdivision Regulations
 Review Committee

Henry B. Smith, Jr., Chairman
 Jimmy Edwards
 Ruth Helms
 Clarence Nesbit
 Becky Wolfe
 Hamp Howie
 Paul Winchester

Union County Planning Board

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 Donald McCain
 Carlton Tyson
 Olin Broome
 Earl Haigler
 Horace Lathan, Jr.
 Wilson Williams

TECHNICAL ASSISTANCE PROVIDED BY: Union County Planning Department
 Luther M. McPherson, Jr.
 Director and Project Planner

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Whereas, the Board of Commissioners of Union County, North Carolina is authorized by the General Statutes of the State of North Carolina to enact an ordinance regulating the subdivision of land, as defined below, within the county and,

Whereas, in the manner prescribed by the General Statutes, notice was given and a public hearing held on the question of the adoption of this ordinance, and all objectives hereto being properly considered.

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of Union County, North Carolina as follows:

ARTICLE I

GENERAL PROVISIONS

Section 1.1 Title

These regulations shall hereafter be known, cited and referred to as the Subdivision Regulations of UNION COUNTY, NORTH CAROLINA.

Section 1.2 Authority

The County Commissioners of the County of Union, pursuant to the authority conferred by acts of the General Assembly of the State of North Carolina (G.S. 153A, Article 18, Part 2), do hereby ordain and enact into law these articles and sections.

Section 1.3 Policy and Purpose

- 1.3.1 It is hereby declared to be the policy of the County to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the County pursuant to the official Land Development Plan of the County for the orderly, planned, efficient, and economic development of the County.
- 1.3.2 Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to the public health, safety and welfare and to guide public and private policy and action in order to provide for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and improvements.

- 1.3.3 It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building codes, zoning ordinances, and the officially adopted Land Development Plan of the County.
- 1.3.4 These regulations are written and enforced in an effort to protect and conserve the value of land throughout the County and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- 1.3.5 These regulations are further intended to establish reasonable standards of design and procedures for subdivision and resubdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.
- 1.3.6 It is another policy of these regulations to prevent the pollution of air, streams, and ponds; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the planning area in order to preserve the integrity, stability, and beauty of the community and the value of the land, and to insure appropriate development with regard for natural features.

Section 1.4 Jurisdiction and Limitations

- 1.4.1 These subdivision regulations shall apply to all subdivisions of land defined herein, located within the County and outside the subdivision regulation of any incorporated municipality. However, this ordinance may also regulate territory within the subdivision regulation of any municipality, whose governing body by resolution agrees to such regulations; provided, however, that any such municipal governing body may, upon one year's written notice, withdraw its approval of the County Subdivision Regulations, and those regulations shall have no further effect within the municipality's jurisdiction.
- 1.4.2 No building permit or certificate of occupancy shall be issued for any parcel or lot of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations.
- 1.4.3 Regulation of the Subdivision of land and the attach-

ment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to this county. The developer has the duty of compliance with reasonable conditions laid down by the Planning Board for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of the county and to the safety and general welfare of the future lot owners in the subdivision and of the community at large.

- 1.4.4 These regulations shall not be construed as abating any action now pending, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the County under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm or corporation by lawful action of the County except as shall be expressly provided for in these regulations.
- 1.4.5 Abrogation. This ordinance shall neither repeal, abrogate, annul, impair, nor interfere with any existing subdivisions, the plats of which are properly recorded in the Office of the Register of Deeds prior to the effective date of this Ordinance nor with existing easements, covenants, deed restrictions, agreements, or permits previously adopted or issued pursuant to law prior to the effective date of this ordinance.
- 1.4.6 Saving Provision. Notwithstanding the provisions of Section 1.4.1, the subdivider who has commenced the planning of a subdivision prior to the adoption of this ordinance and, upon said date, has completed 20% of the surveying required in said subdivision or has expended 20% or more of the anticipated cost of development, excluding the cost of land, may list his subdivision project with the Planning Department within 31 days after the adoption of this ordinance and shall thereupon have 12 months from the adoption of this ordinance in which to complete the planning and surveying of said subdivision project and record a plat thereof in the office of the Register of Deeds of Union County.

In the event that said such subdivider shall satisfy the Planning Department of all of the provisions in the preceding paragraph, then the provisions of this ordinance shall not apply to said subdivision. No extensions shall be granted to the time limitations herein specified.

Section 1.5 Enactment

In order that land may be subdivided in accordance with these purposes and policies, these regulations are hereby adopted on February 13, 1978 and effective on February 14, 1978.

Section 1.6 Interpretation, Conflict, and Separability

- 1.6.1 In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- 1.6.2 Conflict with Public and Private Provisions.
- a. Public Provisions. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
 - b. Private Provisions. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than each easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of the Planning Board of the County in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.
- 1.6.3 Separability. If any part or provisions of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such

judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances.

Section 1.7 Amendments

For the purpose of providing for the public health, safety, and general welfare, the Board of County Commissioners may from time to time amend the provisions imposed by these subdivision regulations. Amendments may be proposed by the Planning Board or initiated by the County Commissioners or may be initiated by petition. The petition for the amendment shall be filed with the Planning Department no less than 14 days prior to the regular Planning Board Meeting. In the event that the Planning Board shall fail to act upon such petition at said regular meeting, the same shall be considered as approved by said Planning Board. After consideration by the Planning Board, the petition, along with the recommendation of the Planning Board, shall be transmitted to the Board of County Commissioners for their consideration.

Before adoption of any amendment by the County Commissioners, a public hearing shall be held by said County Commissioners after publishing notice thereof once a week for two successive calendar weeks. The notice shall be published the first time not less than fifteen (15) days nor more than twenty-five (25) days before the date fixed for the hearing. Said notice shall be published in a newspaper qualified for legal advertising having general circulation in Union County.

Section 1.8 Vacation of Plats

- 1.8.1 Any plat or part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot thereon, by filing with the Planning Department a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated. The Planning Director may approve said revocation except that when the county has acted in reliance upon said plat as to any public uses, improvements, streets, or alleys, the said revocation shall be subject to approval by the Planning Board and the County Commissioners according to the procedure provided for the subdivision approval as set forth in Section 4.3 hereof.
- 1.8.2 Upon approval as provided in Section 1.8.1, the written instrument vacating such plat shall be filed in the Office of the Register of Deeds of Union County and reference made upon the plat filed in such office and such filing shall operate to destroy the force and effect of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications made out and described in such plat.

