

PART II - CODE OF ORDINANCES

Chapter 25 - SUBDIVISIONS

Chapter 25 - SUBDIVISIONS ⁽¹⁾

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FOOTNOTE(S):

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Editor's note— An ordinance adopted December 15, 2008, is being treated as superseding an ordinance adopted February 20, 1995, from which chapter 25 derived. ([Back](#))

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ARTICLE I. - IN GENERAL

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Sec. 25-1. - Title.

This chapter shall be known and may be cited as the subdivision regulations of the Town of Weaverville, North Carolina, and for its extraterritorial jurisdiction, and shall be referred to as the "subdivision ordinance."

(Ord. of 12-15-08)

Sec. 25-2. - Purpose.

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

(Ord. of 12-15-2008)

Sec. 25-3. - Authority.

This chapter is hereby adopted under the authority and provisions of the G.S., ch. 160A, [art. 19](#), pt. 2 (section 160A-371 et seq.).

(Ord. of 12-15-2008)

Sec. 25-4. - Jurisdiction.

The regulations contained herein, as provided in G.S. ch. 160A, [art. 19](#), shall govern each and every subdivision within the corporate limits of the town and within its extraterritorial zoning jurisdiction area as shown on the official extraterritorial zoning boundary map.

(Ord. of 12-15-2008)

Sec. 25-5. - Plat approval and recordation required.

After the effective date of this chapter, each subdivision within the town's jurisdiction shall be approved by the town pursuant to the requirements set forth in this chapter. No building permit or letter of zoning compliance shall be issued for any lot within a subdivision for which a plat is required to be approved unless and until such plat has been approved by the town and is duly recorded in the Office of the Register of Deeds for Buncombe County.

(Ord. of 12-15-2008)

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Sec. 25-6. - Reserved.

Sec. 25-7. - School sites on land use plan.

If the town council and the Buncombe County Board of Education have jointly determined the specific location and size of any school sites to be reserved and this information appears in the comprehensive land use plan, the planning and zoning board shall immediately notify the board of education whenever a general concept plan for a subdivision is submitted which includes all or part of a school site to be reserved. The board of education shall promptly decide whether it still wishes the site to be reserved. If the board of education does not wish to reserve the site, it shall so notify the planning and zoning board. If the board does wish to reserve the site, the subdivision shall not be approved without such reservation. The board of education shall then have 18 months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by initiating condemnation proceedings. If the board of education has not purchased or begun proceedings to condemn the site within 18 months, the subdivider may treat the land as freed of the reservation.

(Ord. of 12-15-2008)

Sec. 25-8. - Zoning and other plans.

Proposed subdivisions must comply in all respects with the requirements of the zoning ordinance of the town, and any other officially adopted plans of the town, county or state.

(Ord. of 12-15-2008)

Secs. 25-9—25-25. - Reserved.

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Sec. 25-26. - Subdivision defined.

For the purpose of this chapter, "subdivision" shall mean all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future), and shall include all 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 any regulations enacted pursuant to this chapter:

- (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 town as shown in its subdivision regulations.
- (2) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved.
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets, or for utility easements for water, sewer or other purposes.
- (4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the town as set forth in the zoning ordinance or herein.
- (5) Unified housing developments and unified business developments as defined in section 17-410 of the zoning ordinance of the town which have been approved in accordance with the provisions of said zoning ordinance.
- (6) The division of land for the purpose of conveying a single lot or parcel to each tenant in common, all of whom (jointly) inherited the land by intestacy or by will from a common estate.
- (7) The division of land pursuant to an order of a court of the general court of justice.
- (8) The division of land for cemetery lots or burial plots.
- (9) The division of land for the purpose of changing the boundary line(s) between adjoining property owners and no new road right-of-way dedication is involved, providing said division does not cause either property to be in violation of any town ordinance.

(Ord. of 12-15-2008)

Sec. 25-27. - Other definitions.

For the purpose of this chapter, certain words or terms used herein shall be defined as follows:

Berm (or mounded earth) means a mound of earth, sometimes referred to as a "berm", which shall not be more than four feet higher than the elevation of the surrounding property and with a slope no steeper than one foot of vertical distance for each two feet of horizontal distance, which may be used for buffering or screening purposes. Any mounding of earth located within a required buffer strip must be in conjunction with planting and the mounding of earth in a buffer strip shall not relieve the developer of the requirement of planting said buffer strip as herein specified. The mounding of earth outside of a buffer strip may be permitted without the required planting.

Block means a piece of land bounded on one or more sides by streets or roads.

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Buffer strip means a planted strip of land which shall be a minimum of 20 feet in width and which planting shall be composed of evergreen bushes, trees, and/or shrubs, initially of a height of at least four feet, planted so that at least two rows are provided which shall be planted in a staggered pattern approximately in the center of the buffer strip and which will grow from the initial four-foot height to a height of six feet within five years and which will contain foliage overlaps within six years of planting. Buffer strips must be maintained and inspected annually by the developer with a report of conditions submitted to the town. Such required buffer strip must be at the same grade as the land abutting the land being developed. The planning and zoning board may approve as a buffer strip a previously planted strip of land provided that the existing vegetation is of a height and density that would afford equal or better protection to the adjoining properties as would a newly planted buffer strip as provided for in the foregoing portions of this definition.

Building site means each area on which a single building is to be erected. This shall apply only to a principal use building and shall not include any accessory building.

Dedication means a gift or transfer, by the owner of property to the town or to the public of such property or of the right to use such property for a specified purpose or purposes. Since real property rights are involved, dedication shall be made by written instrument, and shall be deemed completed only upon acceptance by the town council, and the recording of the instrument of dedication and the written acceptance by the town council in the Buncombe County Registry of Deeds office.

Easement means a grant by a property owner of an interest in a parcel or strip of land for a specified purpose and use by the public, a public utility, a corporation, or persons, the grant of which shall be by appropriate instrument recorded in the Buncombe County Register of Deeds office.

Preliminary plat means a preliminary plan and map of a tract to be developed by a subdivider/developer giving in sufficient detail the boundaries, streets and lot layout, plans for utilities, land uses, and all other information and data as to allow the subdivision administrator and/or the planning and zoning board to determine compliance with this chapter and the town zoning ordinance.

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

Lot of record means a lot which is part of a subdivision, a plat of which has been recorded in the office of the register of deeds of Buncombe County prior to the adoption of this chapter, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this chapter.

Lot types:

Corner lot means a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot met at an interior angle of less than 135 degrees.

Interior lot means a lot other than a corner lot which has only one frontage on one street.

Reversed frontage lot means a lot on which the frontage is at right angles or approximately right angles (interior angles less than 135 degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot, an interior lot, or a through lot.

Single-tier lot means a lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.

Through lot or a *double frontage lot* means a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as a double frontage lots.

