

CAJAH'S MOUNTAIN, NC

SUBDIVISION REGULATIONS

Adopted
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**Prepared for the Cajah's Mountain Town Council by
the Cajah's Mountain Planning Board**

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**LAND
SUBDIVISION ORDINANCE
OF
CAJAH’S MOUNTAIN, NORTH CAROLINA**

AN ORDINANCE, TO REPEAL IN IT’S ENTIRITY THE EXISTING CAJAH’S MOUNTAN LAND SUBDIVISION ORDINANCE, AS ADOPTED IN 1992, ESTABLISHING PROCEDURES AND STANDARDS FOR THE DEVELOPMENT AND SUBDIVISION OF LAND AND FOR THE SURVEYING AND PLATTING THEREOF: DEFINING CERTAIN TERMS USED HEREIN; REQUIRING THE INSTALLATION OF CERTAIN IMPROVEMENTS; PROVIDING PENALTIES FOR VIOLATION; REPEALING CONFLICTING ORDINANCE AND FOR OTHER PURPOSES.

**ARTICLE I
SHORT TITLE**

This Ordinance shall be known as The Cajah’s Mountain Land Subdivision Ordinance.

**ARTICLE II
AUTHORITY AND ENACTMENT CLAUSE**

The Town Council of Cajah’s Mountain, pursuant to the authority conferred by an act of the General Assembly of the State of North Carolina (NCGS **Chapter 160D**) do hereby ordain and enact into law these Articles and Sections and after this date, any person who, being the owner or agent of the owner of land located within the planning jurisdiction granted to the Town of Cajah’s Mountain, thereafter transfers or sells such land either in violation of this Ordinance or by reference to a plat showing a subdivision of land before such plat has been properly approved and recorded in the Register of Deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. Furthermore, a plat shall be prepared, approved, and recorded pursuant to the provisions of this Ordinance whenever a subdivision of land takes place.

**ARTICLE III
COMPLIANCE**

Section 30. APPROVAL OF PLAT

No subdivision of land within the planning jurisdiction of Cajah’s Mountain shall be filed or recorded by the Register of Deeds for Caldwell County until said subdivision plat has been submitted and approved or exempted in accordance with this Ordinance and until such approval, or exemption is entered on the face of the final plat by the Mayor of, or other member authorized by, the Town of Cajah’s Mountain or the County Planning Department, whichever is applicable.

Section 31. PERMITS

No building permits shall be issued for, nor shall water, sewer, or other County facilities or services be extended to or connected with, any individual building lot within any subdivision for which a final plat is required to be approved until said plat shall have been approved, or exempted, in accordance with this Ordinance and recorded in the office of the Caldwell County Register of Deeds. This section shall not restrict or prohibit the extension of trunk water and/or sewer lines into any subdivision which requires such extensions to gain final approval.

Section 32. TRANSPORTATION PLANS

Where a proposed subdivision includes any part of a proposed thoroughfare which has been designated as such upon an officially adopted transportation or thoroughfare plan of the County, such part of such thoroughfare shall be drawn on the final plat by the subdivider in the approximate location shown on the transportation or thoroughfare plan and at the approximated width specified in the transportation or thoroughfare plan or this Ordinance.

Section 33. SCHOOL SITES ON LAND USE PLAN

If the Caldwell County Board of Education has determined the specific location and size of any school site to be reserved and this information appears in the Land Use section of the Comprehensive Plan, the Planning Board, Town Council, or Planning Department shall immediately notify the Board of Education whenever a sketch or preliminary 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 desires the site to be reserved. If the Board of Education does not desire to reserve the site, it shall so notify the Planning Board, Town Council, and/or Planning Department. If the Board of Education does desire to reserve the site, the subdivision shall not be approved without such reservation. If the Board of Education desires to reserve the site, then it shall have twelve (12) months beginning on the date of preliminary 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 began proceedings to condemn the site within twelve (12) months, the subdivider may treat the land as freed of the reservation (NCGS 160D).

Section 34. ZONING, OTHER PLANS AND STATE STATUTES

Proposed subdivisions must comply in all respects with the requirements of any Cahah's Mountain ordinances, officially adopted plans or State Statutes in effect in the area to be subdivided.

ARTICLE IV
JURISDICTION

These regulations shall govern all subdivisions of land lying within Cahah's Mountain, North Carolina, whether it be for residential, commercial, or industrial purposes.

ARTICLE V
PURPOSE

The purpose of these regulations are to provide for the orderly growth and development of the County; for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and 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 including the dedication of rights-of-way pursuant to G.S. 136.66.10 or G.S. 136.66.11; 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.

ARTICLE VI
DEFINITION OF TERMS

Section 60: Definitions: For the purpose of this Ordinance, certain words or terms used herein shall be defined as follows:

- 60.1 **Block**: A piece of land bounded on one or more sides by streets or roads.
- 60.2 **Building Setback Line**: A line establishing the minimum allowable distance between the nearest portion of any building (excluding the outermost three (3) feet of any uncovered porch, steps, eaves, gutters, and similar fixtures), and the nearest right-of-way or property line when measured perpendicular thereto. In the absence of a dedicated right-of-way, it shall be assumed that there is a forty-five (45) foot right-of-way, in which the existing street is centered.
- 60.3 **Control Corner**: Concrete monuments at least four (4) inches in diameter and not less than three (3) feet in length. Each set monument shall be placed at least thirty (30) inches beneath ground surface with at least six (6) inches exposed above ground surface.
- 60.4 **Dedication**: A gift, by the owner, or right to use land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrumentation and completed with acceptance.
- 60.5 **Easement**: A grant by the property owner of land for a specified purpose and used by the public, a corporation, or persons.
- 60.6 **Floodplain**: That portion of the one-hundred-year flood-prone area as defined by the Federal Flood Insurance Administration.
- 60.7 **Floodway**: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.
- 60.8 **Grandfathered Lot of Record**: A lot which is part of a subdivision, a plat of which has been recorded with the Caldwell County Register of Deeds prior to the original adoption of this Ordinance, or a lot described by metes and bounds, the

description of which has been so recorded prior to the original adoption of this Ordinance.

- 60.9 Lot: A parcel of land having fixed designated boundaries.
- 60.10 Lot of Record: A lot, which is part of a subdivision, a plat of which meets all applicable development requirements of Cahah’s Mountain and has been properly recorded with the Caldwell County Register of Deeds.
- 60.11 Lot Types:
- (a) Corner Lot: A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of more than 45 degrees and less than 135 degrees with each other. The owner shall be required to specify which is the front when requesting a zoning compliance permit.
 - (b) Double Frontage Lot / Through Lot: A lot that lies between two parallel or semi parallel streets and is accessible from both streets upon which it fronts.
 - (c) Cul-de-sac Lot: A lot which fronts onto a cul-de-sac by a minimum of thirty-five (35) feet, additionally the lot shall be at least seventy-five (75) in width at a depth of seventy-five (75) feet from the front right-of-way (The width of the lot shall be measured perpendicular from the right-of-way).
 - (d) Flag/Panhandle Lot: A lot design that utilizes a configuration that consists of a “flagpole” and a “flag”. The “flagpole” portion of the lot is an area that provides access to and from an adjacent street. The “flag” portion of the lot is the area that is designed for the construction of all structures. The “flagpole” portion of the lot must abut upon a dedicated right-of-way by no less than forty-five (45) feet. Building setback lines shall be measured from the property lines which encompass the “flag” portion of the lot. Lots abutting Cul-de-sacs shall not be included in the definition.
 - (e) Interior Lot: A lot other than a corner lot with one (1) frontage onto a street.
 - (f) Reverse Frontage Lot: A lot on which the frontage is at right angles (interior angles less than 135 degrees) to the general pattern in the area. A reverse frontage lot may also be a corner lot, an interior or through lot.
 - (g) Single-Tier Lot: A lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is prohibited.
- 60.12 Official Maps or Plans: Any maps or plans officially adopted by the Cahah’s Mountain Town Council as a guide for the development of Cahah’s Mountain.

