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

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ARTICLE 1. PURPOSE AND APPLICABILITY

Article 1 – Purpose and Applicability

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ARTICLE 1. PURPOSE AND APPLICABILITY

SECTION 1.1 TITLE

This Ordinance shall be known and may be cited as the Subdivision Ordinance for Polk County, North Carolina, and may be referred to as the Subdivision Ordinance.

Section 1.2 Purpose

The purpose of this Ordinance is:

(A) To establish standards and procedures for the subdivision and resubdivision of land within the territorial jurisdiction of Polk County.

(B) To provide for the orderly and harmonious growth and development of the County.

(C) For the coordination of streets and roads within proposed subdivisions with existing and planned streets and highways, and with other public facilities.

(D) For the dedication or reservation of recreation or open space areas serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for streets and utilities.

(E) 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 general welfare.

(F) To further facilitate adequate provisions of water, sewerage, parks and schools.

(G) To facilitate the further resubdivision of larger tracts into smaller parcels of land.

(H) To protect Polk County's natural assets/environment.

(I) To preserve Polk County's rural atmosphere.

SECTION 1.3 COMPREHENSIVE PLAN

This Ordinance is based, in part, on the Comprehensive Plan and its goals and objectives. It should be noted that due to: severe topographic conditions, inadequate road access, distance from services, unique natural areas, soils that do not easily support soil drainage systems and/or the proximity to existing and incompatible land uses/zoning, all land may not be suitable to be subdivided for the purpose of dense development. The reviewing agency should take into consideration the goals and objectives of the Comprehensive Plan when reviewing subdivisions.

ARTICLE 1. PURPOSE AND APPLICABILITY

SECTION 1.4 JURISDICTION

This Ordinance, the regulations, and the procedures contained herein shall apply to and govern the creation of each and every lot, parcel or tract of land within the County of Polk, outside the jurisdiction of any incorporated municipality or an incorporated municipality's extraterritorial jurisdiction (ETJ).

SECTION 1.5 AUTHORITY, ADOPTION, AND EFFECTIVE

The Polk County Board of Commissioners hereby adopt this Ordinance pursuant to the authority and provisions conferred by the General Statutes of the State of North Carolina, Chapter 160D, Article 8.[4]

This Subdivision Ordinance shall take effect and be in force from and after its adoption by the Board of Commissioners of Polk County this 3rd day of May, 2021.

This Subdivision Ordinance is duly adopted by the Board of Commissioners of Polk County, North Carolina, this 3rd day of May, 2021.

_____ _____

Clerk Chairman, Polk County Board of Commissioners

Approved as to Form: _____

County Attorney

ARTICLE 2. LEGAL PROVISIONS

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ARTICLE 2. LEGAL PROVISIONS

SECTION 2.1 GENERAL LEGAL PROVISIONS FOR SUBDIVISION PLAT APPROVAL

(A) After the effective date of this Ordinance, no plat of a subdivision of land within Polk County's jurisdiction shall be filed or recorded until it has been submitted to and approved by Polk County and until this approval is entered in writing on the face of the plat by the Chairman of the Planning Board or the Administrator.

(B) The Register of Deeds shall not file or record a plat of a subdivision of land located within the planning jurisdiction of the County that has not been approved in accordance with these provisions, nor shall the Clerk of Court order or direct the recording of a plat if the recording would be in conflict with this Ordinance.

SECTION 2.2 EXISTING AND FUTURE ORDINANCES

All proposed subdivisions of land must comply in all respects with the requirements of all Polk County, state, and federal regulations and requirements.

SECTION 2.3 PENALTIES FOR VIOLATION

(A) It shall be a violation of this Ordinance, for any person who being the owner or the agent of the owner of any land located within the territorial jurisdiction of this Ordinance, to subdivide 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 the land before the plat has been properly approved under the terms of this Ordinance and recorded in the Office of the Polk County Register of Deeds. 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 Polk County Board of Commissioners, may enjoin illegal subdivision, transfer or sale of land by action for injunction. Violators of this Ordinance shall not be guilty of a Class III misdemeanor nor subject to fine and/or imprisonment as provided by NCGS 14-4.

(B) The violation of any provision of this Ordinance shall subject the offender to a civil penalty in the amount of 100 dollars to be recovered by the County. Violators shall be issued a written citation which must be paid within 10 days. Each day's continuing violation of this Ordinance shall be a separate and distinct offense.

(C) This Ordinance may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.

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

(E) For the purpose of this Ordinance, a Deed of Trust shall not be considered a transfer or conveyance of real property.

SECTION 2.4 SUBDIVISION VARIANCES[4]

(A) The Board of Adjustment may authorize a variance from these regulations when unnecessary hardships would result from carrying out the strict letter of the subdivision ordinance regulations. The Board shall hear and decide all variance requests in accordance with Article X, of the Polk County Zoning Ordinance.

(B) In granting any variance, the Board of Adjustment shall hold an evidentiary hearing. The Board of Adjustment shall take into account the nature of the proposed subdivision, the existing use of land in the vicinity, the existing environmental conditions, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity.

(C) No variances shall be granted unless the Board of Adjustment finds a showing of all of the following:

(1) Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

(4) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. The concurring vote of four-fifths of the Board shall be necessary to grant a variance. For the purposes of this subsection, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the Board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

(D) Any variance authorized by this ordinance is required to be entered in writing in the minutes of the meeting of the Planning Board and recorded on the final plat in the Office of the Register of Deeds of Polk County.

(E) Board of Adjustment decisions pertaining to variances shall be subject to review by the Superior Court Division of the General Courts of Justice of the State of North Carolina by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be duly verified and filed with the Clerk of Superior Court within 30 days after the decision is made and in writing.

SECTION 2.5 APPEALS[4]

Appeals from decisions of the Administrator or the Planning Board making an Administrative decision shall be taken to the Board of Adjustment. The Board of Adjustment shall hear and decide appeals in accordance with Article X, of the Polk County Zoning Ordinance.

Appeals from quasi-judicial decisions shall be subject to review by the superior court by proceedings in the nature of certiorari. The owner or other party shall have 30 days from receipt of the written notice of the determination within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the determination within which to file an appeal. In the absence of evidence to the contrary, notice given pursuant to G.S. 160D-4-3(b) by first-class mail shall be deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.

SECTION 2.6 AMENDMENTS

(A) *Authority*. This ordinance may be amended by the Board of Commissioners by approval, in the usual form, of an ordinance specifying the changes to be made.

(B) *Planning Board and Administration Review; Recommendation.*

(1) All proposed amendments to this Ordinance, except those initiated by the Planning Board, shall be submitted to the Planning Board for its recommendations as to approval, approval with specified alterations, or denial.[4]

(C) *Legislative Hearing and Notice.*[4] No proposed amendment to this Ordinance shall be acted upon by the Board of Commissioners until after a public hearing thereon. A notice of the public hearing shall be published once a week for two successive calendar weeks in a newspaper having general circulation in the county. The notice shall be published the first time not less than ten days nor more than 25 days before the date set for the hearing. In computing such period, the day of publication is not included, but the day of the hearing shall be included.

(D) *Limitation on Resubmittal.* Except when initiated by the Board of Commissioners or the Planning Board, no proposed amendment to this Ordinance failing of approval shall be considered in substantially the same form within one year of the date of failure to win approval.

ARTICLE 2. LEGAL PROVISIONS

SECTION 2.7 VALIDITY

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

SECTION 2.8 ABROGATION

This Ordinance shall neither repeal, abrogate, annul, impair or interfere with any existing subdivisions, the plats of which are properly recorded in the Office of Register of Deeds prior to the effective date of this Ordinance nor with the existing easements, covenants, deed restrictions, agreements or permits previously adopted or issued pursuant to law prior to the effective date of this Ordinance.

SECTION 2.9 ADMINISTRATION

The County Manager or his designee is hereby appointed to serve as the Administrator until such time the County Commissioners create a separate position of Administrator.

SECTION 2.10 PLAT APPROVAL REQUIRED FOR BUILDING PERMIT

No building permit may be issued for any construction on any proposed lot shown on a development plan until a final plat has been approved and recorded, except that a building permit may be issued for one (1) structure on one (1) lot shown on any approved development plan prior to recordation of a final plat. The Building Inspector shall deny building permits for subdivision lots created in violation of the terms and conditions of this Ordinance. Denial of a building permit based on a subdivision violation may be appealed to the Board of Adjustment for interpretation of the subdivision ordinance violation.[4]

SECTION 2.11 PLAT REQUIRED FOR LAND SUBDIVISION

All subdivision of parcels requires recordation of a plat. Parcels may not be subdivided by deed alone.

SECTION 2.12 CONFLICT WITH OTHER LAWS

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals or general welfare of Polk County. Where the provisions of any other statute or local ordinance are in conflict, the more restrictive or that imposing the higher standards shall govern.

SECTION 2.13 COMPUTATION OF TIME

Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday, that

day shall be excluded. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and holidays shall be excluded.

SECTION 2.14 FEES

(A) Reasonable fees sufficient to cover the cost of administration, inspection, publication of notice and similar matters may be charged to applicants for all permits issued under this ordinance. The amount of fees charged shall be set forth in the County's fee schedule as established by the Board of Commissioners and filed in the office of the Clerk to the Board.

(B) All fees shall be paid upon submission of any signed application required by this Ordinance.

SECTION 2.15 PROPERTY OWNERS' ASSOCIATIONS

(A) No preliminary plat for a subdivision for which a property owners' association will exist shall be approved until all required legal instruments have been reviewed by the County as to legal form and effect and approved by the County.

(B) Property owners' associations or similar legal entities that are responsible for the maintenance and control of open space areas and common areas, including roads and infrastructure/drainage easements, shall be established by the developer who shall record in the Register of Deeds a declaration of covenants and restrictions that will govern the association or similar legal entity. All such agreements shall comply with applicable North Carolina state statutes. A copy of the recorded document shall be provided to the Administrator and such document shall include, but not be limited to, the following:

(1) Provision for the establishment of the association or similar entity is required before any lot in the development is sold or any building occupied and membership shall be mandatory for each homeowner and any successive buyer.

(2) The association or similar legal entity has clear legal authority to maintain and exercise control over such common open space areas.

(3) The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas. Further, assessments levied can become a lien on the property if allowed in the master deed establishing the property owners' association or similar legal entity.

(4) The open space restrictions must be permanent, not just for a period of years.

(5) The association or similar legal entity must be responsible for liability insurance, applicable taxes, and the maintenance of open space, recreational facilities, private streets, infrastructure, and other facilities under its control.

(6) The association or similar legal entity must be able to adjust the assessment to meet changing needs.

(7) Covenants for maintenance assessments shall run with the land.

(8) Provision insuring that control of such association will gradually be vested in the property owners' association.

(9) All lands so conveyed shall be subject to the obligation of the grantee or grantees to enforce maintenance and improvement of all common facilities.

(C) The association shall be responsible for maintaining all public storm water drainage systems, private streets, easements, infrastructure and open space not being maintained by the County, State or other approved entity. The cost of such maintenance shall be an obligation of the association.

(D) The developer shall place in a conspicuous manner upon the final plat of the subdivision prior to final plat approval a notation concerning control of all common areas owned/controlled by the association.

