To: Polk County Board of Commissioners

From: Planning Board and Staff

Date: November 14, 2024

Re: Polk County Subdivision Ordinance Text Amendment

Project History & Analysis

The Planning Board, with support from staff and county attorney, have updated the Polk County Subdivision Ordinance.

Proposed Amendments

Amendments included in attached document (additions to existing text are indicated by the use of underlining, and deletions are indicated by strike-through). See attached document.

Plan Consistency

The Planning Board has found that this request is consistent with the Polk County 20/20 Vision Comprehensive Plan, adopted March 15, 2010, amended September 18, 2017:

a. Vision for Polk County: Polk County's rural atmosphere and serene natural beauty will be vigorously protected. Visionary and pragmatic county and municipal governments will work together in a cooperative manner as they continue to enhance the quality of life for all Polk County citizens.
b. I.47 As necessary, revise/update the Polk County Ordinances.

Recommendation

The Planning Board does recommend that the Board of Commissioners enact the Polk County Subdivision Ordinance text amendments.

Votes:
Aye - ____
Nay - ____
Abstain - ____

_____
Planning Board Chair



Polk County
Subdivision Ordinance

Adopted: November 21, 2011; Amended: April 7, 2014[1]; July 16, 2018[2]; October 7, 2019[3]; May 3, 2021[4]

DRAFT November 2024

(3) Failure of the Administrator to act, in writing, on the preliminary plat within the specified response time shall be deemed as a basis for appealing to the Polk County Board of Adjustment.

Step 3. Applicant Revision Period. The applicant shall revise the plat in accordance with the Administrator's review. All necessary revisions shall be made prior to approval by the Administrator. If no revisions are necessary, the final plat may be approved (see Step 4).

Step 4. Administrator Final Plat Approval. Following successful revision of the Final Plat by the applicant (if necessary), the Administrator shall approve the Final Plat by obtaining the applicable signatures as required by Section 4.7.2.

(B) ~~*Family*~~ *Subdivision Special Requirements.*

(1) The subdivider shall submit with his application for a Family Subdivision written evidence that the subdivision is a division of land by a property owner among his immediate family, to wit: spouse, children, or their lineal descendants or ascendants, or the lineal descendants or ascendants of said property owner as a gift, or as a settlement of the property owners estate.

(2) The ~~family~~ subdivision shall ~~provide that each lot or parcel of land shall have direct access from an existing recorded right-of-way or shall have a recorded access easement from a public road~~meet the requirements of Section 5.9 and/or 5.12. If a grantor has a recorded access easement, it must transfer along with the property.

~~(C) *Expedited Review for Three Lots*[2, 4]~~

~~(1) The Applicant shall submit an application with a plat for recordation for the division of a tract or parcel of land in single ownership if all of the following criteria are met:~~

~~a. The tract or parcel to be divided is not already exempt according to the Subdivision definition~~

~~b. No part of the tract or parcel to be divided has been divided in the 10 years prior to the division~~

~~c. The entire area of the tract or parcel to be divided is greater than five acres~~

~~d. After division, no more than three lots result from the division~~

~~e. After division, all resultant lots comply with all of the following:~~

~~i. Any lot dimension size requirements of the applicable land-use regulations, if any~~

~~ii. The use of the lots is in conformity with the applicable zoning requirement, if any~~

