

## ARTICLE XIV

### SUBDIVISION CONTROL

A subdivision is a division of an existing tract of land into four or more lots for the purpose of selling, whether immediately or in the future, including any unified residential developments, whereby a plat or restrictive covenants are being recorded to establish the rights and relationships of the lots one to the other.

#### Section 135. Register of Deeds

The Register of Deeds shall not file or record a plat of a subdivision subject to this Article that has not been approved in accordance with the terms of same.

#### Section 136. Minor Subdivisions

A minor subdivision is a division of a tract of land into more than three but less than eleven lots when the subdivision is complete.

1. The developer shall submit to the Madison County Zoning Officer two copies of a preliminary plat containing all required information.
2. In addition, the Zoning Officer may request reports from the Madison County Health Department, the Madison County Inspection Office, the Madison County Soil and Water Conservation District, and other County or State Officials or agencies as he deems necessary.
3. The Zoning Officer shall review the preliminary plat and shall approve conditionally, or disapprove the preliminary plat, and notify the developer in writing of his decision within ten (10) working days after the preliminary plat is submitted.
4. After approval of the preliminary plat, the developer may proceed with the preparation of a final plat, proceeding with the installation of all or arrangement for, required improvements, such as roads and utilities, in accordance with the approved preliminary plat and this Article.

#### Section 137. Major Subdivision

A major subdivision is a division of a tract of land into eleven or more lots when completed.

1. The developer shall submit two copies of a preliminary plat containing all required information.

2. The developer after making any modifications required by the Zoning Officer, shall submit additional copies of the preliminary plat, totaling ten (10) in number, to the Zoning Enforcement Officer, who shall submit the preliminary plats for approval of the Madison County Planning Board at the next scheduled meeting of the Planning Board, with a public hearing to be held concerning said preliminary plat as provided by this Article.
3. The Planning Board shall then review the preliminary plat, and shall then approve, conditionally approve, subject to modifications, or disapprove the plat.
4. Upon approval of the preliminary plat, the developer may proceed with the preparation of the final plat, and installation of or arrangement for required improvements such as roads and utilities in accordance with the preliminary plat and this Article, the developer shall submit five copies of the final plat to the Madison County Zoning Officer for his review, and upon his approval, may be recorded as a final copy. The final plat will be distributed by the Zoning Officer to the Madison County Sheriff's Department, the Office of the Emergency Services, and the United States Post Office.
5. It is the duty of the Zoning Enforcement Officer in reviewing final plats to make certain that all requirements of this Article and all requirements of the Madison County Planning Board have been fully met prior to allowing recordation of a final plat.

#### Section 138. Preliminary Plats

All preliminary plats shall be reviewed by the Zoning Enforcement Officer for the entire tract or parcel of land which might be developed, and areas not intended for immediate development should be identified as areas for future development. In determining whether a development is a minor or major development, the Zoning Enforcement Officer shall make a determination of whether when the land is fully developed it will consist of 11 or more lots, and if it will do so, the development shall be treated as a major development, even if the initial phase has ten or fewer lots.

#### Section 139. Phased Development

For all developments being done in phases, provided that the preliminary plat has been approved by the Madison County Planning Board, additional preliminary plats and final plat may be approved by the Zoning Enforcement Officer, without submission to the Madison County Planning Board, provided that the additional phases fully conform to all conditions set forth by the Madison County Planning Board in its review of the plan of the initial phase; however, if there are any deviations from the initial phase, the Zoning Enforcement Officer may not grant approval without bringing said additional phases back before the Madison County Planning Board for approval.

Section 140. Plats

1. All plats shall depict and illustrate, or be accompanied by, the following information, and the plats shall be clearly and legible drawn to a scale of not less than 200 feet to one inch, and shall be of a sheet size in paper acceptable to the office of the Madison County Register of Deeds.
2. The final plat shall be prepared by a registered land surveyor. The final certification shall appear as follows:

I, \_\_\_\_\_, certify that this plat was (drawn by me) (drawn under my supervision) from (an actual survey made under my supervision) (deed description recorded in Book (file)\_\_\_\_, Page\_\_\_\_, (Slide\_\_\_\_, etc.) (Other); that the precision of the survey before adjusting was one (1) part in \_\_\_\_\_ as calculated by latitudes and departures, and that this map was prepared in accordance with G.S. 47-30, as amended, Witness my original signature, registration number, and seal this the \_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Registered Land Surveyor

Official Seal

\_\_\_\_\_  
Registration Number

3. Certification shall also be made as to road grades as follows:

I, \_\_\_\_\_, certify that the newly constructed Or proposed road grades and slopes were (calculated by me) (calculated under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) and do not exceed 18 percent.