(E) In the case of common ownership by a property owners' association, the restrictive covenants shall provide that, in the event the property owners' association fails to maintain the areas in common ownership according to the standards of this Ordinance, the County may, following reasonable notice, demand that deficiency of maintenance be corrected, or enter the open space to maintain it. The cost of such maintenance shall be charged to the property owners' association.

(F) It shall be expressly stated within the restrictive covenants/property owners' association documents that it will be the responsibility of the developer or successors or assigns to enforce such covenants or restrictions until such time as control has been transferred to the Property Owners' Association Board of Directors. It shall be the sole responsibility of the developer, successor or assigns to correct any deficiencies prior to transfer of control over to the Property Owners' Association Board of Directors.

ARTICLE 3. SUBDIVISION TYPES & REVIEW PROCEDURES

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ARTICLE 3. SUBDIVISION TYPES & REVIEW PROCEDURES

REFERENCE TABLE

Approval Needed - Section:	2 lot	Family	Minor	Major Administrative	Major Quasi-judicial
3.2 - Technical Review Panel				**x***	**x***
3.5 - Pre-application meeting	**(x)**	**(x)**	**x**	**x**	**x**
3.6 - Two-Lot, Expedited Review for Three Lots[2], & Family Subdivisions	**x**	**x**			
3.7 - Minor Subdivisions			**x**		
3.8- Major Subdivisions				**x**	**x**
3.9 - Performance Guarantees				**x***	**x***
3.10- Presale of lots				**x***	**x***
4.2 - Sketch Plan for preapplication meeting	**(x)**	**(x)**	**x**	**x**	**x**
4.4 - Preliminary Plats			**x**	**x**	**x**
4.5 - Final Plats	**x**	**x**	**x**	**x**	**x**
4.6 - Information required on plats	**x***	**x***	**x***	**x***	**x***
4.7 - Certifications and Other Documentation	**x***	**x***	**x***	**x***	**x***
4.7.1 - Prelim Plats			**x**	**x**	**x**
4.7.2 - Final Plats	**x**	**x**	**x**	**x**	**x**
5.3 (B) - Environmental Impact Checklist				**x**	**x**
5.3 (C) - Environmental Impact Statement					**x***
5.4 - Traffic Impact Analysis					**x***
5.5 - Water & Sewer Requirements				**x***	**x***
5.6 - Lots	**x**	**x**	**x**	**x**	**x**
5.7 - Cluster			**x***	**x***	**x***
5.8 - Open Space			**x***	**x***	**x***
5.9 - Easements	**x**	**x**	**x**	**x**	**x**
5.10 - General Road Design	**x***	**x***	**x**	**x**	**x**
5.11 - Public Road Design			**x***	**x***	**x***
5.12 - Private Roads	**x**	**x**	**x**	**x**	**x**
5.13 - Private Water & Sewer	**x**	**x**	**x**	**x**	**x**
5.14 - Stormwater Drainage Facilities				**x***	**x***
5.15 - Dam Safety			**x***	**x***	**x***
5.16 - Flood Hazard Areas	**x**	**x**	**x**	**x**	**x**
5.17 - Fire Protection				**x***	**x***
5.18 Erosion & Sedimentation Control	**x***	**x***	**x***	**x***	**x***
5.19 - Stream Bank Erosion	**x***	**x***	**x***	**x***	**x***
5.20 - Clear Cutting	**x***	**x***	**x***	**x***	**x***
5.21 - Steep Slope	**x***	**x***	**x***	**x***	**x***
5.22 - Surveying	**x**	**x**	**x**	**x**	**x**

x* - if applicable (x) - recommended

ARTICLE 3. SUBDIVISION TYPES & REVIEW PROCEDURES

SECTION 3.1 PURPOSE AND APPLICABILITY

The purpose of this Article is to establish an orderly subdivision process for Polk County. It is also the intent of this Article to provide a clear and comprehensive approval process that is fair and equitable to all interests including the petitioners, affected neighbors, County staff, related agencies, the Planning Board, and the Board of Commissioners. Approved plans shall be the guiding documents for final approval and permitting.

SECTION 3.2 TECHNICAL REVIEW PANEL

(A) *Purpose.* The purpose of the Technical Review Panel (TRP) is to facilitate communication and coordination of administrative review and comment between departments and additional technical resources as requested by the Administrator.

(B) *Powers and Duties.* At the discretion of the Administrator, the TRP shall review applications for major subdivision preliminary plats and amendments including major cluster subdivisions. The Administrator shall provide TRP recommendations to the Planning Board.

(C) *Composition:*

(1) The members constituting the TRP, in any case where the Administrator exercises discretion under Section 3.2(B) to require TRP review, shall be selected by the Administrator, at the Administrator's discretion. Such members may be selected by the Administrator from:

County Departments:
Administrator (Planning Department)
County Manager
Building and Fire Inspections
Sheriff's Department
Health Department
Social Services Department
Polk County Agricultural Economic Development Director
Consulting Engineer (as designated by the County Manager)
Other County representatives appointed by the County Manager

Others, at the discretion of the Administrator, may include:
County Attorney
Professionally Recognized Technical Experts
Utilities Providers
Polk County Board of Education
Isothermal Planning & Development Commission
NC Department of Transportation (NCDOT)
NC Department of Environmental Quality (NCDEQ) [2]
NC Division of Water Quality
NC Wildlife Resources Commission
US Army Corps of Engineers
US Department of Agriculture
Any Other Agencies or Officials Designated by the Administrator and/or the Planning Board

(2) The Administrator shall coordinate the TRP review process, document the process, and may request the participation of professional experts or a representative from an adjacent municipality, county, regional or state agency if the Administrator determines that such entities can provide expertise concerning the proposed development.

(3) Determinations regarding new street names or changes in street names must be reviewed by the Polk County 911 Administrator.

(D) *Administrative Procedures.*

(1) Meetings of the TRP participants may be scheduled and held when necessary.

(2) The applicant and representatives may be invited by the Administrator to participate in the review process.

(3) Individual reviews may occur by TRP members and comments individually submitted to the Administrator.

(4) The Administrator shall provide TRP recommendations in writing to the applicant and appropriate body.

SECTION 3.3 SUBDIVISION TYPES

The following subdivision types, each of which is defined in Article 6 of this Ordinance, shall be administered in accordance with the provisions specified herein: two-lot subdivisions, expedited review for three lots[2], family subdivisions, minor subdivisions, major subdivisions, and cluster development subdivisions. In addition, any other subdivision of land which does not fall within a category designated above shall be subject to review by the Planning Board pursuant to procedures reasonably necessary to ensure compliance with this Ordinance.

SECTION 3.4 RECOMBINATIONS AND SUBDIVISION EXEMPTION PLATS

For plats implementing the recombination of previously subdivided land or for plats that do not meet the definition of a subdivision as set forth in Article 6, the following shall apply:

(A) *Review Process.* The Administrator shall confirm that the plat does not meet the definition of a subdivision, and that minimum zoning lot sizes are met, if applicable.

(B) *Recombination and Exemption Plat Special Requirements.*

(1) Prior to recording a plat for recombination, the applicant shall provide evidence to the Administrator that the recombination of all or portions of parcels of previously subdivided and recorded lands which have been recombined is in such a fashion where the resultant number of parcels is less than or equal to the original number of parcels and meets the requirements of this Ordinance, where applicable.

(2) Any plat or any part of a plat may be vacated by the owner at any time before the sale of any lot in the subdivision by a written instrument to which a copy of such plat shall be attached, declaring the same to be vacated. Such an instrument shall be approved by the map review officer.[4]

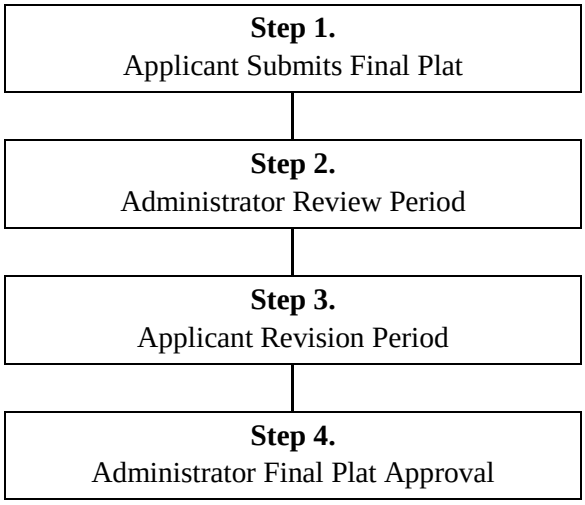
SECTION 3.5 PRE-APPLICATION MEETING

(A) *Two Lot, Expedited Review for Three Lots*[2]*, and Family Subdivisions.* It is recommended that the subdivider meet with the Polk County Administrator in a pre-application conference to informally discuss this ordinance and the subdivision of land in Polk County. It is recommended that a sketch plan of the proposed plat be provided to the Administrator for preliminary review.

(B) *Minor, Major and Cluster Subdivisions.* The subdivider is required to meet with the Polk County Administrator in a pre-application conference to informally discuss this ordinance and the Minor or Major Subdivision of land in Polk County. A sketch plan for minor and major subdivisions and an environmental checklist for major subdivisions shall be provided to the Administrator for review. Requirements for the sketch plan are in Section 4.2. The environmental checklist regulations are in Section 5.3(B). The Administrator will determine if a traffic impact analysis will be required as specified in Section 5.4.

SECTION 3.6 TWO-LOT, EXPEDITED REVIEW FOR THREE LOTS[2], AND FAMILY SUBDIVISIONS

(A) *Two-Lot, Expedited Review for Three Lots*[2]*, and Family Subdivision Review Process*. This is an administrative process. A subdivider may apply to the Administrator, for a final plat review process for Two Lot, Expedited Review for Three Lots[2], and Family Subdivisions. The steps in the boxes below correspond with a detailed description of each step of the process on the following pages.



Step 1. Applicant Submits Final Plat.

(1) The applicant shall submit a final plat in accordance with the requirements set forth in Section 4.5.[4]

(2) The Administrator may request reports from the Polk County Health and Human Services Agency[3], the Polk County Soil and Water Conservation District, and other local, state, or federal officials, agencies, or consultants as deemed necessary.

Step 2. Administrator Review Period.

(1) The Administrator shall review the plat in accordance with the requirements of this Ordinance and any other applicable ordinance. This review shall take not more than 15 working days. After conducting an application completeness review, the Administrator will notify the applicant of any deficiencies. The receipt of a revised application will restart the 15 day review period.

(2) The Administrator may have any other applicable local, state, and federal officials, agencies, or consultants review the plat. The 15 working day limit may be extended up to 45 days if these agencies have been consulted and the Administrator is awaiting a reply.