Minor subdivision means a subdivision of land meeting all the following criteria:

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- (a) Containing not more than four lots or building sites abutting an existing public street or access easement thereto;
- (b) Where the entire tract to be subdivided is five acres or less in size;
- (c) Not involving the extension of any new public utilities, other than laterals to individual lots;
- (d) Not requiring any new street construction or street right-of-way dedication; and
- (e) Where the use of all of the lots will be for single family residences.

Official maps or plans means any maps or plans officially adopted by the town council as a guide to the development of the town.

Open space means undeveloped land upon which an obligation has been placed by deed, grant or other dedication to keep such land free from development for a stated period of time except for golf courses, parks, playgrounds, lakes and other similar recreational facilities. Such land may be conveyed to a homeowners association with responsibility for the maintenance thereof.

Plat means a map or plan of a parcel of land which is to be, or has been, subdivided precisely showing the subdivision of land and the intended uses of all portions thereof.

Private driveway means a roadway serving one or more lots, building sites or other divisions of land, which lots also have public street frontage and which driveway is maintained by a private person or groups of people and which is not intended to be used for public ingress or egress.

Public sewerage disposal system means a waste disposal system serving two or more dwellings or business units, or any combination thereof owned or operated by any municipal corporation of the state.

Public water supply means a system for the supply of potable water to two or more dwellings or business units, or to any combination thereof owned or operated by any municipal corporation of the state or any privately owned system.

Recreation area or park means an area of land or combination of land and water resources that is developed for active and/or passive recreational pursuits which may have various manmade features that accommodate such activities.

Reservation means a reservation of land does not involve any transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period of time.

Rural roads:

Local road means a rural road serving primarily to provide access to land adjacent to the road and providing travel over relatively short distances used primarily by owners abutting said road.

Major collector means a rural road which serves and connects major intracounty travel corridors and traffic generators and which provides access to the arterial system.

Minor arterial means a rural link in a network joining cities and larger towns and providing intrastate and intercounty service at relatively high overall travel speeds with minimum interference to through movement. This type of network should primarily serve inter town and inter city traffic.

Minor collector means a rural road which provides services to small local communities and links locally important traffic generators with their rural hinterland.

Principal arterial means a rural link in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel and existing primarily to serve such traffic. Such a network would consist of interstate routes and other routes designed as principal arterials.

Setback means the required minimum horizontal distance between the building line and the related front, side, or rear property line.

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Specific type rural or urban streets:

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

Cul-de-sac means a short street having but one end open to traffic and the other end being permanently terminated with a vehicular turnaround provided at the closed end.

Freeway, expressway, or parkway means divided multilane roadway designed to carry large volumes of traffic at relatively high speeds. A freeway is a divided highway providing for continuous flow of vehicles with no direct access to abutting property or streets and with access to selected crossroads provided via connecting ramps. An expressway is a divided highway with full or partial control of access and generally with grade separations at major intersections. A parkway is a highway for noncommercial traffic, with full or partial control of access, and usually located within a park or a ribbon of park-like developments.

Frontage road means a local street or road which turns parallel to a fully or partially controlled access or facility and which functions to provide access to adjacent properties.

Local residential street means cul-de-sacs, loop streets less than 2,500 feet in length, or streets less than one mile in length that do not connect thoroughfares, or serve major traffic generators, and which do not collect traffic from more than 100 dwelling units.

Residential collector street means a local access street which serves as a connector street between local residential streets and the thoroughfare system. Residential collector streets typically collect traffic from 100 to 400 dwelling units.

Street, public means a dedicated public right-of-way in which the roadway has been constructed to public standards for vehicular traffic and has been accepted for maintenance by a governmental entity, but does not include alleys.

Street, private means any paved or unpaved area not owned or maintained by a governmental entity, that is meant for the conveyance of vehicular traffic and is not a parking lot, although it may pass through a parking lot and be at times indistinguishable from said parking.

Street, major thoroughfare means major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.

Street, minor thoroughfare means minor thoroughfares perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating a minor through-traffic movement and may also serve abutting property.

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

Town council means the town council of the Town of Weaverville, North Carolina.

Urban streets:

Local street means any street link not part of a higher-order urban system which serves primarily to provide direct access to abutting land and access to higher-order systems.

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

Minor thoroughfares are important streets in the urban system and perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system by facilitating a minor through traffic movement and which may also serve abutting property.

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(Ord. of 12-15-2008)

Sec. 25-28. - Word interpretation.

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

- (1) Words used in the present tense include the future tense.
- (2) 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.
- (3) The word "person" shall include a firm, association, corporation, trust, and other type of company, as well as an individual.
- (4) The word "used for" shall include the meaning "designed for".
- (5) The word "shall" is always mandatory and not merely directory
- (6) The word "day" shall be calculated by using calendar days.

(Ord. of 12-15-2008)

Secs. 25-29—25-45. - Reserved.

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Sec. 25-46. - Reserved.

Sec. 25-47. - Statement by owner.

The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall include a signed statement on the face of the plat indicating whether or not any land shown thereon is within the subdivision regulation jurisdiction of the town or any other governmental unit.

(Ord. of 12-15-2008)

Sec. 25-48. - Effect of plat approval on dedications.

Pursuant to G.S. 160A-374, the approval of a plat shall not be deemed to constitute or effect the acceptance by the town or by the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, the town council may, by resolution, and in its sole discretion, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision regulation jurisdiction. Acceptance of dedication of lands or facilities located within the subdivision regulation jurisdiction, but outside the corporate limits of the town, shall not place upon the town any duty to open, operate, repair, or maintain any street, utility line, or other land or facility, and the town shall in no event be held to answer in any civil action or proceeding for failure to open, repair, or maintain any street located outside of its corporate limits.

(Ord. of 12-15-2008)

Sec. 25-49. - Penalties for violation.

- (a) After the effective date of this chapter, any person who, being the owner or agent of the owner of any land located within the jurisdiction of the town, thereafter subdivides his land in violation of this chapter 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 plan has been properly approved under the terms of this chapter and recorded in the office of the Buncombe County Register of Deeds, shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The town council may bring an action for injunction of any illegal subdivision, transfer, conveyance or sale of land and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this chapter.
- (b) In addition to other remedies, the town may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct or abate the violation, or to prevent any illegal act or conduct.

(Ord. of 12-15-2008)

Sec. 25-50. - Severability.

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

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(Ord. of 12-15-2008)

Sec. 25-51. - Amendments.

The town council may from time to time amend the terms of this chapter but no amendment shall become effective until it shall have been proposed by or shall have been submitted to the planning and zoning board for review and recommendation of approval which shall be in writing to the town council. The planning and zoning board shall have 30 days from the time the proposed amendment is submitted to it within which to submit its written report. If the planning and zoning board fails to submit a written report within the specified time, it shall be deemed to have recommended of approval of the amendment. No amendment shall be adopted by the town council until it has held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the Weaverville area at least once a week for two consecutive calendar weeks prior to the hearing. The initial notice shall appear not more than 25 days and not less than ten days prior to the hearing date. In computing the ten day period, the date of publication shall not be counted, but the date of the hearing shall be counted.