- 1.8.3 When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots on such plat joining in the execution of the written instrument required by subsection 1.8.1.

Section 1.9 Variances

- 1.9.1 General. Where, because extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or purposes and where these regulations may be served to a greater extent by an alternative proposal, the County Commissioners may, after review by the Planning Board, approve variances to these subdivision regulations 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. No variance shall be issued to alter the procedures of review as set forth herein. The Planning Board shall not recommend nor shall the Board of County Commissioners approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:
- a. The granting of the variance will not be detrimental to the public safety, health, or injurious to other property;
 - b. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
 - c. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;
 - d. The variance will not in any manner vary the provisions of the Zoning Ordinance or the Land Development Plan.
- 1.9.2 Conditions. In approving variances, the Board of County Commissioners may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.
- 1.9.3 Procedures. A petition for any such variance shall be submitted in writing by the subdivider after the sketch design plat has been submitted to the Planning Department for review. The petition shall state fully the grounds

for the application and all the facts relied upon by the petitioner. After review by the Planning Board, the findings, recommendations and conclusions will be submitted to the Board of County Commissioners for review. If the Planning Board fails to make a recommendation within forty-five (45) days from the date submitted to them, the petition will be considered to have received a favorable recommendation.

Section 1.10 Enforcement, Violations, and Penalties

1.10.1 General.

- a. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such a parcel before a plat of such subdivision has been approved by the Board of County Commissioners, in accordance with the provisions of these regulations, and filed with the County Register of Deeds.
- b. The subdivision of any lot or any parcel of land, by the use of metes and bounds descriptions for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted. All such described subdivisions shall be subjected to all of the requirements contained in these regulations.

1.10.2 Violations and Penalties. Any person, firm or corporation who fails to comply with, or violates any of these regulations shall be guilty of a misdemeanor. The County, through its attorney or other official designated by the Board of County Commissioners, may enjoin illegal subdivision, transfer, or sale of land by action for injunction. Further, violators of this ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by G. S. 14-4.

1.10.3 Civil Enforcement. Appropriate actions and proceedings may be taken in law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described above.

ARTICLE II

DEFINITIONS OF TERMS

Section 2.1 Definitions

For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section. Unless the context clearly indicates to the contrary, words used in number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations". A "person" includes a corporation, a partnership, and an unincorporated association of persons such as a club or any other entity legally capable of holding title to real property; "shall" is always mandatory; a "building" includes a "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed" to be used or occupied.

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

BUILDING SETBACK LINE. A line parallel to the front property line in front of which no structure shall be erected.

DEDICATION. A grant, by the owner, of his property to another party without any consideration being given for the transfer. Since a transfer of property is involved, the dedication is made by written instrument and is completed with an acceptance.

DOUBLE FRONTAGE OR REVERSE FRONTAGE LOT. A continuous (through) lot which is accessible from both streets upon which it fronts. Corner lots are not included unless they front on three roads.

EASEMENT. A grant by the property owner of an interest in a parcel of land for a specified purpose and use by the public, a corporation, or persons.

LOT. A portion of a subdivision, or any other parcel of land, intended as a unit for transfer or ownership or for development or both.

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

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

- PLANNED UNIT DEVELOPMENT. The planned unit development is a permitted use designed to provide for developments incorporating a single type or a variety of residential, commercial or industrial uses which are planned and developed as a unit. Such development may consist of individual lots or common building sites. Common land must be an element of plan related to effecting the long term value of the entire development.
- PLAT. A map or plan of a parcel of land which is to be, or has been subdivided.
- PRIVATE DRIVEWAY. A roadway serving two (2) or fewer lots, building sites or other divisions of land and not intended to be public ingress or egress.
- PUBLIC SEWAGE DISPOSAL SYSTEM. A system serving two (2) or more dwelling units and approved by the Union County Division of the District Health Department and the North Carolina Department of Water and Air Resources.
- PUBLIC WATER SUPPLY. Any water supply other than a water supply serving nine or less connections which is subject to regulations by the North Carolina Utilities Commission or the North Carolina State Board of Health or any of its divisions, or the Office of Water and Air Resource or the North Carolina Department of Natural Resources and Community Development.
- RECREATION AREA OR PARK. An area of land or combination of land and water resources that is developed for active and/or passive recreation pursuits with various man-made features that accommodate such activities.
- RESERVATION. A reservation of land does not involve any transfer of property rights. It simply constitutes an obligation by a property owner to keep designated property free from development for a stated period of time.
- SINGLE-TIER LOT. A lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.
- STREET. A dedicated and accepted public right-of-way for vehicular traffic. The following classifications shall apply:

Rural Roads

Principal Arterial. A rural link in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide

or interstate travel existing solely to serve traffic. This network would consist of Interstate routes and other routes designated 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 (50 mph) overall travel speeds with minimum interference to through movement. This network would primarily serve traffic.

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

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

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

Urban Streets

Major Thoroughfares. Major thoroughfares consist of Interstate, other freeway and expressway links, and major streets that provide for the expeditious movement of volumes of traffic within and through urban areas.

Minor Thoroughfares. Minor thoroughfares are important streets in the city system and perform the function of collecting traffic from local access streets and carrying it to the Major Thoroughfare System. Minor thoroughfares may be used to supplement the Major Thoroughfare system by facilitating a minor through-traffic movement and may also serve abutting property.

Urban and Rural Feeder. A street which provides for movement of traffic to and from designated thoroughfare traffic signal locations to local access streets.

Local Street. A local street is any link not a higher-order system and serves primarily to provide direct access to abutting land and access to higher systems. It offers the lowest level of mobility and through traffic is usually deliberately discouraged.

Specific Type Rural or Urban Streets

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

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

Expressway. An expressway is a divided street or road which serves through traffic with full or partial control of access and generally with grade separations at intersections; however, infrequent at-grade crossings may be permitted.

Freeway. A freeway is a divided street or road which serves through traffic with full control of access and with grade separations at intersections.

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

SUBDIVISION.

