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ARTICLE I - TITLE AND PURPOSE

1.1 Title

This Ordinance shall be known as the Subdivision Regulations of the County of Moore, North Carolina, and may be referred to as the Subdivision Regulations.

1.2 Purpose

The purpose of this Ordinance is to establish procedures and standards for the development and subdivision of land within the jurisdiction of Moore County. It is designed to provide for the orderly growth and development of the County; for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and other public facilities; for the dedication and reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare. This Ordinance is further designed to facilitate the adequate provision of potable water, sewerage, parks, schools, and playgrounds, and also to facilitate the further resubdivision of larger tracts into smaller parcels of land.

1.3 Land Use Plan

This Ordinance is based, in part, on the Moore County Land Use Plan and, in particular, its goals and objectives.

2.1 Authority

This Ordinance is hereby adopted under the authority and provisions of the General Statutes of North Carolina, Chapter 153A, Article 18, Part 2.

2.2 Jurisdiction

The regulations contained herein, as provided in Section 153A-320 of the General Statutes of North Carolina, shall govern each subdivision of land within Moore County except those lands lying within the jurisdiction of any incorporated municipality.

In accordance with the provisions of NCGS 153A-335, the following types of subdivisions are not subject to the regulations established herein:

(1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as delineated in this subdivision ordinance;

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

(3) The public acquisition by purchase of strips of land for the widening or opening of streets; and

(4) The division of a tract in single ownership, the entire area of which is no greater than two acres, into not more than three 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 delineated in this subdivision ordinance.

In addition, the division of land for purposes other than for sale or development is not a 'subdivision' subject to the regulations established herein. The division of land pursuant to an Order of the General Court of Justice is not considered to be a subdivision and is not subject to the regulations established herein.

In interpretation of divisions (1) and (2) above, the phrase "where no street right-of-way dedication is involved" shall mean that any such parcel shall be served by an existing legal right-of-way. A legal right-of-way can be any easement, State-maintained road, or dedicated right-of-way provided that the individual submits satisfactory evidence of the right-of-way. Such right-of-ways, with the exception of State-maintained roads, must have existed at the time this section was adopted on August 11, 2003.

2.3 Prerequisite to Plat Recordation

A final plat must be prepared and approved pursuant to this ordinance whenever a subdivision of land occurs. Each subdivision plat within the County's jurisdiction shall be approved by the Moore County Subdivision Review Board or the Subdivision Administrator or his/her authorized agent, as provided herein, before recordation in the Office of the Register of Deeds. Such approval shall be entered in writing on the face of the plat by the Subdivision Administrator or his/her authorized agent or by the Chairman of the Subdivision Review Board.

The Register of Deeds shall not file or record a plat of a subdivision of land located within the jurisdiction of this Ordinance that has not been approved in accordance with these provisions, nor shall the Clerk of Superior Court order or direct the recording of a plat in conflict with this section.

If a proposed subdivision of land meets one or more of the exclusions delineated under the definition of subdivision in Section 4.2 or is not within the jurisdiction of this Ordinance as specified in Section 2.2, the property owner may submit to the Subdivision Administrator maps, deeds, or other materials in sufficient detail to permit conclusive confirmation by the Subdivision Administrator. Any owner of land who wishes to record a plat of such a division of land shall obtain a Certificate of Exemption from the Subdivision Administrator (see Appendix D, Certificates).

2. 4 Statement by Owner

The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat as provided for elsewhere in these Subdivision Regulations.

2.5 Effect of Plat Approval on Dedications

The approval of a plat does not constitute or effect the acceptance by the County or the public of the dedication of any street, land, public utility line, or other public facility shown on the plat and shall not be construed to do so.

2.6 Separability

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or of any other section or provision thereof which is not itself declared unconstitutional or invalid.

2.7 Amendments

The Board of County Commissioners may from time to time amend this Ordinance in accordance with the provisions of this section and NCGS 153A-323. Proposals to amend this Ordinance may be initiated by the Board of Commissioners, the Planning Board, the Planning Department staff, or any other interested person.

Upon receipt of an amendment request, the Board of Commissioners may summarily deny the request or set a date for a public hearing. Before amending this Ordinance, the Board of Commissioners shall hold a public hearing on the amendment. The Board shall cause notice of the hearing to be published once a week for two successive calendar weeks. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

The Board of Commissioners may refer amendment proposals to the Planning Board for review and recommendation. If the amendment request is referred to the Planning Board, the Planning Board shall review the proposal in a timely manner so that any recommendations it may have can be provided to the Board of Commissioners prior to the public hearing date. The Board of Commissioners need not await the recommendations of the Planning Board before taking action on the proposed amendment, nor is the Board of Commissioners bound by any recommendation of the Planning Board that are before it at the time it takes action on a proposed amendment.

2.8 Repeal of Previous Ordinance

The prior Subdivision Ordinance of Moore County, dated July, 1972, as amended, is hereby repealed. However, all suits at law or in equity and/or all prosecutions resulting from the violation of any subdivision ordinance heretofore in effect, which are now pending in any court of this state shall not be abated or abandoned by reason of the adoption of this Ordinance, but shall be prosecuted to their finality the same as if this Ordinance had not been adopted. Also, any and all violations of the previously existing ordinance, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted.

2.9 Abrogation and Conflicting Regulations

It is not intended that this Ordinance repeal, abrogate, annul, impair, or interfere with any other existing easements, covenants, deed restrictions, agreement, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

2.10 Effective Date

This Ordinance is hereby adopted by the Board of County Commissioners of Moore County, North Carolina, and declared to take effect and be in force this the

Nineteenth day of January, 1987

David Harris
Chairman, Board of County Commissioners

Attest:

John McGuire
County Clerk

AMENDED:

This Ordinance is hereby amended by the Board of County Commissioners of Moore County, North Carolina, and declared to take effect and be in force this the

Eleventh day of August 2003

_____
Chairman, Board of County Commissioners

Attest:

_____
County Clerk

OFFICIAL SEAL

APPROVED AS TO FORM:

_____
County Attorney

3.1 Administrator

The Subdivision Administrator or the Administrator's designee is hereby designated as the administrator of this Ordinance. The Planning and Zoning Administrator or their designee shall serve as the Subdivision Administrator.

3.2 Duties of the Subdivision Administrator

The duties of the Subdivision Administrator in the administration of this Ordinance shall include: to discuss plans with developers and to advise them on the requirements of this Ordinance, to review submitted plats and related materials of proposed subdivisions and to make any necessary on-site inspections to determine whether these requirements are being met, to advise the Subdivision Review Board of such facts, and to approve final plats where no significant changes have been made from the approved preliminary plat on all Subdivisions, and any other lawful duty as prescribed by this Ordinance or the Subdivision Review Board.

3.3 Variances

The Subdivision Administrator may authorize a variance from the provisions of this Ordinance if such variance can be made without violating the intent of this Ordinance. Requests for variances shall be made upon written application submitted to the Subdivision Administrator. Variances may be granted under one of the following circumstances:

(A) Physical Hardship. Where because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of other physical conditions peculiar to the site, strict compliance with the provisions of the Ordinance would cause practical difficulties on the subdivider above and beyond what other subdividers would face.

(B) Equal or Better Performance. Where, in the opinion of the Subdivision Administrator, a variance will result in equal or better performance in furtherance of the purposes of this Ordinance.

Not later than twelve (12) business days after receipt of the application for a variance, the Subdivision Administrator shall conduct a hearing on the variance request, at which time the applicant is entitled to be heard in person and to present arguments and relevant evidence pertaining to the matter. The Subdivision Administrator shall as expeditiously as possible provide a written statement of the decision, setting forth the facts found, the decision reached and the reasons for the decision.

In the event that the Subdivision Administrator grants a variance, it shall be the minimum variance necessary in order to allow reasonable use of the applicant's land. In approving variances, the Subdivision Administrator may require such conditions as will, in his judgment, secure substantially the objectives of the standards or requirements of this Ordinance.

The variance request shall be accompanied by a sketch plan or plat where applicable. A fee as established by the Board of County Commissioners shall be paid by the applicant for a variance to cover the administrative expenses involved.

A variance decision by the Subdivision Administrator is subject to review by the superior court by proceedings in the nature of certiorari. Any petition for review by the superior court shall be filed with the clerk of the superior court within 30 days after the decision of the Subdivision Administrator is delivered to the applicant either by personal service or by registered mail or certified mail return receipt requested.

3.4 Enforcement and Penalties for Violation

This Ordinance shall be enforceable in accordance with provisions available in Articles 6 and 18 of Chapter 153A of the General Statutes of North Carolina. Enforcement may be by one, all, or a combination of the remedies described below or otherwise authorized by common law or statute. Such statutes include but are not limited to NCGS Chapter 153A-123 (a) through (g), 153A-324, and 153A-334.

A. Misdemeanor

After the effective date of this Ordinance, any person who, being the owner or agent of the owner of any land located within the jurisdiction of this Ordinance, thereafter subdivides his land in violation of this Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of land before the plat has been properly approved under the terms of this Ordinance and recorded in the Office of the Moore County Register of Deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The County through its attorney or other official designated by the 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.

B. Continuing Violations

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

C. Equitable Remedies

This Ordinance may also be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction, including a mandatory or prohibitory injunction, or an order of abatement as authorized by NCGS 153A-123. It should not be a defense to the County's application for equitable relief that there is an adequate remedy at law.

D. Combination of Remedies

Nothing in this section shall be construed to limit the use of remedies available to the County, which may seek to enforce this Ordinance by using any one, all, or a combination of remedies.

E. Civil Penalties

Any person who violates any provisions of this Ordinance shall be subject to the assessment of a civil penalty of the maximum penalty allowed by law. No civil penalty shall be assessed until the person alleged to be in violation has been notified by the Subdivision Administrator. The notice shall be provided by certified or registered mail, personal service, or by posting notice of the violation conspicuously on the property.

If after receiving a notice of violation, the violator fails to take corrective action, a civil penalty may be imposed in the form of a citation. The citation shall be served in the same manner as the notice of violation. The citation shall state the nature of the violation, the civil penalty to be imposed upon the violator, and shall direct the violator to pay the civil penalty within 15 days of the date of the notice. If payment is not received or equitable settlement reached within 30 days after demand for payment is made, the matter shall be referred to the County Attorney for institution of a civil action in the appropriate division of the General Courts of Justice for recovery of the civil penalty. Provided however, if the civil penalty is not paid within the time prescribed, the Subdivision Administrator may have a criminal summons or warrant issued against the violator. Upon conviction, the violator shall be subject to any criminal penalty the court may impose pursuant to NCGS 14-4.

3.5 Fees

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters shall be charged to applicants requesting subdivision plat approval. The amount of the fees charged shall be set forth in the county's budget or shall be as established by resolution by the Board of Commissioners and filed in the offices of the Planning Department. Fees established in accordance with this subsection shall be paid upon submission for plat review.

4.1 Word Interpretations

For the purpose of this Ordinance, certain words used herein shall be interpreted as follows, except where the natural construction of the sentence clearly indicates otherwise:

The word "may" is permissive.

The words "shall" and "will" are mandatory and not merely directory.

The word "lot" includes the words "plot", "parcel", or "site".

The word "building" includes the word "structure".

The present tense includes the future tense, and the future tense includes the present tense.

The singular number includes the plural number and the plural number includes the singular number.

4.2 Definition of "Subdivision"

Subdivision: All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purposes of sale or building development (whether immediate or future) and includes all divisions of land involving the dedication of a new street or a change in existing streets; however, the following are not included within this definition and are not subject to the regulations prescribed by this Ordinance.

(1) The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its subdivision regulations.

(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.

(4) The division of a tract in single ownership the entire area of which is no greater than two (2) acres into not more than three (3) lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the county as shown in this Ordinance.

4.3 Other Definitions

Abutting or Adjoining or Contiguous: Having property lines in common. Lots are also considered to be abutting, adjoining, or contiguous if they are directly opposite each other and are separated by a street or alley.

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

Block: A tract of land or a lot or group of lots bounded by streets, public parks, golf courses, railroad right-of-way, water courses, lakes, unsubdivided land, or a boundary line or lines of the county or its towns or any combination of the above.

Buffer Strip: An area of land to be used for planting and/or open area the purpose of which is to provide a minimum separation of different uses of property.

Building: Any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, and including tents, lunch

wagons, dining cars, trailers, mobile homes, and attached or unattached carports consisting of roof and supporting members, and similar structures whether stationary or movable.

Building Setback Line: A line parallel to the front, side, or rear property line in front of which no structure shall be erected. On a flag lot the "building setback line" runs parallel to the street and is measured from the point in the main portion of the lot (i.e. the "flag" part of the lot, not the "pole" part) which is closest to the street.

Cluster Development: A subdivision concept that permits more efficient and varied residential or mixed use development by allowing smaller individual lot dimensions than would normally be permitted by applicable land use regulations in exchange for the provision of permanent open space within the same development.

Condominium: The term Condominium shall apply to residential and commercial development where portions of buildings are separately owned and where land and other improvements are held in undivided interest.

Dedication: The transfer of property from private to public ownership without financial consideration.

Developer: Any company, firm, or individual that subdivides property that is subject to the regulation contained within this Ordinance.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations and storage of materials.

Easement: A grant of a strip of land by a property owner for use for a specified purpose by the public, a corporation, or person(s).

Final Plat: The final map of all or a portion of a subdivision that is presented for final approval.

Flexible Development: A **major** subdivision in which greater flexibility and design creativity is encouraged and allowed to preserve agricultural and forestry lands, natural and cultural features, and rural community character that might otherwise be lost through conventional development approaches. At least thirty-three percent (33%) of the land within a Flexible Development subdivision must be set aside as open space that may be preserved through:

(1) An "estate lot" approach where all land is subdivided into lots five (5) acres or greater in size, building limits (50%) are established for each lot, and the land area outside such limits is preserved as open space; or

(2) A "cluster" approach where lot sizes are reduced and the land saved through such reductions is preserved as open space; or

(3) A "village" or modified cluster approach where dwelling units are clustered around a village green and supporting shops, and the village is surrounded by open space; or

(4) Some combination of the above.

Frontage: All of the real property abutting a street measured along the street right-of-way line. Cul-de-sac bulb lots shall have a minimum frontage of fifty (50) feet.

Lot: A piece, parcel, tract, or plot of land intended as a unit for transfer of ownership or for development or both.

Double Frontage or Through Lot: A continuous lot which fronts on two (2) or more streets other than at their intersection.

Lot, Corner: A lot abutting two (2) or more streets at their intersection, where the angle of intersection is 120 degrees or less.

Lot, Depth: The depth of a lot is the average distance between the front and back lot lines measured by right angles to its frontage and from corner to corner.

Lot, Flag: A lot that in its shape resembles a flag on a pole, where the "flag" part is the main body of the lot and the "pole" part is the narrow portion of the lot that provides access from the road/street to the main body of the lot. Flag lots shall meet the conditions and design standards delineated in Section 6.2 A.2. (B).

Lot of Record: A lot which is a part of a subdivision, a plat of which has been recorded in the office of the Moore County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the Moore County Register of Deeds by the owner or predecessor in title thereto before the effective date of this Ordinance.

Lot, Width: The straight line distance between the points where the building setback line intersects the two side lot lines.

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 of the lot is usually prohibited.

Major Subdivision: Any subdivision other than a minor subdivision.

Minor Subdivision:

Level 1 Minor Subdivision: A subdivision that (1) consists of 4 or less lots fronting on an existing, approved public road, (2) does not require any new public or private road to be constructed or dedicated nor easements for access to interior property, (3) does not require the extension of a public water or sewer line other than laterals to serve individual lots, (4) does not necessitate the installation of drainage improvements that would require easements through property not being subdivided, and (5) does not require a variance from any requirement of this Ordinance.

Level 2 Minor Subdivision: A subdivision that consists of 4 or less lots fronting on a newly created private road. The private road shall meet the right-of-way requirement, design and construction standards of NCDOT, with the exception of pavement, from the subdivision to a State-maintained road. These subdivisions must be reviewed by the Subdivision Review Board before they can be approved.

Multifamily Residence: A building containing two (2) or more dwelling units.

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

Planned Development: Residential and non-residential developments utilizing site design concepts which vary from typical single buildings set in the middle of individual lots fronting on public streets; design alternatives often utilize commonly-owned open space and other facilities, alternative building types and lotting patterns, and private streets and include, but are not limited to, unified developments, townhouses, planned unit developments, and zero lot line properties.

Planning Board: The Moore County Planning Board.

Plat: A map or plan of a parcel of land which is to be, or has been subdivided.

Preliminary Plat: A map indicating the proposed layout of a development and related information that is submitted for preliminary approval.

Principal or Main Building: A building in which is conducted the principal or main use of the property.

Private Road or Street: Any road or street right-of-way which is not publicly owned and maintained and is used for access by the occupants of the development, their guests, and the general public.

Public Road or Street: Any road or street right-of-way which is publicly owned and maintained.

Public Sewer: A wastewater sewerage system which is owned by any unit of government or authority, or by a private corporation, person or association and which is designed to serve uses locating along existing lines or within the service area of the system, should additional collection lines be constructed.

Public Water System: Any system furnishing potable (drinkable) water for public consumption.

Register of Deeds: The Register of Deeds for Moore County, North Carolina.