(Ord. of 12-15-2008)

Sec. 25-52. - Abrogation.

This chapter shall not repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously established by deed adopted or issued pursuant to law. However, where this chapter imposes greater restrictions than those previously established, the provisions of this chapter shall govern.

(Ord. of 12-15-2008)

Sec. 25-53. - Administrator.

The official designated by the town council to serve as "zoning administrator" in accordance with the provisions of the zoning ordinance of the town, shall serve as subdivision administrator.

(Ord. of 12-15-2008)

Sec. 25-54. - Planning and zoning board.

A planning and zoning board of the town, to be appointed by the town council pursuant to a separate ordinance, shall be responsible, with the subdivision administrator, for administering the various provisions of this chapter as herein specified.

(Ord. of 12-15-2008)

Secs. 25-55—25-75. - Reserved.

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Sec. 25-76. - Reserved.

Sec. 25-77. - Reserved.

Sec. 25-78. - General procedures for review of major and minor subdivisions.

All applications for development of major or minor subdivisions, including for review of preliminary plats and final plats, shall be submitted to the subdivision administrator at the Weaverville Town Hall. In order to be considered at the next regularly scheduled meeting of the planning and zoning board, applications must comply with all Code requirements and be received at least ten business days before the meeting. All subdivisions shall be considered major subdivisions except those defined as minor subdivisions in [section 25-27](#). Minor subdivisions shall be reviewed in accordance with the procedure set forth in [section 25-79](#). The minor subdivision procedure may not be used a second time within three years from the date of its first use on any property which is less than 1,500 feet from the original property boundaries by anyone who owned, had an option on, or any legal or equitable interest in the original subdivision at the time the original subdivision received preliminary plat or final plat approval. Major subdivisions shall be reviewed in accordance with the procedures set forth in sections [25-81](#) through [25-83](#).

(Ord. of 12-15-2008; Ord. of 6-21-2010)

Sec. 25-79. - Procedure for review of minor subdivisions.

- (a) *Preliminary plat.* The subdivider shall submit eight copies of the preliminary plat of the proposed minor subdivision, containing the information required by subsection [25-80](#)
- (b) *Final plat.* The subdivider shall submit eight copies of the final plat of the proposed minor subdivision, containing the information required by subsection [25-80\(b\)](#).
- (c) *Action by planning and zoning board.* The planning and zoning board shall recommend, in writing, approval, conditional approval with modifications to bring the plat into compliance, or disapproval of the preliminary plat and/or the final plat with reasons for such conditional approval or disapproval within 90 days of its original consideration of the preliminary or final plat.

The planning and zoning board shall retain one copy of its recommendation, along with a copy of the plat, for its minutes, transmit one copy of its recommendation, along with a copy of the plat, to the town council and shall transmit one copy of its recommendation, along with a copy of the plat, to the subdivider.

If the planning and zoning board does not make a written recommendation within 90 days after its first consideration of the preliminary or final plat, the subdivider may apply to the town council for approval or disapproval.

- (d) *Action by town council.* The town council shall review the recommendations of the planning and zoning board, or direct application of the subdivider if the planning and zoning board has not acted within the 90 days described above, and may approve, approve with conditions or disapprove the application for preliminary and/or final plat approval. The action of the town council shall be reduced to writing in its minutes and transmitted to the subdivider and to the planning and zoning board.

(Ord. of 12-15-2008; Ord. of 6-21-2010)

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Sec. 25-80. - Requirements for minor subdivisions.

(a) *Preliminary plat:*

- (1) The name, if any, of the proposed subdivision;
- (2) The exact exterior boundaries of the tract and the portion of the tract to be subdivided, dimensioned by metes and bounds;
- (3) A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;
- (4) The scale of the plat, denoted both graphically and numerically;
- (5) North arrow and delineation;
- (6) Street names and designation as either "public" or "private";
- (7) Minimum building setback lines;
- (8) The total acreage to be subdivided;
- (9) The total number of parcels created;
- (10) The current zoning classification of the tract and of adjacent properties;
- (11) The name, address and telephone number of the owner, the registered land surveyor and any land planner, architect, landscape architect or professional engineer responsible for the subdivision, if such persons are used;
- (12) The registration number and seal of the professional engineer and registered land surveyor;
- (13) The names of streets and the names and numbers of subdivision lots of adjacent developed or platted properties;
- (14) The existing street layout and right-of-way width, lot layout, and size of lots (including dimensions and acreage or square footage);
- (15) The right-of-way lines and pavement widths of all streets and easements;
- (16) The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it.

(b) *Final plat:*

- (1) A statement from the Buncombe County Health Department that a copy of the final plat has been submitted to them, if septic tanks or other on-site water or wastewater systems are to be used in the subdivision;
- (2) The final plat shall be prepared by a registered land surveyor currently licensed and registered to do business in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. 47-30, or its successor, and to the "Standards of Practice for Land Surveying in North Carolina".
- (3) The submission of any final plat shall be accompanied by a filing fee set by the town.
- (4) Signed certificates substantially in the forms provided for in subsections (i) and (ii) below, shall appear on all copies of the final plat.
 - (i) Certificate of Ownership and Dedication

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I hereby certify that I am the owner of the property shown and described hereon, which is located within the subdivision jurisdiction of the Town of Weaverville and that I hereby adopt this plan of subdivision with my free consent. I further certify that the subdivision complies with all provisions of the ordinance of the Town of Weaverville.

Date:_____ Owner:_____

- (ii) A certificate of survey and accuracy which shall be prepared in accordance with G.S. 47-30, or its successor.
- (c) *[Additional requirements.]* In addition to the requirements of subsections [25-80](#)(a) and (b), above, the town council, if it deems necessary, may require the subdivider to provide to the town an agreement to complete and a guarantee to insure the proper completion of landscaping, buffering, utilities or other necessary improvements in a minor subdivision. If the town council requires such an agreement to complete and a guarantee, the provisions of subsections [25-83](#)(e)(1)—(3), set forth hereinafter, shall be applicable.

(Ord. of 12-15-2008; Ord. of 6-21-2010)

Sec. 25-81. - Procedure for review of preliminary plat of major subdivision.