- a. For the purpose of this ordinance, the term "subdivision" shall mean all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale, or building development (whether immediate or future) and shall include all division of land involving the dedication of a new street or a change in existing streets, but the following shall not be included within this definition nor be subject to the regulations established herein:

The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown in its subdivision regulations.

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

The public acquisition by purchase of strips of land for the widening or opening of streets; and the division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the County as shown in these subdivision regulations.

- b. Major Subdivision.
Subdivisions of land involving six (6) or more

lots shall be required to follow the regular procedure as provided in Section 4.3.

c. Minor Subdivision.

Subdivisions of land not involving more than five (5) lots may follow an abbreviated procedure. All requirements of Section 5.1 herein shall be applicable to all minor subdivisions created after the effective date of this ordinance.

The abbreviated procedure for Minor Subdivisions shall not be available to avoid the policy and purposes of this ordinance.

ARTICLE III

COMPLIANCE WITH OFFICIAL PLANS

Section 3.1 Thoroughfare Plan and Zoning

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

Similarly, proposed subdivisions must comply in all respects with the requirements of the Zoning Ordinance in effect in the area to be subdivided, and any other officially adopted plans.

ARTICLE IV

SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS

Section 4.1 General Requirements

No plat of a subdivision within the jurisdiction of the Union County Planning Board shall be accepted for record by the Union County Register of Deeds until final approval has been given by the Board of Commissioners of Union County, except as provided in Section 4.2. There are two (2) procedures applicable to subdivision final plat approval -- an abbreviated procedure for minor subdivisions and a regular procedure for major subdivisions.

Section 4.2 Abbreviated Procedure for Minor Subdivisions

4.2.1 Planning Department Approval

- a. If the Planning Department finds that a sketch plan meets the requirements of a minor subdivision as defined herein, then the subdivider may proceed with the preparation of a final plat pursuant to Section 4.2.1 (b & c). Plats for minor subdivisions may be given final approval by the Planning Department.

Final decisions of the staff of the Planning Department may be appealed by the subdivider to the Planning Board. If an appeal is made, it shall be heard and decided by the Planning Board at its next regularly scheduled meeting, provided that, if the Planning Board finds that sufficient information is not available to it, the Planning Board may continue the hearing and/or postpone its decision for no more than thirty-two (32) days.

If the Planning Board disapproves the final plat on appeal from a decision of the staff, the Planning Board shall find in writing both the provision(s) of this ordinance with which the plat does not comply and the facts constituting non-compliance with said provision(s). One copy of said findings shall be sent to the subdivider within five (5) days of disapproval; one copy shall be retained by the Planning Board as part of its proceedings.

Each plat of a minor subdivision shall be sent to the Union County Health Department before Planning Department approval. The plat must be accompanied by written recommendations from the Health Department for sewage disposal and water supply before Planning Department approval.

- b. Final plat submitted. The subdivider shall submit four (4) copies of the final plat to the Planning Department. One (1) shall be a mylar or linen copy, two (2) shall be sepias and one (1) shall be black or blue paper prints. The final plat shall be prepared by a Registered Land Surveyor licensed to practice in North Carolina. The copies shall be prepared on sheets that have an outside marginal size of not more than 18" x 24" and not less than 11" x 17" drawn to a scale of not less than one (1) inch equals two hundred (200) feet.
- c. Recording of the Final Plat. The Planning Director shall file the approved final plat with the Register

of Deeds of Union County for recording within ninety (90) days after the date of Planning Department approval. The filing fee shall be paid to Union County by the subdivider within ten (10) days of final plat approval.

- d. What the Final Plat Shall Show. The final plat shall show the following:

Zoning Classification. Zoning Classification of the land to be subdivided and of adjoining land.

Names. The name of the subdivision, the owner, and surveyor, landscape architect, and/or engineer when involved.

Date. Date of the survey and plat preparation, a north arrow indicating whether true or magnetic, and graphic scale.

Boundary. The exact boundary lines of the tract to be subdivided fully, dimensioned by lengths and bearings, and the location of intersection boundary lines of adjoining lands, with adjacent subdivisions identified by official names.

Monument and Control Corners. The accurate locations and descriptions of all monuments, markers, and control points.

Survey Data. Sufficient data to determine readily and reproduce on the ground every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, arcs, chords, central angles, and tangent distances for the center line of curved streets. All dimensions shall be measured to the nearest one-hundredth (1/100) of a foot and all angles to the nearest minute and error of closure shall not exceed 1:10,000.

Easements. The location of all rights-of-way, easements, and areas to be dedicated to public use with the purpose of each stated.

Vicinity Map. A sketch vicinity map showing the relationship between the subdivision and surrounding area at a scale of one inch equals one thousand feet (1" = 1,000').

Sections and Lot Numbers. The sections numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each section.

Deed Restrictions on the Property. A statement indicating whether deed restrictions exist, and if so, a list of the restrictions shall be submitted with the plat for review and recommendation.

Certificates Required to be Placed on Final Plat.

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

_____ Date _____ Owner(s)

Witness my hand and notarial seal, this _____ day of _____, 19____.

Notary Public

My Commission Expires

Certificate of Approval by the Planning Department. This certifies that the Union County Planning Department approved the minor Subdivision on the _____ day of _____, 19____, and that the Certificates from the Union County Health Department, Public Works Department and appropriate state agencies have been signed and approved as herein required.

Director, Union County
Planning Department

Witness my hand and notarial seal, this
 _____ day of _____, 19____.

 Notary Public

My Commission Expires

Surveyor's Certificate.
 The surveyor's seal and notarized signature shall be placed upon the subdivision plat along with the certificates that are required by law for recording of plats.

Certificate of Approval by the Department of Transportation. Said certificate shall be made as required by state law and shall be required as herein provided.

Section 4.3 Regular Procedure for Major Subdivisions

4.3.1 Sketch Design Plat.

- a. Sketch Design Plat Submitted. It is required that, prior to the filing of an application for the approval of a Preliminary Plat, the subdivider submit a sketch design plat to the Planning Department. A minimum of five (5) copies of the sketch design plat shall be submitted.
- b. What the Sketch Design Plat Shall Show. The Sketch Design Plat shall show the following:

Vicinity Map. A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads and waterways at a scale of one inch equals one thousand feet (1" = 1,000').

Boundaries. The boundaries of the tract and the portion of the tract to be subdivided.

Acreage. The total acreage to be subdivided.