- 60.13 Open Space: Property dedicated to a Property Owners Association, government agency, or nonprofit organization for the purposes of recreation or conservation.
- 60.14 Plat: A map or plan of a parcel of land which is to be or has been subdivided or meets the exemption requirements.
- 60.15 Private Driveway: A driveway which provides access to a lot not intended for the purposes of public ingress or egress.
- 60.16 Public Sewage Disposal System: A system serving two or more dwelling units and approved by the Caldwell County Health Department and the North Carolina Department of Economic and Community Development.
- 60.17 Recreation Area or Park: An area of land or combination of land and water resources that is developed for active and/or passive recreation pursuits with various man-made features that accommodate such activities.
- 60.18 Reservation: 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.
- 60.19 Sponsor: A group or entity which collaborates together.
- 60.20 Street: A dedicated, recorded and accepted right-of-way for vehicular traffic which affords the principal means of access to abutting properties. The following classifications shall apply:
- (a) Rural Streets.
1. Principal Arterial: 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 solely to serve traffic. This network would consist of interstate routes and other routes designed as principal arterials.
 2. Minor Arterial: A rural link in a network joining cities and larger towns providing intrastate and intercounty service at relatively high overall travel speeds with minimum interference to through movement. This network would primarily serve traffic.
 3. Major Collector: A road which provides service to small local communities and links locally important traffic generators with their rural hinterland.

4. Minor Collector: A road which provides service to small local communities and links locally important traffic generators with their rural hinterland.
5. Local Road: A local road serves primarily to provide access to adjacent land and for travel over relatively short distances.

(b) Urban Streets.

1. Major Thoroughfares: 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 throughout urban areas.
2. Minor Thoroughfares: 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 may also serve abutting property.
3. Local Street: A local street is any link not part of a higher order urban system which serves primarily to provide direct access to abutting land and access to higher systems.

(c) Specific Type Rural or Urban Streets.

1. Freeway, Expressway, or Parkway: Divided multi-lane 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 no 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 separation 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 development.
2. Residential Collector Street: 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.
3. Local Residential Street: Cul-de-sac, 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 do not collect traffic from more than 100 dwelling units.

4. Cul-de-sac: A short street having but one end open to traffic and the other end being permanently terminated and a vehicular turnaround provided.
5. Frontage Road: A local street or road that is parallel to a full or partial access-controlled facility and functions to provide access to adjacent land.
6. Alley: A public or private thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

60.21 Subdivider: Any person, firm or corporation who creates a subdivision.

60.22 Subdivision: "Subdivision" means 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; however, the following are not included within this definition, but do require a certificate of no approval required in accordance with Section 71 of this Ordinance:

- (a) The combination or re-combination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of Cahah's Mountain as shown in its Subdivision Regulations;
- (b) The one-time combination or re-combination of portion of previously subdivided and recorded lots if the total number of lots is not increased;
- (c) The division of land into parcels greater than ten (10) acres if no street right-of way dedication is involved;
- (d) The public acquisition by purchase of strips of land for the widening or opening of streets; and
- (e) The division of a tract in single ownership the entire area of which is no greater than two (2) acres into not more than three (3) lots, if no new street right-of-way dedication is involved, and if the resultant lots are equal to or exceed the standards of Cahah's Mountain, as shown by its Subdivision Regulations.

60.23 Terrain Classifications:

- (a) Level: Cross slope range of 0% to 8%
- (b) Rolling: Cross slope range of 8.1% to 15%
- (c) Mountainous: Cross slope over 15%

60.24 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.
- (2) Words used in the singular number include the plural and words used in the plural include the singular, unless the natural construction of the word indicates otherwise.
- (3) The word “person” includes a firm, association, corporation, sponsor, trust, and company as well as an individual.
- (4) The words “used for” shall include the meaning “designed for”.
- (5) The word “structure” shall include the word “building”.
- (6) The word “lot” shall include the words “plot”, “parcel” or “tract”.
- (7) The word “shall” is always mandatory not merely directory.

ARTICLE VII
PROCEDURE

Section 70. Procedure for Review of Divisions or Alterations of Property Lines Where No Local Approval is Required and Review Minor and Major Subdivisions

- (a) All subdivisions shall be considered major subdivisions except those defined as minor subdivisions in this section. Divisions or alterations of property lines where no local approval is required shall be reviewed in accordance with the requirements in Article VII Section 71 of this Ordinance to verify such status. Minor subdivisions shall be reviewed in accordance with Article VII Sections 72 and 75 of this Ordinance. Major subdivisions shall be reviewed in accordance with the requirements in Article VII Sections 73 through 75 of this Ordinance.
- (b) For purposes of these regulations, a minor subdivision is defined as the following:
 - (1) The division of a tract of land, regardless of period of time, into not more than five (5) lots or parcels which front on an existing state-maintained road or existing private road constructed to the specifications of this Ordinance; all further divisions of the parent tract into any additional lots or parcels shall be considered a major subdivision and shall be subject to the requirements of Article VII Sections 73 and 75 of this Ordinance.
 - (2) Does not involve any new street or prospectively require any new street for access to interior property.

- 71.2 Town staff shall review the submitted division or alteration of property lines to ensure the division or alteration of the lots or parcels will not adversely affect the property or any surrounding properties or create residual nonconforming lots.
- 71.3 After the staff has determined that the division or alteration of the lot(s) or parcel(s) meet the criteria laid out in NCGS 160D and will not have adverse consequences, the following certificate shall be placed on the face of the plat that acknowledges no approval is required from the Cahah’s Mountain Subdivision Regulations.

Certificate of No Approval Required

I certify that the plat shown hereon qualifies as division or alteration in property lines where no local approval is required as outlined under North Carolina General Statute 160D.

_____ Date _____ Town of Cahah’s Mountain

NOTE: See the definition of subdivision as contained in Section 60 of this Ordinance for list of platting events where no local approval is required.