~~iii. A permanent means of ingress and egress is recorded for each lot.~~

ARTICLE 4. SUBDIVISION PLAN REQUIREMENTS

Information	*Sketch Plan*	*Master Plan*	*Preliminary Plat*	*Final Plat*
A sketch vicinity map showing the relationship between the proposed development and surrounding area	X	X	X	X
Scale of drawing in feet per inch in words or figures (no smaller than 1" = 200')		X	X	X
Graphic bar scale	X	X	X	X
Phase lines	X	X	X	
Proposed timetable for development	X	X	X	
Proposed lot lines and corners, lot and block numbers and other dimensions including acreage		X	X	X
Name, address, and registration number of registered land surveyor			X	X
Building setbacks in table format		X	X	X
Existing buildings or structures, railroads, and bridges on the property		X	X	X
Boundaries of floodplains or note stating that property is not within the floodplain	X	X	X	X
Designation of slopes greater than 50%		X		
A statement regarding the proposed amount of grading to take place (see Section 5.18)			X	
A statement regarding the proposed method of stormwater management		X	X	
Existing uses of the land within the proposed subdivision		X	X	
Proposed school sites, parks, or other open spaces		X	X	X
Environmental assessment checklist (see Section 5.3)	X			
Environmental impact statement (see Section 5.3)			X	
Landscaping plan, if applicable			X	
Lighting plan, if applicable			X	
The following data concerning streets:				
Existing street layout and right-of-way/access easement width	X		X	X
Proposed street types	X	X		

Information	*Sketch Plan*	*Master Plan*	*Preliminary Plat*	*Final Plat*
Proposed street types, including cross-sections			X	X
Road name(s) and designation of private or public dedication			X	X
NCDOT written approval of any public road plans, if applicable			X	
~~For Family Subdivisions, a~~A road maintenance agreement ~~signed by all affected parties~~				X
Subdivision Roads Disclosure Statement prepared in accordance with NCGS 136-102.6(f)				X
Utilities:				
Utility and other right-of-ways or easements of record on and abutting to the subdivision			X	X
Transmission lines			X	X
Approximate location of natural gas lines			X	X
Approximate location of water and sanitary sewers existing, size and plans for connection to private community or public community or public systems			X	X
Storm sewers, culverts, detention ponds, and other drainage facilities, if any (proposed/actual)			X	X
Other infrastructure details deemed necessary by the Administrator			X	X
Site calculations:				
Total acreage	X	X	X	X
Total number of lots and/or units	X	X	X	X
Area of each lot in acres		X	X	X
Proposed acreage in street right-of-way		X	X	X
Proposed acreage & percent of overall development in open space		X	X	
Proposed acreage in parks, lakes, or other public land usage		X	X	
Average lot size			X	X

ARTICLE 5. SUBDIVISION DESIGN STANDARDS

SECTION 5.5 WATER AND SEWER REQUIREMENTS

Any major subdivision which has either a public water system or public sewage disposal system or both legally available or to be made available within 500 feet of its boundary as measured along a public right-of-way and/or easement shall have the available systems extended by the developer, at their cost, to provide service to each lot in the subdivision. Water and sewer installations shall be in accordance with the standards of Polk County. When not in conflict with these standards, fire hydrants shall be installed at intervals consistent with the North Carolina Fire Code along the water lines. Where public water and/or sewer are not made available to each lot, service shall be provided as specified in Section 5.13.

SECTION 5.6 LOTS

(A) All lots shall abut on a dedicated public or private street, except that two-lot, expedited three-lot, and family subdivisions may utilized access easements, see Section 5.9 and/or 5.12. ~~except that up to two lots may be accessed by a private driveway easement that accesses a public or private street~~. ~~In the case of a Family Subdivision, see Section 5.9(D).~~

(B) Lot lines may be drawn to the right-of-way or the center of the road of any adjacent road except where an existing property line is drawn within an existing road right-of-way.

(C) All lots identified in a watershed must also meet the requirements of the County's Watershed Protection Ordinance.

(D) The Planning Board ~~or Subdivision Administrator (two-lot, three-lot expedited, or family subdivisions)~~ may approve the limited use of pan handle lots where it is impractical to serve an isolated lot by an existing or proposed road. A pan handle lot shall have a minimum road frontage of 35 feet for an access strip to an isolated building site. ~~The access strip should not exceed 300 feet in length and the access strip shall not be used to calculate the minimum lot area unless such strip exceeds 70 feet in width.~~[4]

(E) *Subdivision Lot Standards.* The following indicates minimum lot size, road frontage[2] and setbacks for zoned and unzoned areas of the County, as applicable.