Use of Land. The existing and proposed uses of the land within the subdivision and adjoining it.

Street and Lot Layout. The proposed street and lot layout.

Owner Information. The name, address and telephone number of owner(s).

Zoning. The zoning classification(s) of the tract and of adjacent properties.

- c. Approval of Sketch Design Plat by Planning Board. All sketch plats shall be submitted to the Planning Board for review, except sketch plats of minor subdivisions. Following a review of the sketch plat and other material, and, if necessary, a conference with the subdivider regarding changes deemed advisable and the kind and extent of improvements to be made by him, the Planning Board shall within thirty-five (35) days, act thereon as submitted or changed. Before taking final action on the plat, the Planning Board shall refer copies of the plat and accompanying material to the Union County Health Department, the Union County School System, the Union County Public Works Department, and the Union County Soil and Water Conservation District.

4.3.2 Preliminary Plat.

- a. Preliminary Plat Submitted. After sketch plat approval procedure, the subdivider shall submit four (4) copies of the Preliminary Plat to the Planning Department at least fourteen (14) calendar days prior to the regularly scheduled monthly meeting of the Planning Board. The Preliminary Plat shall be drawn to scale of one (1) inch to two hundred (200) feet or larger.
- b. What the Preliminary Plat Shall Show. The Preliminary Plat shall show the following:

Existing Property Lines and Physical Improvements. The location of existing and platted property lines, streets, buildings, water courses, railroads, bridges, water mains, sewers, culverts, drainpipes, any public utility easements, both on the land to be subdivided and on the land immediately adjoining.

Boundaries. The boundary line of the tract to

be subdivided drawn accurately to scale, with all bearings and distances shown.

Names. The subdivision name, the names and addresses of the owners and the designer of the plat and his qualifications. Names of adjoining property owners or subdivisions.

Zoning Classification. Zoning classification on the land to be subdivided and on adjoining land.

Date. Date, approximate north arrow, and scale.

Proposed Street Names. The names, proposed location, and approximate dimensions of proposed streets, alleys, easements, parks and other open spaces, reservations, lot lines, and building setback lines.

Proposed Utility Layouts. The plans for proposed utility layouts, including sanitary sewers, storm sewers, water distribution lines, natural gas, telephone and electric service, illustrating connections to existing systems. These plans may be submitted separately. Plans shall be at a scale of one (1) inch equals fifty (50) feet or larger. Plans for public or community water supply systems and/or public or community sewage disposal systems excluding use of municipal and/or county systems shall be accompanied by letters of approval from the Division of Health Services, North Carolina Department of Human Resources and/or the Division of Environmental Management, North Carolina Department of Natural Resources and Community Development. Plans for all public water and sewer systems shall be prepared as plan profile drawings and shall show line sizes, the location of fire hydrants, blowoffs, manholes, pumps, force mains and gate valves. Plans for individual sewage disposal systems shall be accompanied by written recommendations from the Union County Health Department.

Street Plans. Street plans shall be prepared as plan-profile drawings. They shall be at a scale of one (1) inch equals fifty (50) feet. Street plans shall show street

grades and typical street sections.

Proposed Lot Lines. Proposed lot lines, lot and section numbers and approximate dimensions, proposed minimum building setback lines.

Contours and Interval. Contours with a vertical interval of two (2) feet in subdivisions having minimum lot sizes of two acres or less.

Location Map. A map with a scale no less than one (1) inch equals one thousand (1,000) feet showing the location of the subdivision.

Site Data. Acreage in total tract, acreage in parks, total number of parcels created, linear feet in streets.

- c. Approval of Preliminary Plat by Planning Board. Following a review of the preliminary plat and other material, and, if necessary, a conference with the subdivider regarding changes deemed advisable and the kind and extent of improvements to be made by him, the Planning Board shall within thirty-five (35) days, act thereon as submitted or changed. Before taking final action on the plat, the Planning Board shall refer copies of the plat and accompanying material to the Union County Health Department, Division of Highways of the North Carolina Department of Transportation and Highway Safety, and the Union County Public Works Department. If approved, the Planning Board shall state the conditions of such approval, if any, or if disapproved, shall express in writing its disapproval and its reasons. If the Planning Board fails to approve or disapprove the preliminary plat within thirty-five (35) days after first consideration, such failure shall be deemed approval and shall constitute grounds for the subdivider to apply for final approval by the County Commissioners.
- d. Approval of Preliminary Plat by the County Commissioners. The Union County Board of Commissioners shall review the preliminary plat with the recommendations of the Planning Board and shall approve or disapprove the plat within thirty (30) days after first consideration. If the Union County Board of Commissioners approves the preliminary plat, it shall indicate so on all copies of the preliminary plat.

If the preliminary plat is disapproved by the Union County Board of Commissioners, the reasons for such disapproval shall be stated in writing, specifying the provision(s) of this ordinance with which the preliminary plat does not comply. One (1) copy of such reasons shall be retained by the Union County Board of Commissioners as a part of its proceedings; one (1) copy shall be transmitted to the Planning Board, and one (1) copy shall be transmitted to the subdivider. If the preliminary plat is disapproved, the subdivider may make such changes as will bring the preliminary plat into compliance with this ordinance and resubmit same for reconsideration by the Planning Board.

4.3.3 Improvements Installation or Guarantee. Upon approval of the preliminary plat by the County Commissioners, the subdivider may proceed with the preparation of the final plat, and the installation or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this ordinance. Prior to the initiation of construction of utility and street improvements, plans shall have all necessary approvals from state agencies and Union County. Prior to the approval of a final plat, the subdivider shall have installed improvements specified in this ordinance or if the Planning Board permits, guaranteed their installation as provided below:

- a. Performance Guarantee. In lieu of prior construction of the improvements required by this ordinance, the subdivider shall guarantee that such improvements will be carried out according to the County of Union's specifications at his expense. Such guarantee may be in the form of (1) a surety bond made by a surety company licensed to do business in North Carolina, (2) certified check drawn in favor of Union County, (3) cash deposited with Union County, or (4) a letter of credit from a bank doing business in North Carolina where deposits are insured by the FDIC. Such guarantees shall be in an amount of not less than one hundred (100) percent nor more than one hundred twenty-five (125) percent of the estimated cost at time of final plat application. This amount shall be determined by the Public Works Director.