Section 72. Procedure for Review of Minor Subdivisions

- 72.1 The subdivider shall submit to the Town staff a mylar and at least four (4) copies of the proposed subdivision.
- 72.2 The Town staff shall review the Minor Subdivision for complete compliance with the requirements outlined for final approval of subdivisions contained within this Ordinance. The final plat shall be complete and show all information required for preliminary and final plats in Section 75, and all certificates and notarizations required in this section for final plat approval of a minor subdivision.
- 72.3 The final plat shall be of a size suitable for recording with the Caldwell County Register of Deeds. Maps may be placed on more than one sheet with appropriate match lines.
- 72.4 Forms for final certifications. The following certificates shall appear on the final plat.

a. Certificate of Final Approval of a Minor Subdivision

We, the undersigned hereby certify that the subdivision entitled _____ fully meets the minimum requirements of the Cahah’s Mountain Subdivision Regulations, however before any lot can be built upon, an improvement permit must be obtained from the Caldwell County Health Department to allow a septic tank disposal system to be located thereon and to approve the placement of any well thereon. The approval of this plat by Town staff nor the recordation of this map in any

- (a) At least 4 copies of the proposed subdivision prepared in accordance with the requirements of Article VII Section 75 of this Ordinance. Additional prints may be required if deemed necessary;
- (b) A description of the proposed method of providing a water supply and sewer disposal for each lot, including any protective covenants to be applied to the subdivision;
- (c) One (1) copy of any required supplemental information. An erosion control plan if applicable, stormwater control measures, etc.;
- (d) A street profile.

73.2 Before acting on a preliminary plat the Planning Board shall require that the plat be submitted to the District Highway Engineer for review and comment as to the proposed streets and the drainage system; the County Health Director for his/her approval as to the proposed water and sewage disposal system; the County School Superintendent for his/her information; and such agencies and officials as the Town staff and Town Council deem necessary or desirable.

73.3 If the Planning Board disapproves or conditionally approves the preliminary plat, the reason for such action shall be noted in the Town Council's minutes and reference shall be made to the specific sections of the Ordinance with which the preliminary plat does not comply, if applicable. The applicant shall receive said denial in writing from Town staff.

73.4 Preliminary plat approvals are valid for the period of one (1) year per phase. Each phase of the development shall be started within two (2) years of final approval of the previous phase and in the order shown on the approved preliminary plat. Each phase shall be constructed, excluding the initial phase, within three (3) years of the final approval date of the previous phase. The initial phase of the development shall be completed within one (1) year of preliminary plat approval.

73.5 Phases approved as part of a greater preliminary plan which are unable to be completed within the one (1) year time constraint may request that the Planning Board grant an extension to the time allotted to complete the phase under construction. The Planning Board may grant extensions not exceeding one (1) year in length upon written application and upon findings by the Planning Board that good cause exists, provided that the total cumulative term of such shall not exceed four (4) years per phase of the overall development.

Section 74. Procedure for Final Approval of Major Subdivisions

Where a permit is required for the construction of any building or other improvement, said permit shall not be issued until a final plat, meeting the requirements of this Ordinance, has been approved by the Cahah's Mountain Planning Board. The Procedures for obtaining final plat approval is as follows:

- 74.1 The subdivider within one (1) year of the date of preliminary plat approval and at least fourteen (14) days prior to a scheduled meeting of the Planning Board, shall submit to the Town an original mylar and at least four (4) copies of the final plat. The final plat shall adhere to all requirements of Sections 74 and 75 of this Ordinance.
- 74.2 Before acting on the final plat the Planning Board shall request reports from the District Highway Engineer, or if applicable private consulting engineer, the County Health Director, the County Public School Superintendent and other officials or agencies affected by the proposed development. Said reports shall certify compliance with or note deviations from the requirements of this Ordinance.
- 74.3 If the Planning Board disapproves the final plat, the reasons for such action shall be noted in the Board's minutes and reference shall be made to the specific section of the Ordinance with which the plat does not comply. The applicant shall receive written notice from the county planning staff regarding the reasons, including specific sections, for disapproval of the final plat. The written explanation will also address the proper steps and issues that must be taken and/or corrected so that final approval may be granted.
- 74.4 Upon approval of the final plat by the Planning Board, that action shall be noted in writing on the face of the original mylar and on four (4) copies of the final plat. Two (2) prints and the original mylar shall be returned to the subdivider for recording.
- 74.5 Inspections:
1. The Town staff or appropriate agency shall be notified in writing at least 48 hours in advance, excluding weekends and holidays, to schedule all required inspections of the work that has been completed.
 2. It shall be the responsibility of the subdivider to arrange the proper scheduling of field inspections by the Town staff (or representative) and other agencies responsible for approving a particular phase or type of work.
 3. The Town staff and other inspectors shall be allowed access to all parts of the work and shall be furnished with every reasonable facility to ascertain whether or not the work as performed is in accordance with the specifications.
 4. If proposed development contains any new public water and/or sewer lines the appropriate agency shall be allowed access to inspect and verify their installation.
- 74.6 Forms for Final Certifications. The following certificates shall appear on the final plat.

a. Certificate of Final Approval of a Major Subdivision:

We, the undersigned hereby certify that the subdivision entitled _____ fully meets the minimum requirements of the Cahah's Mountain Subdivision Regulations. However, before any lot can be built upon (if applicable) an improvement permit must be obtained from the Caldwell County Health Department to allow a septic tank disposal system to be located thereon and to approve the placement of any well thereon. Neither the approval of the Cahah's Mountain Planning Board nor the recordation of this plat map in any way guarantees that any lot shown hereon can or will be permitted for a septic tank or for placement of a well.

Chairman, Cahah's Mountain Planning Board Date

b. Certificate of Ownership and Dedication.

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish minimum building lines, and dedicate all roads, alleys, walks, parks, and other sites to (public or private, choose which ever is applicable) use as noted. Further, I (we) certify the land as shown hereon is within the platting jurisdiction of Cahah's Mountain.

Owner or Authorized Agency Date

c. Certificate of Accuracy

(As required under NCGS 47-30 as amended)

Licensed Surveyor Date

d. Review Officer's Certificate

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

Review Officer Date

e. Town Manager Certificate

I, _____, Town Manager Cahah’s Mountain certify that all public water and/or sewer lines installed were and inspected by the appropriate agency and are in conformity with all applicable Town, County and State standards.

Town Manager

Date

Section 75. Information to be Depicted on or Submitted with Preliminary and Final Plats.

The information indicated in the following table shall either be depicted on or submitted along with preliminary and final plats. An X indicates that the information is required.