Reservation: Private entity obligation to withhold specific real estate from further development pending acquisition by a public agency.

Residual Acreage: A piece, parcel, tract, lot or plot of land that is left after a subdivision occurs.

Sanitary Sewer: A wastewater sewerage system.

Road/Street: A dedicated and accepted public or approved private right-of-way for vehicular traffic and pedestrian circulation. The following classifications shall apply:

(a) **Arterial:** A street connecting widely separated areas and designed to carry a large volume of traffic which may be fast, heavy or both. Arterial streets are sometimes referred to as "major thoroughfares," "freeways," "expressways," etc., and are usually numbered State or Federal Highways. Numbered State Secondary Roads are included in this definition.

(b) **Collector Street:** A street that carries traffic from minor streets to the major systems of arterial streets, including the principal entrance streets of a residential development and streets for circulation within such a development. Collector streets may also be referred to as "connector" or "feeder" streets.

(c) **Cul-de-Sac:** A very short road, open at one end only, with a special provision for turning around.

(d) **Dead End/Stub Street**: A street, open at one end only, with provisions for a temporary turn around that may be removed at a later date if the street is extended.

(e) **Half Street:** A street whose centerline coincides with a subdivision boundary with one-half the street right-of-way width being contained within the subdivision plat. Also, any existing street to which the parcel of land to be subdivided abuts on only one side.

(f) **Minor or Residential Street (Local Street):** A street designed primarily to provide vehicular access to properties abutting it and not for through traffic.

(g) **Marginal Access Street:** A local or minor (service) street which parallels and is immediately adjacent to arterial streets, and which provides access to abutting properties and protection from through traffic. Marginal access streets may also be referred to as "service roads."

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

Subdivision Administrator: The official or the official's designee charged with the enforcement of this Ordinance.

Subdivision Review Board (SRB): Representatives of local and state agencies who collectively review and evaluate plats and construction plans for compliance with all applicable regulations.

Trail/Path: A pedestrian/bicycle way located away from a public street or road right-of-way; an alternate path that is usually part of a greenway / trail system.

Variance: Official permission from the Subdivision Administrator to depart from the requirements of this Ordinance (see Section 3.3).

Zero Lot Line: A concept commonly used in Planned Developments where individual commercial buildings or dwellings, such as townhouses (row houses) and patio homes, are to be sold along with the ground underneath and, perhaps, a small yard or patio area. Such commercial or residential units are grouped in buildings with two (2) or more units per building, usually including common walls. With zero lot line, the minimum requirements for lot area and yards need not be met and construction can take place right up to the lot line.

Zoning Ordinance: The Zoning Regulations of Moore County.

5.1 Plat Required for All Subdivisions

Pursuant to G.S. 153A-330, a final plat shall be prepared, approved, and recorded according to the provisions of this Ordinance whenever any subdivision of land takes place. Approval of any plat is contingent upon the plat being recorded with 60 days after the date the Certificate of Approval is signed by the Subdivision Administrator. Failure to record the approved plat within the specified 60-day period shall render the plat null and void.

5.2 Process for Review of Minor and Major Subdivisions

A. Minor Subdivisions

1. **Level 1 Minor Subdivision-** A Level 1 minor subdivision is a subdivision that (i) consists of 4 or less lots fronting on an existing, approved public road, (ii) does not require any new public or private road to be constructed or dedicated nor easements for access to interior property, (iii) does not require the extension of a public water or sewer line other than laterals to serve individual lots, (iv) does not necessitate the installation of drainage improvements that would require easements through property not being subdivided, and (v) does not require a variance from any requirement of this Ordinance. Level 1 minor subdivisions are reviewed and approved by the Subdivision Administrator in accordance with the procedures delineated in Section 5.3. Either the Subdivision Administrator or the applicant may at any time during the minor plat review process refer the minor plat to the Subdivision Review Board for review under the major subdivision approval process.

2. **Level 2 Minor Subdivision-** A subdivision that consists of 4 or less lots fronting on a newly created private road. The private road shall meet the right-of-way requirement, design and construction standards of NCDOT, with the exception of pavement, from the subdivision to a State-maintained road. Level 2 minor subdivisions must be reviewed by the Subdivision Review Board before they can be approved. This review is done in accordance with the procedures delineated in Section 5.4

B. Major Subdivisions

A major subdivision is any subdivision other than a minor subdivision. Generally, the process for major subdivision plat review and approval is a two-step process. Applicants proposing a major subdivision are encouraged to prepare and review an informal sketch plan with the planning department staff prior to submitting a preliminary plat to ensure a better understanding of the procedures and requirements for major subdivision plats.

The first step involves the review and approval of a preliminary plat. Preliminary plats of major subdivisions are reviewed and approved by the Subdivision Review Board. The review of all preliminary major subdivision plats includes technical review by the planning department staff and the Subdivision Review Board.

Step two involves the review and approval of a final plat. All final plats are reviewed and approved by the Subdivision Administrator pursuant to the provisions of Section 5.4 F. Final plats not approved by the Subdivision Administrator may be appealed to the Subdivision Review Board in accordance with the provisions of Section 5.4 F.

5.3 Minor Subdivision Review and Approval Procedures

A. Level 1 Minor Subdivisions- The applicant for Level 1 minor subdivision plat approval is encouraged to confer with the Subdivision Administrator prior to submitting a Level 1 minor subdivision plat for a determination of whether the approval process authorized by this Section can be and should be utilized. The Subdivision Administrator may require the applicant to submit maps, deeds, or other information in sufficient detail to enable the Subdivision Administrator to confirm that the Level 1 minor subdivision process can be utilized.

1. The applicant for Level 1 minor subdivision plat approval shall submit to the Subdivision Administrator a plat drawn in waterproof ink on a sheet made of material and of a size that will be

acceptable to the Moore County Register of Deeds Office for recording purposes. When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision. The scale of the plat shall be at one-inch equals not more than two hundred feet. The applicant shall also submit three prints of the plat. If the Level 1 minor subdivision plat is to be reviewed by the Subdivision Review Board as provided for in Section 5.3 C., ten additional prints of the plat shall be required.

2. The Level 1minor subdivision plat shall contain the following information:

   a. The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the Moore County Registry;

   b. The name, address, and telephone number of the subdivision owner or owners;

   c. The township, county and state where the subdivision is located;

   d. The name of the surveyor and surveyor's registration number and the date of survey;

   e. The scale according to which the plat is drawn in feet per inch or scale ratio in words or figures and bar graph;

   f. All of the additional information required by NCGS § 47-30, NCGS § 39-32.3, and Appendix A; and

   g. All of the applicable certificates and statements required in Appendix D.

3. The Subdivision Administrator shall take expeditious action on an application for Level 1 minor subdivision plat approval. A decision shall be rendered by the Subdivision Administrator within 14 working days after receipt of the complete application. If no decision is rendered by the Subdivision Administrator within the required 14-day period, the applicant may refer the minor plat to the Subdivision Review Board for review of the application under the major subdivision approval process. Either the Subdivision Administrator or the applicant may at any time refer the Level 1 minor plat to the Subdivision Review Board for review under the major subdivision approval process.

4. The Subdivision Administrator shall approve the proposed subdivision unless the subdivision is not a Level 1 minor subdivision as defined herein or the application or the proposed subdivision fails to comply with any other applicable requirement of this Ordinance.

5. If the subdivision is disapproved, the Subdivision Administrator shall promptly furnish the applicant with a written statement of the reasons for disapproval.

6. Approval of any plat is contingent upon the plat being recorded within sixty days after the date the Certificate of Approval is signed by the Subdivision Administrator or the Administrator's designee. Failure to record the approved plat within the specified 60-day period shall render the plat null and void.

B. **Level 2 Minor Subdivisions-** The applicant for Level 2 minor subdivision plat approval is encouraged to confer with the Subdivision Administrator prior to submitting a Level 2 minor subdivision plat for a determination of whether the approval process authorized by this Section can be and should be utilized. The Subdivision Administrator may require the applicant to submit maps, deeds, or other information in sufficient detail to enable the Subdivision Administrator to confirm that the Level 2 minor subdivision process can be utilized.

Level 2 minor subdivisions shall meet all other review and approval procedures as major subdivisions as delineated in Section 5.4.

5.4 Major Subdivision Review and Approval Procedures

A. Preapplication: Sketch Plan

It is recommended that the developer of a major subdivision meet with a member of the Moore County planning staff in a preapplication conference. The developer should prepare a sketch plan to show general plans for the subdivision. No specific size or scale is required for the sketch plan. The sketch plan should contain:

1. A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts and roads;

2. Boundaries of the tract and section to be subdivided;

3. Total acres to be subdivided;

4. Proposed general street and lot layout;

5. Zoning classification of tract and adjacent properties; and

6. Name, address and telephone number of owner.

The subdivider is also encouraged to discuss the proposed subdivision with representatives of the North Carolina Department of Transportation, Moore County Public Utilities, Moore County Environmental Health, and other applicable agencies that would be impacted by the proposed subdivision to determine the procedures and requirements to be met upon submission of a preliminary plat for a major subdivision.

The planning staff will review the sketch plan and recommend changes, if necessary, prior to the development of a preliminary plat.

B. Submission of the Preliminary Plat for a Major Subdivision

The applicant for preliminary subdivision plat approval shall submit to the Subdivision Administrator, at least 21 calendar days prior to the regularly scheduled Subdivision Review Board meeting at which the plat will be considered, one reproducible copy and 12 prints of the proposed subdivision. When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision. The scale of the plat shall be at one-inch equals not more than one hundred feet. The applicant shall also submit any required application forms and any required fee.

The preliminary plat shall contain the following information:

1. The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the Moore County Registry;

2. The name, address, and telephone number of the subdivision owner or owners;

3. The township, county and state where the subdivision is located;

4. The name, address, and telephone number of the surveyor, surveyor's registration number, and the date of survey;

5. The scale according to which the plat is drawn in feet per inch or scale ratio in words or figures and bar graph; and

6. All of the additional information required by NCGS § 47-30, NCGS § 39-32.3, and Appendix A.

If the Subdivision Administrator determines that the submitted plat is incomplete, the Subdivision Administrator shall notify the applicant of the deficiencies. Plats shall not be forwarded to the Subdivision Review Board for review and approval until all deficiencies have been corrected.

C. Preliminary Major Subdivision Plat Review and Approval Procedures

Upon receipt of the requisite copies of the proposed preliminary plat, the Subdivision Administrator shall schedule a Subdivision Review Board meeting for a review of the preliminary plat.

The Moore County Subdivision Review Board, hereafter referred to as the SRB, is established as the designated planning agency, pursuant to G.S. 153A-321 and G.S. 153A-332, to review all major preliminary subdivision plats within the planning jurisdiction of Moore County. The SRB shall review extensions for preliminary plat approval and review and approve, approve with modifications, or disapprove applications for approval of preliminary major plats in accordance with Moore County's Subdivision Ordinance. The SRB may present proposed Subdivision Ordinance text amendments to the Moore County Subdivision Review Board who shall be one of the Boards responsible for determining whether changes need to be made to further the purposes of the Subdivision Ordinance.

The SRB shall consist of nine members, which shall include representatives of the following departments or agencies: Planning and Zoning (2), Environmental Health (1), NCDOT (1), Public Utilities (1), Emergency Services (1), and Moore County Schools (1). In addition to these representatives, two citizen members shall be appointed by the Board of Commissioners, one of which shall be a North Carolina licensed surveyor. There shall also be an alternate surveyor, who shall serve in the event of a conflict of interest for the regular surveyor member only.

At a minimum, the following agencies shall be given an opportunity to make recommendations concerning a subdivision plat before the plat is approved:

1. The NCDOT district highway engineer as to proposed State roads, State highways, and related drainage systems and

2. The county health director or local public utility, as appropriate, as to proposed water and/or sewer systems.

The Subdivision Administrator shall be responsible for scheduling SRB meetings and coordinating the review of subdivisions plats.

The SRB shall review the preliminary plat and the findings and recommendations of the Administrator, and any other reports or recommendations pertaining to the plat and shall approve, approve with conditions, or disapprove the preliminary plat. The SRB shall review and take action on each preliminary plat within sixty days after first consideration by the SRB.

1. If approval is granted, written confirmation shall be made on two copies of the preliminary plat. One copy of the approved preliminary plat shall be returned to the applicant. Approval of the preliminary plat is authorization for the applicant to proceed with the construction of the necessary improvements.

2. If the SRB conditionally approves the preliminary plat, the conditions and reasons thereof shall be stated in writing.

3. If the SRB disapproves the preliminary plat, the reasons for disapproval shall be stated in writing and reference shall be made to the specific section(s) of this Ordinance with which the plat does not comply. The applicant may make the recommended revisions and submit a revised preliminary.

D. Subdivision in Stages for Major Subdivisions

When a subdivision is to be developed in stages, the preliminary plat shall be submitted for the entire development. The boundary of each stage shall be shown on the preliminary plat. A final plat may be submitted for each stage.

E. Expiration of Preliminary Plat Approval for Major Subdivisions

Preliminary plat approval shall be valid for a period of 12 months from the date of approval of the plat by the Subdivision Review Board unless an extension of time is applied for and granted by the Subdivision Review Board or unless a longer time period is established under applicable vested rights provisions. Preliminary plats whose approval has elapsed shall be resubmitted in accordance with the provisions of this Section. Resubmitted plats shall conform to the current requirements of these subdivision regulations.

F. Final Major Subdivision Plat Review and Approval Procedures

The final plat shall conform substantially to the approved preliminary plat. If the submitted final plat deviates in its overall design from the approved preliminary plat, the plat shall be reviewed by the Subdivision Review Board following the same review and approval procedures set forth in Section 5.4 C. for preliminary plats.

The applicant for final plat approval shall submit to the Subdivision Administrator a final plat made of material and of a size that will be acceptable to the Moore County Register of Deeds Office for recording purposes. When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision. The scale of the plat shall be at one-inch equals not more than two hundred feet. The applicant shall also submit seven prints of the plat as well as any required application forms and any required fee.

The final plat shall contain the following information:

1. The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the Moore County Registry;

2. The name, address, and telephone number of the subdivision owner or owners;

3. The township, county and state where the subdivision is located;

4. The name, address, and telephone number of the surveyor, surveyor's registration number, and the date of survey;

5. The scale according to which the plat is drawn in feet per inch or scale ratio in words or figures and bar graph;

6. All of the additional information required by NCGS § 47-30, NCGS § 39-32.3, and Appendix A; and

7. All of the applicable certificates and statements required in Appendix D.

The Subdivision Administrator shall approve the final plat unless the Subdivision Administrator finds that the plat fails to comply with one or more of the requirements of this Ordinance or that the final plat differs

substantially from the plans and specifications approved for the preliminary plat. If the final plat is disapproved by the Subdivision Administrator, the applicant shall be furnished with a written statement of the reasons for the disapproval and reference shall be made to the specific section(s) of this Ordinance with which the plat does not comply.

When the final plat is approved by the Subdivision Administrator, a signed written certification to this effect shall be entered on the face of the plat (see Appendix D for certificate wording).

The Subdivision Administrator shall take expeditious action on a final plat. If the Subdivision Administrator fails to act within 15 business days after the final plat is submitted, the applicant may request that the final plat be reviewed by the Subdivision Review Board for final plat approval according to the same review and approval procedures set forth in Section 5.4 C. for preliminary plats. The Subdivision Administrator may at any time, however, refer an application for final plat approval to the entity that approved the preliminary plat. In such case, the plat shall be reviewed and a decision made regarding its approval or disapproval according to the same review and approval procedures set forth in Section 5.4 C. for preliminary plats.

If a final plat is disapproved by the Subdivision Administrator, the applicant may appeal the decision by requesting that the final plat be scheduled for review by the Subdivision Review Board according to the same review and approval procedures set forth in Section 5.4 C. for preliminary plats.

No final plat shall be approved until all required improvements have been installed and approved or appropriate surety has been provided as set forth in Section 5.5.

Approval of a final plat is contingent upon the plat being recorded in the Office of the Register of Deeds within sixty days after the approval date of the final plat. Failure to record the approved plat within the specified 60-day period shall render the plat null and void.

The approval and recordation of a final plat does constitute an offer to dedicate but does not constitute dedication to and acceptance for maintenance responsibility by the County or the public of any public road, alley, or utility or drainage easement shown on such plat. Improvements within such rights-of-way or easements, such as utility lines, road paving, drainage facilities, or sidewalks may, however, be accepted for maintenance by the North Carolina Department of Transportation or by the private utility provider upon compliance with applicable NCDOT and private utility provider guidelines and standards.

Land designed as public open space on a final plat shall be considered to be offered for dedication until such offer is officially accepted by the County. The offer may be accepted by the County through:

1. Express action by the Board of County Commissioners of Moore County;

2. Express action by an administrative officer designated by the Board of County Commissioners of Moore County; or

3. Conveyance of fee simple marketable title (unencumbered financially and environmentally) of the property to the County at the time of final plat recordation.

Until such dedication has been accepted, land so offered may be used for open space purposes by the owner or by the owners' association. Land so offered for dedication shall not be used for any purpose inconsistent with the proposed public use.

The developer shall be responsible for the maintenance of all facilities and improvements until an offer of dedication is accepted.