- (a) *Submission procedure.* For every major subdivision within the jurisdiction of the town, the subdivider shall submit a preliminary plat which shall be reviewed by the planning and zoning board and approved by the town council before any work is begun of any kind which affects the topography on the site.
- (b) *Number of copies and contents.* The subdivider shall submit to the planning and zoning board eight copies of a preliminary plat of the proposed subdivision depicting or containing the information as listed in [section 25-83](#). Preliminary plats not containing that data shall be returned to the subdivider for completion.
- (c) *Review by other agencies.* After having received the preliminary plat from the subdivider, the subdivision administrator may submit copies of the preliminary plat and any accompanying material to other officials and agencies which may be concerned with the new development.
- (d) *Review procedure.* The planning and zoning board shall review the preliminary plat at its next regularly scheduled meeting which follows at least ten working days after the subdivision administrator has received the preliminary plat and receives the comments from any other appropriate officials or agencies to which the subdivision administrator submitted the plat.
- (e) *Action by planning and zoning board.* The planning and zoning board shall recommend, in writing, approval, conditional approval with modifications to bring the plat into compliance, or disapproval of the preliminary plat with reasons for such disapproval within 90 days of its original consideration of the preliminary plat.

If the planning and zoning board recommends approval of the preliminary plat, it shall retain one copy of the plat for its minutes, transmit one copy of the plat to the town council with its recommendation and shall return one copy of the plat to the subdivider.

If the planning and zoning board recommends conditional approval of the preliminary plat, it shall keep one copy of the plat for its minutes, transmit one copy of the plan and its recommendation to the town council, and return one copy of the plat and its recommendation to the subdivider.

If the planning and zoning board recommends disapproval of the preliminary plat, it shall retain one copy of the plat for its minutes, transmit one copy of the plat and its recommendation to the town council, and return one copy of the plat and its recommendation to the subdivider.

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If the planning and zoning board does not make a written recommendation within 90 days after its first consideration of the plat, the subdivider may apply to the town council for approval or disapproval.

The subdivision administrator may request eight additional copies of the preliminary plat for distribution to town council members.

- (f) *Action by town council.* If the town council approves the preliminary plat such approval shall be noted on three copies of the plat. One copy of the plat shall be retained by the town council; and one copy shall be returned to the subdivider; and one copy returned to the planning and zoning board. If the town council approves the preliminary plat with conditions, approval shall be noted on three copies of the plat along with a reference to the conditions. One copy of the plat along with the conditions shall be retained by the town council; one copy of the preliminary plat, along with the conditions, shall be returned to the subdivider; and one copy of the plat and conditions transmitted to the planning and zoning board. If the town council disapproves the preliminary plat, the reasons for such disapproval shall be specified in writing. If the plat is disapproved, the subdivider may submit a new application. One copy of the plat and the reasons shall be retained by the town council; one copy of the plat and reasons shall be returned to the subdivider; and one copy of the plat and reasons transmitted to the planning and zoning board.

(Ord. of 12-15-2008)

Sec. 25-82. - Procedure for review of final plat of major subdivision.

- (a) *Preparation of final plat and installation of improvements.* Upon approval of the preliminary plat by the town council, the subdivider may proceed with the preparation of the final plat, and with arrangements for making required improvements in accordance with the approved preliminary plat and the requirements of this chapter. Prior to approval of a final plat, the subdivider shall have guaranteed the installation of the improvements specified in this chapter; such guarantees to be as provided in [section 25-84](#)
- (b) *Submission procedure.* The subdivider shall submit eight copies of the final plat to the subdivision administrator at least ten working days prior to the meeting of the planning and zoning board at which time such final plat will be reviewed. The final plat for the initial stage of any subdivision shall be submitted within 180 days after the date on which the preliminary plat was approved; otherwise such prior approval shall be null and void, unless a written extension of this time limit is granted by the town council within 180 days after the approval. Where a preliminary plat has been approved and the subdivider/developer desires to develop the project in phases, the initial phase must be approved within three years of the initial approval of the preliminary plat and each subsequent phase must be approved within three years after the date of approval of the preceding phase. Failure to so submit a new phase to be developed within three years of the last prior approval of a particular phase shall subject all then remaining phases of the preliminary plat to re-approval as to such preliminary plat.
- (c) *Action by planning and zoning board.* The planning and zoning board shall review the final plat at its next regularly scheduled meeting which follows at least ten working days after the subdivision administrator has received the final plat and the board shall recommend, in writing, approval, conditional approval with modifications to bring the plat into compliance, or disapproval of the final plat with reasons for such disapproval within 90 days of its original consideration of the final plat.

During its review of the final plat, the planning and zoning board may appoint licensed engineers or surveyors to review the final plat. The cost of such review shall be charged to the subdivider and the plat shall not be recommended for approval until any errors found to exist have been corrected and the costs of such review paid.

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If the planning and zoning board recommends approval of the final plat, it shall retain one copy for its files; transmit one copy of the plat and its written recommendations to the town council through the subdivision administrator; and return one copy to the subdivider.

If the planning and zoning board recommends conditional approval of the final plat with modifications to bring the plat into compliance, it shall retain one copy of the plat for its minutes, return its written recommendations and one copy of the plat to the subdivider, and transmit one copy of the plat and its written recommendations to the town council through the subdivision administrator.

If the planning and zoning board recommends disapproval of the final plat, it shall instruct the subdivider concerning resubmission of a revised plat and the subdivider may make such changes as will bring the plat into compliance with the provision of this chapter, and resubmit same for reconsideration by the planning and zoning board.

Failure of the planning and zoning board to make a written recommendation within 90 days after its initial review shall constitute grounds for the subdivider to apply to the town council for approval.

- (d) *Action by town council.* If the planning and zoning board recommends approval or conditional approval with modifications to bring the plat into compliance, the town council shall review and approve or disapprove the final plat within 90 days after the plat and the written recommendations of the planning and zoning board have been received back by the subdivision administrator and submitted to town council for review.

If the town council approves the final plat, such approval shall be shown on the original tracing of the plat by the addition thereto of the following signed certificate:

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of Weaverville, North Carolina and that this plat has been approved by the Town Council of Weaverville for recording in the Office of the Register of Deeds of Buncombe County.

Town Manager Weaverville, North Carolina

Date_____

If the final plat is disapproved by the town council, the reasons for such disapproval shall be stated in writing, specifying the provisions of this chapter with which the final plat does not comply. One copy of such report of reasons and one print of the plat shall be retained by the town council as part of its proceedings; one copy of the report of reasons and one copy of the plat shall be transmitted to the subdivider; and one copy of the report and plat returned to the planning and zoning board. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance and resubmit same for reconsideration by the planning and zoning board and by the town council, or by the town council, as determined by the town council.

If the final plat is approved by the town council, the original tracing and one copy of the plat shall be retained by the subdivider. One reproducible tracing and two copies shall be filed with the town clerk, one of which shall be returned to the planning and zoning board for its records.

The subdivider shall file the approved final plat with the Register of Deeds of Buncombe County within 90 days of the town council's approval; otherwise, such approval shall be null and void.

(Ord. of 12-15-2008)

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Sec. 25-83. - Plat requirements for major subdivisions.