INFORMATION	Preliminary	Final
Title Block Containing <ul style="list-style-type: none"> • Property designation • Name, address & telephone number of Owner • Location (including township, county and state) • Date or dates survey was conducted, and plat prepared • A scale of drawing in feet per inch listed in words or figures • A bar graph • Name, address, registration number of the Licensed Land Surveyor • Caldwell County Tax Map Number 	X	X
Name of Subdivision (Major Subdivisions Shall be Named)	X¹	X
Name of the subdivider	X	X
A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area	X	X
Corporate limits, ETJ lines, county lines, etc.	X	X
Names, addresses and telephone numbers of all responsible parties, licensed land surveyors, land planners, architects, landscape architects, and professional engineers responsible for the subdivision	X	X
Registration numbers of professional engineers and/or surveyors (seals must be provided on final plats)	X	X
The boundaries of the tract, or portion thereof, to be subdivided, distinctly and accurately represented with all bearings and distances shown.	X	X
North arrow and orientation.	X	X
The names of owners of adjacent properties.	X	X
The names of any adjoining subdivision of record	X	X
The zoning classifications and of the tract to be subdivided and adjoining properties.	X	X
Approximate location of known wetlands and other major environmentally sensitive areas	X	X

The Watershed designation if applicable	X	X
Show all major land features. Example: bridges, railroads, cemeteries	X	X
Proposed lot lines and lot numbers, and minimum lot size, in the case of a final plat exact lot(s) dimensions and size shall be shown	X	X
The lots numbered systematically throughout the subdivision	X	X
Boundaries and sequence of phasing (if any)	X	X
Identify approximate location of major natural land features. Example: lake, pond, creek, river, sheer rock cliff, etc.	X	X
<ul style="list-style-type: none"> • The location of the flood hazard, floodway and floodway fringe from the community's FEMA maps • On Final plat base flood elevation data (if studied) for subdivisions which contain at least five (5) lots or fifty acres, whichever is less 	X	X
STREET INFORMATION	Preliminary	Final
Proposed roadways	X¹	X¹
Intersecting points of platted streets on adjoining properties	X¹	X¹
Rights-of-way locations and dimensions existing or proposed	X¹	X¹
Design engineering statement that all corners and curves are in accordance to requirements of Cahah's Mountain Subdivision Ord.		X¹
Typical street cross sections	X¹	X¹
Statement that all intersections are constructed in accordance with Article IX Section 91 of this Ordinance		X¹
Names of proposed street(s). (Must be approved E-911 names)		X¹
Type of street dedication; all streets must be designated as "public" or "private" as defined in Article IX Section 91 of Ordinance.	X¹	X¹
If the streets are to be public, the final plat must contain a certificate from the NCDOT District Highway Office that confirms the street design meets NCDOT criteria.		X¹
Where private streets are proposed, the subdivider shall submit to the staff & Planning Board a statement, signed and sealed (with attached testing results/documentation) by a professional engineer licensed to work in the State of North Carolina certifying that the private street(s) were inspected and built to the standards contained within this Ordinance		X¹
Where streets are dedicated to the public, but not accepted into the state system until the proper criteria is met, a statement explaining the status and maintenance of the street in accordance with Section 91.1 of this Ordinance shall be required.		X¹
Where streets are intended to be used for private use and not accepted into the State Highway System a statement regarding their perpetual maintenance shall be required on the face of the plat in accordance with Section 91.2 of this Ordinance and stated on the deed.		X¹
If any street is proposed to intersect with a state-maintained road, the subdivider shall apply and receive, prior to final plat, a driveway approval as required by the NCDOT, Division of		X¹

Highways' Manual on Driveway Regulations.		
Evidence that the subdivider has obtained such driveway approval		X
Evidence that the subdivision adheres to all officially adopted transportation or thoroughfare plans	X	X
OPEN/Common/PUBLIC SPACE	Preliminary	Final
Location of all fill and stump dump areas		X
Location of all easements or conservation areas (non-utility)		X
Areas to be dedicated to or reserved for public use		X
Approximate areas for Prelim. & exact area for Final to be used for purposes other than residential. Statement of the projected purposes. Example: Biking path, walking trails, natural buffer, passive park, etc.	X	X
The future ownership of recreation and open space lands. Dedication or reservation for public use to governmental body, for owners to duly constituted homeowner's association, or for tenants remaining in subdivider's ownership.	X	X
UTILITY INFORMATION	Preliminary	Final
Location of all existing utility easements for preliminary and all utility easements for final.	X	X
If applicable the following plans for utility layouts shall be provided to the Planning Board, County Commissioners, and/or Planning Department: <ul style="list-style-type: none"> • Sanitary sewers • Storm sewers • Other drainage facilities (if any) • Water distribution lines Plans should illustrate connections to existing systems, showing line sizes, the location of fire hydrants, blowoffs, manholes, force mains and gate valves.		X
Plans for public water supply and sewerage disposal systems, if any (statement of intent for preliminary)		X
Letter of final construction approval for public water and sewer		X
In development where a private water and/or sewer system is being utilized the developer must provide commitment (to be submitted with final plat) that a professionally certified/licensed third party shall be retained to operate the utility. Proof of such services must be submitted each January thereafter.		X
SITE CALCULATIONS	Preliminary	Final
Area of tract to be subdivided	X	X
Approximate area in parks and recreation areas, and other nonresidential uses		X
Area of each lot in the subdivision, calculated from all right-of-way lines.		X
Linear feet in streets	X	X
Plat scales. Scales shall be no less than one (1) foot equals one	X	X

hundred (100) feet. (1:100)		
The accurate location and description of all monuments, markers and control points		X
Topographic-map with contours at a scale appropriate to illustrate the topography of the property	X	
All certifications required in Sections 71, 72 & 74		X
Any other information considered to be pertinent to the review of the plat by either the subdivider, Town staff or Planning Board such as heli-pads, fire ponds/hydrants, emergency entrances, trout stream buffers, public trail easements necessary to implement county approved plans, and other necessary development related features.	X²	X²

¹Not required on plats for minor subdivisions.

²This information must accompany plat submittal.

Section 76. Effect of Final Approval on Dedications

The approval of a final plat shall not constitute or affect the acceptance by Cajah’s Mountain of the Dedication of any land, utility line or other facility on said plat.

Section 77. Recording of Final Plat

Within thirty (30) days after the final plat is exempted or approved and properly executed by the Town Planning Department it shall have been properly recorded with the Caldwell County Register of Deeds. This plat shall be recorded prior to any conveyance of any portion of said property by reference to said plat. Should the thirty (30) day time limit expire before the plat is recorded it must be resubmitted to the Planning Board for reapproval. Upon adoption of this Ordinance the Register of Deeds shall not thereafter file or record a plat or subdivision located within the territorial jurisdiction of Cajah’s Mountain until said plat has been approved and properly executed by the Cajah’s Mountain Planning Department or exemption by the Town Manager.

Section 78. Guarantee of Improvements:

Where the required improvements have not been completed prior to the submission of the plat for final approval, the approval of said plat shall be subject to the subdivider guaranteeing the installation of said improvements by one of the following methods:

- (1) Cash
- (2) A certified check
- (3) A performance bond payable to Town of Cajah’s Mountain from a surety-bonding Company authorized to do business in North Carolina; or
- (4) An “Irrevocable Letter of Credit” payable to Town of Cajah’s Mountain and sufficient documentation from a recognized financial institution.