G. <u>Inspection of Required Improvements for a Major Subdivision</u>

Before approval of the final plat or before the release of improvements guarantees, the subdivider shall acquire the services of a licensed professional to supervise the construction, inspect upon completion, and certify in writing to the Subdivision Administrator that the improvements have, in fact, been installed in accordance with the requirements of this Ordinance, with the preliminary plat, or explanations and drawings of any necessary changes, and with the Division of Highway's Minimum Construction Standards.

5.5 Improvement Guarantees for a Major Subdivision

A. Agreement and Security Required

In lieu of requiring the completion, installation and dedication of all improvements prior to final plat approval, the County of Moore may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Subdivision Administrator, if all other requirements of this Ordinance are met. To secure this agreement, the subdivider shall provide, subject to the approval of the Board of County Commissioners, either one, or a combination of the following guarantees equal to 1.25 times the entire cost as estimated by contractors under contract, by bids from licensed contractors, or by the subdivider's Licensed Professional.

1. Surety Performance Bond (s)

The subdivider shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina. The bonds shall be payable to the County of Moore and shall be in an amount equal to 1.25 times the entire cost of installing all required improvements. The duration of the bond(s) shall be until such time as the improvements are accepted by the Board of County Commissioners.

2. Cash or Equivalent Security

The subdivider shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with Moore County or in escrow with a financial institution designated as an official depository of Moore County. The use of any instrument other than cash shall be subject to the approval of the Board of County Commissioners. The amount of deposit shall be equal to 1.25 times the cost of installing all required improvements. The Board of County Commissioners shall approve the bond amount.

If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with the Board of County Commissioners an agreement between the financial institution and himself/herself guaranteeing the following:

(a) That said escrow account shall be held in trust until released by the Board of County Commissioners and may not be used or pledged by the subdivider in any other manner during the term of the escrow; and

(b) That in the case of a failure on the part of the subdivider to complete said improvements, the financial institution shall, upon notification by the Board of County Commissioners and submission by the Board to the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately either pay to Moore County the funds estimated to complete the improvement, up to the full balance of the escrow account, or deliver to the County any other instruments fully endorsed or otherwise made payable in full to the County.

B. Default

Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety or the financial

institute holding the escrow account shall, if requested by the County, pay all or any portion of the bond or escrow fund to the County of Moore up to the amount needed to complete the improvements based on an estimate. Upon payment, the Board of County Commissioners in its discretion may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements.

C. Release of Guarantee Security

The Board of Commissioners may release a portion or all of any performance security posted as the improvements are completed and recommended for approval by the Subdivision Administrator, after he/she has received the required statement from a Licensed Professional.

5.6 Special Subdivisions

In special subdivisions such as planned developments, flexible developments, or cluster developments, where zero lot lines are used or where the final internal lot lines may not be known before determining the needs of the buyer, such as in industrial parks, the preliminary and final plats may show, but need not show, tentative internal lot lines and related data. Tentative lot lines shown on the plats shall be depicted as dotted lines only. In the case of zero lot lines the actual buildings shall be shown in their proposed location. When construction is completed in the case of zero lot lines or when final lot lines are determined by purchase, such lines shall be surveyed and an addendum to the final plat showing the required data shall be submitted for approval by the Subdivision Administrator who, upon approval, will mark the addendum with the "Certificate of Approval for Recording". The number of reproducible copies and prints and their distribution shall be the same as with the final plat. The subdivider shall then record the addendum in the Office of the Moore County Register of Deeds within sixty (60) days.

In multi-family residential developments consisting of more than one (1) principal building on a single lot or tract, the actual buildings shall be shown in their proposed locations on both the preliminary and final plats.

5.7 Flexible Development

A. Purpose

The purpose of Flexible Development is to preserve agricultural and forestry lands, natural and cultural features, and rural community character that might be lost through conconventional development approaches. To accomplish this goal, greater flexibility and creativity in the design of such developments is encouraged and allowed. Specific objectives are as follows:

- To preserve areas of the county with productive soils for continued agricultural and forestry use by preserving blocks of land large enough to allow for efficient operations.
- To encourage the preservation and improvement of habitat for various forms of wildlife and to create new woodlands through natural succession and reforestation where appropriate.
- To minimize site disturbance and erosion through retention of existing vegetation and avoiding development on steep slopes.
- To preserve open land, including those areas containing unique and sensitive features such as natural areas and wildlife habitats, steep slopes, streams, wetlands, and floodplains.
- To preserve scenic views and elements of the county's rural character, and to minimize perceived density by minimizing views of new development from existing roads.
- To preserve and maintain historic and archaeological sites and structures that serve as significant visible reminders of the county's social and architectural history.
- To provide for the active and passive recreational needs of county residents.

- To provide greater efficiency in the siting of services and infrastructure by reducing road length, utility runs, and the amount of paving for development.

- To create compact neighborhoods accessible to open space amenities with a strong identity.

B. Applicability

Flexible Development is permitted in all residential zoning districts upon approval of a major subdivision preliminary plat by the Subdivision Review Board. All Flexible Development subdivision plats shall comply with the requirements and standards specified herein and in all respects with other applicable codes and ordinances to the extent that they are not in conflict with these provisions.

C. Open Space Standards

1. Minimum Required Open Space

Where a developer elects to seek approval of a Flexible Development as specified herein, at least thirty-three percent (33%) of the total land area in the Flexible Development must be set aside as protected open space. Such open space shall meet these standards unless the developer chooses to seek approval of a conventional subdivision as specified herein.

2. Types of Open Space

The types of open space conserved through Flexible Development shall be consistent with the following standards:

(a) Open space shall be comprised of two types of land: "*Primary Conservation Areas*" and "*Secondary Conservation Areas*".

(b) *Primary Conservation Areas* consist of the following site features:

- *Wetlands*, including, but not limited to, streams, creeks, ponds, reservoirs, stormwater management facilities for watershed protection purposes, and adjoining land areas, as currently defined by the U.S. Army Corps of Engineers Field Manual.

- *Floodplains* (100-year), as determined by the Federal Emergency Management Agency (FEMA) or modeled by a Professional Engineer (PE).

- *Steep slopes*, defined as those greater than 25 percent, identified as part of:

  A site analysis conducted by a registered engineer, land surveyor, landscape architect, architect or land planner and calculated using topographic maps from an actual survey or from the U.S. Geological Survey.

- *Natural areas, and wildlife habitats and corridors* identified as part of:

  (1) A required Environmental Assessment or Environmental Impact Statement; and/or

  (2) An independent site study conducted by a trained botanist and/or biologist.

- *Historic and archaeological sites* listed on the National Register of Historic Places or included on the State's National Register study list, designated as a local historic

landmark, designated as a local historic district, and/or identified as having a high potential for archaeological remains as part of:

(1) A required Environmental Assessment or environmental Impact Statement; and/or

(2) An independent site study conducted by a trained architectural historian or archaeologist.

Where a historic or archaeological site is to be set aside as separate lot, and preserved and/or restored as part of a Flexible development, the entire area within the lot may be counted toward meeting the minimum open space requirement.

Because they represent sensitive environmental features and/or significant cultural resources considered unbuildable in a legal or practical sense, Primary Conservation Areas are to be the first type of open space designated on a Flexible Development Concept Plan to satisfy the minimum open space requirement.

(c) *Secondary Conservation Areas* consist of the following site features:

- *Woodlands*, including forest land for the planting and production of trees and timber, where management practices such as selective timber harvesting and wildlife enhancement are employed. Such woodlands may consist of hardwood, pine, and/or mixed pine-hardwood forests identified as part of:

  (1) A site analysis conducted by a registered engineer, land surveyor, landscape architect, architect or land planner using aerial photographs and/or satellite imagery;

  (2) A required Environmental Assessment or Environmental Impact Statement; and/or

  (3) An independent site study conducted by a trained botanist and/or forester.

- *Farmland*, especially prime agricultural land as identified by the U.S.D.A. Soil Conservation Service and which is in active use for the production of crops and/or raising of livestock. Farmland also includes space on individual lots used for gardens, ponds, horse paddocks and barns, and similar uses.

- *Slopes of 15% to 25%* which require special site planning due to their erosion potential, limitations for septic tank nitrification fields, and terrain or elevation changes. Such areas may be suitable for building but higher site preparation and construction costs are to be expected.

- *Other historic and/or archaeological sites* identified from the same sources as for Primary Conservation Area sites.

- *Public and/or private recreation areas and facilities*, including:

  (1) "Active recreation areas" such as public recreation areas, including district and community parks; and private recreation facilities, including golf courses, playing fields, playgrounds, swimming pools, and courts for tennis, basketball, volleyball, and similar sports. Because they represent uses in which natural lands are cleared, graded, and managed for intensive activities, only half (50%)

of the land in this category may be credited toward meeting the minimum open space requirement.

(2) "Passive recreation areas" such as pedestrian, bicycle, and equestrian trails, picnic areas, community commons or greens, and similar kinds of areas, whether public or private. Land in this category receives full credit toward meeting the minimum open space requirement.

- *Scenic views*, especially of natural and cultural features from designated scenic road corridors, including "views from the road" as well as views outward from potential home sites. Landscape buffers which screen the view of development and preserve the character of rural public roads are also included in this category.

Secondary Conservation Areas may be comprised of any of the remaining open space uses identified above, and, unless specified otherwise, receive full credit toward meeting the minimum open space requirement in Flexible Developments.

3. <u>Ownership of Open Space</u>

Open space within a Flexible Development may be owned and/or administered by any of the following methods, either individually or in combination. All open space shall be permanently restricted from further subdivision.

- Fee simple dedication to Moore County, another unit of local government, the State of North Carolina or a private non-profit land conservancy.

- Dedication of conservation easements to Moore County, another unit of local government, the State of North Carolina or a private non-profit land conservancy. Such easements may apply to a single property owned by a homeowners association and/or to all or portions of individual lots owned by one or more property owners.

- Ownership by a homeowners association where specific development restrictions and maintenance requirements are included as part of its bylaws and restrictive covenants.

- By individual property owners, especially estate lot owners, where specific development restrictions and maintenance requirements are included as part of restrictive covenants and/or permanent conservation easements applicable to such lots.

Where conservation easements have been dedicated prior to application for approval of a Flexible Development proposal, the land subject to the easement may be counted toward satisfying the thirty-three percent (33%) open space requirement provided it is a portion of and in the same ownership as the land to be subdivided.

4. <u>Maintenance of Open Space</u>

Natural features shall be maintained in their natural condition, but may be modified to improve their appearance, functioning, or overall condition, as recommended by experts in the particular area being modified. Permitted modifications may include:

- Reforestation;

- Woodland management;

- Pasture or cropland management;
- Buffer area landscaping;
- Stream bank protection; and/or
- Wetlands management.

Unless accepted for dedication or otherwise agreed to by Moore County, another unit of local government, the State of North Carolina or a private non-profit land conservancy, the cost and responsibility of maintaining open space and any facilities located thereon shall be borne by the property owner and/or homeowners association.

D. Development Standards

Flexible Development subdivision plats shall be prepared in accordance with one or more of the following development options.

1. Estate Lot Option

For lots created as part of an estate lot development, the following standards apply:

- Each estate lot shall have a lot size of at least five (5) acres.
- For each estate lot, a building envelope (buildable area) shall be defined of sufficient size to accommodate a single-family detached dwelling and customary accessory uses, including, but not limited to, storage buildings and garages, patios and decks, lawns, and driveways.
- The building envelope of an estate lot may not exceed fifty percent (50%) of the total lot area and shall not include designated Primary and/or Secondary Conservation Areas.
- Only the area outside of the building envelope of an estate lot may be counted toward meeting the minimum open space requirement.
- A septic system and/or well site may be located outside of a building envelope provided it does not occupy more than half of the conservation area nor any part of a Primary Conservation Area.
- Each building envelope on an estate lot shall adhere to the following standards:

Minimum spacing between building envelopes on adjacent lots	80 feet
Minimum spacing between building envelope and subdivision boundary or off-site public street right-of-way	75 feet
Minimum spacing between building envelope and on-site public or private street right-of-way	40 feet
Minimum spacing between building envelope and any other lot line	20 feet
Minimum spacing between building envelope and wetlands or water bodies (lakes, ponds, streams, etc.) Setback shall be measured from the shoreline at the time of development.	100 feet

- Provided the arrangement, design, and shape of estate lots is such that lots provide satisfactory and desirable sites for building; contribute to the preservation of

designated Primary and/or Secondary Conservation Areas; provide convenient access for emergency service vehicles; and satisfy all building envelope spacing standards, estate lots may be platted in accordance with the following standards:

(1) The minimum required lot width may be reduced to 100 feet.

(2) The minimum required lot frontage may be reduced to not less than 20 feet for flag lots, and lots fronting on cul-de-sacs and "T" turnarounds.

- Estate lots shall be restricted against further subdivision through deed restrictions and/or permanent conservation easements. Primary and Secondary Conservation Areas located outside building envelopes shall be restricted against further development through conservation easements and/or deed restrictions.

2. <u>Cluster Option</u>

A cluster subdivision is one in which building lots are grouped together through a transfer of allowable density within the subdivided tract. Smaller lots than those required in conventional subdivisions are permitted, provided such lots and subdivisions are developed in accordance with the following standards:

- Land saved through lot size reductions shall consist of designated Primary and/or Secondary Conservation Areas.

- The total amount of land set aside as Primary and Secondary Conservation Areas shall equal the sum of all reductions in minimum lot area and shall comprise at least thirty-three percent (33%) of the total land area in the subdivision.

- Both Primary and secondary Conservation Areas shall be placed in undivided preserves which adjoin housing areas that have been designed more compactly to create larger conservation units than may be enjoyed by all residents of the subdivision. Such undivided open space shall be accessible to the largest number of lots within the development. To achieve this, the majority of houselots should abut undivided open space to provide residents with direct views and access. Safe and convenient pedestrian access to the open space from all adjoining houselots shall be provided, except in the case of farmland or other resource areas vulnerable to human disturbance.

- Where undivided open space is designated as separate noncontiguous parcels, no parcel shall consist of less than three (3) acres in area, nor have a length-to-width ratio in excess of 4:1, except such areas that are specifically designed for neighborhood commons or greens; playfields; buffers adjacent to wetlands, watercourses, and rural roads; wildlife corridors; or trail links.

- Each lot must contain a buildable area of sufficient size to accommodate a single-family detached dwelling and customary accessory uses, including, but not limited to, storage buildings and garages, patios and decks, lawns, and driveways. A septic system and/or well site may be located in an open space area provided it does not occupy more than half of the conservation area nor any part of a Primary Conservation Area.

- Provided the arrangement, design, and shape of cluster lots is such that lots provide satisfactory and desirable sites for building, and contribute to the preservation of designated Primary and/or Secondary Conservation Areas, minimum lot area, lot width, and setback requirements as specified in this Ordinance and the Moore

County Zoning Ordinance may be reduced as set forth below. In no case, however, shall a lot served by a ground absorption sewage collection system be smaller than required by the N.C. Department of Environment, Health, and Natural Resources (see N.C. Administrative Code, Chapter 15A, Rules Governing Public Water Systems administered by the Public Water Supply Section of the Division of Environmental Health).

(1) Minimum lot area requirements may be reduced by sixty-five (65%) but shall be no smaller than 8000 square feet.

(2) Minimum lot width requirements may be reduced by twenty (20%) but shall be no less than fifty (50) feet.

(3) Minimum front, rear, and side setback requirements may be reduced by twenty-five percent (25%) but shall be no less than ten (10) feet.

(4) Minimum lot frontage requirements may be reduced to twenty (20) feet.

- Cluster lots shall be restricted against further subdivision through deed restrictions and/or permanent conservation easements. Primary and Secondary Conservation Areas shall be dedicated to Moore County, another unit of local government, the State of North Carolina, a private non-profit land conservancy or a homeowners association.

3. <u>Village Option</u>

Villages represent a modified form of cluster development intended to serve as physical, social, and economic focal points in rural portions of the county. Consequently, villages are appropriate locations for civic uses, such as schools and churches, as well as a variety of economic functions, including stores and workshops, and residential building types designed to accommodate a range of socio-economic groups.

The location, size, and composition of each village will be a function of the development potential of the land associated with the settlement, including, but not limited to:

- The zoning of the site, including the maximum allowable number of dwelling units;
- The method of water supply and sewage disposal, including the number of approved disposal sites;
- The presence of Primary and Secondary Conservation Areas, including contiguous areas located on adjoining properties;
- The presence of existing and/or proposed transit routes and corridors, and areas of future urban growth; e.g., Transition Areas; and
- The presence of protected watersheds, including defined critical areas.

To this end, villages must meet the following general standards:

- The village proper is the village, comprised of residential units with associated commercial, office, and service functions.

  (1) The village proper may not exceed 100 acres in size and shall be built in a compact manner so as to permit pedestrian accessibility to its center within a five minute walk.

(2) The village proper is to be distinguished from the village conservancy by a well-defined "edge" of closely spaced buildings in contrast with the open space of the conservancy.

(3) A village proper may not be located closer than one-half mile from the edge of another village proper, and every effort shall be made to keep the separate settlements visually distinct.

(4) The village proper is to be built in a generally rectilinear pattern of interconnecting streets, defined by buildings, street furniture, and landscaping, as places to be shared equally by pedestrians and automobiles.