- (a) The final plat shall be prepared by a registered land surveyor currently licensed and registered to do business in the state by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. 47-30, or its successor, and to the "Standards of Practice for Land Surveying in North Carolina".
- (b) Submission of any final plat of a subdivision or a portion thereof shall be accompanied by a filing fee set by the town.
- (c) Signed certificates, substantially in the forms provided for in subsections (1), (2) and (3), below shall appear on all copies of the final plat:

(1) "Certificate of Ownership and Dedication

I hereby certify that I am the owner of the property shown and described hereon, which is located within the subdivision jurisdiction of the Town of Weaverville and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements shown on the plat to public or private use as noted on the plat. Furthermore, I hereby dedicate all sanitary sewers, storm sewers, and water lines shown on the plat to the Town of Weaverville.

Owner: _____

Date: _____ / _____ / _____ "

- (2) A certificate of survey and accuracy which shall be prepared in accordance with G.S. 47-30, or its successor.
- (3) "Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements.

I hereby certify that all streets, utilities, and other required improvements will be installed in an acceptable manner and according to the Town of Weaverville's specifications and standards in the subdivision and that guarantees of the installation of the required improvements in an amount and manner satisfactory to the Town of Weaverville have been received, and that the filing fee for this plat, in the amount of \$_____ has been paid.

Subdivision Administrator: _____

Date: _____ / _____ / _____ "

- (d) The preliminary plats and final plats shall depict or contain the information indicated in the following table. An "x" indicates that the information is required.

Information	Preliminary Plat	Final Plat
Name of subdivision title block containing	X	X
Property designation	X	X

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Name of owner	X	X
Location (including township, county and state)	X	X
Date or dates survey was conducted and plat prepared	X	X
A scale of all drawings in feet per inch listed in words or figures	X	X
A bar graph	X	X
Name, address, registration number, and seal of the Registered Land Surveyor	X	X
The name of the subdivider/developer or agent thereof A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area on a scale of one inch equals 500 feet	X	X
Corporate limit lines, township boundary lines, county lines, if any of such lines intersect the subdivision tract.	X	X
The names, addresses, and telephone numbers of all owners, registered land surveyors, land planners, architects, landscape architects, and professional engineers responsible for the subdivision. The registration number and seals of the professional engineers and registered surveyors North arrow and orientation.	X	X
The exact exterior boundary lines of the tract to be subdivided, fully dimensioned by metes and bounds, and the location of existing boundary lines of adjoining lands.	X	X
The names of owners of adjoining properties	X	X
The names of any adjoining subdivisions of record or proposed and then under review	X	X
Utility and other easements	X	X
Natural buffers*		

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Riding trails*	X	X
Pedestrian or bicycle paths*	X	X
Parks and recreation areas with specific type indicated*	X	X
School sites*	X	X
Areas to be dedicated to or to be reserved for any other public use*	X	X
Areas to be used for purposes other than residential with the purpose of each area stated*	X	X
The future ownership (dedication or reservation for public use to a particular governmental body, for owners to a duly constituted homeowners association, or for the common use of adjoining owners or tenants but remaining in subdivider's ownership) of recreation and other open space lands*	X	X
The plans for utility layouts including the easements and contemplated lines of the following:		
Sanitary sewers system layout, prepared by a professional engineer	X	X
Storm sewers system layout, prepared by a professional engineer	X	X
Other drainage facilities, if any, prepared by a professional engineer, except incidental drainage	X	X
Water distribution system layout, prepared by a professional engineer illustrating connections to existing systems, showing line sizes, the location of fire hydrants, blow-offs, pumps, and gate valves	X	X
A statement as to whether or not natural gas, telephone and electric and cable television lines are to be installed and whether or not they will be overhead or underground.	X	X
Plans for individual water supply and sewerage disposal systems, if any	X	X

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Plans and profiles based upon mean sea level datum for sanitary sewers, storm sewers, and all water distribution lines		X
Site calculation including:		
Acreage in total tract to be subdivided	X	X

(e) (1) *Improvements guarantee.*

- (A) Unless the construction of all improvements required by this chapter have been totally completed prior to the approval by the town council of a final plat and the recording of the same, the town shall, for the purpose of approving a final plat prior to the completion of construction, require an agreement to complete and a guarantee from the subdivider that construction of required or contemplated improvements will be completed according to the approved specifications of the town at the subdivided expense. Such guarantee may be in the form of: (i) an assignment by the subdivider to the town of a certificate of deposit at a federally insured financial institution; (ii) an official bank check of a federally insured financial institution drawn in favor of the town and deposited with the town clerk; or (iii) cash deposited with the town clerk; or (iv) an irrevocable letter of credit drawn on a federally insured financial institution. Such guarantee shall be in an amount equal to 125 percent of the cost of the construction of the required or contemplated improvements as estimated by the subdivider or his contractors and approved, as to the amount, by the town council. The town manager may allow up to 180 days from the date of the town council approval of the final plat for the subdivider to post the necessary performance guarantee in addition to all other necessary documents. If prior to the expiration of the 180 days, the developer requests a further extension, the town manager may, at his or her discretion, grant an additional 180 days to complete utilities and paving. If all documents and guarantees are not received by the town manager within the 180-day period, the town council's approval of the final plat shall become null and void. All guarantees shall be reviewed by the town attorney and shall be subject to town council approval. Performance guarantees shall be kept by the town until the town council determines that all public and private improvements as required by this chapter have been constructed in accordance with the approved plans except as provided below.
- (B) The town council may release, from time-to-time, a portion of the guarantee as the required improvements are completed. Such partial release shall be upon the petition of the subdivider to the subdivision administrator who must then recommend such partial release of security deposit to the town council with the advice of the planning and zoning board and the advice of the town's consulting engineers. Requested releases shall be facilitated by the subdivision administrator and the town council shall process the requested release and shall release the requested funds within 45 days from the date the request is received by the subdivision administrator unless the town council shall, within such time, deliver to the subdivider, a written list of deficiencies in construction which must be corrected before such petition to release a portion of the guarantee will be granted. The total amount of guarantee required shall not be released until the town council determines that all public and private improvements as required by this chapter have been constructed.

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- (2) *Defects guarantee.* Once construction of required or contemplated improvements has been completed, inspected and accepted by the town, all subdividers shall further agree to exonerate, save harmless, protect and indemnify the town for a period of three years, beginning on the date of dedication and/or acceptance of the improvements by the town council, against any defects in the equipment and materials used or defects in construction in any and all utility taps, surface drainage courses, street pavement, fire hydrants (to be installed as required by [section 30-102](#) or its successor), drainage facilities, water and sewer lines, and other improvements required by this chapter. Such guarantees shall also apply to landscaping and buffering requirements.

In order to further protect the town against losses from such defects, the town, acting through the town council shall require the subdivider to provide a guarantee that the materials and construction of all of such improvements shall be free of defects for the three-year period. Such guarantee shall be in an amount to be determined by the town council, after consultation with the town's consulting engineers and other appropriate engineers, as being sufficient to repair any defects and shall be provided to the town in one of the forms required for the improvements guarantee set forth in subsection (b) above. The guarantee required by this subsection shall be given prior to the acceptance of the completed improvements by the town.