General bonding requirements:

- a. Bond shall exceed the requested bonding period (date of expiration) by 30 days
- b. The amount of bond must be 125% of the cost estimates
- c. Bond or letter of credit shall be made payable and/or released in full, free and clear to Cahah's Mountain upon failure on the part of the subdivider to complete the required improvements.
- d. Said method of guarantee shall be approved by the Cahah's Mountain Town Manager or his/her designee.
- e. The duration of said method of guarantee shall be up to a period of two (2) years from the date of acceptance by the Planning Board and shall be subject to the completed improvements complying with the requirements of this Ordinance. If at the end of the two (2) year duration period said improvements have not been completed, the discretion of the Planning Board may grant up to two (2) separate six (6) month extensions. Extension(s) may be granted provided substantial improvements have been completed, although project is not complete. For the extension request to be considered the subdivider shall present to the Planning Board a revised letter of credit or bond stating that the project will be guaranteed for 30 days beyond the duration of the extension, if granted.

The procedures for bonding include the following:

- a. Said bond or letter of credit shall be accompanied by a signed construction contract(s) and a payment and performance bond from subcontractors contracted to perform improvements.

(or)

- b. A per-unit cost sheet submitted by a registered, professional engineer who has civil engineering qualifications. Developer must pay for a 3rd party review of said estimates. 3rd party is to be selected by the Town Manager or his designee. Cost of review shall be no greater than \$1,500 unless agreed upon by both parties. This option may require up to two additional weeks review time.

All phases (or combination thereof) of land development may be bonded, including such improvements as:

- 1) Roads
- 2) Required ditches
- 3) Drainage structures and/or facilities
- 4) Required seeding and grassing
- 5) Erosion control measures
- 6) Water lines
- 7) Sewer lines
- 8) Electrical service lines
- 9) Any other requirements necessary to meet this ordinance

However, the following conditions shall apply:

- 1) No building permits shall be issued prior to rough road grading
- 2) No Certificate of Occupancy shall be issued prior to the full completion of improvements serving structure requesting C. of O.

ARTICLE VIII
SURVEYING STANDARDS AND
INSTALLATION OF IMPROVEMENTS

Section 80: Surveying Standards

Final plats shall be prepared by a Professional Land Surveyor currently licensed 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 , as amended, and the Manual of Practice for Land Surveying in North Carolina. Furthermore, all subdivision plats shall conform to all applicable county ordinances and the following additional requirements:

- a) Minor subdivisions as defined by Section 70 (b) of this Ordinance shall be required to install two (2) control corners;
- b) Major subdivisions as defined by Section 70 (a) of this Ordinance shall be required to install one (1) control corner for each major subdivision, plus an additional control corner for each block as defined in Section 91.8 of this Ordinance with a minimum of two (2) control corners per major subdivision;
- c) All lots shall be surveyed to all property lines not right-of-way lines;

Section 81: Installation of Improvements:

Before the Planning Board shall approve a final plat for recording the subdivider shall have guaranteed the installation or complied with the following requirements:

81.1 Road Improvements: All dedicated roads which are to be publicly maintained shall be constructed in accordance with the specifications and standards established by the NCDOT for acceptance on to the State Highway System unless otherwise noted in Article IX of this Ordinance. All dedicated roads which are to be privately maintained shall be constructed in accordance with the specification contained within Article IX of this Ordinance

81.2 Utilities:

- a. All private and community well water systems intended for connection to the Baton Water System or City of Lenoir water system shall first submit plans and specifications to the North Carolina Department of Environmental Health and Natural Resources for approval. These systems shall also meet all standards required by the above referenced water systems.
- b. Plans for public and community sewer systems must be approved by the Department of Natural and Economic Resources.

- c. Individual water supplies shall be located, constructed and operated in accordance with the Commission for Natural and Economic Resources publication, WELL CONSTRUCTION REGULATIONS AND STANDARDS (NCGS Chapter 87, Article 7).
- d. Individual sewage disposal systems shall be installed and maintained in accordance with the Commission for Health Services publication, RULES AND REGULATIONS GOVERNING THE DISPOSAL OF SEWAGE FROM ANY RESIDENCE, PLACE OF BUSINESS OR PLACE OF PUBLIC ASSEMBLY IN NORTH CAROLINA, and the regulations of the County Board of Health.
- e. Any Major Subdivision with an average lot size less than two (2) acres which has water system lines available, shall be required to extend the water system throughout the subdivision to each lot located therein. All required water line extensions shall include appropriate valves, hydrants, taps and service to the property line of each lot as required by the standards or specifications of the water system provider. Developers to which this hookup requirement applies are also allowed a 25% lot-density reduction, open space reduction, or reduction of lot size (not below .5 acres), whichever is applicable and a greater reduction for the developer. Any other Major Subdivision located beyond the distances stated in Table X that extends water system lines to the subdivision may use the 25% reduction rule. The term "available" shall mean that:
 1. There is an existing line of adequate size, flow, and pressure (as determined by a civil engineer or the water provider) either crossing the subdivision property or immediately available from an adjacent public right-of way; or
 2. There is an existing line of adequate size, flow, and pressure (as determined by a civil engineer or the water provider) within the distances shown in Table X below of the outside boundary line of the subdivision; or
 3. The water authority indicates its commitment to extend such a line within the distances shown in Table X, below, of the property line of the subdivision at a cost to the subdivider negotiated by the water system provider and the subdivider; and
 4. There are no legal problems or topographic problems that would require additional auxiliary apparatuses (such as a lift, pump or directional bore) which prevent the subdivider from connecting onto and extending the existing system to the subdivision. In the event there are phases to the subdivision or the subdivision is a part of a larger tract of land owned or under the control of the subdivider, then water service shall be deemed to

be available if an existing or proposed water system line extends or will be extended within the distances shown in Table X to the larger tract of land.

Table X. Available Water System Lines

Water is available if the subdivision contains the number of lots listed in column one and public lines are within the distance shown in column two.

LOTS DISTANCE	
6-10	200 feet
11-20	300 feet
21-50	600 feet
51-100	1000 feet
101+	1500 feet

In addition to meeting all standards and regulations of their respective agencies, water systems must contain water lines a minimum of six (6) inches in diameter, unless this is detrimental to the pressure of the overall system as determined by the water provider, in order to provide for future networking within Cahah’s Mountain. This provision shall NOT apply, however, on cul-de-sac roads with lengths of less than 500 feet. In no instance, however, shall water lines be less than two (2) inches in diameter.

All subdivisions shall be accompanied by a written application and/or notice submitted to the appropriate state or local agency responsible for approving the particular system or systems at the time the preliminary plat is submitted. Written approval of such systems shall be required when the final plat is submitted for review. In the event that individual wells and/or septic systems will be used but have NOT yet been inspected or approved by Caldwell County Environmental Health, a statement that private water will be used shall be placed on the plat.

- f. Where public sewer is not available, each lot in the development must be approved (Environmental Health Improvement Permit) for an individual on-site septic system by the County Division of Environmental Health or an independent Professional Engineer (GS 130A-336), or the lot must be approved for a private sewer system by the NC Department of Environmental Quality before final plat approval. On-site septic system approval is not required for parcels greater than 5 acres but is for parcels less than 5 acres. The development plat must indicate that the parcel(s) have not been evaluated for building purposes.

A table containing each numbered lot in the subdivision and, for each lot, the Improvement Permit number issued for that lot by the Caldwell County Health Department shall be required on the plat.