(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:~~

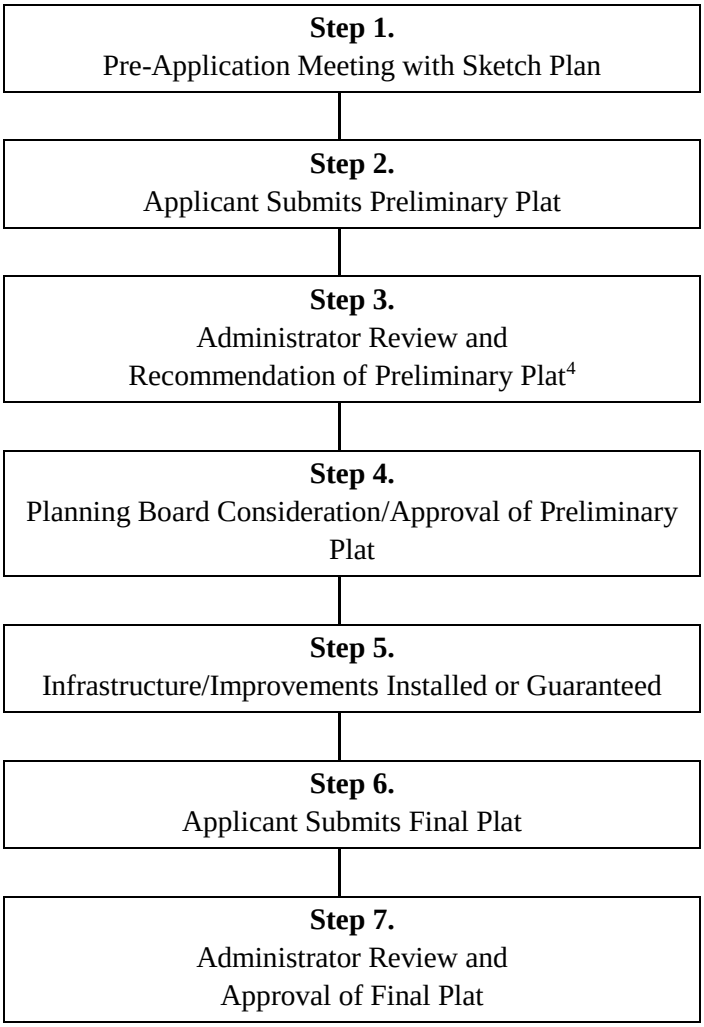
~~i. Any lot dimension size requirements of the applicable land-use regulations, if any~~

~~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.~~

SECTION 3.7 MINOR SUBDIVISIONS

Minor Subdivision Review and Approval Process. This is an administrative process. The steps in the boxes below correspond with a detailed description of each step of the process on the following pages.



Step 1. Pre-Application Meeting with Sketch Plan. The applicant shall schedule a pre-application meeting with the Administrator. The applicant shall bring a Sketch Plan of the proposed development to the meeting that meets the requirements set forth in Section 4.2.

Step 2. Applicant Submits Preliminary Plat. The applicant shall submit an application, fee, Preliminary Plat that meets the requirements of Section 4.4, and other required materials.

Step 3. Administrator Review & Recommendation of Preliminary Plat.

(A) The Administrator shall review the plat in accordance with the requirements of this Ordinance and any other applicable ordinances. This review shall take not more than 15 working days. The

Administrator will conduct an application completeness review and notify the applicant of any deficiencies. The receipt of a revised application will restart the 15 day review period.

(B) The Administrator may have any other applicable local, state, federal officials, agencies, or technical experts as specified in Section 3.2(C) (1). The 15 working day limit may be extended to a total of 45 days if these agencies have been consulted and the Administrator is awaiting a reply.

(C) The Administrator shall make a written recommendation to the Planning Board regarding the preliminary plat to either (1) approve it, (2) approve it with modifications, or (3) deny it.

(D) The Administrator shall notify the applicant of their recommendations and allow the applicant to resubmit the application, if modifications are required. If resubmittal is desired by the applicant, the revised application will be submitted for Step 3.

Step 4. Planning Board Consideration of Preliminary Plat.[4]

(A) Following completion of Preliminary Plat review, the Administrator shall place the item on the agenda 15 days prior to the next regularly scheduled Planning Board meeting.[4]

(B) The Planning Board shall review the plat in accordance with the requirements of this Ordinance, if applicable.

(C) The Planning Board shall have 60 days within which to approve, approve with modifications, or deny the Preliminary Plat.

(D) The Administrator shall notify the applicant, in writing, of the Planning Board's action.

(E) Once notification of preliminary plat has been provided by the Administrator in writing, work may commence on roads and infrastructure.

Step 5. Infrastructure/Improvements Installed or Guaranteed. If public improvements are required, said improvements shall be installed and approved by the appropriate state or local agencies, or guarantees for their installation shall be secured before final plat approval in accordance with Section 3.9.

Step 6. Applicant Submits Final Plat. The applicant shall submit a Final Plat that meets the requirements of Section 4.5. This submittal shall include copies of any required NCDEQ[2] or NCDOT permit approvals.

Step 7. Administrator Review & Approval of Final Plat.

(A) The Final Plat shall be submitted not more than one year after the date on which the Preliminary Plat was approved; otherwise, such Preliminary Plat approval shall be null and void unless a written extension of this limit is granted by the Planning Board on or before the one (1) year anniversary of the approval.

(B) The Administrator shall review the plat in accordance with the requirements of this Ordinance and any other applicable ordinances. If the final plat conforms to the approved preliminary plat, all preliminary conditions of approval, and all other applicable requirements, the Administrator shall administratively approve the final plat within 15 working days from receipt of a complete final subdivision submittal. All required improvements shall be complete or a performance guarantee package shall be submitted in accordance with Section 3.9 and subsequently approved by the Planning Board.

(C) The final plat must be recorded within fourteen (14) days and a copy of the recorded plat submitted to the Administrator.

SECTION 3.8 MAJOR SUBDIVISIONS

Review and Approval Process for Single Phase and Multi-Phase Major Subdivisions. The Administrative and Quasi-Judicial Processes as specified in the boxes below correspond with a detailed description of each step of the process on the following pages. Major subdivisions that do not require a traffic impact analysis or the preparation of an environmental impact statement will be reviewed and approved through an Administrative Process. Major subdivisions that require a traffic impact analysis or the preparation of an environmental impact statement will be reviewed and approved through a Quasi-Judicial Process.

Administrative Process	***Quasi-Judicial Process***
Step 1. Pre-Application Meeting with Sketch Plan	**Step 1.** Pre-Application Meeting with Sketch Plan and Environmental Checklist
Step 2. Applicant Submits Preliminary Plat & Applicable Documentation, including Master Plan (if multi-phase development)	**Step 2.** Applicant Submits Preliminary Plat & Applicable Documentation, including Environmental Impact Statement (if required) and Master Plan (if multi-phase development)
Step 3. Administrator Review and Recommendation on Preliminary Plat and Multi-Phased Subdivision Master Plan	**Step 3.** Administrator Review and Recommendation on Preliminary Plat and Multi-Phased Subdivision Master Plan
Step 4.[4] Planning Board Consideration/Approval of Preliminary Plat and Multi-Phased Subdivision Master Plan	**Step 4.**[4] Planning Board Evidentiary Hearing and Consideration/Approval of Preliminary Plat and Multi-Phased Subdivision Master Plan
Step 5. Infrastructure/Improvements Installed or Guaranteed	**Step 5.** Infrastructure/Improvements Installed or Guaranteed
Step 6. Applicant Submits Final Plat	**Step 6.** Applicant Submits Final Plat and Supporting Documentation
Step 7. Administrator Review and Approval of Final Plat	**Step 7.** Administrator Review and Approval of Final Plat

Step 1. Pre-Application Meeting with Sketch Plan. The applicant shall schedule a required pre-application meeting with the Administrator. The applicant shall provide a Sketch Plan of the proposed

development that meets the requirements set forth in Section 4.2, and an environmental checklist as specified in Section 5.3(B). Multi-phase developments must include a Master Plan showing individual phases in accordance with Section 4.3.

Step 2. Applicant Submits Preliminary Plat & Applicable Documentation, including Environmental Impact Statement (if required) and Master Plan (if multi-phase development).

(A) The applicant shall submit a Preliminary Plat in accordance with the requirements set forth in Section 4.4.

(B) The applicant shall also submit with the plat an application, fee, and any other required documentation as set forth in Section 4.6.

(C) For multi-phase development, Master Plan phase lines shall be shown on the Preliminary Plat.

(D) For multi-phase development, when a subdivider proposes to construct new roads without initially subdividing lots, the subdivider may present a Preliminary Plat to the Planning Board for approval of the roads only. This option is provided to allow developers the flexibility of designing and platting lots after road construction in order to adjust the subdivision to the existing terrain. A second preliminary plat providing lot subdivision must be submitted for administrative approval by the Planning Board.

(E) Preliminary plats for the phases shall be submitted not more than two (2) years after the date on which the Master Plan was approved, otherwise, such approval shall be null and void unless extended vested rights have been granted in accordance with NCGS 160D.108 or a development agreement has been approved in accordance with NCGS160D.1001-12.[4]

(F) Approval of a Master Plan need not be renewed unless an increase in the number of lots, or overall density or a change in the connectivity to adjacent parcels or roads is proposed.

Step 3. Administrator Review and Recommendation on Preliminary Plat and Multi-Phased Subdivision Master Plan (if required).

(A) The Administrator shall review the plat and multi-phased subdivision master plan in accordance with the requirements of this Ordinance and any other applicable ordinances. This review shall take not more than 15 working days. The Administrator will conduct an application completeness review and notify the applicant of any deficiencies. The receipt of a revised application will restart the 15 day review period.

(B) The Administrator may have the TRP review the plat and multi-phased subdivision master plan. The 15 working day limit may be extended to a total of 45 days if these agencies have been consulted and the Administrator is awaiting a reply.

(C) The Administrator shall make recommendations in writing to the Planning Board to approve, approve with modifications, or deny the Preliminary Plat and Multi-Phased Subdivision Master

Plan (if required). If the quasi-judicial approval process applies, the recommendations shall be presented to the Planning Board as evidence at the evidentiary hearing by the Administrator. If the administrative approval process applies, the preliminary plat shall be presented to the Planning Board as specified in Section 3.7, Step 4.[4]

Step 4. Planning Board Quasi-Judicial Approval Process (if required).

(A) Major subdivision preliminary plat approvals are quasi-judicial decisions approved by a simple majority vote of the Planning Board.

(B) Once a recommendation of the Administrator on the preliminary plat, environmental impact statement, and master plan (if required) has been prepared, or the 45-day period elapses without a recommendation, the Planning Board shall hold an evidentiary hearing to consider action of the preliminary plat at its next regularly scheduled meeting. A quorum of the Planning Board is required for this hearing. In addition, notice shall be given to other potentially interested persons by publishing a notice once a week for two successive calendar weeks in a newspaper having general circulation in the area. The first notice shall be not less than ten (10) or more than twenty-five (25) days prior to the hearing. All owners of the proposed subdivision parcel(s) and all owners of parcels of land abutting the proposed subdivision parcel(s) as shown on the Polk County tax listing shall be mailed a notice of the public hearing by first class mail at the last address listed for such owners on the Polk County tax abstracts.[4]

(C) In approving a preliminary plat, the Planning Board may attach fair and reasonable conditions to the approval. The petitioner will have a reasonable opportunity to consider
and respond to any additional requirements prior to approval or denial by the Planning Board. In no instance shall any of these conditions be less restrictive than any requirements which would pertain to that particular subdivision.

(D) The applicant has the burden of producing competent, material and substantial evidence to establish the facts and conditions relating to preliminary subdivision plat approval including, but not limited to, an environmental impact statement, if required.