- (3) *Default.* If any subdivider should default in constructing any improvements required by this chapter or default in the guarantees required by subsection (b) or should default in failing to correct defects guaranteed by subsection (c) of this section, the town shall be entitled, in addition to any other remedies available to the town, to pursue any civil or criminal remedy for such default against such subdivider as may be available to the town under the laws of the state, including, but not limited to, actions to recover under the guarantees provided for in said sections.

(Ord. of 12-15-2008; Ord. of 6-21-2010)

Sec. 25-84. - Reserved.

Sec. 25-85. - Recombination of land.

- (a) Any recorded plat or any part of any recorded 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.
- (b) Such an instrument shall be approved by the same agencies which approved the final plat as recorded. The town may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets or alleys.
- (c) Such an instrument shall be approved, executed, acknowledged, filed and recorded in the same manner as a final plat, when duly filed and such document recorded, shall operate to destroy the force and effect of the recording of the plat so vacated, and shall divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.
- (d) When any lots have been sold, the plat may be vacated in the manner provided in subsections (a) through (c) by all owners of the lots (including lienholders) shown on such plat joining in the execution of the instrument of withdrawal.

(Ord. of 12-15-2008)

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Sec. 25-86. - Resubdivision procedures.

For any replatting or resubdivision of land, the same procedures, rules, regulations shall apply as prescribed herein for an original subdivision. Lot sizes may, however, be varied on a previously approved plan after recording; provided that:

- (a) No lot or tract of land shall be created or sold which is smaller than the smallest lot shown on the approved plan, except when such lot or tract is eliminated by dividing the same to provide additional acreage to immediately contiguous lots or tracts which will remain in single ownership;
- (b) Drainage easements or public rights-of-way shall not be changed;
- (c) Street alignment and block sizes shall not be changed;
- (d) The property line between the back of the lots shall not be changed;
- (e) The rear portion of a lot shall not be subdivided from the front portion except as set forth in (a) above; and
- (f) The character of the area shall be maintained.

The subdivider/developer or owner who intends to vary the lot sizes as shown on a previously approved plan who believes that such variance of the lot sizes will be exempt from the provisions of this chapter in accordance with the provisions of (a) through (f), above, shall first obtain a ruling from the subdivision administrator that such variance is, in fact, exempt from the provisions of this chapter regarding re-approval.

(Ord. of 12-15-2008)

Secs. 25-87—25-105. - Reserved.

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Sec. 25-106. - Generally.

Each subdivision shall contain the following improvements as specified in this article: graded streets, water supply and hydrants, sewage systems, paved streets, stormwater drainage and underground wiring (see subsection [25-112\(c\)](#)). Such subdivision may contain other appropriate improvements. These improvements shall be installed in accordance with the requirements of this chapter and paid for by the subdivider, unless other means of financing is specifically provided for in this chapter. Land shall be dedicated and reserved in each subdivision as specified in this article. Each subdivision shall adhere to the minimum standards of design established by this article.

(Ord. of 12-15-2008)

Sec. 25-107. - Suitability of land.

- (a) Land which has been determined by the town council, on the basis of engineering or other expert surveys, to pose an ascertainable danger to life or property by reason of its unsuitability for the type of subdivision proposed shall not be platted for that purpose unless and until the subdivider has taken the necessary measures to correct the conditions and to eliminate the dangers found to exist.
- (b) Areas which have been used for the disposal of solid waste shall not be subdivided unless tests by the Buncombe County Health Department, a structural engineer, and a soil expert determine that the land is suitable for the purpose intended.
- (c) Prevention of flood damage. Lands known to be within a floodplain or any other area known to be subject to flooding shall be so identified on the general concept plan of any subdivision. Appropriate restrictions shall be entered into and recorded for those lands which are subject to flooding, prohibiting their development for dwellings or other uses unless the sites are protected against flooding in the following manner:
 - (1) No structures or fill shall be placed in the floodway which would interfere with the natural watercourse.
 - (2) Streets, utility lines and structures may be placed within the floodplain only if their elevation is raised above the maximum flood heights or if they are otherwise protected against flooding.
 - (3) Dwellings and self-contained sewage disposal units (if used) shall be built at an elevation above maximum flood heights.
 - (4) The subdivision drainage system shall be designed to prevent increased flood flows due to newly impervious surfaces.

(Ord. of 12-15-2008)

Sec. 25-108. - Name duplication.

The name of the subdivision shall not duplicate, nor closely approximate, the name of an existing subdivision within Buncombe County or within the corporate limits and extraterritorial zoning jurisdiction of the town, and subdivision names may be adopted only with the approval of the planning and zoning board of the town.

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(Ord. of 12-15-2008)

Sec. 25-109. - Historic properties and natural areas.

In all subdivisions, due consideration will be given to safeguarding the heritage of the town by preserving any archaeological site or other historically important site located within the subdivision or located on property which is adjacent to the subdivision. For the purposes of this chapter a historically important site is one which embodies important elements of the cultural, social, economic, political or architectural history of the town. All due consideration is to be given to promoting the conservation and use of such property for the education, pleasure and enrichment of all of the residents of the town and of the state.

It is a requirement of this chapter that the name and location of all historic properties, located within the proposed subdivision or located on any immediately contiguous property, be clearly identified on both the general concept plan and on the final plat. If any such historic property is listed on the U.S. Department of Interior's National Register of Historic Places; has been designated by any local ordinance as an "historic property" pursuant to G.S. ch. 160A, [art. 19](#), pt. 3B; or has been designated by local ordinance as an "historic district" pursuant to G.S. ch. 160A, [art. 19](#), pt. 3A; the town council may provide that the following agencies be given an opportunity to make recommendations concerning an individual subdivision plan before the plan is approved:

- (1) The North Carolina Department of Cultural Resources, Division of Archives and History.
- (2) Any local historic properties commission appointed under the provisions of G.S. 160A-300.2.
- (3) Any local historic district commission appointed under the provisions of G.S. 160A-396.

In addition, in any subdivision, primary consideration shall be given wherever possible to preserving natural features such as trees, ponds, streams, rivers and lakes, which are of value not only to the subdivision but also to the town.

(Ord. of 12-15-2008)

Sec. 25-110. - Subdivision design.

(a) *Blocks.*

- (1) The lengths, widths, and shapes of blocks within a subdivision shall be determined with due regard to adequate building sites suitable for the special needs of the type of use contemplated; zoning requirements; needs for vehicular and pedestrian traffic circulation; control and safety of street traffic; limitations and opportunities of topography, and convenient access to water facilities.
- (2) Where deemed necessary by the planning and zoning board, a pedestrian crosswalk at least 15 feet in width may be required across any street to provide a convenient public access to a public area such as a park or school, to a body of water, or to areas such as shopping centers, religious, or transportation facilities.
- (3) Block numbers shall conform to the town street numbering system where applicable.