Alternatively (to obtaining Improvement Permits), the words “No septic permit has been issued at the time of preliminary plat approval.” may be listed beside the applicable lot number in the table.

The table shall contain the following columns:

Lot No. Health Department Improvement No.

- 81.3 Inspection and Certification: Prior to final approval of any subdivision plat, the Planning Board shall request that the Town Manager, the District Highway Engineer, the County Health Director and other qualified persons designated by the Planning Board regularly inspect the construction of the required improvements. Upon completion of said improvements, the inspectors shall file with the Planning Department a statement certifying that these improvements have been either completed as required except for certain listed minor defects, and recommending the approval or disapproval of said improvements.
- 81.4 Street and Traffic Signs: Prior to final approval of any subdivision plat, the developer shall provide for the installation of all required street and traffic signs.
- 81.5 Gated Subdivisions: A key box and yelp system are required at every new gated subdivision entrance and exit and must be approved by law enforcement and emergency personnel.

ARTICLE IX
GENERAL REQUIREMENTS AND MINIMUM
STANDARDS OF DESIGN

Section 90: General Requirements

90.1 Watershed Protection Area

All subdivisions located within a designated watershed shall comply with all provisions set forth in the Cahah's Mountain Watershed Protection Ordinance and the Cahah's Mountain Zoning Ordinance.

- (1) For the purpose of calculating built-upon area, total project area shall include total acreage of the tract on which the project is to be developed.
 - (2) Storm Water Drainage Facilities. The application shall be accompanied by a description of the proposed method of providing storm water drainage. The subdivider shall provide a drainage system that diverts storm-water runoff away from surface waters and incorporate best management practices to minimize water quality impacts.
 - (3) Erosion and Sedimentation Control. The application shall, where required, be accompanied by a written statement that a Sedimentation and Erosion control Plan has been submitted to and approved by the Western Piedmont Council of Governments.
- 90.2 Continuation of Existing Roads: The proposed road layout shall be coordinated with the existing road system of the surrounding area and where possible, existing principal roads shall be extended.

- 90.3 Road Profiles: Road profiles indicating grades shall be submitted to the Planning Board.
- 90.4 Contour Maps: A contour map of a specified interval shall be provided for any subdivision when requested by the Planning Board, or Town staff. Furthermore, preliminary subdivision designs shall be overlaid on the contour map.
- 90.5 Lots: All lots shall front upon a dedicated and maintained road or street. This frontage shall be no less than seventy-five (75) feet. Note: Cul-de-sac lots (as defined by Section 60.11 (c) of this Ordinance) shall be required to have a minimum of thirty-five (35) feet of road frontage.
- 90.6 Flag Lots: Flag lots as defined by Section 60.11(d) of this Ordinance shall be allowed contingent upon the following items:
- a. The access drive to the ‘flag’ portion of the lot must be constructed on the “flag pole” portion of the lot;
 - b. No more than five percent (5%) of the total number of lots contained within a major subdivision as defined in Section 70 of this Ordinance may be flag lots, however major subdivisions containing less than twenty (20) lots shall be permitted to contain one (1) flag lots in their design;
 - c. No more than two flag lots may share common property lines. In the case of adjacent flag lots a drive may be shared.
- 90.7 Access to Adjacent Properties and Future Access: Where it is logical to provide access to adjoining property, the required right-of-way shall be encouraged to be extended by dedication to the boundary of such property, and in the instance of strip development along transportation corridors, building lots shall be encouraged to be laid out as to provide for the opening of future roadways.
- 90.8 Road Names: Proposed roads which are obviously in alignment with existing roads shall be given the same name. In assigning new names, duplication of existing names shall be avoided and shall be subject to approval of the Caldwell County E-911 staff.
- 90.9 Drainage: Surface drainage courses shall have side slopes of at least three (3) feet of horizontal distance for each one (1) foot of vertical distance and shall be of sufficient size to accommodate run-off from the drainage area without flooding. The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one (1) foot in each two hundred (200) feet of horizontal distance.
- 90.10 Floodplain: Lands lying within designated flood areas as shown on the Cahah’s Mountain flood hazard map shall be subject to the requirements of the current Cahah’s Mountain Flood Control Ordinance. Lands lying within designated flood areas as shown on the Cahah’s Mountain flood hazard map, shall have flood ways and 100 year flood hazard boundaries delineated on the plat

90.11 Right-of-Way Clearing:

Clearing more than 10' beyond the cut/fill slope or beyond the ROW if there is no cut/fill shall be prohibited. The ROW shall not exceed 50' unless approved by the County Commissioners. When excessive cuts occur, a licensed landscape architect or a professional arborist shall prepare and submit to the Board of Adjustment a restoration plan incorporating native shrubs, understory, and canopy trees. Once approved by the Board of Adjustment the trees must be planted before final plat approval. Restoration plan must have a one-year warranty.

Section 91: Subdivision Streets:

All streets shall be designated in writing on the face of the plat as either "public" maintained or "private" maintained. All "public" maintained streets in subdivisions shall be constructed and paved to the minimum standards as required by the North Carolina Department of Transportation's Minimum Subdivision Road Construction Standards. Streets designated as "private" maintained shall be constructed and paved in accordance with the provisions of this Ordinance.

91.1 Public Streets: "Public" streets shall be designed, paved and dedicated to the "Public" in accordance with the minimum standards established by the North Carolina Department of Transportation for acceptance on the State Highway System for maintenance. Subdivision plats shall not be recorded by the Register of Deeds nor shall any conveyance of property occur until said plat has received final plat approval by the Planning Board and a "Certificate of Approval" by the Division of Highways has been executed. Streets which are eligible for acceptance into the State Highway System, but which do not meet the density requirements for acceptance shall be required to place a statement on the final plat explaining the method, and who is responsible for street(s) maintenance until which time the street(s) is taken into the State Highway System. "Public" street means publicly maintained.

91.2 Private Streets: "Private" streets shall be designed, paved and dedicated for "private" use and shall be designed and constructed in accordance with the minimum standards established by the North Carolina Department of Transportation. Subdivision plats shall not be recorded by the Register of Deeds nor shall any conveyance of property occur until said plat has received final plat approval by the Planning Board. Subdivisions which involve "private" streets shall be required to place a statement on the final plat explaining the method, and who is responsible for street(s) maintenance and ROW ownership. "Private" street means privately maintained.

91.3 Grades: All street grades, both "Public" and "Private", shall be designed to adhere to the standards of the NCDOT. Furthermore, street grades for "Private" streets shall be designed, inspected, and certified, at the expense of the developer, by a professional engineer or professional land surveyors licensed to work in the State of North Carolina.

91.4 Culverts: All culverts size, material and installation shall be subject to District

Highway Engineers approval. If the roadway is “private” the culvert and ditch designs shall be designed to the specifications of the NCDOT. Culverts servicing “private” roadways shall be inspected and certified, at the expense of the developer, by a professional engineer licensed to work in the State of North Carolina.