If the subdivider indicates that the final plat will be completed in sections as herein provided, he may post such guarantee separately at the time each respective section is considered for final plat approval.

- b. Guarantees Releasable as Improvements are Completed. Where a guarantee is provided by the subdivider in

lieu of actual completion of improvements at the time of submission of the final plat, such guarantee may be releasable to the subdivider in stages in amounts proportional to the amount of improvements subsequently completed, provided that such improvements are found by the Planning Board to be substantially as planned and specified in the approved Final Plat, and that such proposed release of guarantee shall be recommended by the Planning Board and approved by the Board of Commissioners

4.3.4 Final Plat.

- a. Final Plat Submitted. After the preliminary plat has been approved, the final plat shall be prepared and submitted for final approval within one (1) year after approval of the preliminary plat. Failure to submit a final plat within one (1) year after preliminary plat approval shall render it null and void, unless the Planning Board is requested by the developer to grant an extension and the Planning Board determines that extenuating circumstances exist to justify an extension. The Planning Board shall grant no more than two (2) six (6) month extensions. The final plat may be submitted in sections. In this case, at least one final plat section shall be submitted per year, on or before the anniversary date of preliminary plat approval. In no case shall preliminary plat approval for any section extend beyond five (5) years from the date of approval. These plats shall be submitted to the Planning Department at least fourteen (14) calendar days prior to the regularly scheduled meeting of the Planning Board.
- b. Conformity with Preliminary Plat. The final plat shall conform substantially to the preliminary plat as approved, and if desired by the owner or subdivider, it may refer to that portion of the approved preliminary plat which he proposes to record as a final plat and begin selling within the following year.
- c. Administrative Fees. Submission of the final plat must be accompanied by a filing fee of twenty-five (\$25.00) dollars.
- d. What the Final Plat Shall Show. The final plat shall be prepared by a Registered Land Surveyor licensed to practice in North Carolina. Five (5) copies of the final plat shall be submitted. Two (2) shall be sepias; two (2) shall be black or blue line paper prints; and one (1) shall be a

transparent linen or mylar copy. The copies shall be on sheets that have an outside marginal size of not more than 18" x 24" and not less than 11" x 17" drawn to a scale of not less than one (1) inch equals two hundred (200) feet. It shall contain the following:

Portion of Subdivision to be Developed. The final plat shall conform substantially to that portion of the Preliminary Plat which the subdivider proposes to record and begin to sell; such portion shall conform to all requirements of this ordinance.

Boundary. The exact boundary lines of the tract to be subdivided fully, dimensioned by lengths and bearings, and the location of intersection boundary lines of adjoining lands, with adjacent subdivisions identified by official names.

Monument and Control Corners. The accurate locations and descriptions of all monuments, markers, and control points.

Survey Data. Sufficient data to determine readily and reproduce on the ground every straight or curved boundary line, street line, lot line, right-of-way, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, arcs, chords, central angles, and tangent distances for the center line of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest one-hundredth (1/100) of a foot and all angles to the nearest minute and error of closure shall not exceed 1:10,000.

Streets. The widths, and names where appropriate, of all proposed streets and alleys, and of all adjacent streets, alleys, and easements, which shall be properly located.

Easements. The location of all rights-of-way, easements, and areas to be dedicated to public use with the purpose of each stated.

Names and Vicinity Map. The name of the subdivision, the owner, and the surveyor, landscape architect, engineer, and a sketch

vicinity map showing relationship between the subdivision and surrounding areas at a scale of one (1) inch to one thousand (1,000) feet.

Building Setback Lines. Minimum building setback lines.

Sections and Lot Number. The sections numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each section.

Deed Restrictions on the Property. A statement indicating whether deed restrictions exist, and if so, a list of the restrictions shall be submitted with the plat for review and recommendation.

Date. Date of the survey and plat preparation, a north arrow indicating whether true or magnetic, and graphic scale.

Certificates Required to be placed on Final Plat.

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

_____ Date

_____ Owner(s)

Witness my hand and notarial seal, this _____ day of _____, 19____.

Notary Public

My Commission Expires

mains, sanitary sewers and storm sewers, showing sizes of all. Street plans shall show street grades and typical street sections as required by the Secondary Roads Council of the N. C. Department of Transportation.

- e. Approval of the Final Plat by the Planning Board. The Planning Board shall approve or disapprove the final plat within thirty-five (35) days after first consideration. During its review of the final plat, the Planning Board may appoint an engineer or surveyor to confirm the accuracy of the final plat. If substantial errors are found, in the opinion of the Planning Board, the costs shall be charged to the subdivider and the plat shall not be approved until such errors have been corrected.

If the Planning Board disapproves the final plat, the Planning Board shall state in writing its reasons for such action, specifying the provisions of this ordinance with which the plat does not comply. One (1) copy of this statement shall be transmitted to the subdivider within fifteen (15) days of disapproval; one (1) copy shall be retained by the Planning Board as a part of its proceedings; and one (1) copy shall be sent to the Union County Clerk. If the final plat is disapproved, the subdivider may make such changes as will bring the plat into compliance with the provisions of this ordinance and resubmit same for reconsideration by the Planning Board.

If the Planning Board fails to approve or disapprove the final plat within thirty-five (35) days after first consideration, such failure shall be deemed approval and shall constitute grounds for the subdivider to apply for final approval by the Union County Board of Commissioners.

- f. Approval of the Final Plat by the Board of Commissioners. The Union County Board of Commissioners shall review the final plat with the recommendations of the Planning Board and shall approve or disapprove the plat within thirty (30) days after first consideration.

If the final plat is disapproved by the Union County Board of Commissioners, the reasons for such disapproval shall be stated in writing, specifying the provision(s) of this ordinance with which the final plat does not comply. One (1) copy of such reasons shall be retained by the Union County Board of Commissioners as a part of its proceedings; one (1)

copy shall be transmitted to the Planning Board; and one (1) copy shall be transmitted to the subdivider. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance with this ordinance and resubmit same for reconsideration by the Planning Board.

4.3.5 Recording of the Final Plat. The Planning Director shall file the approved final plat with the Register of Deeds of Union County for recording within ninety (90) days after the date of County Board approval. The filing fee shall be paid to Union County by the subdivider within ten (10) days of final plat approval.