(E) The Planning Board shall approve the preliminary plat if it has evaluated the application for approval through a quasi-judicial process and determined that the applicant has demonstrated the following:

(1) The proposed subdivision complies with all applicable standards and regulations of the ordinance and with all other applicable federal, state and county regulations.

(2) The proposed subdivision is in harmony with the County's currently adopted Comprehensive Plan as well as other plans adopted by the Board of Commissioners.

(3) Adequate facilities exist or will be provided prior to the time they are needed. For the purposes of this section, adequate facilities constitute those necessary for the functionality

of the subdivision in compliance with this Ordinance and include, without limitation, roads, utilities, stormwater management, and waste and wastewater treatment facilities.

(4) The proposed subdivision shall not result in significant negative environmental impacts, whether direct, secondary, or cumulative. When making this determination, the Board shall give due consideration to any appropriate effective mitigating action(s) proposed or agreed to by the applicant.

(5) The road system in the subdivision will connect to segments of the public road system with adequate capacity to handle the projected traffic flow, both on an average basis and at peak hours. Furthermore, the subdivision shall be so located and designed as to provide direct access to the subdivision without creating substantial additional traffic in residential neighborhoods outside the subdivision.

(6) From a hydrological perspective, the proposed subdivision is not expected to interfere with any presently existing legal use of water nor is it expected to impact the long-term sustainable supply of groundwater. Any discharges of wastewater to surface waters or to the ground shall meet the pretreatment requirements of the state, as well as any requirements of a municipality if the discharge is going to a municipal treatment facility.

In making these determinations, the Planning Board may take into consideration any fair and reasonable conditions imposed pursuant to Step 4(C), above.

(F) The Planning Board shall have up to 60 days to approve, approve with modifications, or deny the Preliminary Plat.

(G) The Administrator shall notify the applicant, in writing, of the Planning Board's action. Once Preliminary Plat has been approved, work may commence on roads and infrastructure.

(H) *Evidence/Presentation of Evidence at Evidentiary Hearing.* The provisions of this section apply to all evidentiary hearings. [4]

(1) All persons who intend to present evidence to the Planning Board shall be sworn in by the Chairman at the beginning of the hearing.

(2) All findings and conclusions necessary to the issuance or denial of the requested preliminary plat shall be based upon competent evidence (evidence admissible in a court of law).

(3) The Planning Board Chair has the authority to limit testimony that is irrelevant.

(4) The entirety of an evidentiary hearing and deliberation shall be conducted in open session.

(5) Parties to an evidentiary hearing have a right to cross-examine anyone presenting evidence.

(6) Factual findings must not be based on hearsay evidence which would be inadmissible in a court of law.

(7) If a Planning Board member has prior or specialized knowledge about a case, that knowledge shall be disclosed to the rest of the Board and parties present at the beginning of the hearing.

(8) Members of appointed boards shall not vote on any administrative, advisory or legislative decision regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

Quasi-Judicial Decisions. - A member of any board exercising quasi-judicial functions shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

(9) The Planning Board, in conducting the hearing, has the authority to issue subpoenas to compel testimony or the production of evidence deemed necessary to determine the matter.

(I) *Modification of Application at Hearing.*

(1) In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Planning Board, the applicant may agree to modify the request for preliminary plat approval, including the plans and specifications submitted.

(2) Unless such modifications are so substantial or extensive that the Planning Board cannot reasonably be expected to perceive the nature and impact of the proposed changes without a revised preliminary plat, the Planning Board may approve the preliminary plat with the stipulation that the plat will not be approved until plans reflecting agreed upon changes are submitted to the Administrator within 45 days.

Step 5. Infrastructure/Improvements Installed or Guaranteed. Prior to approval of the final plat, the subdivider shall have installed the improvements specified in this Ordinance or guaranteed their installation as provided in Section 3.9.

Step 6. Applicant Submits Final Plat. The applicant shall submit a Final Plat that meets the requirements of Section 4.5.

Step 7. Administrator Review and Approval of Final Plat.

(A) The Final Plat shall be submitted not more than two (2) years after the date on which the Preliminary Plat was approved through either the administrative or quasi-judicial approval process, otherwise, such approval shall be null and void unless a written extension of this limit (not to exceed six months) is granted by the Planning Board on or before the two (2) year anniversary of the approval. Final plat approval may occur in stages, not exceeding four (4) final plat recordings per each subdivision phase.

(B) The Administrator shall review the Final Plat for compliance with the approved Preliminary Plat and Master Plan (if applicable), verify that all required infrastructure improvements have been completed or guaranteed in accordance with Section 3.9, and ensure that the Final Plat meets the requirements of Section 4.5.

(C) The final plat must be recorded within fourteen (14) days and a copy of the recorded plat submitted to the Administrator.

SECTION 3.9 PERFORMANCE GUARANTEES

In lieu of requiring the completion, installation and dedication of all improvements prior to final plat approval, Polk County may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements as specified by the approved preliminary plat for that portion of the subdivision to be shown on the final plat within a mutually agreed upon specified time period not to exceed one (1) year. Once agreed upon by both parties and the security required herein is provided, the final plat may be approved by the Polk County Planning Board, if all other requirements of this Ordinance are met. The Planning Board shall require a certified cost estimate from a licensed contractor or engineer for the cost of completion of such improvements.

(A) The subdivider shall provide one of the following Performance Guarantees, elected at the subdivider's discretion, in lieu of installation:

(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 bond(s) shall be payable to Polk County, and shall be in an amount not to exceed 1 ¼ times the entire cost, as estimated by the subdivider in conjunction with the Planning Board, and approved by the Planning Board for installing all required improvements. The duration of the bond(s) shall be until such time as the improvements are completed and accepted as such by Polk County.

(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 the County or in a non-interest bearing escrow account with a financial institution designated as an official depository of the County. The use of any instrument other than cash shall be subject to the approval of the Planning Board. The amount of deposit shall not exceed 1 ¼ times

the cost, as estimated by the subdivider in conjunction with the Planning Board for installing all required improvements. If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with the Planning Board an agreement between the financial institution and himself guaranteeing the following:

That said escrow account shall be held in trust until released by the Planning Board and may not be used or pledged by the subdivider in any other matter during the term of the escrow; and

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 Planning Board and submission by the Planning Board to the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately either pay to Polk County the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the county any other instruments fully endorsed or otherwise made payable to the County.

(B) 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 institution holding the escrow account shall, if requested by the County, pay all or any portion of the bond or escrow fund to Polk County up to the amount needed to complete the improvements based on an engineering estimate. Upon payment, the Polk County Board of 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. The County shall return to the subdivider any funds not spent in completing the improvements.

(C) The Planning Board may release a portion of any security posted as the improvements are completed and recommended for approval by the Administrator. Within thirty (30) days after receiving the Administrator's recommendation, the Planning Board shall approve or not approve said improvements. If the Planning Board approves said improvements, then it shall immediately release any security posted.

SECTION 3.10 PRESALE OF LOTS

Pre-sale and pre-lease contracts are allowed only after a preliminary plat has been approved. The closing and final conveyance of lots subject to pre-sale and pre-lease contracts may not occur until after the final plat is approved and recorded. The buyer must:

(A) Be provided a copy of the preliminary plat at the time the contract is executed;

(B) Be notified that no final plat has been approved;

(C) Be advised that there is no guarantee that changes will not be made to the plat before final approval;

(D) Be provided a copy of the final plat before final approval by the county; and

(E) Be informed that the contract or lease may be terminated by the buyer/leasee if the final plat differs in any material way from the preliminary plat.

SECTION 3.11 AGGREGATION

Two or more subdivisions shall be aggregated and treated as a single subdivision under this ordinance when (1) they are determined to be part of a unified plan of development, (2) they are physically proximate to one another and (3) there is a reasonable closeness in time between the completion of some or all of one subdivision and the submission of an application for authorization of another subdivision which is indicative of a common developmental effect. Each of the criteria listed below is indicative of a unified plan of development. Whenever one or more are found to exist, the reviewing authority may, but is not required to, determine that two or more projects are part of a unified plan of development.

(A) The same person has control of the developments;

(B) The same person has ownership or a significant legal or equitable interest in the developments;

(C) There is common management controlling the form of physical development or disposition of parcels of the development;

(D) A master plan or series of plans or drawings exists covering the developments sought to be aggregated;

(E) There is a voluntary sharing of infrastructure that is indicative of a common development effort or is designated specifically to accommodate the developments sought to be aggregated;

(F) There is a common advertising scheme or promotional plan in effect for the developments sought to be aggregated.

ARTICLE 4. SUBDIVISION PLAN REQUIREMENTS

Article 4 – Subdivision Plan Requirements

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ARTICLE 4. SUBDIVISION PLAN REQUIREMENTS

SECTION 4.1 PURPOSE

The purpose of this Article is to establish the requirements for plat and plan submittal for Subdivisions in accordance with the processes set forth in Article 3.

SECTION 4.2 SKETCH PLANS FOR PRE-APPLICATION MEETINGS

Sketch Plan Contents. A Sketch Plan shall be required for the pre-application meeting with the Administrator. Two (2) copies of the Sketch Plan shall be submitted for the pre-application meeting. The plan shall be scaled and show the approximate proposed layout of streets, lots, buildings, open spaces, and other features in relation to existing conditions. The Sketch Plan shall contain the information specified in Section 4.6.

SECTION 4.3 MASTER PLANS FOR PHASED MAJOR SUBDIVISIONS

(A) *Master Plan Contents.* All phased Major Subdivision Master Plans shall include the information provided in Section 4.6.

(B) *Master Plan Submittal Requirements*. Three (3) full-size copies for staff review; three (3) full-size copies and one (1) reduced (11 x 17) copy for the Planning Board.

(C) Master Plans shall be submitted with the Preliminary Plat for the initial phase.

SECTION 4.4 PRELIMINARY PLATS FOR MINOR AND MAJOR SUBDIVISIONS

(A) *Preliminary Plat Contents*. The Preliminary Plat shall depict or contain the information provided in Section 4.6. Where "proposed/actual" is noted, the proposed information shall be shown on the preliminary plat and the actual information shall be shown on the Final Plat. Preliminary Plats shall be clearly and legibly drawn at a scale of not less than two hundred (200) feet to one (1) inch acceptable to the Register of Deeds of Polk County.

(B) *Certificates and Other Documentation.* All preliminary plats shall contain the certifications outlined in Section 4.7.

(C) *Preliminary Plat Submittal Requirements.* Three full-size copies for staff review; three (3) full-size copies and one (1) reduced (11 x 17) copy for the Planning Board.

SECTION 4.5 FINAL PLATS FOR ALL SUBDIVISIONS[1]

(A) *Final Plat Contents.* The final plats shall depict or contain the information provided in Section 4.6. Final plats shall be clearly and legibly drawn by a registered land surveyor currently licensed in the State of North Carolina by the NC State Board of Registration for Professional Engineers and Land Surveyors. The plat shall also be drawn at a scale of not less than two hundred (200) feet to one (1) inch and shall be drawn on a sheet acceptable to the Register of Deeds of Polk County.

(B) *Certifications.* The final plat shall contain the certifications outlined in Section 4.7.

(C) *Minor and Major Subdivision Final Plat Submittal Requirements.* Three (3) full-size paper copies for staff review; three (3) full-size paper copies and one (1) reduced (11 x 17) copy for distribution to the Planning Board; one (1) copy for signature; and one (1) full-size copy of the recorded plat.