(1) For Minor, Two-Lot, Expedited Review for Three Lots, and Family Subdivisions, the following table indicates minimum density and lot standards. ~~Lot standards for areas zoned by Polk County are specified by the Polk County Zoning Ordinance~~ Lot width and yard setbacks for areas zoned by Polk County are specified by the Polk County Zoning Ordinance. [2, 4]

Subdivision Lot Minimum Standards	Public Water and Public Sewer	Public or Community Water and Individual or Community Sewer	Individual Water and Individual or Community Sewer
Average Lot Density	2 lots per acre	1 lot per acre	1 lot per acre
Lot Standards Minimum Lot Area	1/2 acre	1 acre	1 acre
Minimum Road Frontage*	50	70	70
Minimum Road Frontage on Cul-de-Sacs	50	50	50
Front Setback	25	25	25
Side Setback	15	15	15
Rear Setback	25	25	25

*** Minimum road frontage requirement shall not apply to a lot in a family subdivision which is situated at the terminus of a family road easement.**

(2) For Major Subdivisions, the following table indicates minimum lot standards, unless the zoning district is more restrictive. Lot width and yard setbacks for areas zoned by Polk County are specified by the Polk County Zoning Ordinance. [2, 4]

Subdivision Lot Density/ Lot Dimensions	Public Water and Public Sewer	Public or Community Water and Individual or Community Sewer	Individual Water and Individual or Community Sewer
Average Lot Density	1 lot per 2 acres	1 lot per 3 acres	1 lot per 5 acres
Lot Standards Minimum Lot Area	1/2 acre	1 acre	1 acre
Minimum Road Frontage**	50	70	70
Minimum Road Frontage on Cul-de-Sacs	50	50	50
Front Setback	25	25	25
Side Setback	15	15	15
Rear Setback	25	25	25

** See 5.6D

(3) *Major Subdivisions Utilizing Cluster Development.* The following table indicates minimum standards for Major Subdivisions that utilize cluster development as outlined in Section 5.7: [2]

Subdivision Lot Minimum Standards	Public Water and Public Sewer	Public or Community Water and Individual or Community Sewer	Individual Water and Individual or Community Sewer
Average Lot Density	1 lot per 2 acres	1 lot per 3 acres	1 lot per 5 acres
Lot Standards Minimum Lot Area	*	*	*
Minimum Open Space Dedication	50%	50%	50%
Minimum Road Frontage for Development**	50 feet	50 feet	50 feet
Exterior Development Setback	50 feet	50 feet	50 feet
All Interior Setbacks	0 feet	0 feet	0 feet

***As required by applicable state and/or local permit requirements.**

**** See 5.6D**

(4) *Minor Subdivisions Utilizing Cluster Development.* The following table indicates minimum standards for Minor Subdivisions that utilize cluster development as outlined in Section 5.7: [2]

Subdivision Lot Minimum Standards	Public Water and Public Sewer	Public or Community Water and Individual or Community Sewer	Individual Water and Individual or Community Sewer
Average Lot Density	2 lots per acre	1 lot per acre	1 lot per acre
Lot Standards Minimum Lot Area	*	*	*
Minimum Open Space Dedication	50%	50%	50%
Minimum Road Frontage for Development**	50 feet	50 feet	50 feet
Exterior Development Setback	50 feet	50 feet	50 feet
All Interior Setbacks	0 feet	0 feet	0 feet

***As required by applicable state and/or local permit requirements.**
**** See 5.6D**

SECTION 5.7 CLUSTER DEVELOPMENTS

(A) The intent of a cluster development is to allow smaller than minimum lot sizes in order to preserve larger areas of open space and environmental resources.