ARTICLE V

SUBDIVISION DESIGN REQUIREMENTS AND STANDARDS

Section 5.1 Required Improvements

Approval of the Final Plat shall be subject to the subdivider having installed or having guaranteed the installation of the following:

<u>Improvements Required</u>	<u>No More than 10% of Lots - Less than 20,000 Square Feet</u>	<u>More than 10% of Lots - Less than 20,000 Square Feet</u>
Graded Streets	X	X
Curb and Gutter		X
* Public Water & Hydrants		X
** Public Sewer		X
*** Paved Streets	X	X
Sidewalks on Both Sides of Streets		X

- * See Section 5.1.2
- ** See Section 5.1.3
- *** See Section 5.2.1

5.1.1 Installation of Utilities. After grading of street right-of-way is completed and approved and before any base is applied, underground work such as water mains, sewerage mains and taps shall be approved by the Union County Public Works Department.

5.1.2 Water Supply System.

- a. Union County Water System. All subdivisions shall be connected to the Union County Water System according to the following schedule and subject further to the capacity of the Union County Water System to accommodate said subdivision:
1. If the preliminary plat includes between six (6) and twenty (20) lots, it shall be connected to the Union County Water System if any part of the subdivision lies within three hundred (300) feet of the county system.
 2. If the preliminary plat includes between twenty-one (21) and fifty (50) lots, it shall be connected to the Union County Water System if any part of the subdivision lies within six hundred (600) feet of the county system.
 3. If the preliminary plat includes between fifty-one (51) and one hundred (100) lots, it shall be connected to the Union County Water System if any part of the subdivision lies within one thousand (1,000) feet of the county system.
 4. If the preliminary plat includes more than one hundred (100) lots, it shall be connected to the Union County Water System if any part of the subdivision lies within fifteen hundred (1,500) feet of the county water system.

The distance from the county water system shall be measured along available street right-of-way where encroachment is permitted or where agreement has been reached with adjacent property owners for easement right-of-way when such agreement will permit a shorter distance than measured along available street right-of-way.

- b. Standards of Design and Material. The location and types of valves and hydrants, the amount of soil cover over the pipes, the size of water mains, and other features of the installation shall be approved by the Union County Public Works Department and shall conform to accepted standards of good practice for public water systems.

If the developer provides a community water system rather than connecting to the county water system

or provides individual well(s), the materials, design and installation shall be made in accordance with specifications and standards of the Union County Public Works Department and subject to approval by the Division of Health Services, North Carolina Department of Human Resources, the Division of Environmental Management, North Carolina Department of Natural Resources and Community Development.

5.1.3 Sanitary Sewers.

- a. Union County Sewer System. All subdivisions shall be connected to the Union County Sewer System according to the following schedule and subject further to the capacity of the Union County Sewer System to accommodate said subdivision:
 1. If the preliminary plat includes between six (6) and twenty (20) lots, it shall be connected to the Union County Sewage System if any part of the subdivision lies within three hundred (300) feet of the county system.
 2. If the preliminary plat includes between twenty-one (21) and fifty (50) lots, it shall be connected to the Union County Sewage System if any part of the subdivision lies within six hundred (600) feet of the county system.
 3. If the preliminary plat includes between fifty-one (51) and one hundred (100) lots, it shall be connected to the Union County Sewage System if any part of the subdivision lies within one thousand (1,000) feet of the county system.
 4. If the preliminary plat includes more than one hundred (100) lots, it shall be connected to the Union County Sewage System if any part of the subdivision lies within fifteen hundred (1,500) feet of the county system.

The distance from the county sewage system shall be measured along available street right-of-way where encroachment is permitted or where agreement has been reached with adjacent property owners for easement right-of-way when such agreement will permit a shorter distance than measured along available street right-of-way.

- b. Standards of Design and Material. The subdivider shall bear the entire cost of the installation and materials for the sanitary sewer within his subdivision. Sewer connections shall comply with the regulations of the Division of Health Services, North Carolina Department of Human Resources and shall be constructed under the supervision and

approval of the Union County Public Works Department and the County Manager. All sewerage lateral collection lines shall be at least eight (8) inches in diameter. Where lots are not connected with a public sewerage system, they must conform to the lot area requirements of the Union County Health Department.

If the developer provides a public sewage system rather than connecting to the county system or provides individual septic system(s), the materials, design and installation shall be made in accordance with specifications and standards of the Union County Public Works Department and subject to approval by the Division of Health Services, North Carolina Department of Human Resources, the Division of Environmental Management, North Carolina Department of Natural Resources and Community Development.

5.1.4 Storm Drainage. The subdivision shall provide an adequate drainage system including necessary open ditches, pipes, culverts, drop inlets, bridges, fill-in lots, etc., for the proper drainage of all surface water. The subdivider shall connect to the Union County Storm Drainage System where available; if not accessible, the subdivider shall provide open drainage ditches necessary to carry the water in a manner approved by the Public Works Director:

1. All storm drainage shall be adequate to carry "flood flows" of the following frequency:

Storm sewer collection - 10 year flood
Cross drainage - 25 year flood

2. All surface drainage courses shall have at least 3:1 side slopes (on side slopes) having at least three (3) feet of horizontal distance for each one (1) foot of vertical drop.
3. The minimum grade along the bottom of a surface drainage course shall be a slope of three-tenths percent (0.3%) (or a vertical fall of approximately one (1) foot for each two hundred and fifty (250) feet of horizontal length). No surface water shall be channeled or directed into a sanitary sewer.
4. Culverts shall be provided to accommodate all natural water flow and shall be of sufficient length to permit full width roadway and the required slopes. Culverts under streets shall be reinforced concrete or bituminous coated corrugated metal. The size openings to be

provided shall be determined by a Registered Land Surveyor, but in no case shall be less than twelve (12) inches. Cross drains shall be built on straight line and grade and shall be laid on a firm base, but not on rock. Pipes shall be laid with the ends filled and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the roadbed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one (1) foot below the roadbed in which case it shall be reinforced concrete.