SECTION 4.6 INFORMATION TO BE PROVIDED ON SKETCH PLANS/PRELIMINARY & FINAL PLATS[1, 4]

The sketch plan, preliminary plat, and final plats shall depict or contain the information indicated in the following table. An X indicates that the information is required.

Information	***Sketch Plan***	***Master Plan***	***Preliminary Plat***	***Final Plat***
Name of proposed development	X	X	X	X
Location (including township, county, and state)	X	X	X	X
Name and address of owner of record		X	X	X
North arrow	X	X	X	X
Boundaries of the property, distinctly and accurately represented with all bearings and distances shown (drawn to scale)	X	X	X	X
Tax map number(s) of the property	X	X	X	X
Adjacent property owners and tax map numbers	X	X	X	X
The zoning classifications of the property to be developed and of adjoining properties (if applicable)	X	X	X	
Existing topographic conditions of the property	X	X	X	
Water courses, watershed, and preserved areas	X	X	X	
Date(s) of survey(s)			X	X
Original submittal date		X	X	
Revision dates		X	X	

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 4. SUBDIVISION PLAN REQUIREMENTS

Information	*Sketch Plan*	*Master Plan*	*Preliminary Plat*	*Final Plat*
Overall density per acre		X	X	
Overall percentage and acreage of open space		X	X	
Location of control corners				X
Location and description of all monuments, reference markers and property and lot corners designation of any and all wetlands				X

SECTION 4.7 CERTIFICATIONS AND OTHER DOCUMENTATION

4.7.1 Preliminary Plats for Minor and Major Subdivisions

(A) *Certificate of Approval for Preliminary Plat*. This certifies that the Polk County Planning Board approved the preliminary plat of the _____ subdivision on the _____ day of _____, 20___.

_____
Chairman, Polk County Planning Board

(B) Grading and Erosion Control Plan and a North Carolina Department of Environmental Quality (NCDEQ)[2] written approval, if applicable.

(C) NCDEQ[2] written approval for a community or public sanitary sewer system, if applicable.

(D) NCDEQ[2] written approval for a public or community water system, if applicable.

(E) A written statement, if applicable, that:

"The Polk County Health and Human Service Agency[3] has expressed no opinion as to the suitability of private septic systems or water systems on this property. Each lot is subject to individual inspection and approval of septic systems."

(F) A copy of any required NCDOT driveway permit application.

(G) Any other information considered by the subdivider, the Planning Board, the TRP, and/or Administrator to be pertinent to the review of the plat.

4.7.2 Final Plats for All Subdivisions[1, 4]

(A) *Certificates for All Plats.* The following certificates shall appear on all final subdivision plats. Refer to Section 4.7.2(B), (C), (D), and (E) for additional certificates required depending upon subdivision type.

(1) *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 or positional accuracy as calculated is ___, that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this _____ day of _____A.D., 20___.

_____ Official Seal
Professional Land Surveyor

_____
License Number

_____ County, North Carolina

(2) *Certificate of Ownership and Dedication.* I hereby certify that I am (we are) the owner(s) of the property shown and described hereon, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, and dedicate all roads and other easements to public use, where applicable.

_____ _____
Owner(s) Date

(3) *Certification of Private Water/Septic Systems (if applicable).* If the Health Department has not approved private water or septic systems, then the following written statement shall be included on the Plat:

"The Polk County Health and Human Services Agency[3] has expressed no opinion as to the suitability of private septic or water systems on this property. Each lot is subject to individual inspection and approval of septic systems."

(B) *Certificates for Two-Lot, Expedited Review for Three Lots*[2]*, and Family Subdivisions.*

(1) *Certificate of Approval for Recording Final Plat*. I hereby certify that the subdivision plat shown hereon has been found to comply with the Polk County, North Carolina Subdivision Ordinance and that this plat has been approved for recordation with the Polk County Register of Deeds.

_____ _____
Administrator Date

(C) *Certificates for Minor Subdivision Final Plats.*

(1) *Certificate of Approval for Recording Final Plat*. I, _____, Administrator, certify that the said Board fully approved the final plat of the Subdivision entitled _____.

_____ _____
Administrator Date

(D) *Certificates for Major Subdivision Final Plats.*

(1) *Certificate of Approval of Design and Installation of Streets, Utilities, and Other Required Improvements (if applicable).* I hereby certify that all streets, public utilities and other required improvements have been installed in an acceptable manner and according to NC

Department of Transportation and/or Polk County specifications and standards or as otherwise provided for in this Ordinance, or that guarantees for the installation of the required improvements in an amount and manner satisfactory to Polk County have been submitted.

_____ _____

Professional Engineer Date

_____ Official Seal

Registration Number

(2) *Private Road Maintenance Statement (if applicable).* A maintenance statement for private roads shall be submitted to the Planning Board with the Final Plat and recorded at the Register of Deeds at the time the Plat is recorded.

(3) *Watershed Certificate of Approval for Recording.* I certify that the plat shown hereon complies with the County's Watershed Protection requirements and is approved by Polk County for recording in the Register of Deeds office.

_____ _____

Administrator Date

NOTICE: This property is located within a Public Water Supply Watershed- development restrictions apply.

(4) *Flood Damage Prevention Certificate of Approval for Recording.* I certify that the plat shown hereon complies with the County's Flood Damage Prevention Ordinance requirements and is approved by Polk County for recording in the Register of Deeds office.

_____ _____

Administrator Date

(5) *Certificate of Approval for Recording Final Plat.* I, _____ , Administrator, certify that the said Board fully approved the final plat of the Subdivision entitled _____.

_____ _____

Administrator Date

ARTICLE 5. SUBDIVISION DESIGN STARDARDS

Article 5 – Subdivision Design Standards

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ARTICLE 5. SUBDIVISION DESIGN STARDARDS

SECTION 5.1 PURPOSE

The purpose of this Article is to establish the requirements for subdivision lot configuration, lot access, roadway layout, easements, and utilities to ensure sustainable and adequate subdivision design.

SECTION 5.2 GENERAL PROVISIONS

(A) Each subdivision shall contain the improvements specified in this article, which shall be installed in accordance with the requirements of this Ordinance or guaranteed pursuant to an approved performance guarantee pursuant to Section 3.9 of this Ordinance.

(B) Land shall be dedicated and reserved in each subdivision as specified in this Article.

(C) Each subdivision shall be constructed in accordance with minimum county, state and federal design standards, as applicable.

(D) In order to lessen possible confusion which could hamper the response time for emergency vehicles, the name of a subdivision shall not duplicate nor closely approximate the name of an existing subdivision within Polk County. The applicant is required to check with the Administrator prior to submission of the preliminary plat to avoid name duplication/similarity issues.[1]

(E) *Air Quality.* As required by NCGS Chapter 143, Article 21, all subdivisions shall show proof of compliance, if applicable, with air quality guidelines established by the Division of Environmental Management and NCDEQ[2].

(F) *Farmland Preservation District Setback.* Where a major subdivision of land occurs, a minimum 100 foot setback for all buildings or other structures is required from any Farmland Preservation District. The County strongly encourages any subdivision located adjacent to a Farmland Preservation District to use the Conservation Subdivision Option (NCGS 200A-86, Conservation Subdivisions (Option)). The minimum 100 foot setback from Farmland Preservation Districts, where applicable, must be noted on development plans and final plats.

(G) *Notice of Farmland Preservation District*. If the property proposed for a major subdivision lies within one-half (1/2) mile of any land in a Farmland Preservation District, the applicant must submit an affidavit certifying that the applicant is aware of existing Farmland Preservation Districts as identified on maps provided by the Polk County Office of the Natural Resource Conservation Service. In addition, a note on the final plat for a major subdivision shall state that the property lies within one-half (1/2) mile of land in a Farmland Preservation District.

SECTION 5.3 ENVIRONMENTAL IMPACT STATEMENT

(A) *Preserving Environmental Quality*. In concert with enhancing and preserving environmental quality, the policy of Polk County shall be to use all practicable means and measures to create and maintain conditions under which man and nature can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations. Every citizen has a responsibility to contribute to the preservation and enhancement of the quality of the environment. There is a need to understand the relationship between the maintenance of high-quality ecological systems and the general welfare of the people of Polk County, including their enjoyment of the natural resources of the County. Social, economic, and environmental factors shall be considered together in reaching decisions on proposed activities. In order to carry out the provisions of this chapter, it is the continuing responsibility of the County to use all practicable means, consistent with other essential considerations, to improve and coordinate plans, facilities, programs, and resources to the end that the County may:

(1) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) Assure for all citizens safe, healthful, productive and aesthetically and culturally pleasing surroundings.

(3) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety or other undesirable and unintended consequences;

(4) Preserve important historic, cultural, and natural aspects of the County's heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) Achieve a balance between growth and resource use which will permit high standards of living and wide sharing of life's amenities;

(6) Enhance the quality of renewable resources and approach the optimum attainable recycling or sustaining of depletable resources; and

(7) Support the implementation of the County's currently adopted Comprehensive Plan.

(B) *Environmental Impact Statement Required*. An environmental impact statement is required at the Preliminary Plat stage for all Major Subdivisions, if indicated by the following environmental checklist.

ENVIRONMENTAL CHECKLIST

An environmental impact statement is required if the following environmental assessment rating results in a total of **100 points** or more: [1]

Item		Points
(1)	100 acres or greater, not including open space (defined in Section 5.8)	100
(2)	Dependent on non-public groundwater supply	50
(3)	33% or greater of total project parcel(s) includes slopes of 30% or greater	30
(4)	33% or greater of total project parcel(s) located in a designated WS-II, WS-III, or WS-IV water supply area	25
(5)	Not connected to a central public sewage treatment system	25
(6)	33% or greater of non-open space area located in a floodplain	25
(7)	Parcel(s) located adjacent to a farmland preservation area	20
(8)	Located adjacent to or surface water drains into designated state trout waters[4]	20
(9)	33% or greater of total project parcel(s) includes hydric soils as defined by the US Department of Agriculture	20
(10)	33% or greater of total project parcel(s) includes prime farmland soils as defined by the US Department of Agriculture	15
(11)	33% or greater of total project parcel(s) includes slopes between 20% and <30%	15
(12)	Includes a natural heritage area(s)	15
(13)	Adjacent to land trust/conservation properties	15
(14)	Includes or located within 2,500 feet (direct distance) of a historic property	15
	TOTAL POINTS	**390**
(15)	Cluster subdivision incentive	-50
TOTAL POINTS WITH INCENTIVE		**340**

(C) *Required Information.* The environmental impact statement must include the following when the Administrator determines the information is applicable:

Section 1

Description of the following:

- Proposed action;
- Existing environmental setting;
- Favorable and adverse environmental impacts;
- Identification and cost estimates of alternatives to the adverse impacts;
- Consistency with the County's currently adopted Comprehensive Plan;
- Adequacy of public facilities;
- Soil conditions/limitations and soil disturbing activities;
- Sensitive wildlife habitat areas and/or endangered animal and vegetative species;
- Sustainability of developed area for proposed density;
- Proposed open space, if applicable; and
- Consideration of any traffic impact analysis recommendations and their environmental impact (see Section 5.4).