Witness my original signature, registration number, and Seal this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Registered Land Surveyor  
or Professional Engineer

Official Seal

\_\_\_\_\_  
Registration Number

4. The plat must also show the following information:

Section 4a. Title Block

Name and address of owner of record or agent  
Name of subdivision  
Location (township, county, state)  
Date(s) of survey(s)  
Graphic scale and written scale  
Name, address, registration number and seal of registered land surveyor  
Tax parcel identification number

Section 4b. Roads

Existing and platted roads on abutting properties and in the proposed  
Subdivision  
Right of ways, location and dimensions (proposed/actual)  
Road name(s)

Section 4c. Utilities

Utility and other easements of record on and abutting to the subdivision  
Transmission lines  
Approximate location of natural gas lines  
Sanitary sewers, location and size if community systems are proposed  
(proposed/actual)  
Water lines, location and size, if community system are proposed  
(proposed/actual)  
Storm sewers, culverts, retention ponds, and other drainage facilities, if  
Any (proposed/actual)

DEVELOPMENT STANDARDS

Section 141. General Requirements

1. The proposed road or road layout shall be coordinated with the existing road system of the surrounding area. Where possible, proposed roads shall be an extension of existing roads.
2. Proposed roads which are obviously in alignment with existing roads shall be given the same name. In assigning new names, the proposed name shall in no case be a duplication of an existing name or a name which is phonetically similar to existing names irrespective of the use of a suffix such as road, drive place, court, etc. All proposed road names and signs shall be approved by the Madison Count Zoning Enforcement Office in accordance with G.S. 153-A-240, the Madison County Road Naming Ordinance, and be approved through

the Madison County 911 Advisory Board.

3. Private roads may be platted in any subdivision but must conform to the standards set forth in this Article. Private roads shall be set out in protective covenants, deeds, or on plats or any combination of those methods, and shall clearly state that the State and/or County will not be obligated to take over or maintain the road.
4. Lot size shall only be regulated as required by the other Articles of this Ordinance, and as required by the Madison County Health Department.

#### Section 142. Control of Water

1. All subdivision proposals shall be in conformity with the Madison County Flood Plain Ordinance, and shall be reviewed by the appropriate regulatory authorities, for preliminary approval and final approval, as to whether flooding is possible, and if so, what efforts have been taken to minimize same.
2. No surface water shall be channeled or directed into a sanitary sewer.
3. Where feasible, the subdivider shall connect to an existing storm drainage system.
4. Where an existing storm drainage system cannot feasibly be provided for the subdivision, a surface drainage system shall be provided to protect the development from water damage.
5. Anyone constructing a dam or impoundment within the subdivision must comply with the North Carolina Dam Safety Law of 1967 and the North Carolina Administrative Code Title 15, Subchapter 2K.
6. In all areas of special flood hazards, all subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

#### Section 143. Utilities

All subdivision proposals shall set forth what public utilities and facilities such as sewer, electrical and water systems will be available, where same will be located and how constructed.

Also it is noted that all underground utilities for the purpose of this ordinance shall be installed in color coded piping; to wit, cable television and/or telephone lines shall be placed in orange, water lines shall be placed in white and electrical shall be placed in gray conduit.

#### Section 144. Subdivision Roads

Roads may be designated either public or private.

#### Section 145. Road Design

1. Public subdivision roads shall be built to minimum construction standards of the North Carolina Department of Transportation as required by G.S. 136-102.6.
2. All minor and major subdivision roads shall have approved road name signs installed by the developer and maintained by the developer or the homeowners association. All minor or major subdivision roads intersecting a state maintained road shall have a stop sign that conforms with North Carolina Department of Transportation specifications, installed by the developer and maintained by the developer or homeowners association. After North Carolina Department of Transportation accepts the subdivision road(s), the developer or homeowners association shall not be responsible for the maintenance of road name and stop signs.
3. If a right of way to the development of less than 45 feet is not reasonably obtainable for accessing the subdivision subject to the specific approval of the Madison County Planning Board, the access road may be a minimum of 12 feet, provided that the right of way was obtained prior to February 2, 1998, with a road bed that supports routine vehicular traffic and has a minimum thickness of 6 inches of compacted rock or stone, including dust. If a minor or major subdivision is accessed by other than a state maintained road, then the developer shall provide the Madison County Zoning Officer with an opinion of title from an attorney indicating that he and his assigns have the right to make use of said road for ingress and egress to the development.
4. In all cases of right of ways obtained after February 2, 1998, the right of way must be a minimum of 45 feet.
5. If the Madison County Planning Board gives approval of such an access road, on the final plat recorded in the Office of the Madison County Registered of Deeds the following statement shall appear: "This subdivision is accessed by a road which does not have a 45 foot minimum right of way. Madison County Emergency vehicles and public utility access to homes within the subdivision may be limited. The North Carolina Department of Transportation is unlikely to accept and maintain roads within the subdivision as public road(s)."
6. No road in an area subject to flooding shall be approved if it is more than two feet below the elevation of a 100 year flood. The Planning Board and/or the Zoning Enforcement Officer may require, where necessary, profiles and