- 5.1.5 Oversized Improvements and Reimbursement. Where the Union County Public Works Department deems it necessary, in the interest of the health, safety, and general welfare of the residents of Union County, the subdivider shall make certain improvements in sizes in excess of those which would normally be required to serve only his subdivision. Where such oversized improvements are required, the subdivider shall be reimbursed for costs incurred over and above those required to serve his subdivision, according to Union County's officially adopted water and sewer extension policy.
- 5.1.6 Utilities. All telephone lines and power lines are recommended to be located underground or at the rear property line of all subdivisions. The telephone company and the electric power company shall be provided with copies of the preliminary plat by the subdivider and shall be expected to work with the developer in designing the utilities plan for the subdivision. Provisions for street lighting shall also be considered in the subdivider's utility plans. Union County does not obligate itself in assuming any costs incurred in developing underground utilities but encourages developers, nevertheless, to investigate the advantages of locating utility lines underground.
- 5.1.7 Street Signs. Appropriate street name signs which meet standard county specifications shall be placed at all street intersections, and names shall not duplicate existing street names. The subdivider shall bear the expense.
- 5.1.8 Permanent Reference Points.
- a. General. Prior to the approval of the Final Plat, the following survey reference markers shall be installed.

- b. Permanent Concrete Monuments. Permanent concrete monuments four (4) inches in diameter or square, three (3) feet long, shall be placed at not less than two (2) corners of the subdivision, provided that additional monuments shall be placed where necessary so that no point within the subdivision lies more than one thousand (1,000) feet from a monument. Two or more of the required monuments shall be designated as control corners. The top of each monument shall have an indented cross, metal pin, or metal plate to identify properly the location of the point. All monuments shall be shown on the Final Plat.
- c. Markers. All lot corners, all points where the street right-of-way lines intersect the exterior boundaries of the subdivision, shall be marked with iron pipe not less than one-half (1/2) inch in diameter and not less than twenty-four (24) inches long.

Section 5.2 Minimum Standards of Design

The following shall be considered the minimum standards of design for subdivisions within the Union County Planning Area.

5.2.1 Streets.

- a. General. In every new subdivision, the street system shall conform to the Union County Thoroughfare Plan. In the areas where the Thoroughfare Plan does not apply, streets shall be designed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public safety and convenience, and to the proposed use of land to be served by such streets. All proposed streets shall provide for the appropriate projection of principal streets in surrounding areas and provide reasonable access for surrounding acreage tracts.
- b. Street Designation. The right-of-way of any new street or change in an existing street shall be delineated upon the plat with particularity and such streets shall be designated to be either public or private. Streets in subdivisions where 90% or more of all lots are equal to or exceed four acres may be designated and developed by the developer and seller as public or private streets. Streets in subdivisions where less than 90% of all lots are equal to or exceed four acres

shall be developed as public streets as required herein.

- c. Subdivision Street Disclosure Statement. Prior to entering into any agreement or granting any conveyance with or to any prospective buyer, the developer and seller shall prepare and sign, and the buyer of the subject real estate shall receive and sign an acknowledgement of receipt of a separate instrument known as the subdivision street disclosure statement. Said disclosure statement shall fully and completely disclose the status (whether public or private) of the street upon which the house or lot fronts.
- d. Public Streets. The right-of-way and design of streets designated as public shall be in accordance with the minimum right-of-way and construction standards established by the Secondary Roads Council for acceptance in the State Highway System. The plat shall not be recorded by the Register of Deeds until after it has received final plat approval by the County Commissioners, and until after it has received a Certificate of Approval by the Division of Highways. The Certificate of Approval shall be issued by the District Engineer of the Division of Highways of the Department of Transportation.
- e. Private Streets.
 1. Disclosure Statement. If a street is designated by the developer and seller as a private street, the developer and seller shall include in the disclosure statement an explanation of the consequences and responsibility as to maintenance of a private street, and shall fully and accurately disclose the party or parties upon whom responsibility for construction and maintenance of such street or streets shall rest, and shall further disclose that the street or streets will not be constructed to minimum standards, sufficient to allow their inclusion in the State Highway System for maintenance. The disclosure statement shall contain a duplicate original which shall be given to the buyer. Written acknowledgement of receipt of the disclosure statement by the buyer shall be conclusive proof of the delivery thereof.
 2. Street Design. The right-of-way and design of streets designated as private shall be in accordance with the minimum right-of-way and construction standards established by the Secondary Roads Council for acceptance in the

State Highway System, except that base and paving standards shall not be required.

3. Homeowners Association. By written document(s) sufficient for recording in the Office of the Register of Deeds, an owners' association shall be established for perpetual ownership and maintenance of streets and right-of-way within, and/or which provide exclusive access to, a subdivision. Said streets and rights-of-way shall be designated as "private streets". In such case, the developer and seller shall deed the title of the required right-of-way for all streets to said owner's association, but he shall not be required to dedicate said street right-of-way for public use.
4. Maintenance Binding. The Planning Board shall review such document establishing said homeowners' association and shall approve or disapprove such document as long as conditions are met as outlined by the Planning Board. In no case shall any homeowners association document be approved by the Planning Board unless and until satisfactory provisions are established for street right-of-way maintenance. Minimum maintenance responsibility shall include, but not be limited to, the following:
 - (a) All property owners within said subdivision shall be members of the association; and
 - (b) All property owners within said subdivision shall be subject to its rules and regulations and contribute his assessed share of road right-of-way maintenance costs whenever the association deems it necessary to collect fees for said purpose.
- f. Pavement Widths. Minimum pavement widths shall not be less than the minimum standards established in the "North Carolina Department of Transportation Division of Highways Standard Specifications for Roads and Structures".
- g. Street Drainage. An adequate drainage system shall be designed and installed by the subdivider in accordance with good engineering practice and the standards of the "North Carolina Department of Transportation Division of Highways Standard Specifications for Roads and Structures". Said

drainage system shall remove all surface water without undue damage to road right-of-way and adjacent properties. Conditions contributing to the breeding of insects harmful to health and life shall be avoided.