Section 2

Descriptions of the following are required if there are points assigned to that item in the Environmental Checklist or requested by the Administrator:

- Impact on the agricultural resources (Section 5.3B - 7, 10);
- Impact on conservation/preservation areas (Section 5.3B - 12, 13, 14);
- Surface and/or groundwater hydrological impact analysis (Section 5.3B - 2, 3, 5, 11);
- Proposed wastewater treatment facilities and applicable agency approvals (Section 5.3B - 5);
- Impact on natural resources (Section 5.3 B - 3, 4, 6, 8, 9, 11).

Section 3

(1) *Mitigation.* For each potential cumulative, direct or secondary negative impact which is identified in Section 1 and 2, the alternatives which were considered must be described and specific alternative actions explained. The proposed mitigation action(s) must be identified.

(2) *Technical Basis*. The environmental impact statement must be prepared by and/or include people technically competent to assess impacts, including licensed/ commonly recognized experts when necessary. Such expertise may include, but not be limited to, hydrologists, engineers, economists, etc.

SECTION 5.4 TRAFFIC IMPACT ANALYSIS

(A) *Purpose.* A traffic impact study shall be required for any major subdivision generating more than 800 trips per day, as defined by the most current edition of Trip Generation (Institute of Transportation Engineers). The study will enable Polk County to assess the impact of a proposed subdivision on the highway system when that system is at or near capacity or a safety problem exists. Its purpose is to ensure that proposed developments do not adversely affect the highway network and to identify any traffic problems associated with access from the subdivision to the existing transportation network. The purpose of the study is also to identify solutions to potential problems and to present improvements to be incorporated into the proposed development.

(B) *Conduct.* A traffic impact study shall be prepared by a qualified professional traffic engineer and/or certified transportation planner with previous traffic study experience. The procedures and standards for the traffic impact study are set forth in Section 5.4(E) of this Article.

Prior to the preparation of a traffic impact study, a scoping meeting shall be held, including the planning staff, the applicant, and the preparer of the study. The discussion at this meeting should set the study parameters, including the study area, planned and committed roadway improvements (by NCDOT or others), road links and intersections to be analyzed, preliminary traffic distribution, other planned developments to be considered, traffic growth rate, available data, periods for which analysis is to be performed, and other staff concerns. The qualifications of the preparer may be discussed at or prior to this meeting.

(C) [*Reserved for future purposes.*] [4]

(D) *Capacity Analysis of the Existing System.* An indication of the adequacy of the existing street system is a comparison of traffic volumes versus the ability of the streets to move traffic freely at a desirable speed. The ability of a street to move traffic freely, safely, and efficiently with a minimum delay is controlled primarily by the spacing of major devices utilized. Thus, the ability of a street to move traffic can be increased by restricting parking and turning movements, using proper sign and signal devices, and by the application of other traffic engineering strategies.

Capacity is the maximum number of vehicles which has a "reasonable expectation" of passing over a given section of roadway, during a given time period under prevailing roadway and traffic conditions. The relationship of traffic volumes to the capacity of the roadway will determine the level of service (LOS) being provided. Six levels of service have been selected for analysis purposes. They are given letter designations from A to F with LOS A representing the best operating conditions and LOS F the worst.

(1) *LOS A.* Describes primarily free flow conditions. The motorist experiences a high level of physical and psychological comfort. The effects of minor incidents of breakdown are easily absorbed. Even at the maximum density, the average spacing between vehicles is about 528 feet or 26 car lengths.

(2) *LOS B.* Represents reasonably free flow conditions. The ability to maneuver within the traffic stream is only slightly restricted. The lowest average spacing between vehicles is about 330 feet or 18 car lengths.

(3) *LOS C.* Provides for stable operations, but flows approach the range in which small increases will cause substantial deterioration in service. Freedom to maneuver is noticeably restricted. Minor incidents may still be absorbed, but the local decline in service will be great. Queues may be expected to form behind any significant blockage. Minimum average spacings are in the range of 220 feet or 11 car lengths.

(4) *LOS D.* Borders on unstable flow. Density begins to deteriorate somewhat more quickly with increasing flow. Small increases in flow can cause substantial deterioration in service. Freedom to maneuver is severely limited, and the driver experiences drastically reduced comfort levels. Minor incidents can be expected to create substantial queuing. At the limit, vehicles are spaced at about 165 feet or nine car lengths.

(5) *LOS E.* Describes operation at capacity. Operations at this level are extremely unstable, because there are virtually no usable gaps in the traffic system. Any disruption to the traffic stream, such as a vehicle entering from a ramp, or changing lanes, requires the following vehicles to give way to admit the vehicle. This can establish a disruption wave that propagates through the upstream traffic
flow. At capacity, the traffic stream has no ability to dissipate any disruption. Any incident can be expected to produce a serious breakdown with extensive queuing. Vehicles are spaced at approximately six car lengths, leaving little room to maneuver.

(6) *LOS F.* Describes forced or breakdown flow. Such conditions generally exist within queues forming behind breakdown points.

(E) *General Requirements and Standards.* The traffic impact study shall contain the following information:

(1) *General Site Description.* The site description shall include the size, location, proposed land uses, number of units and gross square footage by land use, existing land use and zoning, construction staging, and completion date of the proposed subdivision to the extent known or able to be described at the time the application is prepared. Types of dwelling units and number of bedrooms shall also be included. A brief description of other major existing and proposed land developments within the study area shall be provided. The general site description shall also include probable socio-economic characteristics of potential site users to the extent that they may affect the transportation needs of the site (i.e., number of senior citizens).

(2) *Transportation Facilities Description.* The description shall contain a full documentation of the proposed internal and existing external transportation system. This description shall include proposed internal vehicular, bicycle, and pedestrian circulation; all proposed ingress and egress locations; all internal roadway widths and rights-of-way, turn lanes,

parking conditions, traffic channelizations; and any traffic signals or other intersection control devices at all intersections within the subdivision.

The report shall describe the entire external roadway system within the study area. Major intersections in the study area and all intersections or driveways adjacent to or within 800 feet of the site shall be identified and sketched. All existing and proposed public transportation services and facilities within one-mile of the site shall also be documented. Future highway improvements, including proposed construction and traffic signalization, shall be noted. All proposed traffic signals shall be approved by the NCDOT Division 14 Office. This information shall be obtained from North Carolina's Transportation Improvement Program and the Polk County Thoroughfare Plan. Any proposed roadway improvements due to proposed surrounding developments shall also be noted.

(3) *Existing Traffic Conditions*. Existing traffic conditions shall be documented for all roadways and intersections in the study area. This shall include documentation of traffic accident counts as recorded by the NC Department of Transportation District Engineers Office, County law enforcement, and the NC Highway Patrol. Existing traffic volumes for average daily traffic, peak highway hour(s) traffic, and peak development generated hour(s) traffic, if appropriate, shall be recorded. Manual traffic counts at major intersections in the study area shall be conducted, encompassing the peak highway and development generated hour(s), if appropriate, and documentation shall be included in the report. Existing average daily or peak-hour traffic counts made within one year of the study date may be used subject to Administrator approval. A volume/capacity analysis based upon existing volumes shall be performed during the peak highway hour(s) and the peak development generated hour(s), if appropriate, for all roadways and major intersections expected to be impacted by development traffic. Levels of service shall be determined for each signalized intersection or roadway segment analyzed above.

This analysis will determine the adequacy of the existing roadway system to serve the current traffic demand. Roadways and/or intersections experiencing levels of service E or F shall be noted as congestion locations (see Section 5.4(D)).

(4) *Transportation Impact of the Development*. Estimation of vehicular trips to result from the proposed subdivision shall be completed for the average weekday, the average daily peak hours of highway travel in the study area, and if appropriate, the peak hour of traffic generation by the subdivision. Vehicular trip generation rates to be used for this calculation shall be obtained from an accepted source such as the most current edition of Trip Generation (Institute of Transportation Engineers). These subdivision-generated traffic movements, as estimated, and the reference source(s) and methodology followed shall be documented. These generated volumes shall be distributed to the study area and assigned to the existing roadways and intersections throughout the study area. Documentation of all assumptions used in the distribution and assignment phase shall be provided. All average daily traffic link volumes within the study area shall be shown graphically. Peak hour turning movement volumes shall be shown for signalized and other major intersections, including all access points to the development. Pedestrian and bicycle volumes at school

crossings and as otherwise applicable shall be reported. Any characteristics of the subdivision that will cause trip generation to vary significantly from average rates available in published sources shall be documented, including such factors as diversion of passer-by traffic, internal capture, staggered work hours, or use of transit.

(5) *Analysis of Transportation Impact.* The total traffic demand that will result from construction of the proposed subdivision shall be calculated. This demand shall consist of the combination of the existing traffic, traffic generated by the proposed subdivision, and traffic due to other developments and other growth in traffic that would be expected to use the roadway at the time the proposed subdivision is completed. If staging of the proposed subdivision is anticipated, calculations for each stage of completion shall be made. This analysis shall be performed for average weekday traffic, the peak highway hour(s) and, if appropriate, peak development-generated hour(s) for all roadways and major intersections in the study area. Volume/capacity calculations shall be completed for all major intersections. It is usually at these locations that capacity is most restricted.

All access points and pedestrian crossings shall be examined for adequate sight distance and for the necessity of installing traffic signals. The traffic signal evaluation shall compare the projected traffic and pedestrian volumes to the warrants for traffic signal installation.

(6) *Conclusions and Recommended Improvements.* Levels of service for all roadways and signalized intersections serving 10% or more of peak-hour project traffic shall be reported. All roadways and/or signalized intersections showing a level of service below D in urban or developed areas or below C in rural areas shall be considered deficient, and specific recommendations for the elimination of these problems shall be listed (see Section 5.4(D)). This listing of recommended improvements shall include, but not be limited to, the following elements: internal circulation design, site access location and design, external roadway and intersection design and improvements, traffic signal installation and operation including signal timing, and transit service improvements. All physical roadway improvements shall be shown on the preliminary plat.

(F) *Submission and Implementation.* The traffic impact study will be submitted to the Administrator with, and as a part of, the major subdivision preliminary plat. The Administrator and such other agencies or officials as may appear appropriate in the circumstances of the case shall review the traffic impact study to analyze its adequacy in solving any traffic problems that will occur due to subdivision proposed on the preliminary plat. The Administrator may recommend that certain improvements on or adjacent to the site or on roadways or intersections for which the improvements are needed to adequately and safely accommodate subdivision traffic are mandatory for preliminary plat approval and may recommend that these improvements be included on the approved preliminary plat. The traffic impact analysis and its recommendations will be submitted as evidence at the evidentiary hearing. [4]

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.

SECTION 5.8 OPEN SPACE

(A) *General Provisions for Open Space*.

(1) Land designated as open space on the approved development plan shall be maintained as open space and may not be separately sold, subdivided, or developed.

(2) Access from a dedicated public or private street, greenway, or trail shall be provided to all designated open space with a minimum 15 foot wide access to the open space area. Lakes used as open space shall provide adequate community access beyond this 15 foot minimum as determined by the Planning Board.

(3) Open space shall be contiguous wherever possible.

(4) County plans, particularly park and open space plans shall be considered when evaluating proposals for dedication.