91.5 Intersections: Intersections of proposed subdivision streets with existing road network(s) shall be laid out as follows:

- a. All roads shall intersect as nearly as possible at right angles and no road shall intersect at less than seventy-five (75) degrees.
- b. Intersections shall be constructed with due regard to vehicular safety. Intersections shall not be constructed so that motor vehicle traffic merges onto roadways at unsafe points. The following chart lists the distances in which intersecting roadways must be separated from topographical and road curvature features. The distance shall be measured from center line to centerline.

DESIGN SPEED	LEVEL	ROLLING	
35 MPH	250' Minimum	200' Minimum	
45 MPH	500' Minimum	250' Minimum	
55 MPH	800' Minimum	500' Minimum	

- c. The surface of roads at intersections shall be rounded with a minimum radius of thirty (30) feet.
- d. Where a centerline off set (jog) occurs at an intersection, the distance between centerline shall be no less than one-hundred and fifty (150) feet.
- e. Entrance(s) into a subdivision shall, if deemed necessary by the County Commissioners, have a deceleration and/or left-turn lane for turning vehicles. This lane shall be in accordance with NCDOT standards.
- f. Intersections shall be void of all visual obstructions between the heights of three feet (3') and nine feet (9'). Additionally, sight distance areas shall meet the following criteria:

DESIGN SPEED	RADIUS
35 MPH	70' Minimum
45 MPH	140' Minimum
55 MPH	210' Minimum

The radius mentioned above shall be measured from the center of each intersection. The sight line shall be measured horizontally from a point three (3) foot vertically above the finished grade of the intersection.

- Note: 1) The intersection of a private road and a public road shall be approved by the NCDOT. The intersection of two private roads shall be designed, inspected and certified, at the expense of the developer, by a professional engineer licensed to work in the State of North Carolina.
- 2) The intersections of internal subdivision streets shall be constructed in accordance with the standards of the NCDOT.

91.6 Cul-de-sacs: Permanent dead-end roads shall have turn around space for vehicles every 1700 feet and there shall be a turn-around at the end of the street having a right-of-way diameter of not less than one hundred (100) feet, and surface diameter of not less than seventy (70) feet. "T" cul-de-sacs which meet the Department of Transportation's minimum construction standards for subdivision roads are also acceptable. In no instance shall a cul-de-sac exceed seventeen hundred (1700) linear feet in length without an intersecting street or a turnaround appropriate for emergency vehicles.

91.7 Entrance Requirements: A proposed subdivision which contains seventy-five (75) or more lots shall be required to install a second ingress/egress entrance which conforms to all applicable Municipal and State requirements. Exemptions from this provision, up to 150 lots, include:

- a. An emergency entrance approved by Caldwell County EMS (or)
- b. A divided entrance (10 feet each direction) and/or a 2 lane (20 feet of pavement) that connects to a "y" intersection up to 1,700 feet

Exemptions from this provision, up to 300 lots, include:

- a. A divided entrance (20 feet of pavement in each direction) and/or a four lane (40 feet of pavement) entrance to the "y" intersection up to 1,700 feet

Entrances which serve seventy-five (75) or more lots and are served by a roadway with a speed limit of forty-five (45) miles per hour or greater shall be required to install either a deceleration lane or left turn lane or, in instances where engineering calculations demonstrate the need, both a deceleration lane and left turn lane shall be required. These improvements shall be built to the standards of the NCDOT. If such improvements are to service a private street(s) it shall be designed to NCDOT standards and certified by a professional engineer licensed to work in the State of North Carolina. Traffic and trip generation calculations shall be used to determine whether to require both a deceleration and left turn lane. If a development does not meet the requirements which trigger the installation of a

second entrance or deceleration lane, such development shall be required to install such improvements once the threshold has been reached.

- 91.8 Blocks: The maximum length and width of blocks shall be as follows:
- a. Length: Block lengths shall not exceed two thousand (2000) linear feet.
 - b. Width: Blocks shall have sufficient width to allow two (2) tiers of lots of minimum depth except where single-tier lots are required to separate residential development from through-vehicular traffic or a nonresidential use.
- 91.9 Double Frontage Lots: Double frontage lots or lots which afford access from both frontages shall not be allowed. In order to create a lot with two (2) parallel or near parallel frontages the plat on which it is created must clearly state that access shall only be allowed from either the newly created road, or from one (1) existing road if no new construction is initiated and said access point must be clearly identified on the final plat.
- 91.10 Orientation of lot lines: Side lot lines shall be substantially at right angles or radial to street lines.
- 91.11 Easements: Public easements shall be provided as follows:
- a. Culverts, drainage and utility easements along rear or side lots lines which do not abut a dedicated vehicular right-of-way shall be provided where necessary and shall be at least twenty (20) feet in width. Such easements which do not abut a dedicated vehicular right-of-way may center on rear or side property lines.
 - b. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.
- 91.12 Resubdivision Procedures: For any re-platting or re-subdivision of land which has been previously platted or subdivided, the same procedures and requirements shall apply as prescribed in this Ordinance for an original subdivision.

Section 92. Powers and Duties of the Planning Board

The County Commissioners shall have the following powers and duties:

- a. Receive recommendations from the Town staff for approval of Preliminary Plats for major subdivisions;

- b. Take action under these regulations to approve, approve with conditions or disapprove applications for approval of Preliminary Plats for major subdivisions;
- c. Receive recommendations from the Town staff for approval of Final Plats for major subdivisions;
- d. Take action under these regulations to approve, approve with conditions or disapprove applications for approval of Final Plats of major subdivisions;
- e. Establish minimum requirements for the contents of Preliminary Plats, and Final Plats for major subdivisions, in accordance with these regulations and State Statutes;
- f. Procedures for the conduct of its affairs shall be in accordance with Robert's Rules of Order;
- g. Maintain a record of its minutes, including the votes of its members, attendance and a summary of the information submitted to the Board;
- h. Receive the cooperation of the various elements of the government of Cajah's Mountain;

92.1 Procedures Generally on Applications for Approval of Preliminary Plats and Approval of Final Plats; Time Limits

Applications for approval of Preliminary Plats and Final Plats for major subdivisions shall be filed with the Town manager in form and in the manner required by rules and administrative regulations of this ordinance, together with applicable fees and charges as established by the Town Council.

The Town Manager shall review such applications and make recommendations to the Planning Board regarding major subdivisions, including the recommendations of other affected agencies of government.

Each application for plat approval shall contain the name and address of a person to whom notice of the meeting at which this plat is to be considered may be sent. Notice to other parties in interest or nearby property owners may be given as directed by the Planning Board.

92.2 Timing of Actions

Planning Board recommendation for approval of a Preliminary Plat, and for approval of a Final Plat shall be taken within 30 calendar days after acceptance of the application by the Town manager, unless the applicant consents in writing to an extension of this time limit.

If the Planning Board, or Town staff determines that there are errors or omissions in the application, plat, or related materials during the processing period indicated, unless such errors or omissions are minor and promptly correctable, the application and related materials shall be returned to the applicant with written indication as to required correction and/or completion prior to resubmission. A new 30-day period shall begin as of the date of acceptance of such

resubmission. Where applications are approved unconditionally, such approval shall be indicated in writing on the plat by the Chairman of the Planning Board. The applicant shall be notified in writing by the Town manager, on behalf of the Planning Board Chairman, of the approval and its date.