(5) A hierarchy of parks and squares is to be provided and distributed strategically throughout the village and culminate in a central civic space called the Village Green.

(6) Village lots shall be restricted from further subdivision through deed restrictions and/or permanent conservation easements.

(7) Village lots served by a ground absorption sewage collection system shall be no smaller than required by the N.C. Department of Environment, Health, and Natural Resources (see N.C. Administrative Code, Chapter 15A, Rules Governing Public Water Systems administered by the Public Water Supply Section of the Division of Environmental Health).

(8) The village proper may be composed of four uses: Storefront Uses, Townhouse Uses, single-family detached Residential Uses, and Workshop Uses. These uses and the standards applicable to each are described on the following pages.

- The village conservancy is a continuous open space area surrounding the village proper, representing the land from which dwellings have been transferred to the village proper. In lieu of a continuous open space area, a village conservancy may consist of open space and estate lots, provided all estate lots meet the standards of Section D.1.

  (1) Open space within the village conservancy shall consist of designated Primary and/or Secondary Conservation Areas.

  (2) The amount of land set aside as open space in the village conservancy shall comprise at least thirty-three percent (33%) of the total land area in the subdivision and shall be no less than 100 feet in width at any place, except for short connecting links.

  (3) Primary and Secondary Conservation Areas within the village conservancy shall be restricted from further development through dedication to Moore County, another unit of local government, the State of North Carolina, a private non-profit land conservancy or a homeowners association, including the recording of conservation easements.

The specific standards applicable to the village proper and its component parts are described on the following pages.

Village Development Standards

GENERAL PROVISIONS	
Land Use	• Land within a village shall be available for uses as provided herein. Mixed uses of buildings is encouraged in central areas of the Village Proper, and single-story, single-use buildings is discouraged.
Land Allocation	• Similar land use categories shall generally front across streets, and dissimilar categories may abut at rear property lines. • Corner lots which front on streets of dissimilar use categories shall be designated the category with the greater intensity of use.
Lots & Buildings	• Lot design and building placement within each area of the village proper should be varied to create a distinct character, and permit a range of activities and intensities of use. • All buildings, except outbuildings, shall have their main entrance opening to a street or square. • Stoops, open colonnades, and open porches may encroach into the front yard setbacks. • Buildings placed less than five (5) feet from a side property line shall be windowless on those sides (does not apply to front and back); provided, however, small ventilation windows and clerestory windows are permitted.

Streets & Alleys	• All lots and tracts within the village proper shall have access to pedestrian and vehicular routes. • Every village proper shall have two access points to paved roadways designated as collector and/or arterial streets. • There shall be a continuous network of alleys to the rear of the lots in the village proper. Alleys shall be 16 feet in paved width if two-way; 12 feet in paved width if one-way. • Every village proper shall provide a pedestrian network which includes parks, squares, sidewalks along streets, alleyways through blocks. The network shall link all parts of the village proper, making walking easier than driving. Wherever practicable, streets shall be aligned in such a way that they provide terminal vistas of parks, greens, commons, squares, and large buildings of a public, semi-public, or civic nature. • No block face shall have a length greater than 500 feet without an alley providing through access. • Streetlamps, between eight (8) and fifteen (15) in height, and equipped with incandescent or metal halide lights, shall be installed on both sides of streets at all street intersections and at mid-block where block lengths exceed 400 feet. • The subdivider shall plant or leave at least one (1) understory street tree and one (1) shade street tree of an approved species (developer shall use approved species list in Moore County Zoning Regulations). Understory tree(s) shall be planted or saved at a rate of one (1) tree for each forty (40) feet of frontage on all streets, and shade trees shall be planted or saved at a rate of one (1) tree for each forty (40) feet of frontage on all streets, and shade trees shall be planted or saved at a rate of one (1) tree for each seventy-five (75) feet of frontage on all streets.
Parking	• On-street parking directly fronting a lot shall count toward fulfilling the parking requirement. • The number of required off-street parking spaces may be reduced by demonstrating the availability of shared parking. • Parking lots shall be located at the rear or at the side of buildings. Such lots shall be screened from the sidewalk by a masonry wall or wood fence, no less than 75% opaque, built along the property line at least three (3) feet in height. • Adjacent parking lots shall have internal vehicular connections.

Village Development Standards

PUBLIC & CIVIC USE PROVISIONS	
Land Use	Land designated as part of Public and Civic Uses may include the following: • Parks and squares; and • Community buildings and facilities, including meeting halls, libraries, post offices, schools, day care centers, churches, civic clubs, police and/or fire substations, recycling centers, maintenance facilities, and similar uses. Large scale recreational uses shall be located outside the village proper within the village conservancy.
Land Allocation	At least ten percent (10%) of the land area in the village proper shall be set aside for Public and Civic Areas. • Each village proper shall contain a central civic space or "village green" of at least one (1) acre in size. The village green shall be surrounded on at least three (3) sides by Storefront and/or Townhouse Areas which may include closely spaced, detached row houses, and storefront buildings or "shops'. • Each village proper shall contain a "meeting hall" located adjacent to the village green, designed and sized to accommodate a village meeting, constructed in the early stages of village development, and owned and operated by the residents of the village; e.g., the homeowners association. • The requirement of providing a "meeting hall" may be satisfied through assurances that a community center, school or church may be used for and is of sufficient size to accommodate a village meeting. • At least five percent (5%) of the land area in the village proper shall be arranged in a series of parks and squares designed to serve as focal points for residential neighborhoods, and linked together by a system of pedestrian sidewalks and avenues. Wherever possible, they shall be positioned to form "terminal vistas" at the ends of streets or along bends in the street alignment. • At least two percent (2%) of the land area in the village proper shall be designated for other permitted public and civic uses such as schools, day care centers, churches, and similar uses. Land included in the village green, parks, and squares, may be counted toward satisfying the thirty-three (33%) open space requirement.
Lots & Buildings	Buildings located in Public and Civic Areas shall be subject to the same setback and height standards of uses on adjacent lots. For example, a meeting hall located adjacent to a Townhouse Area shall meet the same setback and building height standards as required for buildings in a Townhouse Area.

Streets & Alleys	• Streets fronting on Public and Civic Area lots shall conform to the same standards as land uses across from or adjoining the lots. For example, the streets fronting a meeting hall located adjacent to a Townhouse Area shall meet the standards as required in a Townhouse Area. • The subdivider shall plant or leave at least one (1) understory street tree and one (1) shade street tree of an approved species (developer shall use approved species list in Moore County Zoning Regulations). Understory tree(s) shall be planted or saved at a rate of one (1) tree for each forty (40) feet of frontage on all streets, and shade trees shall be planted or saved at a rate of one (1) tree for each seventy-five (75) feet of frontage on all streets.
Parking	• The number of parking and loading spaces shall be provided in accordance with the Zoning Ordinance regulations pertaining to parking and loading spaces, if applicable. • No fewer than 75 percent of the parking spaces shall be located to the rear of the building being served. The remaining spaces shall be accommodated in curbside parallel spaces and/or in side parking lots screened from the street.

Village Development Standards

STOREFRONT USE PROVISIONS	
Land Use	Land designated for Storefront Uses may be used for the following purposes: • Personal service shops, including, but not limited to, barber and beauty shops, tailors, shoe repair, dry cleaners, and similar uses. • Specialized retail stores, including, but not limited to, the sale of gifts, novelties, flowers, books, antiques, jewelry, apparel, toys and crafts, stationery, and similar uses. Corner groceries, general stores, hardware stores, and drug stores are also permitted. • Restaurants, excluding fast food and/or drive-in establishments. • Business and professional offices, including, but not limited to, real estate and insurance offices, travel agencies, medical and dental offices, opticians, banks and financial institutions (excluding drive-in windows), lawyers, engineers, and similar uses. • Studios for art, dance, music, and photography. • Accessory residential apartments built over stores and offices. Where provided, at least 25 percent of the floor area shall be designated for residential use.

Land Allocation	• Not more than five percent (5%) of the land area in the Village Proper shall be designated for Storefront Area use. • Storefront Area lots shall have a lot frontage of 16 feet. • A maximum of five (5) lots may be combined for the purpose of constructing a single building. • Setback requirements on combined lots shall be the same as for single lots.
Lots & Buildings	• Building lots shall have their front façade; e.g., building wall facing the street, built to within five (5) feet of the front property line along at least 70 percent of the lot frontage. • The unbuilt portion of the lot frontage shall have a masonry wall or wood fence, no less than 75% opaque, built within five (5) feet of the property line, and at least three (3) feet in height. • Buildings shall have no setback from at least one (1) side property line except on corner lots where the side yard setback adjacent to the shall be five (5) feet. • Building coverage may not exceed 70 percent of the lot area. • Buildings may not exceed three (3) stories in height.
Streets & Alleys	• Lots shall front on a street with a maximum right-of-way width of 70 feet, consisting of at least two 12-foot travel lanes, 8-foot parallel parking on both sides, and 12-foot sidewalks on both sides. • Lots shall have their rear lot lines coinciding with the right-of-way of a 24-foot alley, containing a vehicular pavement width of at least 12 feet if one-way or 16 feet if two-way. • The subdivider shall plant or leave at least one (1) understory street tree and one (1) shade street tree of an approved species (developer shall use approved species list in Moore County Zoning Regulations). Understory tree(s) shall be planted or saved at a rate of one (1) tree for each forty (40) feet of frontage on all streets, and shade trees shall be planted or saved at a rate of one (1) tree for each seventy-five (75) feet of frontage on all streets. • Provision shall be made for service delivery, utility poles (if any), and trash collection at the rear lot line.
Parking	• The number of parking and loading spaces shall be provided in accordance with the Zoning Ordinance regulations pertaining to parking and loading spaces, if applicable. • No fewer than 75 percent of the parking spaces shall be located to the rear of the building being served. The remaining spaces shall be accommodated in curbside parallel spaces and/or in side parking lots screened from the street.

Village Development Standards

TOWNHOUSE USE PROVISIONS	
Land Use	Land designated for Townhouse Uses may be used for the following purposes: • Attached dwellings including townhouses and apartments. • Day care centers. • Bed and breakfast establishments. • Retirement centers. • Home occupations of a professional and/or office nature when located on the second floor of a permitted outbuilding. • An accessory residential apartment when located on the second floor of a permitted outbuilding.
Land Allocation	• Not more than five percent (5%) of the land area in the Village Proper shall be designated for Townhouse Area use. • Townhouse Area lots shall have a lot frontage of 50 feet. • A maximum of 12 lots may be combined for the purpose of constructing a single building containing apartments. • Setback requirements on combined lots shall be the same as for single lots.
Lots & Buildings	• When attached, townhouses shall generally not comprise more than 15 percent of the street frontage in a residential district. • Buildings shall be set back either five (5) feet or 15 feet from the front property line. • The lot frontage shall have a masonry wall, wood fence or hedge, no less than 50% opaque, built within five (5) feet of the property line, and at least three (3) in height. • Buildings shall have no required setback from side property lines except on corner lots where the side yard setback adjacent to the street shall be five (5) feet. • Building coverage may not exceed 70 percent of the lot area. • Buildings may not exceed three (3) stories in height. • One (1) outbuilding is permitted on each lot, provided its ground floor area does not exceed 450 square feet, it does not exceed two (2) stories in height, and it is located within 30 feet of the rear property line and at least four (4) feet from one side property line.

Streets & Alleys	• Lots shall front on a street with a maximum right-of-way width of 60 feet, consisting of at least two 12-foot travel lanes, 8-foot parallel parking on both sides, and 6-foot sidewalks on both sides. • Lots shall have their rear lot lines coinciding with the right-of-way of a 24-foot alley, containing a pavement width of at least 12 feet if one-way or 16 feet if two-way. • Provision shall be made for service delivery, utility poles (if any), and trash collection at the rear lot line. • The subdivider shall plant or leave at least one (1) understory street tree and one (1) shade street tree of an approved species (developer shall use approved species list in Moore County Zoning Regulations). Understory tree(s) shall be planted or saved at a rate of one (1) tree for each forty (40) feet of frontage on all streets, and shade trees shall be planted or saved at a rate of one (1) tree for each seventy-five (75) feet of frontage on all streets
Parking	• The number of parking shall be provided in accordance with the Zoning Ordinance regulations pertaining to parking, if applicable. • All off-street parking spaces shall be located to the rear of the building, with access through an alley only. On-street parking shall be provided in parallel spaces.

Village Development Standards

RESIDENTIAL USE PROVISIONS	
Land Use	Land designated for Residential Uses may be used for the following purposes: • Detached single-family dwellings. • Home occupations of a professional and/or office nature when located on the second floor of a permitted outbuilding. • An accessory residential apartment when located in a permitted outbuilding.

Land Allocation	• At least 40 percent of the land area in the Village Proper shall be designated for House Area use. • Densities within Residential Use areas should decrease as distance from the Village Center increases. • House Area lots shall have an average lot frontage of 75 feet. • A maximum of two (2) may be combined for the purpose of constructing a single building. • Setback requirements on combined lots shall be the same as for single lots.
Lots & Buildings	• Buildings shall be set back between 15 feet and 25 feet from the front property line. • On at least 30 percent of all Residential Use area lots, the lot frontage shall have a masonry wall, wood fence or hedge, no less than 50% opaque, built within five (5) feet of the property line, and at least three (3) feet in height. • Buildings shall be set back from the side property lines equivalent (in total) to no less than 20 percent of the lot width. The entire setback may be allocated to one side. • Buildings shall be set back no less than 30 feet from the rear property line. • Building coverage may not exceed 50 percent of the lot area. • Buildings may not exceed two (2) stories in height. • One (1) outbuilding is permitted on each lot, provided its ground floor area does not exceed 450 square feet, it does not exceed two (2) stories in height, and at least four (4) feet from one side property line. There is no setback requirement for outbuildings from the rear property line.

Streets & Alleys	• Lots shall front on a street with a maximum right-of-way width of 60 feet, consisting of at least two 12-foot travel lanes, 8-foot parallel parking on both sides, and 5-foot sidewalk on one side. • Lots shall have their rear lot lines coinciding with the right-of-way of a 24-foot alley, containing a vehicular pavement width of at least 12 feet if one-way or 16 feet if two-way. • Provision shall be made for service delivery, utility poles (if any), and trash collection at the rear lot line. • The subdivider shall plant or leave at least one (1) understory street tree and one (1) shade street tree of an approved species (developer shall use approved species list in Moore County Zoning Regulations). Understory tree(s) shall be planted or saved at a rate of one (1) tree for each forty (40) feet of frontage on all streets, and shade trees shall be planted or saved at a rate of one (1) tree for each seventy-five (75) feet of frontage on all streets
Parking	• The number of parking shall be provided in accordance with the Zoning Ordinance regulations pertaining to parking and loading spaces, if applicable. • All off-street parking spaces shall be located to the side or rear of the building. When access is through the lot frontage, garages and carports shall be located a minimum of 10 feet behind the front building wall line.

Village Development Standards

WORKSHOP USE PROVISIONS	
Land Use	Land designated for Workshop Uses may be used for the following purposes: • Farm service support establishments. • Building and landscaping contractors. • Establishments involved in the repair, assembly, and/or manufacture of products which require only hand or table mounted electrical tools. • Automotive service uses, including the servicing and repair of automobiles, and sale of automobile parts, but excluding body repair shop and automobile storage. • Warehousing and distribution establishments, provided all storage is conducted entirely within a building.
Land Allocation	• Not more than two percent (2%) of the land area in the Village Proper shall be designated for Workshop Area use. • Workshop Area lots shall be grouped together, located at the edge of the Village Proper, and be no closer than 500 feet to the Village Green. • Workshop Area lots shall have a maximum lot frontage of 150 feet. • A maximum of two (2) lots may be combined for the purpose of constructing a single building. • Setback requirements on combined lots shall be the same as for single lots.
Lots & Buildings	• Buildings shall not be required to provide setbacks from front or side property lines. • Workshop Area lots shall be separated from other types of use categories at the side or rear property lines (except an entry onto an alley) by a continuous masonry or wood wall of not less than 10 feet in height or by a landscaped buffer of 10 feet in width. • Building coverage may not exceed 70 percent of the lot area. • Buildings may not exceed two (2) stories in height.

Streets & Alleys	• Lots shall front on a street with a maximum right-of-way width of 60 feet, consisting of at least two 12-foot travel lanes, 8-foot parallel parking on one side, and 5-foot sidewalks on both sides. • Lots shall have their rear lot lines coinciding with the right-of-way of a 24-foot alley, containing a vehicular pavement width of at least 12 feet if one-way or 16 feet if two-way. • Provision shall be made for service delivery, utility poles (if any), and trash collection at the rear lot line. • The subdivider shall plant or leave at least one (1) understory street tree and one (1) shade street tree of an approved species (developer shall use approved species list in Moore County Zoning Regulations). Understory tree(s) shall be planted or saved at a rate of one (1) tree for each forty (40) feet of frontage on all streets, and shade trees shall be planted or saved at a rate of one (1) tree for each seventy-five (75) feet of frontage on all streets
Parking	• The number of parking and loading spaces shall be provided in accordance with the Zoning Ordinance regulations pertaining to parking and loading spaces, if applicable. • All off-street parking spaces shall be located to the side or rear of the building. • On-street parking spaces shall be curbside, and parallel to the curb.