(B) *Minimum Open Space Dedication*. Open space shall be dedicated in accordance with subsection 5.8(C). Percentages are based on total development area.

(C) *Types of Open Space.* All required open space shall be classified in accordance with this Section. Dedicated open space shall fit into one of the following categories and be classified as private common area open space or public open space.

(1) *Playground.* Playgrounds are for active recreational use and provide sunny and shaded play equipment and play areas for children as well as open shelter with benches. Playgrounds may be part of other types of open space, such as parks, or may stand alone. Minimum Size: 10,000 square feet.

(2) *Square.* Squares are areas for passive recreational use. Squares shall be bounded by streets on a minimum of 50% of their perimeter. Squares are encouraged to be entirely bounded by streets and/or lanes. Squares shall be planted parallel to all streets and shall contain canopy trees along street frontages. Minimum size: 2,000 square feet.

(3) *Park.* Parks may be designed for passive and/or active recreational use. Parks shall be bounded by streets on a minimum of 10% of their perimeter. Large parks should create a central open space which services an entire neighborhood or group of neighborhoods; or incorporates physical features which are an asset to the community (i.e., lake or river frontage, high ground, significant stands of trees). Undergrowth should be limited and landscaping shall be installed in a manner that promotes attractiveness and safety. Parks may be combined with greenways and greenbelts and may include golf courses and community gardens. Minimum size: 1 acre.

(4) *Green.* The green is an open space which is more natural. Like the square, it is small and surrounded by buildings. Unlike the square, it is informally planted and may have irregular

topography. Greens are usually landscaped with trees at the edges and open lawns at the center. Greens should contain no structures other than benches, pavilions, and memorials; paths are optional. Minimum size: 20,000 square feet.

(5) *Greenway.* Greenways are large, irregular open spaces designed to incorporate natural settings such as creeks and significant stands of trees within and between neighborhoods. Greenways are typically more natural and may contain irregular topography. Greenways shall be used for certain active recreational uses including, at a minimum, trails for walking, jogging, equestrian pursuits and biking. Greenways shall connect points of interest in the community such as schools, parks, and other civic uses.

(6) *Greenbelt.* Greenbelts run along the perimeter of a neighborhood, and serve to buffer a neighborhood from surrounding non-compatible uses such as a highway corridor or industrial district, or a developed area from agricultural areas or adjacent towns. Greenbelts differ from the other types of open spaces in that they are left natural, and are not intended for recreational use.

(7) *Agricultural Preserve.* Open spaces designated as Agricultural Preserves shall be used for active bona fide farms in the form of crop cultivation, the keeping of livestock, or equestrian facilities. Agricultural Preserves are encouraged to protect areas of agricultural and rural heritage and promote compatible active agricultural operations. Minimum size: 5 acres.

(8) *Nature Preserve.* Open spaces designated as Nature Preserves shall be left largely undisturbed except for the optional clearing of underbrush for the provision of a walking trail (mulch or other natural material only). Nature Preserve areas are encouraged to protect large stands of trees, wildlife, and natural water features. Nature Preserves are the preferred form of open space for steep slopes in excess of 25% grade. Minimum size: 3 acres.

(D) *Open Space Ownership & Maintenance.*

(1) Open space may be owned or administered by one or a combination of the following methods:

- Ownership by a unit of government or private non-profit land conservancy;
- Ownership by Homeowners Association;
- Ownership by all individual property owners within the subdivision;
- By individual private ownership such as a farmer, developer or other private entity that maintains the open space in accordance with the purposes of this Article (i.e., farming, equestrian facility, etc., excluding confined livestock operations);
- Deed restricted open space easements on individual private properties.

(2) The Polk County Board of Commissioners shall have the authority to accept or reject land dedications made as a requirement of this Section. They shall also have authority to sell

land accepted pursuant to this section with the proceeds of such sale used only for the acquisition, expansion or improvement of recreation, park, or open space sites.

(3) The developer will provide proof of registration of the Articles of Incorporation as specified in Section 2.15 with the appropriate state agency for the formation of the Property Owners' Association to the Planning Department.

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~~ 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.

(B) *Subdivisions with Individual Water and Sewage Disposal Systems*. Individual septic systems and individual wells shall conform to those requirements as set forth by the local Health Department or

agency currently in authority as to sewer disposal. There shall be no requirement as to a well or septic system being in place prior to sale of any lot or parcel.

(C) *Water Quality and Quantity Standards.*

(1) No water supply system shall deliver water without first having said water tested by a certified laboratory and such test approved by the State and/or agency thereof having responsibility for Water Quality Assurance. (This provision shall not apply to an individual well providing water to a single-family residence located on the property of the well.)

(2) Any and all Water Systems including but not limited to individual wells shall comply with the appropriate Standards set forth by the State and/or any agency granted authority to regulate and/or otherwise enforce regulations.

SECTION 5.14 STORMWATER DRAINAGE FACILITIES

The Preliminary Plat shall be accompanied by evidence satisfactory to the Planning Board as to the proposed method of providing for stormwater drainage. If a NCDEQ stormwater management permit is required, such permit shall be submitted with the Preliminary Plat. [4]

SECTION 5.15 DAM SAFETY

Any dam constructed within a subdivision which is greater than fifteen (15) feet in height (measured from the lowest point on downstream top of the dam to the highest point on the fill) and is also greater than ten (10) acre-feet in area (measured from the top of the dam) shall comply with the North Carolina Dam Safety Law of 1967 and the North Carolina Administrative Code Title 15, Subchapter 2K.

SECTION 5.16 FLOOD HAZARD AREAS

In areas of flood hazard, identified on the Flood Insurance Rate Map of Polk County, North Carolina, as Zones A and AE, all subdivisions shall be designed to minimize flood damage in accordance with the provisions of the Polk County Flood Damage Prevention Ordinance.

ARTICLE 5. SUBDIVISION DESIGN STANDARDS

SECTION 5.17 FIRE PROTECTION

In major subdivisions without a public water supply and having one or more lots more than one road mile from the nearest state approved fire water source, the developer shall provide a fire water source or sources within the subdivision meeting state specifications in such a manner that no lot is located more than one road mile away from such a fire water source.

SECTION 5.18 EROSION AND SEDIMENTATION CONTROL[1]

The Preliminary Plat shall be accompanied by a written statement from the North Carolina Department of Environmental Quality (NCDEQ) [2]that any required soil erosion and sedimentation control plan has been approved, if required. [4]

SECTION 5.19 STREAM BANK EROSION

Stream banks and channels downstream from any land disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land disturbing activity in accordance with the North Carolina Sedimentation Pollution Control Act, NCGS 143.34.12, Chapter 113A, Article 4, and the North Carolina Administrative Code Title 15, Chapter 4, and any locally adopted erosion and sedimentation control ordinances.

SECTION 5.20 CLEAR CUTTING

This Section shall not apply to two-lot or family subdivisions.

(A) *Standard.* Properties shall not be clear-cut during the conduct of forestry activities. To maintain the visual character of the site from adjoining properties and right-of-way, a vegetated perimeter buffer shall be maintained while tree harvesting for forestry occurs. A 32-foot wide buffer of naturally existing vegetation shall be maintained along all boundaries of the property being forested that adjoin other properties. Along public rights-of-way, a 50-foot buffer of naturally existing vegetation shall be maintained, exclusive of areas required for access to the site.

(B) *Penalties*. Site plans proposing development of properties that failed to maintain such a buffer during forestry activities shall be denied for a period of three years from the date of clearing.

SECTION 5.21 STEEP SLOPE

(A) *Purpose.* The primary purpose for the slope protection standards is to minimize grading, land instability and the removal of vegetation in order to:

(1) Protect the quality of wetlands and water courses below the slope from increased sedimentation;

(2) Protect steep slope plant and animal habitat from disturbance and development; and

(3) Preserve the aesthetic quality of the natural terrain.

(B) *Steep Slope Areas.*

(1) Slope is the relationship of vertical rise to horizontal run, expressed as a percentage. Steep slope areas shall be defined as land areas that:

(a) Have a grade of 40% or more; and

(b) Have an area of 5,000 square feet or greater.

(2) Steep slope areas refer to natural grades and shall not include man-made grades. Slope calculations shall use the smallest contour interval for which maps are available. Steep slope areas shall be determined irrespective of tract boundaries.

(3) Steep slope areas shall be clearly indicated on all site plans, development plans, preliminary plats and final plats. [4]

(C) *Steep Slope Development Limitations*. Development and land disturbing activity on steep slope areas shall be conducted only in accordance with the following requirements. Compliance with these requirements shall be determined by the approving authority.

(1) Development shall be designed and constructed in order to minimize disturbance to the natural landform as much as possible. Development shall demonstrate appropriate terrain-adaptive design and construction techniques. An inability to design a particular development without significant disturbance to the natural landform may indicate that the site should not accommodate the full amount of proposed development. Alternate site design and construction measures shall be encouraged to mitigate the effects of development on steep slopes. The grade of reconstructed slopes shall not exceed 50%. Non-load bearing retaining walls shall be encouraged in order to reduce the amount of disturbance to the natural slope.

(2) On any tract proposed for construction, no more than 15% of the steep slope area on the tract shall be graded. For purposes of this calculation, the land areas of individual steep

slope areas on the tract shall be added together to establish the total steep slope area for the tract.

(3) Development shall be designed and arranged in order to minimize the impact of street construction on steep slope areas. [4]

SECTION 5.22 SURVEYING

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

(A) *Subdivision Corner Tie.* At least one corner of the Subdivision shall be designated by course and distance (tie) from a readily discernible reference marker. If a corner is within 2,000 feet of a U.S. Coast and Geodetic Station or North Carolina Grid System coordinated monument, then this corner shall be marked with a monument so designated by computed X & Y coordinates which shall appear on the map with a statement identifying this station or monument. When such a monument or station is not available, the tie shall be made to some pertinent and readily recognizable land marker or identifiable point, physical object or structure.

(B) *Monuments.* Within each block of a subdivision at least two (2) monuments designed and designated as control corners shall be installed. The surveyor shall employ additional monuments if and when required. All monuments shall be constructed of concrete and be at least four (4) inches in diameter or square and not less than three (3) feet in length. Each monument shall have imbedded in the top or attached by a suitable means a metal plate of noncorrosive materials and marked plainly with the point, the surveyor's registration number, the month and year it was installed, and the word "Monument" or "Control Corner". A monument shall be set at least 30 inches in the ground with at least six (6) inches exposed above the ground unless this requirement is impractical.

ARTICLE 6. DEFINITIONS

Article 6 – Definitions

Section 6.1 Word Interpretation 6-66
Section 6.2 Acronyms 6-66
Section 6.3 General Definitions 6-67

ARTICLE 6. DEFINITIONS

SECTION 6.1 WORD INTERPRETATION

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

(A) Words in the present tense include the future tense.

(B) Words used in the singular number include the plural, and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.

(C) The word "person" includes a firm, association, corporation, trust, and company as well as an individual.

(D) The words "used for" shall include the meaning "designed for".

(E) The word "structure" shall include the word "building".

(F) The word "lot" shall include the words, "plot", "parcel", or "tract".

(G) The word "shall" is always mandatory and not merely directory.