(b) *Lots.*

- (1) All lots in new subdivisions shall conform to the zoning requirements of the district in which the subdivision is located. Confirmation to zoning requirements shall mean, among other things,

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that the smallest lot in the subdivision must meet all dimensional requirements of the zoning ordinance. It shall not be sufficient for an average lot to meet such zoning requirements.

- (2) Each lot shall meet any applicable Buncombe County Health Department requirements.
 - (3) Through lots or double frontage lots shall be avoided wherever feasible.
 - (4) Side lot lines shall be substantially at right angles to or radial to street lines.
- (c) *Easements.* Easements shall be provided as follows:
- (1) *Utility easements.* Easements for underground or aboveground utilities shall be provided, where necessary, across lots or centered on rear or side lot lines and shall be at least 20 feet wide for water and sanitary sewer lines and as required by the companies involved, for telephone, gas, and power lines.

The planning and zoning board will determine whether one easement is sufficient or whether several easements are necessary to accommodate the various facilities and the subdivider shall provide the required easements.
 - (2) *Buffer strips.* Buffer strips shall be as required as provided for in this chapter and by the zoning ordinance of the town.
 - (3) *Pedestrian walkways.* Walkways are optional, but if provided they shall be a minimum width of five feet, and shall be situated in the street right-of-way. They may be paved or unpaved as recommended by the planning and zoning board, subject to approval by the town council.

(Ord. of 12-15-2008)

Sec. 25-111. - Streets.

- (a) *Type of street required.* All subdivision lots shall abut on a "public" street as herein defined or on a "private" street with reference to which there is a duly recorded maintenance agreement as provided for in this chapter. All public streets may be dedicated to the town or to the state. All public and private streets shall be built to the standards of this chapter and all other applicable standards of the town and the state department of transportation, whichever is the more restrictive standard.

A written maintenance agreement providing for maintenance of the street until it is added to the town or state highway system shall be included with the final plat. Such agreement shall be recorded as provided for in other sections of this chapter.

- (b) *Subdivision street disclosure statement.* All streets shown on the final plat shall comply with the provisions of G.S. 136-102.6 and a designation as "public" shall be conclusively presumed to be an offer of dedication to the town or state. Where streets are offered to be dedicated but are not finally accepted into the town or state system, before lots are sold, a statement explaining the status of the street shall be included on the final plat.
- (c) *Access to adjacent properties.* Where, in the opinion of the planning and zoning board and/or the town council, it may be necessary to provide for public street access to an adjoining property not within the subdivision proposed streets shall be extended by dedication to the boundary of such public adjoining property and a temporary turnaround provided. The extension dedicated shall have the same right-of-way width as the street being extended.
- (d) *Nonresidential streets.* The subdivider of a nonresidential subdivision shall provide streets constructed in accordance with I.F-4 of the North Carolina Department of Transportation, Division of

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Highways Subdivision Roads Minimum Construction Standards, July 1, 1985, as amended, and the standards in this chapter, whichever are stricter in regard to each particular item.

- (e) *Design standards.* The design of all streets and roads within the jurisdiction of this chapter shall be in accordance with the accepted policies of the state department of transportation, division of highways, which are patterned on the American Association of State Highway Officials (AASHO) manuals. The North Carolina Department of Transportation, Division of Highways Subdivision Roads Minimum Construction Standards, July 1, 1985, as amended, shall apply for any items not included in this chapter, or where they may be stricter than this chapter.
- (f) *Other requirements.*
- (1) *Through traffic discouraged on residential collector and local streets.* Residential collector and local streets shall be laid out in such a way that their use by through traffic will be discouraged. All streets shall be designed or walkways shall be dedicated to assure convenient access to parks, playgrounds, schools, or other places of public assembly.
 - (2) *Sidewalks.* Sidewalks may be required by the planning and zoning board or the town council on one or both sides of a street in areas likely to be subject to heavy pedestrian traffic such as near schools and shopping areas, or in other areas as deemed appropriate by the planning and zoning board or by the town council. Such sidewalks shall be constructed to a minimum width of five feet, and shall consist of a minimum thickness of four inches of concrete. All sidewalks shall be within the street right-of-way, unless the subdivision is platted as a planned unit or group development. Sidewalks shall consist of a minimum of eight inches of concrete at driveway crossings and at handicapped ramps.
 - (3) *Street names.* Proposed streets which are in alignment with existing streets and which will constitute extension of the existing street shall be given the same name as the existing street. In assigning new street names, duplication of existing names shall be avoided. In no case shall a proposed street name be phonetically similar to an existing street name used in Buncombe 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 planning and zoning board and/or the town council.
 - (4) *Street name and other signs.* All subdividers shall be required to provide and erect street name signs to town standards at all intersections within the subdivision. Subdividers shall also erect traffic control and directional signs in appropriate locations.
 - (5) *Permits for connection to state roads.* An approved permit shall be required for connection to an existing state system road. Such permit shall be required prior to any construction on the street or road. A permit application may be obtained at the office of the nearest district engineer of the division of highways.
 - (6) *Offsets to utility poles.* Poles for overhead utilities shall be located back from roadway shoulders, preferably a minimum of at least 30 feet from the edge of pavement on major thoroughfares. On streets with curb and gutter, utility poles should be set back a minimum distance of six feet from the face of the curb.
 - (7) *Ramps for handicapped persons.* Where curbs are provided on streets or where curbs and sidewalks are constructed within any subdivision, any construction or reconstruction of such curbs and sidewalks shall be in full compliance with the provisions of G.S. 136-44.14 which sets forth standards for providing curb ramps or curb cuts for handicapped persons.
 - (8) *Guard rails.* Guardrails may be required in areas of danger where deemed appropriate by the planning and zoning board or by the town council.

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(9) *Horizontal width for bridge decks.*

- a. The clear roadway widths for new and reconstructed bridges serving two-lane, two-way traffic shall be as follows:

1. Shoulder section approach.

Under 800 ADT Design Year: Minimum 28 feet width face-to-face of parapets or rails or pavement width plus ten feet, whichever is greater.

800—2000 ADT Design Year: Minimum 34 feet width face-to-face of parapets or rails or pavement width plus 12 feet, whichever is greater.

Over 2000 ADT Design Year: Minimum 40 feet. Desirable 44 feet width face-to-face of parapets or rails.

2. Curb and gutter approach.

Under 800 ADT Design Year: Minimum 24 feet face-to-face of curbs.

Over 800 ADT Design Year: Width of approach pavement measured face-to-face of curbs.

Where curb and gutter sections are used on roadway approaches, curbs on bridges shall match the curbs on approaches in height, in width of face-to-face of curbs, and in crown drop. The distance from face of curb to face of parapet or rail shall be three feet minimum, or greater if sidewalks are required.