elevations of roads for areas subject to flooding. Fill may be used for roads provided such fill does not unduly increase flood heights. Drainage openings for roads in areas subject to flood shall be provided and shall be so designed as to not restrict the flow of water and unduly increase flood heights.

7. Every road shall be designed to accommodate a ten year storm water run off by natural or artificial means.

#### Section 146. Cul-de-Sacs

The required turnaround on a dead-end-road in a subdivision shall have an unobstructed roadway radius not less than 35 feet, and with the use of a "Y" or a "T" or other turning design, which will allow a vehicle with a wheel base of at least 25 feet to complete turning movement with a maximum of one backing movement, shall be permitted.

#### Section 147. Road Grades and Grading

1. Maximum road grades shall be 18 percent. In extreme cases, where the terrain prohibits a lesser grade to attain access to a nearby area, a maximum grade of 20 percent is permissible. Said variance will only be granted by the Planning Board if a civil engineer, who has been recognized by the State of North Carolina as a Professional Engineer, reports that there are no reasonable alternative routes to access the adjacent area by a road which does not exceed 18 percent in grade. No variance shall be granted for any road grade exceeding 20 percent.
2. Maximum road grade change ten percent in 35 feet horizontal distance.
3. All roads shall have 100 feet horizontal distance between curves. All roads shall have a clear line of site and 75 feet at driveway location, and a maximum angle of 60 degrees from road.
4. If road grades exceed 18 percent, a disclosure statement shall be placed on the final plat stating "This subdivision contains roads which exceed 18 percent grade(s). Emergency vehicles and public utility access to homes within the subdivision may be limited. The North Carolina Department of Transportation is unlikely to accept and maintain roads within the subdivision as public road(s)."
5. All roads shall be graded to their full roadbed width of 17 feet and for an additional 1.5 feet on each side of the roadbed.
6. Finished grade, cross section, and profiles shall be approved by a registered land surveyor or professional engineer, with civil engineering qualifications.

7. Before grading is started, the required roadbed width area shall be first cleared of all stumps, roots, brush and other objectionable materials.
8. All tree stumps, boulders and other obstructions within the proposed roadbed width shall be removed to a depth of one foot below the subgrade.
9. All suitable material from roadbed cuts may be used in the construction of fills, approaches, or at other places as needed. The fill shall be installed and compacted.

#### Section 148. Roadbed Base

After protection of the subgrade, the roadbed shall be surfaced with material of no lower classification than crushed rock, stone or gravel. The size of the crushed rock or stone shall be 1 1/2 inches down, including dust. Spreading of the stone shall be done uniformly over the area to be covered by means of appropriate spreading devices and shall not be dumped in piles. The stone shall be thoroughly compacted, the compacted thickness of the stone roadbed shall be no less than six inches.

#### Section 149. Bridges

Bridges shall be constructed to carry a minimum gross vehicle weight of 32,000 lbs.

#### Section 150. Connections with State Road System

The Zoning Enforcement Officer shall determine while reviewing the preliminary plat as to whether the North Carolina Department of Transportation would require a permit authorizing access to the State System, and if so, approval of the preliminary plat shall not be granted until the North Carolina Department of Transportation has granted its approval to such an access.

#### Section 151. Appeals

Appeals from decisions of the Madison County Zoning Enforcement Officer may be made to the Madison County Board of Adjustment.

#### Section 152. Administrative Fee

A fee for reviewing and approving major subdivisions shall be as established by the Madison County Board of Commissioners.

### Section 153. Exemptions

This article shall not apply if the development has 10 or less lots with all being of 5 acres or more. It further shall not apply if all lots within are greater than 10 acres. Family subdivisions shall also be exempt from this article.