Where applications are approved with conditions, the Town manager on behalf of the Chairman shall notify the applicant in writing of the conditions and the reasons therefore.

Where applications are denied, the Town manager on behalf of the Chairman shall notify the applicant in writing of the reasons therefore.

All such notices shall be in writing and dispatched by mail to the address required by Section 92.1 above, within 5 working days of the date of decision by the Planning board.

Approvals of plats or disapproval and grounds therefore shall be recorded in the minutes of the Planning Board.

Section 93 Effect of Failure to Act Within Time Limits

In cases where the Town manager fails to approve conditionally approve or disapprove minor subdivision plats within 30 days from the date of acceptance of the application (except where applications have been returned for corrections of errors or omissions and resubmittal, or applicants have extended time limitations, as provided above), the applicant may request, in writing, that the Cahah's Mountain Planning Board review the plat at their next scheduled meeting. On written demand of the applicant, the Town manager shall transmit the subject plat to the Cahah's Mountain Planning Board for review within thirty days of receipt of such demand. The Town manager shall notify the applicant by mail to the address required in Section 92.1 above of the decision of the Planning Board.

In cases where the Planning Board fails to approve, conditionally approve or disapprove major subdivision plats within 45 days from the date of acceptance of the application (except where applications have been returned for correction of errors or omissions and resubmittal, or applicants have extended time limitations, as provided above), the applicant may request, in writing, that the Cahah's Mountain Board of Adjustment review the plat at their next scheduled meeting. On written demand of the applicant, the Town Manager on behalf of the Chairman of the Planning Board shall transmit the subject plat to the Cahah's Mountain Board of Adjustment for review within thirty days of receipt of such demand. The Town manager on behalf of the Chairman shall notify the applicant by mail to the address required in Section 75 above of the decision of the Board of Adjustment.

Section 94 Appeal of Decisions of the Town manager or Planning Board

In cases where the Town manager denies the final plat of a minor subdivision the applicant may appeal the decision of the Town manager to the Cahah's Mountain Planning Board. The Planning Board shall hear the appeal during its next regularly scheduled meeting.

NOTE: Appeals shall be submitted in writing within thirty (30) days of the decision to the Town manager in accordance with the procedures of the Cahah's Mountain Board of Adjustment.

In cases where the Planning Board conditionally approves or denies the preliminary or final plat of a major subdivision the applicant may appeal the decision of the Planning Board to the Cahah's Mountain Board of Adjustment. The Board of Adjustment shall hear the appeal during its next regularly scheduled meeting.

NOTE: Appeals shall be submitted in writing within thirty (30) days of the decision to the Planning Board in accordance with the procedures of the Cahah's Mountain Board of Adjustment.

Section 95 Exceptions

95.1 Family Subdivisions:

Family Subdivisions shall meet the minimum requirements of the Subdivision Regulations, including the minimum lot size according to Planning and/or Zoning District, except as follows:

- (1) A subdivision where lots are intended to be conveyed to members of the owners' lineal family for the purpose of building a residence for the new owner (family member). Lineal family shall include only direct lineal descendants (children and grandchildren) and direct lineal ascendants (father, mother, grandfather, and grandmother). Lots can be conveyed as a gift or for a nominal consideration. All new lots conveyed under the Family Subdivision provision must remain in the ownership of the lineal family member for 1 year after recordation with the Caldwell County Register of Deeds. Proof of recording of plat and deed must be provided to the Town manager within 30 days of Family Subdivision plat approval by the Town manager. Furthermore, no building permits shall be issued until said recorded Family Subdivision plat and deed has been presented to the Town manager.

NOTE: Only one (1) lot may be conveyed to each family member.

- (2) This ordinance is intended to facilitate the subdivision of the family homestead. Accordingly, the land to be subdivided must have been in the possession of the original owner as of the date of enactment of the Cahah's Mountain Subdivision dated 1992.
- (3) The cumulative creation of no more than seven (7) new lots may be approved under this section. Plats consisting of two or fewer lots shall be submitted to the Town manager for approval and reviewed in accordance with Section 72 of this Ordinance. Plats consisting of three to seven lots shall be submitted to the Planning Board and reviewed in accordance with Section 73 of this Ordinance.

- (4) All lots created by a Family Subdivision shall have a recorded forty-five (45) foot ingress/egress easement extending to a state-maintained road. If an existing ingress/egress easement, located on adjoining non-family owned property, is to be utilized, this ingress/egress easement may be utilized at its existing width if it was recorded prior to 1992. Within the newly created forth-five (45) foot ingress/egress easement a gravel drive at least eighteen (18) feet in width shall be constructed if such easement serves three or more lots.
- (5) A plat map is required showing the resulting lots and ingress/egress easements. The plat shall state that it is a Family Subdivision, and shall state the name(s) of the owner(s) of the original tract being subdivided and the specific family member to which the subdivided property is being conveyed. Such plat shall be prepared by a Licensed Surveyor, and recorded with the Register of Deeds.

NOTE: When possible, family subdivisions shall meet the provisions of Article VII of this Ordinance.

- (6) When two (2) or more parcels are created by a family subdivision the required ingress/egress easement shall be named at no cost to the subdivider.

Note: When the strict interpretation of this Ordinance prohibits the utilization of the family subdivision option, the applicant may request a variance from the Cahah’s Mountain Board of Adjustment if the circumstances surrounding such request clearly demonstrate a hardship as outlined in Article X, Section 100 of this Ordinance.

- (7) The following certificates shall be executed on the face of the final plat:

Certificate of Final Approval of a Family Subdivision

- a. We, the undersigned hereby certify that the subdivision entitled _____ fully meets the minimum requirements of the Cahah’s Mountain Subdivision Regulations, however before any lot can be built upon, an improvement permit from the Caldwell County Health Department to allow a septic tank or from Cahah’s Mountain for public sewer. If the placement of any well thereon then an improvement permit from Caldwell County Health Department or if public water, then approval from the applicable agency is required. Neither the approval of this plat nor the recordation of this plat in any way guarantees that any lot shown hereon can or will be permitted for a septic system or for placement of a well.

_____ Date

_____ Applicable Agency (sewer)

_____ Applicable Agency (water)

- (d) That the granting of the variance will not be detrimental to the public health, safety, and welfare or injurious to other property in the vicinity in which said property is located.

ARTICLE XI
PENALTIES

Section 110. Violation a Misdemeanor

Violations of these regulations shall be punishable as provided in Section 160D of the North Carolina General Statutes.

Section 111. Separability

Should any section or provisions of this Ordinance be declared by the courts to be unconstitutional or invalid, such declarations shall not affect the validity of the Ordinance as a whole or part thereof, other than part so declared to be unconstitutional or invalid.

Section 112. Enactment

Adopted this 7th day of June 2021.

This Ordinance will become effective June 7, 2021.

Ronnie Setzer, Mayor
Cajah's Mountain Town Council

Randy Feierabend
Clerk to the Council

Date