- b. The clear roadway widths for new and reconstructed bridges having four or more lanes serving undivided two-way traffic shall be as follows:

1. Shoulder section approach. Width of approach pavement plus width of usable shoulders on the approach left and right.

2. Curb and gutter approach. Width of approach pavement measured face-to face of curbs.

- (10) *Curbs and gutter.* Curbs and gutters shall be provided where deemed necessary by the town council upon recommendation of the planning and zoning board, the street maintenance superintendent, and/or the town's consulting engineer in order to provide adequate drainage because of high traffic volume, poor soil conditions, or where other similar conditions or special problems exist which justify the necessity of curbs and gutters.

(Ord. of 12-15-2008)

Sec. 25-112. - Utilities.

- (a) *Water and sanitary sewer systems.* Each lot in all subdivisions within the corporate limits of the town shall be provided, at the subdivider's expense, with an extension of the municipal water and sanitary sewer systems.

Each subdivision in the extraterritorial area of the town may be connected, at the subdivider's expense, to the municipal water and sewer systems if approved by the town council.

The general concept plan must be accompanied by satisfactory evidence as to the adequacy of the proposed method and system of water supply and the proposed system for the collection and disposal of

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sewage. The final plan and plat must contain a certificate of approval of such systems by the department of environmental health and natural resources of the state. On parcels of one acre or more septic systems may be authorized subject to review and recommendation by the planning and zoning board and approval by the town council.

In addition to the requirements of any state agency regarding the installation of water and sewerage systems, all water and sewer lines, from which individual service lines leading to lots or other parcels to be served will run under the pavement of a street or other paved area, shall initially be installed with that portion of the individual water or sewer line which will run under the paved area already in place prior to the final street construction or other paving. The intent of this requirement is to remove the necessity for later cuts in the streets or paved area in order to install individual service connections, thereby damaging a newly installed street or other paved area. Any viable engineering alternative to prior installation of service lines under streets may be considered by the planning and zoning board or the town council if adequate assurances are given as to the adequacy of such method.

(b) *Stormwater drainage system.* All subdividers shall provide a surface water drainage system constructed to the standards of the state department of transportation, as reflected in the Handbook for the Design of Highway Surface Drainage Structures, as amended, as well as the standards of the North Carolina Sedimentation and Pollution Control Act, subject to review by the town's consulting engineer. The following general rules shall be followed:

- (1) No surface water shall be channeled or directed into a sanitary sewer.
- (2) Where feasible, the subdivider shall connect to an existing storm drainage system.
- (3) Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to protect the proposed development and adjoining property owners from water damage.
- (4) Surface drainage courses shall be designed to comply with the standards and specifications for erosion control of the North Carolina Sedimentation Pollution Control Act which is G.S. ch. 113A, art. 4, as amended, with North Carolina Administrative Code Title 15, Chapter 4, as amended, and with any locally adopted erosion and sedimentation control ordinances.
- (5) Streambanks 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, G.S. ch. 113A, art. 4, and with North Carolina Administrative Code Title 15, Chapter 4, as both may be amended.
- (6) Anyone constructing a dam or impoundment within any subdivision must comply with the North Carolina Dam Safety Law of 1967 now codified as G.S. 142-215.23 et seq., as amended, and North Carolina Administrative Code Title 15, Subchapter 2K.
- (7) In all areas of special flood hazards, all subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(c) *Underground wiring.* All subdivisions in which the smallest lot contain less than 40,000 square feet shall have underground wiring. This requirement may be waived by the town council if underlying rock is less than four feet from the surface, in areas where the soil has a high water table, or if there is extensive preexisting overhead wiring on the street in the immediate neighborhood of the subdivision. All underground wiring shall be installed in accordance with the standards of the utility company servicing the subdivision. The subdivider shall be required to pay any and all charges for installation of the underground service, which charges will be made in accordance with the then effective underground electric service plan as filed with the state utilities commission by the utility company.

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Sec. 25-113. - Other requirements.

- (a) *Placement of monuments.* Unless otherwise specified by this chapter, the standards of practice for land surveying as adopted by the state board of registration for professional engineers and land surveyors, under the provisions of Title 21 of the North Carolina Administrative Code, Chapter 56 (21 NCAC 56), shall apply when conducting surveys for subdivisions, to determine the accuracy for surveys and placement of monuments, control corners, markers, and property corner ties; to determine the location, design, and material of monuments, markers, control corners, and property corner ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions.
- (b) *Construction procedures.* No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved, and all plans and specifications have been approved by the appropriate public authorities.

No building, zoning, or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this chapter until all the requirements of this chapter have been met. The subdivider, prior to commencing any work within the subdivision, shall provide for adequate inspections. The approving authorities having jurisdiction over the subdivision, or their duly appointed representatives shall inspect and approve all completed work prior to the release of any sureties or required bonds. The subdivision administrator, or his representatives shall have access to all premises and structures during reasonable hours to make any inspections which they may deem necessary to secure compliance with this chapter.

- (c) *Oversized improvements.* The town council may require the installation of certain oversized utilities (water or sewer) or the extension of such utilities to the boundary of adjacent property when it is in the interest of future development. If the town council requires the installation of improvements in excess of the ordinary standards required by this chapter, including all standards adopted by reference, the town shall pay the cost differential between the improvements to be required and the ordinary standards of this chapter.
- (d) *Erosion control.* The subdivider shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded, or otherwise protected to comply with the provisions of subsection [25-107\(c\)](#) of this chapter and with the requirements of the North Carolina Sedimentation Pollution Control Act, G.S. Ch. 113A, art. 4.
- (e) *Existing flora.* All subdividers shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths and trails. All trees are to be protected and preserved during construction in accordance with sound conservation practices recommended by the U.S. Department of Agriculture in Agricultural Information Bulletin No. 285, "Protecting Trees Against Damage from Construction Work," U.S. Government Printing Office, as amended or as superseded. All such trees are to be preserved by well islands or retaining walls whenever abutting grades are altered. Temporary vegetation and mulching shall be used to protect critical areas and replaced by permanent vegetation as soon as practical.

(Ord. of 12-15-2008)

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Sec. 25-114. - Buffering and recreation.

Whenever a residential subdivision shall be located adjacent to lands already being used for office, institutional commercial, or industrial purposes which land does not have a previously existing or required buffer strip or whenever a residential subdivision is located adjacent to lands zoned for these purposes but which zoning does not require a buffer, the residential subdivider shall provide a buffer strip as defined in [section 25-27](#). The width of the buffer strip shall be in addition to the lot area required by the zoning ordinance of the town. The buffer strip shall become part of the lot adjacent to which it is located, or in the case of commonly owned property, shall be deeded to the homeowners' association.

(Ord. of 12-15-2008)