SECTION 6.2 ACRONYMS

Below is a list of acronyms (other than zoning districts) and their meanings found throughout the Ordinance:

- BFE: Base Flood Elevation
- EIS: Environmental Impact Statement[4]
- NC: North Carolina
- NCDEQ: North Carolina Department of Environmental Quality[2]
- NCDOT or DOT: North Carolina Department of Transportation
- NCGS or GS: North Carolina General Statute
- POA: Property Owners' Association
- ROW: Right-of-way
- SR: Secondary Road in the North Carolina Secondary Road system
- TRP: Technical Review Panel[4]
- US: United States of America

ARTICLE 6. DEFINITIONS

SECTION 6.3 GENERAL DEFINITIONS

A

Administrator
The County Manager or any other person designated by the Polk County Manager to administer and enforce this Ordinance.

Applicant
A person, firm or corporation submitting an application for development or subdivision and upon whom final responsibility for ensuring compliance with the terms and conditions of the Ordinance rests.

B

Board of Commissioners
The Polk County Board of Commissioners.

Bona Fide Farm
The production and activities relating, or incidental to, the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products having a domestic or foreign market, as defined by NCGS 106-581.1.

C

Cluster Subdivision Incentive
A fifty (50) point deduction from the environmental checklist (Section 5.3) if the proposed major subdivision will be a cluster subdivision.

D

Dedicated Greenway or Trail
Greenways are large, irregular open spaces designed to incorporate natural settings such as creeks and significant stands of trees within and between neighborhoods.

Dedication
A gift, by the owner, of a right of use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with an acceptance.

Disclosure Statement
A separate and distinct document prepared by the applicant and approved by the Planning Board which fully and completely discloses the status of any street or road upon which the house, lot, or parcel fronts. A copy of the Disclosure Statement shall be provided to the purchaser of the subject real estate.

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:

- The proximity of the proposed water source to the area of use or application;
- All impoundments, streams, groundwater sources, or watercourses that receive water runoff from the proposed actions and any anticipated impact on those waters;
- All economically and technically feasible alternatives to the proposed source, including, but not limited to, conservation, reuse of nonpotable reclaimed water and stormwater, and aquifer storage and recovery;
- The potential environmental impacts that may result from the transport and use of water from the proposed source, and the potential environmental impacts that may result from use of the other water sources identified;
- Whether existing and reasonably anticipated sources of water and conservation efforts are adequate to supply water for existing legal uses and reasonably anticipated future needs of the water supply planning region in which the proposed water source is located;
- Consultations with local governments affected by the proposed transport and use;
- The value of the existing capital investment in water-related infrastructure made by the applicant;
- If a groundwater supply will be utilized, an assessment of the environmental/public benefits impact of individual wells versus central/community wells;
- Actions proposed to preserve surface water quality;
- Whether the proposed action will have an impact on the long-term sustainable supply of groundwater.

I

Impacts, Cumulative
Those effects that result from the incremental effects of the original direct impact combined with the impacts of other past, present, and reasonably foreseeable projects in the area. By itself, a proposed project may not constitute a significant stressor; however, multiple development activities, which individually may be insignificant, can collectively degrade the surrounding ecosystem beyond its ability to recover.

Impacts, Direct
Those effects caused by a project that occur at the same time and place. Direct impacts result from project construction and the project itself. Some examples include:

- Wetlands that are filled and wetland acreage lots when a new road is built through a wetland;
- Cleared forested areas for a project's construction cause mortality or displacement of wildlife; and
- Cleared forested areas cause impacts to water quality and aquatic life from exposed soils running off of the construction site into adjacent wetlands, streams, or reservoirs.

Impacts, Secondary
Those effects which are removed in distance as a result of the project's construction and operation. Secondary impacts are sometimes thought of as "chain reaction" effects. In such cases, an initial project can cause changes in land use, population density, and growth rates that may affect air, water, or other natural cultural systems. The effects of these chain reactions (e.g., commercial/subdivision development in

rural areas) may add to other impacts already occurring in the vicinity of the initial project. There are two types of secondary impacts and a project may include one or both of these:

- Encroachment-Alteration Effects: The physical presence of the project may affect the function of natural systems through a series of secondary effects.
- Growth-Inducing Effects: The presence of a project may affect the pattern or density of development. Some projects are proposed to serve development that is already present, or planned, some are planned to attract new growth, and others will serve a combination of both. These changes in the pattern or density of development would not occur if the project is not implemented.

Impacts, Significant Negative
A reasonable likelihood of more than a moderate (reasonable/not excessive) adverse impact on physical or social environmental quality. Significance is a measure of relevance to the environment (context and intensity) and does not lend itself to a formula or quantifiable test. The context may vary with the physical location/setting. Intensity depends on the magnitude and duration of an impact. The severity of an impact should be weighed along with the likelihood of its occurrence. An impact may be significant if its chance of occurrence is not great, but the resulting environmental impact would be severe if it occurred.

J

K

L

Legislative Hearing[4]
A hearing to solicit public comment on a proposed legislative decision.

Lot
A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposed of transfer title.

Lot Size
The total horizontal area within the lines of a lot.

M

Marginal Access Street
A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back side of properties otherwise abutting a street, an alley.

Master Plan
A tentative plan showing the proposed development of a tract of land for which platting and development is to be carried out in two or more stages.

Mitigation (Mitigative Measures)
The use of any or all of the following actions listed in descending order of preference: (1) avoiding the impact by not taking a certain action; (2) minimizing the impact by limiting the degree or magnitude of the action by using appropriate technology or by taking affirmative steps to avoid or reduce the impact; (3) rectifying the impact by repairing, rehabilitating, or restoring the affected critical area or buffer; (4) reducing or eliminating the impact over time by preservation or maintenance operations during the life of the development proposal; (5) compensating for the impact of replacing, enhancing, or providing substitute critical areas and environments; and (6) monitoring the impact and taking appropriate corrective measures.

N

Natural Resources
Existing natural elements including slope, water supply (ground and surface water), watersheds, floodplains, state designated Trout waters, hydric soils, and/or air quality.

O

Open Space
Area to provide for a predominately pervious land surface providing spaces for landscaping and other visual enhancements, pedestrian circulation, and wildlife habitat. The following are not designated open space: vehicular use area such as drives, parking lots and service areas, and buildings. Pedestrian amenities, both pervious and impervious are permitted in open spaces.

P

Performance Guarantee
An unconditional written understanding, approved by the Planning Board whereby a guarantor agrees that the developer, subdivider or applicant will pay the costs of stated construction improvements if performance is not made as stated.

Plan
A graphic representation or map of the tract of land to be developed indicating all proposed divisions of land, their uses, improvements, and other information as may be required to fully disclose the applicant's intentions. The purpose of a plan is to provide general and specific information and is not intended to be a recordable document.

Plat
A map or plan of a parcel of land which is to be subdivided and is intended to be a recordable document.

Plat, Final
A plat which conforms with the provisions of this Ordinance, the mapping requirements set forth in G.S. 47-30 and The Manual of Practice for Land Surveying in North Carolina. The final plat shall be prepared

in accord with this Ordinance and in such a fashion as to be suitable for recording by the Polk County Register of Deeds.

Plat, Preliminary
A tentative plat, including supporting data, indicating a proposed subdivision design, prepared by a NC licensed land surveyor in accordance with this Ordinance and the statutes of the state of North Carolina.

Public Facilities
Facilities owned and operated by a public agency including but not limited to the school system, health care, recreation, emergency services, Sheriff, fire, or other facilities to which the public has access.

Q

Quasi-Judicial – see Evidentiary Hearing. [4]

R

Recombination
The combining of portions of previously subdivided and recorded lots if the total number of lots is not increased as established by this Ordinance.

Road or Street, Private
A dedicated private right-of-way which affords access to abutting properties and conforms to the requirements of Section 5.12 of this Ordinance.

Road or Street, Public
A dedicated public right-of-way for vehicular traffic which affords access to abutting properties and conforms with the requirements of Section 5.11 of this Ordinance. A public street is intended to be taken over by the NC Department of Transportation upon completion. [4]

S

Setback
The distance from an established property boundary or other line defined in this Ordinance that established the buildable area on the lot.

Sewage Disposal System, Public
Any sewer system owned and operated by a local government or authority established by governmental authority.

Sewer System, Community
Any privately owned sewer system serving more than one residence.

Sewer System, Individual
Any septic tank or ground absorption system serving a single source or connection and approved by the Polk County Health and Human Services Agency[3].

Sketch Plan
A sketch preparatory to the preliminary plat to enable the subdivider to save time and expense in reaching general agreement with the Administrator as to the form of the plat and the objectives of this Ordinance.

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

Subdivision[4]
All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this Article:

(1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the local government as shown in its subdivision regulations.
(2) The division of land into parcels greater than 10 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 or for public transportation system corridors.
(4) The division of a tract in single ownership whose entire area is no greater than 2 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 local government, as shown in its subdivision regulations.
(5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

Subdivision, Cluster Development
A type of major or minor subdivision that is intended to allow smaller than minimum lot sizes with dwelling units clustered in smaller areas in order to preserve larger areas of open space and environmental resources.

Subdivision, Expedited Review for Three-Lot[2]

(1) The Administrator shall require only 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.

Subdivision, Family
A subdivision containing no more than eight lots for the purpose of conveying the resulting parcels or lots to a grantee or grantees who are in any degree of lineal kinship to the grantor, or to a grantee or grantees who are within three degrees of collateral kinship to the grantor. Degrees of kinship shall be computed in accordance with NCGS 104A-1. Lots can be conveyed as a gift, as settlement of the property owner's estate or for a nominal consideration. This term also includes the conveyance of a lot or tract for the purpose of dividing lands among the tenants in common, all of whom, by intestacy or by will, inherited the land from a common ancestor.

Subdivision, Major
A subdivision of land by a property owner into 9 or more lots or parcels for the purpose of sale or development (whether immediate or future).

Subdivision, Minor
A subdivision of land by a property owner into 8 or fewer but more than two (2) lots or parcels for the purpose of sale or development (whether immediate or future).

Subdivision, Two-Lot
A subdivision that involves not more than two (2) lots.

T

U

V

W

Wastewater Treatment Facility
The facility or group of units used for the treatment of industrial or domestic wastewater for sewer systems and for the reduction and handling of solids and gases removed from such wastes, whether or not such facility or group of units is discharging into state waters. Wastewater treatment plant specifically excludes any facility or group of units used for pre-treatment, treatment, or handling of industrial water, wastewaters, reuse waters, and wastes which are not discharged into state waters. Such facilities have been approved by the appropriate state agencies.

Water Supply System, Public
A municipal water supply system or a system for the provision to the public of piped water for human consumption that serves 15 or more service connections or which regularly serves 25 or more individuals. The term includes:

- Any collection, treatment, storage, distribution facility under the control of the operator of the system and used primarily in connection with the system; or
- Any collection or pretreatment storage facility not under the control of the operator of the system that is used primarily in connection with the system.

Water System, Community
Any privately owned water system serving 15 or more residential connections or serving more than 25 year-round residents. Plans and specifications for any community water system require written approval from the North Carolina Department of Environment, Health and Natural Resources, Division of Health Services, Water Supply Branch.

Water System, Individual
A source of water serving a single connection.

Water System, Private
Any water system serving from two (2) to 14 connections, inclusively or 25 or less year-round residents.

X

Y

Z