- h. Sidewalk. Sidewalks shall be constructed on the street right-of-way and installed as required by Section 5.1.
- i. Driveways. All driveways for houses to be built by the developer shall be cut and graded to provide a minimum ten (10) foot wide driveway. The curve radii of the curb at the street shall be a minimum of two and one-half (2 1/2) feet.
- j. Base. Roads shall have a compact all-weather base meeting the requirements of the "North Carolina Department of Transportation Division of Highways Standard Specifications for Roads and Structures". The remainder of the roadway width shall be grassed or otherwise stabilized.
- k. Curb and Gutters. All curb and gutter sections shall meet the "North Carolina Department of Transportation Division of Highways Standard Specifications for Roads and Structures".
- l. Tangents. A tangent of not less than one hundred (100) feet shall be provided between reverse curves on all streets.
- m. Intersections. Street intersections shall be laid out in the following manner:
 - 1. No more than two streets shall intersect at a point.
 - 2. Angle of street intersection shall be in accordance with the requirements of the minimum construction standards adopted by the N. C. Secondary Roads Council.
 - 3. Intersections with major thoroughfares shall be at least eight hundred (800) feet apart, measured from center line to center line. This requirement may be waived by the Planning Board if such requirement would prevent a property owner fronting on a major thoroughfare from having access to such a facility.
 - 4. Street jogs with center line offsets of less than one hundred twenty-five (125) feet shall be prohibited.

5. Property lines at street intersections shall be rounded with a minimum radius of twenty (20) feet. At an angle of intersection less than seventy-five degrees, a greater radius may be required.
- n. Alleys. The Planning Board may require the subdivider to construct alleys in commercial and industrial zoning districts. When so required, or proposed by the subdivider, alleys shall conform to the following specifications:
 1. Right-of-Way Width-----20 feet
 2. Property Line Radius at Alley Intersections-----20 feet
 3. Minimum Radius to Center Line When Deflection Angle of More Than Ten Degrees Occurs-----35 feet
 - o. Frontage Roads. Where a tract of land to be subdivided adjoins a Major Thoroughfare, the Planning Board shall, wherever possible, require that lots which would otherwise abut the thoroughfare be provided with frontage on a frontage road.
 - p. Street Names. Street names shall be subject to the approval of the Planning Board. New names shall not duplicate or be similar to existing street names. Existing street names, however, shall be projected where appropriate.

5.2.2 Lots and Setbacks.

- a. Size. All lots shall conform to the dimensional and area requirements of the Zoning Ordinance of the County of Union.
- b. Setbacks. All lots shall conform to the building setback and yard requirements of the Zoning Ordinance of the County of Union.
- c. Access. Every lot shall abut a public or private street.

5.2.3 Easements and Dedications.

- a. Utility Easements. Easements shall be at least fifteen (15) feet wide and shall be centered along rear or side lot lines. Wider easements may be required if the topography along the proposed right-of-way is such that maintenance equipment cannot reasonably operate within the minimum fifteen (15) feet wide easement.

- b. Drainage Easement. Where a subdivision is traversed by a water course, drainage way channel, underground storm drain, the subdivider shall dedicate a drainage maintenance easement a minimum of fifteen (15) feet wide located parallelling both sides of any water course or drainage channel or thirty (30) feet wide parallelling any storm drainage.
- c. Pedestrian Easements or Walkways. Pedestrian easements or walkways shall be provided through the interior of blocks where the Planning Board determines such easements are needed. Pedestrian easements shall be at least ten (10) feet wide and shall be laid out along front, side or rear property lines.

ARTICLE VI

PLANNED UNIT DEVELOPMENTS:

GROUP DEVELOPMENTS

Section 6.1 Exceptions for Planned Developments

The purpose of this Article is to provide desirable open space in commonly owned areas, tree cover, recreation area, scenic vistas, and variety in development by allowing certain variations in lot sizes and design requirements, and the establishment of townhouses and condominiums. In no case shall the overall density of dwelling units be greater than that permitted by the applicable zoning requirements. Subject to the approval of the Planning Board, the design standards as set forth in this ordinance may be modified in the case of a plan and program for a planned development which may consist of offices, institutions, stores, industries, townhouses and residences or any desirable combination of these establishments which meet the requirements of the Union County Zoning Ordinance. Proposed ownership of planned developments may be by one individual, partnership, corporation, cooperative, condominium or any desirable combination. A preliminary and final plat of a planned development shall be submitted pursuant to the provisions of this Article in conformity with the following:

- 6.1.1 Common Areas. All planned developments shall contain commonly owned land equal in area to forty (40) percent of the entire development. Common areas shall not be less than two (2) acres in size and shall be held in nonprofit corporate ownership by the owners of lots within the development. In consideration of

the purpose served by a planned development, the title to such common areas or property shall be preserved to the perpetual benefit of the private properties in the development and shall be restricted against private ownership for any other purpose. If the corporation desires, improvements may be made within the common areas provided that maximum coverage of such improvement shall not exceed twenty-five (25) percent of the entire common property. The developer shall submit and, after approval by the County, record a declaration of the covenants and restrictions that will govern the ownership, management and maintenance of the common areas.

- 6.1.2 Density. Individual lot size may be varied, but the overall density of a planned development shall not exceed that permitted by the applicable zoning requirements. All remaining land not shown as lots shall be designated as common areas.
- 6.1.3 North Carolina Unit Ownership Act. Before a declaration establishing a condominium or unit ownership development may be recorded, the declaration and plan shall be approved by the Planning Board.
- 6.1.4 Site Plan. Site plans for all planned development shall show the location of the buildings, streets, alleys, walks, parking areas, recreation areas, tree covers and planting. The site plan shall number and show the dimensions of all building sites and all streets and utility easements to be dedicated to the public. All areas on the site plan other than public streets, easements or private building sites shall be shown and designated as common areas.
- 6.1.5 Landscape Plan. A landscape plan for all planned developments shall show all existing and proposed plant material. The plan shall indicate the size and type of existing plant material and the size and type of plants to be planted.
- 6.1.6 Public Access, Easements and Private Party Walls. Building lots may abut or be provided with frontage on common areas, properly restricted through a property owners association to assure adequate access, if in the opinion of the Planning Board a public street is within an acceptable distance and would allow adequate community services. Easements over the common areas for access, ingress, and egress from and to public streets and walkways and easements for enjoyment of the common areas, as well as for parking, shall be granted to each

owner of a residential site. All common walls between individual residences shall be party walls and provisions for the maintenance thereof and restoration in the event of destruction or damage shall be established.

- 6.1.7 Utilities and Improvements Required. All planned developments shall include public water and sewer utilities, sidewalks, paved streets and parking areas with curb and gutter, underground electric and telephone service, landscaping and any other improvements considered necessary by the Planning Board.