4. <u>Street Standards</u>

- All streets in Flexible Developments shall conform to the standards contained in Section 6.3 of this Ordinance.

- Where a Flexible Development has more than 25 lots, the street system may consist of public streets and private roads provided:

  (1) The street system in the development forms a logical hiearchy of thoroughfares with streets of lower classification connecting to streets of higher classification;

  (2) The development contains no more than 50 lots;

  (3) All entrance roads serving the development are public streets;

  (4) All streets that stub-out at property lines to provide for the extension of or connection to future street systems are public streets;

  (5) Private roads are not proposed as part of a Village (Section 3) except in the Village Conservancy portion of the development.

- Private, dead-end roads may be terminated in a cul-de-sac or "T" turnaround. Where a "T" turnaround is used as the terminus for a private road, the dimensions (e.g., turning radius) of the "T" shall be sufficient to allow emergency service and trash collection vehicles adequate room to turn around.

- Existing street rights-of-way may not count toward the minimum thirty-three (33%) open space requirement. However, new street rights-of-way may be counted but only to the extent that they are required to pass through or by open space uses as defined herein to link one buildable portion of a site with another; and they are located and/or constructed so as to have no adverse impacts on Primary and Secondary Conservation Areas.

5. Water Supply and Sewage Disposal Facilities

Water supply and sewage disposal facilities to serve Flexible Developments may be provided through the use of:

- Individual wells and septic tanks provided either on each lot or in off-lot locations protected through recorded easements; or

- A community water and/or sewage disposal system designed, constructed, and maintained in conformity with all applicable state, federal, and local rules, regulations, and policies; or

- Connection to a water and/or sewage disposal system operated by a municipality, association, or water or sewer authority. System extensions are permitted only in accordance with applicable water and sewer, and land use policies and shall be sized only to serve the Flexible Development for which the system is extended; or

- A combination of the above alternatives.

E. Design Guidelines

1. Determining Density or Lot Yield

Overall density shall be based upon the minimum lot size requirements of the applicable local ordinances (e.g., zoning, and/or subdivision, and/or watershed) and on the basis of a Conventional Subdivision or "Yield" Plan conforming to the regulations governing lot dimensions, land suitable for development, and street design. Although such plans shall be conceptual in nature and are not intended to involve significant engineering or surveying costs, they must be realistic. Potential building lots and streets must not be shown in areas that would not ordinarily be permitted in a Conventional Plan. For example, such plans would include, at minimum, basic topography, wetland locations, 100-year floodplains, and slopes exceeding 25 percent in defining areas unsuited for development.

The number of lots achieved through the preparation of a Conventional Subdivision or "Yield" Plan is the number of lots that must be used in preparing the Flexible Development Plan. The number of lots may not be increased through the proposed use of an alternative or community sewage disposal sysyem. Increases are permitted, however, at the Preliminary Plan stage where a more detailed soils analysis clearly demonstrates that a greater number of lots is achievable than shown on an approved Concept Plan.

2. Design Process

Flexible Development subdivisions shall be designed around both the Primary and Secondary Conservation Areas, which together constitute the total required open space. The design process

should therefore commence with the delineation of all potential open space, after which potential house sites are located. Following that, access road alignments are identified, with lot lines being drawn in as the final step. This "four-step" design process is further described below.

- Open Space Designation: During the first step, all potential Conservation Areas, both Primary and Secondary, shall be identified using a Site Analysis Map. Primary Conservation Areas shall consist of those features described in Section C.2.b. above. Secondary Conservation Areas shall comprise at least half of the remaining land and shall include the most sensitive and noteworthy natural, scenic, and cultural resources as descibed in C.2.c. above. Guidance as to which parts of the remaining land to classify Secondary Conservation Areas shall be based upon on-site visits; and the Evaluation Criteria contained in Section F below.

- House Site Location: During the second step, potential house sites are tentatively located. The proposed location of houses within each lot represents a significant decision with potential impacts on the ability of the development to meet the Evaluation Criteria contained in Section F below. Generally, house sites should be located no closer than 100 feet from Primary Conservation Areas. Such sites may be situated 50 feet from Secondary Conservation Areas to permit the enjoyment of scenic views without negatively impacting Primary Conservation Areas.

- Street and Lot Layout: The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical manner. When lots and access streets are laid out, they shall be located in such a way that avoids or at least minimizes impacts on both Primary and Secondary Conservation Areas. To the greatest extent practical, wetland crossings and streets traversing slopes over 15 percent shall be strongly discouraged unless such streets link one buildable portion of a site with another and no other means of access is available.

- Drawing in the Lot Lines: The fourth step consists of drawing in lot lines around potential house sites. Each lot must contain a buildable area of sufficient size to accommodate a single-family detached dwelling and customary accessory uses, including, but not limited to, storage buildings and garages, patios and decks, lawns, and driveways. Individual wells and septic systems, where these are to be provided, may be located within the undivided conservation lands if sufficient space is not available on the lots.

F. **<u>Evaluation Criteria</u>**

For any given site, resources may vary widely in importance; e.g., a natural area compared to a historic site. Likewise, for each type of resource, there may be examples of greater or lesser significance; e.g., a notable example of local vernacular building traditions compared to a much altered older home. Priorities for conserving such resources should therefore be based upon a thorough site analysis and an understanding of what is more special, unique, noteworthy, environmentally sensitive, and/or historic as compared with other similar features or different types of resources.

In evaluating the layout of lots and open space, the following criteria will be considered as indicating design appropriate to the site's features and meeting the intent of the Flexible Development standards. Whereas diversity and originality in lot layout are encouraged, it is recognized that not all obejectives may be achieved on a given site. Each applicant must therefore strive to achieve the best possible relationship between development and preservation objectives.

1. General Criteria

The following criteria apply to all Flexible Development projects:

- The shape of the open space shall be reasonably contiguous, coherently configured, and shall abut existing or potential open space on adjacent properties. Long narrow segments must be avoided except in the case of trail or stream corridors, or landscape buffers adjoining street rights-of-way and/or neighborhood boundaries.

- The pedestrian circulation system shall be designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system. All roadside footpaths should connect with off-road trails, and link with existing or potential open space on adjoining parcels.

- Protect and preserve all wetlands, floodplains, and steep slopes from clearing, grading, filling, or construction except as may be approved by the Subdivision Review Board.

- Landscape common areas (neighborhood greens), cul-de-sac islands, and both sides of new streets with native species shade trees and flowering shrubs with high wildlife conservation value.

2. Forest Land/Natural Areas Conservation

Where the goal of the Flexible Development project is to conserve forest land and/or natural areas and wildlife habitats, the following criteria apply:

- Dwellings should be located in unwooded parts of the site away from mature forests, natural areas, and/or wildlife corridors.

- When any woodland is developed, care shall be taken to locate buildings, streets, yards, and septic disposal fields to avoid mature forests, natural areas, and/or wildlife corridors.

- To the greatest extent practicable, development should be designed around existing hedgerows and treelines between fields or meadows. The impact on larger woodlands (greater than five acres), especially those containing mature trees, natural areas, and/or wildlife corridors, should be minimized.

3. Farmland Conservation

Where the goal of the Flexible Development project is to conserve scenic views, the following criteria apply:

- Locate building lots in forested areas away from existing pastures, cropland, feedlots, and similar uses.

- If development must be located on open fields or pastures because of greater constraints on other parts of the site, dwellings should be sited in locations at the far edge of a field, as seen from a public road.

- Identify the most productive portions of existing fields, pastures, and cropland, and locate building lots on less productive land.

- Provide buffers of at least 75 feet in width between building lots and cropland and pastures to reduce the potential for conflict between residents and farming activities.

4. Conservation of Scenic Views

Where the goal of the Flexible Development project is to conserve scenic views, the following criteria apply:

- Leave scenic views and vistas unblocked or uninterrupted, particularly as seen from public roadways. Consider "no-build, no-plant" buffers along public roadways where views or vistas are prominent or locally significant. In wooded areas where enclosure is a feature to be maintained, consider a "no-build, no-cut" buffer created through the preservation of existing vegetation.

- Where development is located in unwooded areas clearly visible from existing public roads, it should be buffered from direct view by a vegetative buffer or an earth berm constructed to reflect the topography of the surrounding area.

- Protect rural roadside character and scenic views by providing larger lots (e.g., two acres or more) adjacent to existing public roads.

- Protect rural roadside character and vehicular carrying capacity by avoiding development fronting on existing public roads: e.g., limiting access to all lots from interior rather than exterior roads.

- Unless buildings can be effectively screened or buffered with trees, avoid siting new construction on or close to prominent hilltops or ridges where rooflines are seen above the horizon.

5. Historic and Archaeological Features

Where the goal of the Flexible Development project is to conserve historic and archaeological sites and structures, the following criteria apply:

- Design around and preserve sites of historic, archaeological or cultural value so as to safeguard the character of the features(s), including fences and walls, farm outbuildings, burial grounds, abandoned roads, and earthworks.

- New streets, driveways, fences, and utilities must be sited so as not to intrude unnecessarily on rural, historic landscapes. Wherever possible, streets and driveways are to follow existing hedgerows, fence lines, and historic farm drives.

- New developments must include plantings which incorporate native species and historic landscape materials so as to harmonize with the character of the area.

- Building designs and styles used in new construction should be compatible with the architectural style of historic buildings located on or adjacent to the site, especially in terms of scale, height, roof shape, and exterior materials.

6. Recreation Provision

Where the goal of the Flexible Development project is to provide recreation and parks facilities for neighborhood residents and/or the general public, the guidelines contained in Section 6.1.H. shall apply.

F. Density Bonuses

The maximum number of building lots or dwelling units in a Flexible Development shall not exceed the number that could otherwise be developed by the application of the minimum lot size requirement and/or density standard of the zoning district or districts in which the parcel is located. However, increases in the number of building lots or dwelling units are permitted through one or more of the following options:

1. <u>To Encourage Additional Open Space</u>

A density increase is permitted where more than thirty-three percent (33%) of the total land area in the Flexible Development is set aside as protected open space. The amount of the density increase shall be based on the following standard:

- *For each additional acre of protected open space provided in the Flexible Development, one (1) additional building lot or dwelling unit is permitted.*

  In lieu of providing additional open space in the Flexible Development, the applicant may purchase in fee simple or less than fee (e.g., development rights) land separate from the Flexible Developemnt which is comprised of Primary and/or Secondary Conservation Areas as defined in Section 5.11.C.2. The amount of the density increase shall be based on the following standards:

- *For each five (5) acres of Primary Conservation Area preserved off-site, one (1) additional building lot or dwelling unit is permitted.*

- *For each two (2) acres of Secondary Conservation Area preserved off-site in areas which require a two-acre minimum lot size, one (1) additional building lot or dwelling unit is permitted.*

- *For each one (1) acre of Secondary Conservation Area preserved off-site in areas which require a one-acre minimum lot size, one (1) additional building lot or dwelling unit is permitted.*

- Land purchased in fee may be dedicated to Moore County. For land purchased in less than fee, a conservation easement shall be recorded which restricts the development potential of the land. The conservation easement shall be dedicated to Moore County.

Each major subdivision and Level 2 minor subdivision (and Level 1 minor subdivision where applicable) shall contain the improvements specified in this article, which shall be installed in accordance with the requirements of this Ordinance and paid for by the subdivider, unless other means of financing is specifically stated in this Ordinance. Land shall be dedicated and reserved in each subdivision as specified in this article. Each major subdivision and Level 2 minor subdivision (and Level 1 minor subdivision where applicable) shall adhere to the minimum standards of design established by this article.

6.1 General Requirements

A. Monuments, Markers, and other Surveying Requirements

Unless otherwise specified by this Ordinance, the Standards of Practice for Land Surveying as adopted by the N.C. State Board of Registration for Professional Engineers and Land Surveyors shall apply when conducting surveys for subdivisions; to determine the accuracy for surveys and placement of monuments, control corners, markers, and property corner ties; to determine the location, design and material of monuments, control corners, and property corner ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions.

B. Construction Procedures

No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved and all plans and specifications have been approved by the appropriate authorities.

No building, zoning or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this Ordinance until all the requirements of this Ordinance have been met. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the Subdivision Administrator to provide for adequate inspections. The approving authorities having jurisdiction or their representatives shall inspect and approve all compelled work prior to release of the sureties.

C. Suitability of Land

Land which has been determined by the Subdivision Review Board on the basis of engineering or other expert surveys or studies to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed, shall not be platted for that purpose, unless and until the subdivider has taken the necessary measures to correct said conditions and to eliminate said dangers.

Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Moore County Health Department, or a qualified licensed professional determine that the land is suitable for the purpose proposed.

D. Public Water and Sewer

Major subdivisions of twenty (20) or more lots shall install and connect to public water and/or sewer. Approval from the appropriate state or local agencies shall be obtained prior to submitting the Preliminary Plat for approval.

E. Oversized Improvements

The County of Moore may require installation of certain oversized utilities or the extension of utilities to adjacent property when it is in the interest of future development. If the County requires the installation of improvements in excess of the standards required in this Ordinance the County shall pay the cost differential between the improvement required and the standards in this Ordinance.

F. Name Duplication

The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision within Moore County.

G. Thoroughfare Plans

Where a proposed subdivision includes any part of a thoroughfare which has been designated as such upon any officially adopted Thoroughfare Plan of the County, such thoroughfare shall be platted by the subdivider in the location shown on the plan and at the width specified in this Ordinance or the Thoroughfare Plan, whichever standards are greater.

H. Reservation of School Site

If the Moore County Board of County Commissioners and Board of Education have jointly determined the specific location and size of any school sites to be reserved, a copy of such plan shall be submitted to the planning office. The Subdivision Administrator shall immediately notify the Board of Education whenever a preliminary plat is submitted which includes all or part of a school site to be reserved. The Board of Education shall promptly decide whether it still wishes the site to be reserved. It shall then notify the Subdivision Administrator whether or not it wishes to reserve the site. If it does, the subdivision shall not be approved without such reservation. The Board of Education shall then have eighteen (18) months beginning on the date of preliminary approval of the subdivision within which to acquire the site by purchase or by exercise of the power of eminent domain. If the Board of Education has not purchased or begun proceeding to condemn the site within eighteen (18) months, the subdivider may treat the land as freed of the reservation.

I. Recreation/Open Space

1. Applicability

Every person, firm or corporation who subdivides land for residential and/or non-residential purposes shall be required to dedicate a portion of such land for the purpose of public recreation/open space, including the preservation of natural and cultural resources, and to serve the leisure needs of the residents of the subdivision.

2. Dimensional Requirements

At least one fortieth of an acre (1/40) shall be dedicated for each dwelling unit planned or provided for in the subdivision plan, except where land is located in the flood plain of a stream or river as indicated by the flood plain maps of the Federal Insurance Administration and/or is characterized by steep slopes (15% or greater), then at least one twentieth (1/20) of an acre of such land shall be dedicated for each dwelling unit.

The total land area dedicated as part of a non-residential subdivision shall be determined by an analysis of the site, and the use(s) to be located thereon. The site analysis shall be prepared by the applicant and shall identify in written and graphic form those areas characterized by steep slopes (15% or greater), flood plains and wetlands, rock outcroppings, mature woodlands (trees of 18 inches or greater in diameter), existing structures and cemeteries, and lakes, ponds, rivers and other water resources. A written and graphic description shall also be submitted by the applicant that identifies the proposed use of each lot in the subdivision, the approximate amount of building and parking coverage for each lot, and the approximate number of employees associated with each use. At a minimum, at least 5% of the tract to be subdivided must be preserved as recreation/open space.

3. Site Suitability

Land provided or dedicated for passive recreation and open space purposes shall be of a character, slope and location suitable for use for walking, jogging, reading and similar quiet activities, and the preservation of natural features and cultural resources such as steep slopes, rock outcrops, native plant life and wildlife cover, mature woodlands and water resources.

Criteria for evaluating the suitability of proposed recreation areas shall include but not be limited to the following:

- Location. Land dedicated for recreation/open space purposes shall be located so as to serve the needs of the residents of the subdivision. Recreation/open space areas shall be located so as to provide, insofar as possible, reasonable accessibility to all residents of the subdivision. Recreation/open space areas shall be located where more land more suited for recreational purposes due to shape, level slopes and/or dry soil conditions is present.

- Unity. Land dedicated for recreation/open space purposes shall be a single parcel except where it is determined that two (2) or more parcels are suited to the needs of a particular subdivision. Where there is more than one recreation/open space parcels, and the separation of the multiple recreation/open space parcels is no more than two (2) subdivided lots and/or a road, a connecting path shall be required. Where a connecting path is necessary, a path of up to fifty (50) feet in width may be required, but in no case shall the path be less than thirty (30) feet in width. The connecting path shall be counted as part of the open space requirement of this Section.

- **Accessibility**

  Land dedicated for recreational/open space purposes shall have at least fifty (50) feet of frontage on at least one (1) street within the subdivision.

  Where a recreation/open space area is not accessible due to lot arrangement, the Subdivision Review Board shall require the dedication of connecting paths which link the recreation/open space area with other streets within the subdivision. Connecting paths shall be counted as part of the open space requirement of this Section.

- **Site Improvements**

  Trash receptacles shall be provided for all recreational areas regardless of the number and type of other improvements located thereon.

4. Method of Provision or Dedication

Land dedicated for public recreation/open space as required by this Ordinance shall be designated on both the preliminary and final plat(s) of the subdivision and must be dedicated to an appropriate unit of local government. Acceptance of the dedication may be one in trust if deemed appropriate by the Subdivision Review Board.

Land provided for private recreation purposes must be conveyed to the trustees provided in an indenture establishing an association of homeowners. The recreation/open space area must be conveyed to the trustees subject to covenants and easements to be approved by the Subdivision Review Board and which provide for the continued maintenance and control of the recreation/open space area in a manner which assures its continuing use for its intended purpose. Where the recreation/open space area is conveyed to a homeowners association, the subdivider shall file a declaration of covenants and restrictions in accordance with the provisions of this Ordinance.

5. Payments in Lieu of Dedication

Any subdivider required to dedicate recreation/open space area pursuant to this Ordinance may, with the approval of the Subdivision Review Board, make a payment in lieu of dedication or make a combination of land dedicated and payment. Before approving a payment in lieu of dedication, the Subdivision Review Board shall find that no recreation/open space sites have been designated on any officially adopted Recreation Plan.

1. Procedure for Approval

The payment of such fees in lieu of land dedication shall be reviewed and approved as part of the preliminary plat. Any subdivider or developer wishing to make such payment shall attach to the application for preliminary approval a letter requesting the payment of fees in lieu of land dedication. Upon receipt of the preliminary subdivision plat, the Director of Planning and Development shall submit a copy thereof, along with the letter, to the Director of Parks, recreation and Cultural Resources for review by the Moore County Parks and Recreation Board. The Moore County Parks and Recreation Board shall submit any and all recommendations concerning the payment of fees in lieu of dedication to the Subdivision Review Board.

2. Time of Payment

The fees in lieu of dedication shall be paid prior to recording any lot(s) in the subdivision to which the fees relate.

3. Amount of Payment

The amount of the payment shall be the product of:

a. The number of acres to be dedicated, as required by Section 6.1. H.2. above;

b. The assessed value for property tax purposes of the land being subdivided, adjusted to reflect its current fair market value at the time such payment is due to be paid.

4. Use of Funds

All monies received by the County pursuant to this Section shall be used only for the acquisition or development of parks, greenways, open space sites, and related facilities.

J. Zoning and Other Plans

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 and regulations.

K. Professional Design and Certification

Licensed Professional design and certification, as delineated in Appendix B, will be requested on all roads, drainage and utilities, unless otherwise directed by the Subdivision Review Board.

6.2 Subdivision Design Standards

A. Access

1. General Requirements

All subdivision lots or building sites shall abut on a public street, approved private streets, or a parking lot designed for joint use of occupants which has direct access to a public or approved private street, except as provided for in this subsection or in the Moore County Zoning Ordinance.

It is the intention of this section that newly created lots and parcels have access to a public street to ensure (i) legal ingress and egress for the owner/user of the lot, emergency vehicles, and public service vehicles; (ii) adequate provision of an all-weather travel surface; and (iii) sufficient means for the long-term maintenance of the roadway.

2. Additional Alternative Means of Access

If, after thoroughly investigating the feasibility of utilizing a public or private street for access and evaluating the site features and characteristics which make their use infeasible, the subdivider may propose an alternative means of access authorized in this section. The Subdivision Review Board may approve such alternative means of access if, in its opinion, the alternative means of access proposed will sufficiently meet the intention of Section 6.2 A. 1. and comply with the conditions delineated herein.

(A) Lots and units located in developments with Owners' Associations or in group housing developments in which permanent access is guaranteed by means of approved private streets and/or drives designed in accordance with the requirements of Section 6.3 may be approved by the Subdivision Review Board as an alternative means of access to a public street.

(B) Flag lots may be approved by the Subdivision Review Board as an alternative means of access provided that the following requirements are met:

(1) A flag lot shall serve only one single-family dwelling and its uninhabited accessory structures;

(2) Generally, the maximum flagpole length shall not exceed 300 feet. However, the Subdivision Review Board may authorize a length in excess of 300 feet if, in the opinion of the Subdivision Review Board, extenuating site conditions warrant a greater flagpole length;

(3) The minimum flagpole width on an approved public or private street shall be 30 feet;

(4) The maximum lot size in areas with public sewer shall be 1 acre. The maximum lot size without public sewer shall be 3 acres. *(Note: The 'flagpole' portion of the lot is not used to calculate area, width, depth, and setbacks of the lot or to provide off-street parking.)*;

(5) The minimum separation between the flagpole portion of the lot and that of another flag lot shall be 150 feet;

(6) Where public water is available, any building on the flag lot must be within 1,000 feet of a hydrant. This distance shall be measured along the street, then along the flagpole, then in a straight line to the building location;

(7) Where public sewer is available, occupied buildings on the flag lot shall have a gravity service line, or the sewer pump requirements shall be noted on the plat;

(8) Use of a single driveway to serve a flag lot and an adjoining lot is permitted and encouraged; the preferred location for the driveway is on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole;

(9) No resubdivision of a flag lot shall be permitted unless access to the proposed new lot(s) can be provided from an approved public or private street; and

(10) Flag lots shall be approved by the Subdivision Review Board only where the configuration of the parcel or site features warrant such a lot design. Authorizing a flag lot design is intended to accommodate a particular extenuating circumstance which makes traditional lot design infeasible. Therefore, flag lots should be judiciously approved. The Subdivision Review Board shall deny the approval of any flag lot which, in its opinion, does not constitute sound planning, or provide for reasonable subdivision of the property, or create an excessive number of entrances onto an existing or proposed road, or any other reason that the Subdivision Review Board believes is reasonable and valid.

3. <u>Access to Adjoining Property</u>

Where land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further subdivision. Where, in the opinion of the board reviewing the major subdivision (or the Subdivision Administrator in the case of a minor subdivision) it is desirable to provide for street access to adjoining property, proposed streets shall be extended, dedicated, and, where appropriate, constructed to the boundary of such property. It is the intention of this section to promote the orderly development of a local street system that provides interconnection between developed or developing properties. Factors that should be evaluated when considering requiring the extension of streets or street rights-of-way to adjoining property include (i) the development potential of the adjoining land; (ii) the physiographical and man-made characteristics of the adjoining property, and (iii) the existing and proposed local street system and traffic flow of the entire area surrounding the subdivided tract and adjoining properties. Generally, 'stub streets' shall be required (i) where the zoning and/or land use on the adjoining property are compatible with the proposed subdivision, (ii) where there are no natural or man-made barriers that make the street extension impracticable, (iii) where the street extension will result in desirable traffic flows and patterns and where inappropriate levels of through traffic are avoided, and (iv) where the street extension will promote the overall orderly development of the area. All stub streets shall be designed and, where required to be built, constructed in accordance with the appropriate standards as delineated in this Ordinance.

B. <u>Street Names</u>

Proposed streets, which are obviously in alignment with other existing streets, shall bear the same name. In no case shall the name for proposed streets duplicate or be phonetically similar to existing street names, irrespective of the use of the suffix street, avenue, road, boulevard, drive, place, et cetera. Names shall be subject to ~~the~~ tentative approval ~~of~~ by the Subdivision Review Board. All new street names must receive final approval by the Board of Commissioners per the Moore County Road Name and Addressing Ordinance.

C. <u>Street Name Signs and Traffic Controls</u>

The subdivider shall be required to provide and erect, at the developer's expense, street name signs and traffic controls to state and county standards at all intersections within the subdivision.

D. Street Trees

The subdivider shall plant or leave at least one (1) understory street tree and one (1) shade street tree of an approved species (developer shall use approved species list in Moore County Zoning Regulations). Understory tree(s) shall be planted or saved at a rate of one (1) tree for each twenty (20) feet of frontage on all streets, and shade trees shall be planted or saved at a rate of one (1) tree for each forty (40) feet of frontage on all streets. Tree plantings shall be completed in accordance with plans and specifications approved by and at such time as directed by the Subdivision Review Board. This requirement may be waived by the Subdivision Review Board if the subdivider guarantees protection of existing trees which would meet or exceed these requirements. Street trees are a protection~~s~~ against excessive erosion of earth, heat from the elements and enhance the aesthetic environment and economic value of property. Trees shall be planted between the front property lines and building setback lines where they are less subject to injury, decrease the chance of motor accidents, and enjoy more favorable conditions for growth. Street trees shall be preserved within a five (5) foot "street tree preservation" easement.

E. Street Layout

The proposed street layout shall be coordinated with the street system of the surrounding area. Where possible, existing principal streets will be extended. Also, residential streets shall be laid out in such a way that their use by through traffic will be discouraged.

F. Intersections

Street intersections shall be laid out as follows:

1. Streets shall intersect as nearly as possible at right angles, and no street shall intersect another at less than seventy-five (75) degrees unless permission is granted by the North Carolina Department of Transportation.

2. Intersections with arterials, collectors, and thoroughfares shall not be less than one thousand (1,000) feet apart, measured from centerline to centerline or more if required by the North Carolina Department of Transportation.

3. Where a centerline offset (jog) occurs at an intersection, distance between centerlines of the intersecting streets shall not be less than four hundred (400) feet. Overlapping and conflicting left turns shall not be allowed.

4. Property lines at street intersections may be rounded with a minimum radius of twenty (20) feet. At an angle of intersection of less than seventy-five (75) degrees, a greater radius may be required by the Department of Transportation.

5. Proper sight lines shall be maintained at all intersections of streets such that they meet state Department of Transportation's standards whether or not they are to be added to the state maintained system.

G. Alleys

1. Alleys shall be required to serve lots used for commercial and industrial purposes unless other definite and assured provision is made for service access. Alleys shall not be provided in residential subdivisions unless necessitated by unusual circumstances.

2. The width of an alley shall be at least twenty (20) feet.

3. Dead end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the dead end as may be approved by the Subdivision Review Board.

4. Sharp changes in alignment and grade shall be avoided.

H. Half Streets

The dedication of half streets of less than sixty (60) feet at the perimeter of a new subdivisions shall be prohibited. If circumstances render this impracticable, adequate provision for the concurrent dedication of the remaining half of the street shall be furnished by the subdivider. Where there exists a half-street in an adjoining subdivision, the remaining half shall be provided by the proposed subdivision. However, in circumstances where more than sixty (60) feet of right-of-way is required, a partial width right-of-way, not less than sixty (60) feet in width, may be dedicated when adjoining undeveloped property is owned or controlled by the subdivider; provided that the width of the partial dedication is such as to permit the installation of such facilities as may be necessary to serve abutting lots. When the adjoining property is subdivided, the remainder of the full required right-of-way shall be dedicated.

I. Marginal Access Streets

Where a tract of land to be subdivided adjoins a principal arterial street, the subdivider shall be required to either provide a marginal access street parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial. Where reverse frontage is established, private driveways shall be prevented from having direct access to the principal arterial.

J. Cul-de-sacs; Dead-end and Stub Streets

Where cul-de-sacs are permitted, they shall be constructed with permanent turnarounds according to the Department of Transportation's (DOT) standards.

Dead end and Stub Streets are permitted with turnarounds according to the Department of Transportation's standards.

In the case of a subdivision to be developed in phases, the final plat shall show any stub or dead end street for the phase to be developed**.** Where any lot faces the dead end street or stub street, a temporary turn around shall be constructed to Department of Transportation's standards before the sale of lots or release of guarantees.

K. Blocks

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

1. Length Block lengths shall not exceed eighteen hundred (1800) feet nor be less than four hundred (400) feet. Where deemed necessary by the Subdivision Review Board, a pedestrian

crosswalk of at least eight (8) feet in width shall be provided to assure adequate pedestrian circulation or access to schools, shopping, churches, or transportation facilities.

2. **Width** Blocks shall have a sufficient width to allow two (2) tiers of lots of minimum depth except where single tier lots are required to separate residential development from through vehicular traffic, another type of use, or where abutting a water area.

L. **Lots**

1. Double frontage lots or through lots, shall be avoided, except where required to separate residential development from through traffic and other forms of development.

2. Side lot lines shall be substantially at right angles to or radial to street lines.

3. Lot sizes shall meet the requirements of the Zoning Ordinance and/or Watershed Protection Ordinance. In approved Cluster Developments, no minimum lot size**,** frontage, or depth is required. Cul-de-sac bulb lots shall have a minimum frontage of 50 feet.

4. Building setbacks on all lots shall meet the requirements of the Zoning Ordinance.

M. **Storm Water Drainage**

All subdivisions shall provide some form of storm water drainage system. Residential subdivisions shall have systems designed to protect to the ten (10) year storm level, and commercial and industrial shall be protected to the twenty-five (25) year storm level. In addition, storm drainage systems shall meet the following requirements:

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

2. Where technically favorable, the subdivider shall connect to an existing storm drainage system. Where an existing storm drainage system cannot feasibly be extended to the subdivision or cannot handle the additional load, a surface drainage system shall be designed to protect the proposed development from water damage.

3. Surface drainage courses shall comply with the standards and specifications of erosion control of the North Carolina Sedimentation Pollution Control Act, G.S. 143-34.12, Chapter 113A, Article 4 and the N.C. Administration Code Title 15, Chapter 4, and any adopted erosion and sedimentation control ordinances.

4. Stream banks and channels downstream from any land disturbing activity shall be protected from increase degradation by accelerated erosion caused by increase velocity of runoff from the land disturbing activity in accordance with the North Carolina Sedimentation Pollution Control Act, G.S. 143-34, 12, Chapter 113A, Article 4, and the N.C. Administration Code Title 15, Chapter 4.

5. Anyone constructing a dam or impoundment within the subdivision must comply with the North Carolina Dam Safety Law of 1967 and the North Carolina Administrative Code Title 15, Sub-chapter 2 K.

6. In all areas of special flood hazards, all subdivision~~s~~ proposals shall have adequate drainage provided to reduce exposure to flooding.

7. The subdivision drainage system shall be designed not only to protect the area of the subdivision, but to prevent increased flood flows due to newly developed impervious surface and other factors.

N. Drainage Easements

Where a subdivision is traversed by a stream or drainage way, an easement shall be provided conforming with the lines of such stream and be of sufficient width to provide adequate drainage for the subdivision. In any case, if a stream or drainage way does not cross a subdivision**,** a ten (10) feet wide drainage way easement shall be provided along the topographically lowest property line(s) of lots within the subdivision.

O. Utility Easements

Easements for underground or above ground utilities shall be provided where needed and of such a width which meets state and utility company standards. Where possible these easements shall be located in the street right-of-way. However, where easements are necessary across land, they shall be located to the extent possible along property lines.

P. Underground Utilities

All utilities shall be provided underground in all multifamily residential subdivisions and in all single family residential subdivisions where the minimum lot size is 20,000 square feet or less. Such underground utilities shall be designed and constructed according to state and utility company standards and policies.

Q. Buffer Strip

In major residential subdivisions**,** a buffer strip of continuous evergreen composition not less than six feet (6) in height or less than fifteen feet (15) in width shall be provided adjacent to all arterial streets, all railroad rights-of-way and Industrial and Commercial uses or Zoning Districts, or as required by the Zoning Ordinance, if applicable, whichever is the strictest. This strip shall be a part of the platted lots, but shall have the following restrictions lettered on the face of the plat: "This strip reserved for the planting of trees or shrubs by the owner; the building of structures hereon is prohibited."

In all non-residential subdivisions**,** a buffer strip of continuous evergreen composition not less than six feet (6) in height or less than fifteen feet (15) in width shall be provided adjacent to all arterial streets, and to any residentially-zoned adjoining property, or as required by the Zoning Ordinance, if applicable, whichever is the strictest. This strip shall be a part of the platted lots, but shall have the following restrictions lettered on the face of the plat: "This strip reserved for the planting of trees or shrubs by the owner; the building of structures hereon is prohibited."

R. Access Restrictions

(1) Major and minor subdivisions shall not be approved that propose individual residential lots with direct vehicular access to roads that have, in the opinion of the NCDOT and the Subdivision Review Board, capacity deficiencies that warrant the prohibition of the platting of lots with direct vehicular access.

(2) Whenever a proposed major or minor subdivision abuts any principal arterial, minor arterial, major collector, or minor collector (as delineated on the latest adopted Thoroughfare Plan), the board reviewing the major subdivision (or the Subdivision Administrator in the case of a minor subdivision) may prohibit the platting of lots with direct vehicular access to such roads. The decision to require suitable access shall be based upon the need to provide safe access to proposed lots, reduce interference with the existing traffic pattern and flow, and provide buffering of the proposed lots from adverse effects from traffic noise.

(3) In order to reduce traffic congestion, commercial and industrial subdivisions may be required to provide a frontage road or other suitable means of access along major thoroughfares, as shown on the adopted thoroughfare plan, unless the Subdivision Review Board or Board of Commissioners, in consultation with the NCDOT, determines that no practicable alternative for access exists. Where a frontage road is required, intersections with public streets shall be spaced no closer than 800 feet. Frontage roads may be permitted within the rights-of-way of existing streets subject to the approval of the NCDOT.

6.3 Street Design Standards

The design of all public and private streets and roads, except for private streets constructed under the Level 2 Minor Subdivision provisions, within the jurisdiction of this Ordinance shall be in accordance with the accepted policies and standards of the North Carolina Department of Transportation, Division of Highways. The current editions of the North Carolina Department of Transportation's SUBDIVISION ROADS – MINIMUM CONSTRUCTION STANDARDS and POLICY ON STREET AND DRIVEWAY ACCESS TO NORTH CAROLINA HIGHWAYS shall apply. State construction and design standards cover such areas as pavement and base design, grade, radii of curves, sight distances, design speed, right-of-way widths, pavement widths, curbs and gutters, cul-de-sac designs, islands and medians, subdivision name markers, dams and bridges, cut and fill slopes, drainage and utilities. Some of these requirements are summarized in Table 5:1; but are subject to change by the State at any time without affecting the validity of this section. The subdivision of a nonresidential subdivision shall provide public streets in accordance with the North Carolina Roads, Minimum Construction Standards.

A. Private Roads

Private roads may be allowed in a residential subdivision where, in the judgement of the Subdivision Review Board, it is found that the nature and location of the subdivision with respect to other development such that a private road is justified.

In determining whether to permit private roads in subdivisions, one or more of the following design features must be met:

1. The location and design of the subdivision is such that it clearly preserves the rural character of the County through:

    a. The provision of lot sizes and building setback lines that are significantly greater than required by County land use regulations. Compliance is assured when each lot in the subdivision contains at least twice the minimum required lot size. For example, if the minimum required lot size is two acres, and each lot contains at least four acres, compliance is assured; and/or

    b. The retention and/or provision of landscaping and use of clustering of dwelling units to screen the view of the subdivision from public roads, maintain a wooded or forested character, maintain scenic views, or preserve wildlife, botanical, historic, archaeological and/or recreation sites; and/or

    c. The preservation of site features that directly enhance the special or unique cultural, historical, archaeological or biological characteristics of the immediate area.

2. The number, location and/or size of lots to be located in the subdivision are such that, the streets would not be accepted by the State for maintenance due to density or other State requirements.

3. Recreation and/or open space areas, including lands containing significant botanical, wildlife, historic and/or archaeological sites, are to be dedicated and/or preserved through restrictive covenants in amounts significantly greater than required by standards for recreation/open space dedication.

4. There is only one subdivision road proposed. Its length does not exceed 350', it serves no more than five (5) lots, its grade does not exceed 9%, and the land being subdivided is not connected to or part of another subdivision required to be served by public roads. In addition, the average lot size within the subdivision is at least 40,000 square feet.

It shall be the responsibility of the applicant for subdivision approval to supply a written statement justifying the reasons for private roads in the proposed subdivision. Compliance with one or more of the above standards does not insure approval of either a public or private road within a proposed subdivision.

If a subdivision is to contain private roads, the subdivider shall have an instrument recorded contemporaneously with the final plat substantially in the form of the County's Standard Road Maintenance Agreement entitled, "Declaration of Restrictions and Provisions for Private Road Maintenance", guarantee (a) a right of access to any private road in the subdivision by all lots served by the road and by law enforcement and emergency vehicles, (b) right of access for the proposed private road to a State or municipally maintained road by way of direct access or other private roads, (c) perpetual maintenance of any private road serving the subdivision at the standards set for approval, and (d) provide record notice of the probability that future development dependent on the private roads for access may require public dedication.

7.1 Establishment of Owners' Association

A. Creation. An Owners' Association shall be established to fulfill the requirement of the North Carolina Condominium Act or to accept conveyance and maintenance of all common areas and facilities within a development containing common areas.

B. Conveyance. Where developments have common areas for facilities serving more than one dwelling unit, these areas shall be conveyed to the Owners' Association in which all owners of lots in the development shall be members. All areas other than public road rights-of-way, other areas dedicated to the County, and lots shall be shown and designated as common areas. The fee-simple title of the common area shall be conveyed by the subdivider or developer to the Owners' Association.

C. Subdivision or Conveyance of Common Area. Common areas shall not be subsequently subdivided or conveyed by the Owners' Association unless a revised preliminary plat and a revised final plat showing such subdivision or conveyance have been submitted and approved.

D. Owners' Association Not Required. Developments involving only two units attached by a party wall shall not be required to have common areas or an Owners' Association. Developments with only two units attached and not having an Owners' Association shall have an agreement between owners concerning maintenance of party walls.

7.2 Submission of Owners' Association Declaration

Prior or concurrently with the submission of the final plat for review and approval, the applicant shall submit a copy of the proposed Bylaws of the Owners' Association containing covenants and restraints governing the Association, plats, and common areas. The submitted documents shall be reviewed by the County Attorney and a recommendation made to the Subdivision Review Board as to their sufficiency. The restrictions shall include provisions for the following:

A. Existence Before Any Conveyance. The Owners' Association declaration shall be organized and in legal existence prior to the conveyance, lease-option, or other long-term transfer of control of any unit or lot in the development.

B. Membership. Membership in the Owners' Association shall be mandatory for each original purchaser and each successive purchaser of a lot or unit. Provisions shall be made for the assimilation of owners in subsequent sections of the development.

C. Owners' Association Declaration:

1. Responsibilities of Owners' Association. The Owners' Association declaration shall state that the association is responsible for:

(a) The payment of premiums for liability insurance and local taxes;

(b) Maintenance of recreational and/or other facilities located on the common areas; and

(c) Payment of assessments for public and private improvements made to or for the benefit of the common areas.

2. Default of Owners' Association. Upon default by the Owners' Association in the payment to the County of any assessments for public improvements or ad valorem taxes levied against the common areas, which default shall continue for a period of six months, each owner of a lot in the development shall become personally obligated to pay to the County a portion of the taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the County by the

total number of lots in the development. If the sum is not paid by the owner within thirty days following receipt of notice of the amount due, the sum shall become a continuing lien on the property of the owner, his heirs, devisees, personal representatives and assigns. The County may either bring an action at law against the owner personally obligated to pay the same, or may elect to foreclose the lien against the property of the owner.

3. Powers of the Association. The Owners' Association is empowered to levy assessments against the owners of lots or units within the development. Such assessments shall be for the payment of expenditures made by the Owners' Association for the items set forth in this Section, and any assessments not paid by the owner against whom such assessments are made shall constitute a lien on the lot of the owner.

4. Easements. 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, and for parking, shall be granted to each lot owner.

5. Maintenance and Restoration. Provisions for common area maintenance of and restoration in the event of destruction or damage shall be established.

D. If the condominium is a nonresidential condominium, the declaration shall contain the following provision:

Parking spaces shall be allocated among the individual lots or units in such a manner that each unit is entitled to a sufficient number of parking spaces to comply with this Ordinance for the use intended to be located therein. The Owners' Association shall maintain a register listing the total number of parking spaces in the development and the number of parking spaces allocated to each lot or unit. A copy of this register shall be available to the Administrator at his request. The Owners' Association shall not reduce the number of parking spaces allocated to an individual lot or unit without the express written consent of the owner thereof, and in no case shall the number of parking spaces allocated to an individual unit be reduced to a number below that required by this Ordinance.

APPENDIX A: INFORMATION REQUIRED WITH SUBDIVISION APPLICATIONS

A-1-1 Number of Review and Filing Copies to be Submitted

Type of Map or Plan	Review	Filing (after approval)	
	# of Prints	# of Prints	# of Mylars
Level 1 Minor Subdivision Plat	3	1	1
Preliminary Plat, Major Subdivision or Level 2 Minor Subdivision	12	1	-
Final Plat, Major Subdivision or Level 2 Minor Subdivision	7	2	1
Street and Utility Construction Plans and Profiles	As required by the County, NCDOT, and the applicable utility provider		

Note: An electronic copy, in a format acceptable to Moore County, of all approved final major subdivision plats shall also be provided to the County. A description of the software and coordinate system used (e.g. State Plane, NAD 1983) should accompany the digital data submitted to the County.

A-1-2 Required Information on Minor and Major Subdivisions

Submission of all plats or maps shall contain the following information before submission to the Subdivision Administrator for review. An 'X' indicates required information. Additional information may be required for approval of the plat. The Subdivision Administrator may waive items required if it is judged that they are not necessary to complete the review.

Information	Level 1 Minor Subdivision Plat	Major or Level 2 Minor Subdivision Preliminary Plat	Major or Level 2 Minor Subdivision Final Plat
Map Size and Material: Maps or plats submitted shall not exceed a maximum size of 24" by 36"		X	
Standard 18" by 24" sheet for plats to be recorded, minimum 1-1/2" border on the left side and a minimum ½" border on all other sides; or as required by the Moore County Register of Deeds	X		X
Original drawn on material as required by the Moore County Register of Deeds	X		X
Title Block containing: Name of Subdivision	X	X	X
Name of the type of plat (minor plat, preliminary plat, final plat)	X	X	X

APPENDIX A: INFORMATION REQUIRED WITH SUBDIVISION APPLICATIONS

Information	Level 1 Minor Subdivision Plat	Major or Level 2 Minor Subdivision Preliminary Plat	Major or Level 2 Minor Subdivision Final Plat
Owner's name with address and daytime phone number	X	X	X
Location (including address, township, county and state)	X	X	X
Date(s) plat(s) prepared or revised	X	X	X
Scale of drawing in feet per inch. Drawing shall be at a scale of not less than 1" equal to 200'.	X	X	X
Bar graph	X	X	X
Name, address, and telephone # of preparer of plat (licensed surveyor, engineer, etc.)	X	X	X
Developer's name, address, and daytime phone number (if different from owner's)	X	X	X
Zoning district(s) within the property and adjacent properties	X	X	X
Existing land use within the property and on adjacent properties	X	X	
Plat book or deed book reference	X	X	X
Names of adjoining property owners (or subdivisions or developments of record with plat book reference)	X	X	X
Tax map, block, and parcel(s) number	X	X	X
Vicinity map showing location of site relative to surrounding area (typically drawn in upper right hand corner), at a scale of 1"= 2,000'	X	X	X
Corporate limits, county lines, and other jurisdiction lines, if any, on the tract	X	X	X
Registration and seal of land surveyor	X		X
North arrow and orientation (north arrow shall not be oriented towards bottom of map)	X	X	X
Source of property boundaries signed or sealed by registered land surveyor, architect, landscape architect, or engineer		X	
Boundaries of the tract to be subdivided or developed: Distinctly and accurately represented and showing all distances	X	X	X
Tied to nearest street intersection (within 300') or USGS (within 2000')	X	X	X
Showing locations of intersecting boundary lines or adjoining properties	X	X	X
Location and descriptions of all monuments, markers, and control corners	X		X

APPENDIX A: INFORMATION REQUIRED WITH SUBDIVISION APPLICATIONS

Information	Level 1 Minor Subdivision Plat	Major or Level 2 Minor Subdivision Preliminary Plat	Major or Level 2 Minor Subdivision Final Plat
Existing property lines on tract to be subdivided. If existing property lines are to be changed, label as 'old property lines' and show as dashed lines	X	X	X
Dimensions, location and use of all existing and proposed buildings; distances between buildings measured at the closest point; distance from buildings to the closest property lines	X		
The name and location of any property or building on the National Register of Historic Places or locally designated historic property	X	X	X
Railroad lines and rights-of-way	X	X	X
Water courses, ponds, lakes, rivers, or streams	X	X	X
Marshes, swamp and other wetlands	X	X	X
Areas to be dedicated or reserved for the public		X	X
Areas designated as common area or open space under control of an Owners' Association	X	X	X
Location of designated recreation areas and facilities		X	X
Location of floodway and floodway fringe from Flood Hazard Boundary Maps and cross-section elevations	X	X	X
Existing and proposed topography of tract and 100' beyond property showing existing contour intervals of no greater than 5' (2' where available) and labeling at least two contours per map and all others at 10' intervals from sea level		X	
Proposed lot lines and dimensions	X	X	X
Square footage of all proposed lots under an acre in size and acreage for all lots over an acre in size	X	X	X
Site calculations including: Acreage in total tract	X	X	X
Acreage in public open space		X	X
Total number of lots proposed	X	X	X
Linear feet in streets		X	X
Area in newly dedicated rights-of-way		X	X
Lots sequenced or numbered consecutively	X	X	X
A note indicating that the proposed subdivision is to be served by either a central or individual water supply and by either a central or individual sewage disposal system.	X	X	X
Street data illustrating:			

APPENDIX A: INFORMATION REQUIRED WITH SUBDIVISION APPLICATIONS

Information	Level 1 Minor Subdivision Plat	Major or Level 2 Minor Subdivision Preliminary Plat	Major or Level 2 Minor Subdivision Final Plat
Existing and proposed rights-of-way lines within and adjacent to property	X	X	X
Existing and proposed rights-of-way within and adjacent to property showing:			
Total right-of-way width dimension	X	X	X
Right-of-way width dimension from centerline of existing public streets	X	X	X
Existing and proposed streets showing:			
Pavement or curb lines		X	
Pavement width dimension (face-to-face)		X	
Cul-de-sac pavement radius		X	
Existing and proposed street names	X	X	X
Street profiles		X	
Locations of required street trees		X	
Location, dimension and type of all easements and buffers	X	X	X
Utility Layout Plan showing connections to existing systems, line sizes, material of lines, location of fire hydrants, blowoffs, valves, manholes, catch basins, force mains, etc. for the following types of utility lines:			
Sanitary sewer		X	
Water distribution		X	
Natural gas, electric, cable TV, etc.		X	
Stormwater Management Plans for property located within a watershed protection overlay district:	X	X	X
Location of public water supply watershed boundaries and classification of watershed	X	X	X
Area to be disturbed with number of graded acres and percentage noted	X	X	
Maximum allowable built-upon area for each lot or tract (if applicable)	X	X	X
Total impervious surface area, including streets, roofs, patios, parking areas, sidewalks and driveways	X	X	
Permanent watershed protection controls including wet detention ponds, maintenance and access easements and	X	X	X

APPENDIX A: INFORMATION REQUIRED WITH SUBDIVISION APPLICATIONS

Information	Level 1 Minor Subdivision Plat	Major or Level 2 Minor Subdivision Preliminary Plat	Major or Level 2 Minor Subdivision Final Plat
natural filtration and infiltration areas			
Location and width of required buffer areas	X	X	X
Stormwater network, including swales, culverts, inlet and outlet structures with grades, elevations, dimensions and hydraulic calculations	X	X	
Documentation of Submission of an Erosion Control Plan, if disturbing greater than one acre		X	
Documentation of Approval of an Erosion Control Plan, if disturbing greater than one acre			X
Documentation of Approval of a Driveway Permit from NCDOT			X
Evidence of Notification to US Army Corps of Engineers of Earth-Disturbing Activities in Wetlands, if applicable	X	X	
Size of buffer yard, walls, berms and fences		X	
Existing and proposed signs (location, height and area)		X	
Location, dimensions and details of proposed clubhouses, pools, tennis courts, tot lots or other common area recreation facilities		X	
Certificates and Endorsements (See Appendix D for wording):			
Certificate of Survey Accuracy signed by surveyor and attested by Notary Public	X		X
Certificate of Ownership	X		
Certificate of Ownership and Dedication			X
Certificate of Level 1 Minor Subdivision Plat Approval	X		
Certificate of Preliminary Major Subdivision Plat or Level 2 Minor Subdivision Plat Approval		X	
Certificate of Final Major Subdivision Plat or Level 2 Minor Subdivision Plat Approval			X
NCDOT Division of Highways District Engineer Certificate			X
Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements			X
Certificate of Utilities Approval			X
Certificate of Purpose for Plat as required by NCGS 47-30	X		X
Review Officer Certification	X		X

APPENDIX A: INFORMATION REQUIRED WITH SUBDIVISION APPLICATIONS

Information	Level 1 Minor Subdivision Plat	Major or Level 2 Minor Subdivision Preliminary Plat	Major or Level 2 Minor Subdivision Final Plat
Certificate of Exemption, if applicable	X		X
Private Street Disclosure Statement, if applicable	X		X
Certificate Regarding Erosion and Sedimentation Control Plan			X
Certificate of Warranty			X
Public Water Supply Watershed Protection Statement	X		X
Public Street Maintenance Disclosure Statement			X

A-1-3 Documents and Written Information in Addition to Maps and Plans

In addition to the written application and the plats, whenever the nature of the proposed development makes information or documents such as the following relevant, such documents or information shall be provided. The following is a representative list of the types of information or documents that may be requested at the time of plat submission:

Information	Minor and Major Subdivisions		
	Minor Plat	Preliminary Plat	Final Plat
Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person.	X	X	
Certifications from the appropriate agencies that proposed utility systems are or will be adequate to handle the proposed development and that all necessary easements have been provided.		X	
Detailed descriptions of recreational facilities to be provided.		X	
Legal documentation establishing homeowners' associations or other legal entities responsible for control over required common areas and facilities.			X
Bonds, letters of credit, or other surety devices.			X
A traffic impact study performed and prepared by a qualified transportation or traffic engineer or planner.		X	
Time schedules for the completion of phases in staged development.		X	
The environmental impact of a development, including its effect on historically significant or ecologically fragile or important areas and its impact on pedestrian or traffic safety or congestion.		X	
If any street is proposed to intersect with a state-maintained street, a copy of the application for driveway approval as required by the Department of Transportation, Division of Highways Manual on Driveway Regulations.		X	

APPENDIX B IMPROVEMENT GUARANTEES

The following are examples of an improvements guarantee agreement, a performance bond agreement, and an irrevocable letter of credit. The County attorney should approve the form of any such agreements.

Improvements Guarantee Agreement

STATE OF NORTH CAROLINA AGREEMENT

COUNTY OF MOORE

THIS AGREEMENT MADE AND ENTERED INTO this _____ day of _____, 20_____ by and between _____(Subdivider) hereinafter known as "the Subdivider", and the Moore County Subdivision Review Board, hereinafter known as "the Board", which Board is also a duly constituted agency on the County of Moore.

WITNESSETH:

WHEREAS, the Subdivider is attempting to secure from the Board approval of a Final Plan of a proposed subdivision to be known as the _____ Subdivision to be located in Moore County, North Carolina; and

WHEREAS, a County ordinance entitled Subdivision Ordinance for the County of Moore, as adopted by the Board of Commissioners for the County of Moore on the _____ day of _____, 20____, (and as subsequently amended), requires the completion of certain improvements prior to Final Plat approval by the Board; and

WHEREAS, said Ordinance also allows the Board, at its discretion, to permit the Subdivision to (post a surety bond) (deposit cash or other instrument readily convertible into cash at face value) with the County of Moore through the Board to guarantee the completion of said required improvements; and

WHEREAS, the Board desires to approve said Final Plat and, in lieu of requiring completion of all improvements prior to said approval, will accept from the Subdivider the filing of a (surety performance bond with _____ Company as surety) (letter of credit from the _____ Bank) (other) to guarantee and secure completion of said improvements.

IT IS THEREFORE, AGREED AS FOLLOWS:

1. The Subdivider will, on or before the _____ day of _____ , 20_____, complete as required the following improvements in the _____ Subdivision:

(here detail all improvements to be completed)

2. The Subdivider shall file with the County of Moore through the Board a (enter here the type of document to be filed) securing and guaranteeing completion of said improvements by the required date; and

3. When the (enter here the type of document to be filed) is filed and other requirements of said Ordinance are met, then the Board will approve the Final Plat of the _____ Subdivision.

The Moore County Subdivision Review Board has, by appropriate Board action, caused this Agreement to be executed by its Chairman or other authorized member and attested by the Clerk to the Board, and the (name of Company)_____ has, by appropriate action of its Board of Directors, caused this Agreement to be

executed by its _____ and attested by its _____ Secretary under corporate seal this the _____ day of _____, 20____.

MOORE COUNTY SUBDIVISION REVIEW BOARD

Attest: BY_____
Chairman

_____
Clerk to the Board

_____(name of corporation)

Attest: _____ BY _____
Secretary President

STATE OF NORTH CAROLINA

COUNTY OF MOORE

I, _____, Notary Public for said State and County certify that _____, personally came before me this day and acknowledge that (s)he is _____ Secretary of _____,
a corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its _____ President, sealed with its corporate seal, and attested by _____ self as its _____ Secretary .

Witness my hand and notarial seal, this the _____ day of _____,
~~19~~ 20_____.

_____
Notary Public

My Commission Expires: _____

(This Agreement may be appropriately modified for execution by a subdivider who is not incorporated).

APPENDIX B IMPROVEMENT GUARANTEES

Performance Bond

STATE OF NORTH CAROLINA PERFORMANCE BOND

COUNTY OF MOORE

KNOW ALL MEN BY THESE PRESENTS that we, _____(the name of the subdivider), as Principal, and (the name of the Bonding Company)____ as Surety, are held and firmly bound unto the County of Moore, a political subdivision of the State of North Carolina, and a body politic and corporate, in the sum of $_____, lawful money of the United States of America, for the payment of which, well and truly be made, we, and each of us, bind ourselves and each of us, our successors and assigns, jointly and severally, by these presents.

THE CONDITIONS OF THIS OBLIGATION ARE SUCH THAT:

WHEREAS, the Principal has submitted a Final Plat of the subdivision known as _____ Subdivision, located in Moore County, North Carolina, for approval by the Moore County Subdivision Review Board, an agency of the County of Moore, which approval is a condition precedent to the right of said Principal to have said final plat registered in the Office of the Register of Deeds for Moore County; and

WHEREAS, the Moore County Subdivision Review Board is unable, pursuant to County ordinance, to approve said plat of said Subdivision for registration until all required improvements are completed or until a guarantee of completion of said required improvements is filed with the County of Moore through said Subdivision Review Board; and

WHEREAS, the Moore County Subdivision Review Board and the Principal have this date entered into an Agreement which said Board will approve Principal's final plat for the _____ Subdivision prior to the completion of required improvements, and the Principal has agreed to file a Surety Bond in the amount of $_____ securing to the County of Moore, through said Board, the actual completion of said required improvements on or before the _____ day of _____, 20_____, which Agreement is attached hereto as Exhibit A and made a part hereof; and

WHEREAS, the improvements required and agreed to be completed are set forth in said Exhibit A.

NOW THEREFORE, if the Principal shall fully comply with all the terms hereof, including the requirements of that Agreement attached hereto as Exhibit A and by which the Principal agrees to complete certain improvements on or before the _____ day of _____, 20____, then this obligation shall be null and void; otherwise, it shall remain in full force and effect.

IN WITNESS WHEREOF the said Principal and Surety have hereunto set their hands and seals this the _____ day of _____, 20_____.

_____
Principal

BY _____(SEAL)
President

Attest:

_____

_____
Surety

_____(SEAL)
Attorney-in-fact
(Power of Attorney attached)

APPENDIX B IMPROVEMENT GUARANTEES

Irrevocable Letter of Credit

STATE OF NORTH CAROLINA IRREVOCABLE LETTER OF CREDIT

COUNTY OF MOORE NO. _____

_____
(Name of Bank)
Address: _____
(include branch, if any)
Date: _____

TO: The County of Moore
% Board of Commissioners for
The County of Moore
Moore County Courthouse
Carthage, North Carolina 28327

Commissioners:

We hereby open our irrevocable credit in your favor available by your drafts at sight on us for a sum not exceeding $_____ for the account of _____ hereinafter known as "Customer". When presented for negotiation, drafts must be accompanied by the signed statement of the Chairman of the Moore County Subdivision Review Board that drawing is due to default or failure to perform by Customer, the following improvements in the _____ Subdivision on or before the _____ day of _____, 20_____:

(Here list the required improvements)

The term of this irrevocable credit is either through and including the _____ day of _____, 20_____ or upon written notice from the Chairman of the Moore County Subdivision Review Board that the required improvements have been timely completed, whichever is earlier.

Acting through the Chairman of the Moore County Subdivision Review Board, you will notify us when either of the following occurs:

1. The required improvements have been timely completed and the credit may be released; or
2. The Customer has failed to perform or is in default thereunder.

All drafts drawn hereunder must be marked as follows:

_____

The amount of any draft drawn under this credit must, concurrently with negotiation, be endorsed on the reverse side hereof, and the presentation of any such draft shall be a warranty by the negotiating band that such endorsement has been made.

This Letter of Credit shall be transferable and/or assignable.

This Letter of Credit, except as otherwise expressly provided herein, is governed by the Uniform Commercial Code in force in the State of North Carolina on the date hereof,

Very truly yours,

_____ BY: _____
(Name of Bank) (Authorized Signature)

APPENDIX C DEFINITION OF THE PRACTICE OF LAND SURVEYING

THE FOLLOWING IS AN EXCERPT FROM THE STANDARDS FOR LAND SURVEYING IN NORTH CAROLINA, (Found on page 5)

B. DEFINITION OF THE PRACTICE OF LAND SURVEYING:

"Practice of land surveying" by Registered Land Surveyors shall mean any service or work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence to the act of measuring and locating lines, angles, elevations, natural and man made features in the air, on the surface of the earth, within underground workings, and on the beds of bodies of water for the purpose of determining areas and volumes, for the monumenting of property boundaries, and for the platting and layout of lands and subdivisions thereof, including the topography, alignment and grades of street and incidental drainage within the subdivision, and for the preparation and perpetuation of maps, record plats, field note records, and property descriptions that represents these surveys.

The term "practice of land surveying" shall not be construed to permit the design or preparation of specifications for (i) major highways (ii) wastewater systems; (iii) wastewater or industrial waste treatment works; (iv) pumping or lift stations; (v) water supply, treatment, or distribution systems; (vi) streets or storm sewer systems except as incidental to a subdivision.

The above describes that which a Registered Surveyor may design, supervise the construction of, and certify upon completion. All other items required by this ordinance must and shall be the responsibility of a Professional Engineer registered in North Carolina.

APPENDIX D: CERTIFICATES AND STATEMENTS

D-1 Required Certificates and Statements

Type of Certificate or Statement	Level 1 Minor Plat	Level 2 Minor Plat or Major Plat
(1) Certificate of Ownership *(for use with Level 1 minor subdivision plats only)*	X	
(2) Certificate of Ownership and Dedication *(for use with Level 2 minor subdivisions or major subdivision plats only)*		X
(3) Certificate of Level 1 Minor Subdivision Plat Approval	X	
(4) Certificate of Preliminary Major Subdivision Plat or Level 2 Minor Subdivision Plat Approval		X
(5) Certificate of Final Major Subdivision Plat Approval or Level 2 Minor Subdivision Plat Approval		X
(6) Certificate of Survey and Accuracy	X	X
(7) NCDOT Division of Highways District Engineer Certificate		X
(8) Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements		X
(9) Private Roads Disclosure Statement		X
(10) Utilities Certificate		X
(11) Certificate of Purpose of Plat	X	X
(12) Certificate of Exemption	X	X
(13) Review Officer Certification	X	X
(14) Certificate Regarding Erosion and Sedimentation Control Plan		X
(15) Certificate of Warranty		X
(16) Public Water Supply Watershed Protection Statement	X	X
(17) Public Street Maintenance Disclosure Statement		X

D-2 Wording for Plat Certificates and Statements

(1) Certificate of Ownership *(For Use With Level 1 Minor Plats Only)*

I (We) hereby certify that I am (we are) the owner(s) of the property described hereon, which property is within the subdivision regulation jurisdiction of Moore County, North Carolina, and that I (we) freely adopt this plan of subdivision.

_____ _____
Owner Date

_____ _____
Owner Date

(2) Certificate of Ownership and Dedication *(For Use With Major Plats and Level 2 Minor Plats Only)*

I (We) hereby certify that I am (we are) the owner(s) of the property described hereon, which property is located within the subdivision regulation jurisdiction of Moore County, North Carolina, that I (We) hereby freely adopt this plan of subdivision and dedicate to public use all areas shown on this plat as streets, alleys, walks, parks, open space, and easements, except those specifically indicated as private, and that I (we) will maintain all such areas until the offer of dedication is accepted by the appropriate public authority. All property shown on this plat as dedicated for a public use shall be deemed to be dedicated for any other public use authorized by law when such other use is approved by the Board of County Commissioners of Moore County in the public interest.

_____ _____
Owner Date

_____ _____
Owner Date

_____ _____
(Notarized) Date

(3) Certificate of Level 1 Minor Subdivision Plat Approval

I hereby certify that the minor subdivision shown on this plat does not involve the creation of new public streets or any change in existing public streets or change in existing utilities, that the subdivision shown is in all respects in compliance with the Subdivision Regulations of Moore County, North Carolina, and that therefore this plat has been approved by the Subdivision Administrator, subject to its being recorded in the Moore County Registry within sixty days of the date below.

_____ _____
Subdivision Administrator Date

(4) Certificate of Preliminary Major Subdivision Plat Approval or Level 2 Minor Subdivision Plat Approval

I hereby certify that the Subdivision Review Board of Moore County, North Carolina approved on the _____ day of _____, 20___ the preliminary plan of subdivision as shown on this plat. Preliminary approval is valid for a period of 12 months from the above date or as established under the vested rights procedures, if applicable.

_____ _____
Subdivision Administrator Date

(5) Certificate of Final Major Subdivision Plat Approval or Level 2 Minor Subdivision Plat Approval

I hereby certify that the subdivision depicted hereon has been granted final approval pursuant to the Subdivision Regulations of Moore County, North Carolina subject to its being recorded in the Office of Register of Deeds within 60 days of the date below. I further certify that streets, utilities and other improvements have been installed in an acceptable manner and according to specifications of Moore County in the subdivision depicted hereon or that a performance bond or other sufficient surety in the amount of $_____ has been posted with Moore County to assure completion of required improvements.

_____ _____
Subdivision Administrator Date

(6) Certificate of Survey and Accuracy

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____, page _____, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, page _____; that the ratio of precision as calculated is 1:_____; that this plat was prepared in accordance with NCGS 47-30 as amended. Witness my original signature, registration number and seal this ____ day of _____, A.D., 20_____.

Seal or Stamp of Surveyor

_____
Surveyor

_____
Registration Number

(7) NCDOT Division of Highways District Engineer Certificate

I hereby certify that the streets as depicted hereon are/are not consistent with the requirements of the North Carolina Department of Transportation, Division of Highways.

_____ _____
District Engineer Date

(8) Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements

A. To be used when all improvements have been installed prior to final plat approval

I hereby certify that I have inspected and find that all streets, utilities, and other required improvements as shown on the preliminary and final plats of the _____ Subdivision have been installed in an acceptable manner and according to county and state specification and standards.

_____	_____
Date	Licensed Professional
Seal	_____
	Registration Number

B. To be used when some, but not all, improvements have been installed prior to final plat approval

I hereby certify that I have inspected and find that the following streets, utilities, and other required improvements as shown on the preliminary and final plats of the _____ Subdivision have been installed in an acceptable manner and according to county and state specification and standards.

(List all inspected and approved improvements)

_____	_____
Date	Licensed Professional
Seal	_____
	Registration Number

(9) Private Streets Disclosure Statement

The following statement shall be placed on all subdivision plats that include private streets:

'The maintenance of streets designated on this plat as 'private' shall be the responsibility of property owners within this development having access to such roads. Private streets as shown hereon will not be included, for maintenance purposes, in the North Carolina highway system. Neither Moore County nor the North Carolina Department of Transportation will maintain a private street.'

(10) Utilities Certificate

I hereby certify that the _____ improvements have been installed in an acceptable manner and in accordance with the requirements of the Subdivision Regulations of Moore County, North Carolina or that a performance bond or other sufficient surety has been provided to assure completion of the required improvements.

_____	_____
Signature of Authorized Agent of Utility Provider	Date

(11) Certificate of Purpose of Plat

The final plat shall contain one of the following statements, signed and sealed by the plat preparer:

a. This survey creates a subdivision of land within the jurisdictional area of Moore County, North Carolina and that the County has an ordinance that regulates parcels of land;

b. This survey is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;

c. Any one of the following:

1. This survey is of an existing parcel or parcels of land and does not create a new road or change an existing street;

2. This survey is of an existing building or other structure, or natural feature, such as a water course;

3. This survey is a control survey;

d. This survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision; or

e. The information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in (a) through (d) above.

Signed: _____ SEAL
Surveyor

Date: _____

(12) Certificate of Exemption

Plats deemed to be an exemption to the provisions of these regulations shall contain the following statement prior to the owner's recording of such plats:

I hereby certify that the division of property shown and described hereon is exempt from the Moore County Subdivision Ordinance by definition and/or ordinance.

_____ _____
Subdivision Administrator Date

(13) Review Officer Certification

The following certificate shall be shown of all subdivision plats:

State of North Carolina

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

_____ _____
Review Officer Date

(14) Certificate Regarding Erosion and Sedimentation Control Plan
Where a subdivision of property does not require an Erosion and Sedimentation Control Plan as determined by licensed professional, the plat shall show the following certificate with signature

I hereby certify that the subdivision of property shown and described hereon does not require an approved Erosion and Sedimentation Control Plan.

_____ _____
Date Licensed Professional

(15) Certificate of Warranty
(To be modified if signed by an officer of a corporation)

I hereby certify that I know of no defects from any cause and will fully warrant all improvements which have been installed to be free from defects in material and workmanship for a period of one (1) year from this date. Any improvements yet to be installed I shall fully warrant in this same manner for a period of one (1) year from the date of the release of guarantees. In the event that defects are discovered in any such improvements during the warranty period, I shall replace and/or repair the defective improvements at my own expense.

_____ _____
Date Subdivider

Attest: _____
Subdivision Administrator

_____
County Clerk

(16) Public Water Supply Watershed Protection Statement

The following statement shall be placed on all subdivision plats which include property located within a watershed protection overlay district:

'All or portions of the property contained in this subdivision are located within a Public Water Supply Watershed. Additional development restrictions regarding such matters as residential density, maximum impervious surface area, and stormwater control measures may apply to this property. Any engineered stormwater controls shown on this plat are to be operated and maintained by the property owners and/or a property owners' association pursuant to the Operation and Maintenance Agreement filed with the Office of the County Register of Deeds in Book _____ Page _____.'

(17) Public Street Maintenance Disclosure Statement

The following statement shall be placed on all subdivision plats that include newly constructed streets intended to be maintain by the NCDOT:

'The maintenance of public street(s) shown on this plat is (are) intended to be the responsibility of the North Carolina Department of Transportation, provided that all requirements for acceptance are met. Until such time as the NCDOT accepts the street(s), I (We) will provide for necessary maintenance of the streets.'

_____
Owner(s)