(B) Within subdivisions utilizing cluster development, the minimum lot size may be reduced in accordance with the table contained in Section 5.6 provided the average lot density per acre does not exceed that which is allowed without the use of such cluster development regulations. [2]

(C) In a cluster development, a minimum of 50% of the total area of the parcel being subdivided shall be dedicated to open space.

(D) If individual sewer or water is to serve the building lots, the owner of the subdivision must obtain written approval from the Polk County Health and Human Services Agency[3] that these systems are adequate to serve the building lots. If there is any sharing of water and sewer facilities between the building lot owners, a maintenance plan of these facilities must be filed with the County.

ARTICLE 5. SUBDIVISION DESIGN STANDARDS

SECTION 5.9 EASEMENTS

(A) *Utility Easements.* Utility easements shall be provided, where necessary, preferably centered on the side or rear lot lines and shall be at least ten (10) feet wide. [4]

(B) *Access Easement*, An access easement at least 30' feet in width meeting Fire Code (unless otherwise approved by the Fire Marshall) shall provide access from a public roadway to lots created in the interior of the site. A road maintenance agreement prepared for recordation shall be prepared with the plat. ~~*Family Subdivision, 2-lot, and 3-lot expedited Private Road Easements.* All lots within a the family subdivision may be accessed by a minimum access 30' easement from a private or public road providing a road maintenance agreement is signed by all affected parties and recorded with the family subdivision plat.~~ [4]

~~(C) Two-lot and Expedited Subdivision *Driveway Easements.* A minimum of 30' easement that allows access to not more than three lots from an approved public or private road.~~ [4]

(C~~(D~~) *Water Course and Drainage Easements.*

(1) Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such water course.

(2) If an easement is required for physical improvements to control drainage it must be shown on the final plat, including access to the easement for repairs.

(3) Said drainage way shall be of sufficient width to carry storm water runoff from a 10-year storm.

SECTION 5.10 GENERAL PROVISIONS FOR ROAD DESIGN[4]

(A) *Street Names.*

(1) Proposed streets which are obviously in alignment with existing streets shall be given the same name.

(2) In assigning new names, duplication of existing names shall be avoided, and in no case shall the proposed name be phonetically similar to existing names in the County irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be subject to the approval of the Property Address Administrator.

SECTION 5.11 PUBLIC ROAD STANDARDS

(A) *Minor and Major Subdivision Public Road Design*

(1) All road design must comply with the Polk County Fire Code. All roads proposed for public use shall be annotated "public" on plans and plats and shall be designed and constructed in accordance with the standards necessary to make the roads eligible to be put on the State Highway Maintenance System at a later date. Such standards, hereafter referred to as "State Road Standards", are contained in a publication of the North Carolina Department of Transportation, Division of Highways, titled, "Subdivision Roads - Minimum Construction Standards", a copy of which is available for review in the office of the Administrator. Designation as public shall be presumed an offer of dedication to the public; however, this does not guarantee that NCDOT will accept the proposed public roads or agree to assume the maintenance responsibility of the proposed public road. Pursuant to GS 136-102.6(d) the NCDOT District Engineer's office must sign a certificate of approval of the design of the public road provided on the face of the final plat for any subdivision where public roads are proposed prior to County approval of the final plat.

(2) If a request for dedication of public roads is made, inspection and approval by the NCDOT must have taken place, and roads must be inspected and approved by NCDOT, but acceptance is not required, before the final plat can be approved by the Planning Board.

(B) *Public Road Dedication and Maintenance.*

(1) All roads proposed for public use by the developer and seller, including those proposed streets which are not eligible to be placed on the State Highway System because there are too few lots or residences, shall be dedicated to the public and shall be designed and constructed in accordance with the standards necessary to make the streets eligible to be put on the state system at a later date.

(2) A written maintenance agreement sufficient for recording in the Office of the Register of Deeds shall be submitted with the final plat. Said maintenance agreement will provide for the subdivider or a property owner's association to maintain the street, drainage facilities, and right-of-way until such time as the street is accepted for maintenance by the state.

SECTION 5.12 PRIVATE ROADS

(A) *Private Roads Defined.*

(1) All ~~new~~ existing private roads shall ~~directly~~ connect to a state-maintained road or shall connect to a state maintained road by way of a private road/recorded minimum 30' meeting Fire Code (unless otherwise approved by the Fire Marshall) access easement, ~~meeting the standards of this section, unless a variance is granted pursuant to this Ordinance~~.

(2) New roads within a two-lot, family, and three-lot expedited subdivision may be designated by the subdivider as private, provided all streets proposed for private use shall be limited to the following:

- Streets providing exclusive access to residential subdivisions and private resort developments.
- Streets in subdivisions or portions of subdivisions serving too few lots for inclusion into the State Secondary Road System.
- Streets must meet Fire Code standards.
- ~~Streets providing exclusive access to family subdivisions.~~ [4]

(B) All new private road design minor and major subdivisions must comply with the Polk County Fire Code and shall either be constructed to NCDOT "Subdivision Roads - Minimum Construction Standards" or in lieu thereof, private road designs that do not meet minimum standards required by the NCDOT will be accepted provided the proposed design standard is signed and sealed by a duly licensed professional engineer, under Chapter 89C of the NC General Statutes, and meets vehicular traffic and fire apparatus access requirements.~~.~~

(C) *Maintenance of Private Roads.* All subdivision plats which include private roads shall be accompanied by a disclosure statement (NCGS 136-102.6) for recording, which provides for the maintenance of any kind and all private streets designated within a subdivision by a property owner's association.

(D) ~~*Two Lot, Expedited Review for Three Lots, and Family Subdivisions.*[2,4] All lots with two lot, expedited review for three lots, and family subdivisions must abut a public or private road or be provided access to a public or private road via a recorded access easement meeting the requirements of the State Fire Code, where applicable. See easement requirements.~~

SECTION 5.13 PRIVATE WATER AND SEWER

(A) *Submittal Requirements and Approval.*

(1) If the subdivision in question is to have a community sewage disposal system other than one connected to a municipal system, the following is required:

- Depiction of the system and its location with sufficient area for repair if needed.
- An engineered plan as to the system.
- Sealed approval of the local Polk County Health and Human Services Agency.[3]

(2) The local Health Department shall certify that the soil conditions are suitable to support a septic system.

(3) All Preliminary Plats which will require the installation of any water and/or sewerage systems prior to final plat approval shall be accompanied by a written application and/or notice submitted to the appropriate state or local agency responsible for approving the particular system or systems.

Dwelling Unit
A building, or portion thereof, providing complete and permanent living facilities for one family.

E

Easement, Access~~Driveway~~[4]
See Section 5.9
~~A private access easement to one or two proposed or recorded lots which meet the lot standards of this Ordinance for area and dimensions. A driveway easement may be paved or unpaved, platted or described by metes and bounds, or may be otherwise described or shown as an easement or right-of-way. Any drive, access, road, easement or right-of-way proposed or designed to serve more than two lots shall be defined as a public or private street.~~

Easement (Right-of-Way)
A grant by the property owner of a strip of land for a specified purpose and use by the public, a corporation, or persons, including access easements.

Environmental Impact Statement (EIS)
An EIS is prepared if the potential impacts of a project are likely to be significant. An EIS provides an extensive evaluation of a project's direct, secondary, and cumulative impacts, and confirmation that such impacts have been avoided, or otherwise mitigated.

Evidentiary Hearing[4]
A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation.

F

Farmland Preservation District
A farmland preservation district includes any Voluntary Agricultural District or Enhanced Voluntary Agricultural District which has been approved under the Polk County Agricultural District Ordinances.

G

Groundwaters
Those waters occurring in the subsurface under saturated conditions.

H

Hydrological Assessment
An analysis which considers the impact of a proposed action on the movement of water through the environment on, above, or below the surface of the Earth. The hydrological assessment must include the following: