
SUBDIVISION REGULATIONS

**Town of Pittsboro
North Carolina**

Table of Contents

SECTION 1.	GENERAL PROVISIONS	
1.1	Title.....	1
1.2	Authority.....	1
1.3	Purpose.....	1
1.4	Jurisdiction.....	1
1.5	Enactment.....	2
1.6	Interpretation.....	2
1.7	Conflict with Public Provisions.....	2
1.8	Conflict with Private Provisions.....	2
1.9	Separability.....	2
1.10	Amendments.....	3
1.11	Variances.....	3
1.12	Prohibited Acts, Enforcement, and Penalties.....	3
SECTION 2.	DEFINITIONS	
2.1	Meaning of Words Generally.....	5
2.2	Meaning of Common Words.....	5
2.3	Meaning of Specific Words.....	5
SECTION 3.	ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS	
3.1	Completion of Improvements.....	13
3.2	Methods of Assurance for Completion of Improvements.....	13
3.3	Temporary Improvement.....	13
3.4	Costs of Improvements.....	14
3.5	Failure to Complete Improvement.....	14
3.6	Acceptance of Dedication Offers.....	14
3.7	Inspection of Improvements.....	14
3.8	Deferral or Waiver of Required Improvements.....	15
3.9	Maintenance of Publicly Dedicated Roads Before Acceptance into the State Road System or Town Responsibility.....	15
3.10	Specific Operations and Maintenance Agreements.....	15
SECTION 4	SUBDIVISION APPLICATION PROCEDURES AND APPROVAL PROCESS	
4.1	General Purpose.....	16
4.2	General Procedure.....	16
4.3	Classification of Subdivisions.....	18
4.4	Specific Procedures for Each of the Two Classifications of Subdivisions.....	18
4.5	Submission Dates.....	21
4.6	Notice of Review.....	21
4.7	Action by the Planning Board and Board of Commissioners.....	22
SECTION 5.	SUBDIVISION PLAT PROCESS	
5.1	Preliminary Plat.....	24
5.2	Additional Preliminary Plat Information.....	25
5.3	Final Subdivision Plat.....	26

SECTION 6	GENERAL REQUIREMENTS AND MINIMUM STANDARDS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN	
6.1	Suitability of the Land.....	28
6.2	Streets	30
6.3	Blocks	37
6.4	Lots	37
6.5	Public Use and Service Areas	38
6.6	Zoning and Other Regulations	41
SECTION 7	DEVELOPMENT PREREQUISITE TO FINAL APPROVAL	
7.1	Required Improvements.....	44
SECTION 8	SPECIAL DEVELOPMENT STANDARDS PLANNED UNIT DEVELOPMENTS	
8.1	Procedure for Preliminary and Final Master Plan Approval.....	47
8.2	Additional Required Information for Preliminary Master Plan Approval	47
8.3	Design Standards for Planned Unit Developments.....	47

SECTION I. GENERAL PROVISIONS

1.1 Title

This document shall be know, cited and referred to as the Town Subdivision Regulation.

1.2 Authority

By the authority of Chapter 160A Article 19 of the General Statutes of North Carolina the Town of Pittsboro Board of Commissioners does hereby exercise the powers and authority to regulate the subdivision of land within its territorial and extraterritorial jurisdiction.

1.3 Purpose

This ordinance is adopted for the following purposes:

- A. To protect and provide for the public health, safety and general welfare of the Town of Pittsboro.
- B. To provide for the orderly growth and efficient development of the Town.
- C. To provide for the coordination of subdivision streets with the existing and/or planned streets.
- D. To insure and adequately planned street system and avoid sharp curves, steep grades and hazardous intersections.
- E. To provide for safe and adequate water and sewer systems, schools, parks and playgrounds.
- F. To provide for the dedication of rights-of-way for streets and utilities.
- G. To insure against flood damage.
- H. To facilitate an orderly system for the design and layout of the land.
- I. To insure the proper legal description, and monumenting of land.
- J. To provide for the resubdivision of land.
- K. To avoid overcrowding of the land and extreme concentration of the population.
- L. To protect public water supply watersheds.

1.4 Jurisdiction

- A. This document shall govern each and every subdivision of land, as herein defined, lying within The Town of Pittsboro and inside its extraterritorial jurisdiction.
- B. Whenever a subdivision of land takes place as herein defined, a plat shall be prepared, approved and recorded pursuant to the provisions specified herein. Since the definition of subdivision refers to the division of land into lots or building sites for sale or building development whether immediate or in the future, this shall be interpreted to mean that anytime a separate residential structure is to be situated on a parcel of land, a separate lot

shall be created and said lot shall, prior to any construction thereon, be reviewed according to the procedure set forth herein, unless said lot is exempt from the definition of subdivision. Parcels of land, which the owner does not intend to transfer, but upon which a mobile home(s) is located whether in a rental mobile home park or not in such a park are not required to comply with these regulations provided said land meets the requirements of the Health Department, provided that prior to any transfer of such a parcel except by will or intestacy, the owner shall comply with these regulations.

- C. The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the jurisdiction of the subdivision regulations of the Town of Pittsboro (See Appendix A).
- D. Whenever land shown on plat for recording is within the jurisdiction of the subdivision regulations of the Town of Pittsboro, the owner of the land shown or his authorized agent shall sign a statement giving the reasons why the plat is exempt from the subdivision regulations if such be the situation (See Appendix A).

1.5 Enactment

In order that land may be subdivided in accordance with these purposes and policy, these subdivision regulations are hereby adopted.

1.6 Interpretation

The parts and provisions of this document in their interpretation and application, shall be considered to be the minimum requirements for the promotion of the public health, safety and general welfare.

1.7 Conflict with Public Provisions

This document is not intended to interfere with, annul or abrogate any other ordinance, rule or regulations, statute or other provision of law applicable to the Town of Pittsboro. Where any provisions of this document impose limitations different from those imposed by any other provision of the document or any other ordinance, rule or regulation, other provision or law, whichever provisions are more restrictive or impose higher standards shall control.

1.8 Conflict with Private Provisions

This document is not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where the provisions of this document are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirement of this document shall govern. Where the private provisions impose more restrictive or higher standards than this document then such private provisions shall be operative and supplemental to these regulations.

1.9 Separability

If any part or provision of these regulations or application thereof to any person or circumstances is held invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in all controversy in which such judgment shall have been rendered. Such judgment shall not affect or impair the validity of the remainder of this document even without any such part, provision or application.

1.10 Amendments

For the purpose of providing for the public health, safety and general welfare, the Pittsboro Board of Commissioners may amend, when deemed necessary, the provisions imposed by these regulations. Public hearings on all proposed amendments shall be held in the manner prescribed by Chapter 160A-364 of the General Statutes of North Carolina.

1.11 Variances

- A. General. Where the Board of Adjustment finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variance to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Board of Adjustment shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:
 - (1) The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property.
 - (2) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
 - (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.
- B. Conditions. In approving variances, the Board of Adjustments may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.
- C. Procedures. A petition for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Board of Adjustment. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.
- D. Any variance which would have the effect of waiving or relaxing any of the management requirements delineated in Article V, Section 5.5.2, 5.5.3, 5.5.6, or 5.5.7 of the Town Pittsboro Zoning Ordinance shall follow the procedural requirements of Article V, Section 5.5.9 of the Zoning Ordinance.

1.12 Prohibited Acts, Enforcement, and Penalties

- A. No owner or agent of the owner of any land located within the territorial jurisdiction of the Town shall subdivide his land in violation of these regulations or transfer or sell land by reference to, exhibition of or any other use of a plat before the plat has been properly approved under these regulations and recorded in the office of the Register of Deeds. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from these regulations.

- B. The Register of Deeds shall not record a plat of any subdivision unless the plat has been approved in the manner prescribed by these regulations or the owner has certified that the subdivision is exempt from these regulations (See 1.4 C and D)
- C. No officer or agency of the Town may issue permits for the construction of any building or structure located on or authorize the extension, connection or construction of any public or private facilities or services to a lot or other division of land that has not been properly created and approved, as provided by these regulations.
- D. The Town Manager is responsible for enforcing these regulations and shall bring to the attention of the Pittsboro Board of Commissioners any violations or lack of compliance.
- E. The Town may enjoin illegal subdivision, transfer or sale of land by action of injunction. Further, any person who violates this document shall be subject upon conviction to the penalty provision of General Statutes 14-4.

SECTION 2. DEFINITIONS

2.1 Meaning of Words Generally

Words and terms used in this document have their commonly accepted, dictionary meaning unless specifically defined or the context in which they are used in this document clearly indicated otherwise.

2.2 Meaning of Common Words

All words used in present tense include future tense.

All words used in the plural include the singular, and all words used in the singular include the plural.

All words used in the masculine gender include the feminine gender.

The word “shall” is mandatory, and the word “may” is permissive.

The word “building” includes the “structure” and any part thereof”.

The word “lot” includes the words “plot”, “parcel”, and “tract”.

The word “person” includes the words “association”, “company”, “corporation”, “firm”, “individual”, “organization” and “partnership”.

2.3 Meaning of Specific Words and Terms

Adjacent. Having a common border such as a lot line or street right-of way.

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

Applicant. The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises prior to the Town Board granting final approval of a subdivision plat

Architect. A person certified and currently licensed to practice architecture in North Carolina. This includes landscape architects.

Best Management Practices (BMP). A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

Block. A tract of land bounded by visible physical boundaries such as streets, public parks, cemeteries, railroad rights-of way, shorelines of waterways, or boundary lines of municipalities.

Board. The Pittsboro Planning Board.

Board of Commissioners. The Pittsboro Board of Commissioners.

Bond. Any form of security including a cash deposit, surety bond, collateral property, or instrument of credit in an amount and form satisfactory to the Planning Board. All bonds shall be approved by the Town Attorney wherever a bond is required by these regulations.

Buffer. An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams and rivers. The widths of buffer areas are established pursuant to the requirements of Article V, Section 5.5.6 of the Pittsboro Zoning Ordinance.

Building. Any structure built for the support, shelter, or enclosure of persons, animals, immovable, or moveable property of any kind, including any structure.

Building Setback Line. A line in the interior of a lot which is generally parallel to, and a specified distance from, the street right-of-way line or other lines, which creates a space between such lines in which no building shall be placed.

Built-upon Area. Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.). Built-upon area requirements for watershed overlay districts are delineated in Article V, Sections 5.5.2(b) and 5.5.3(b) of the Pittsboro Zoning Ordinance.

Cluster Development. The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project. Requirements are outlined in Article V, Section 5.5.5 of the Pittsboro Zoning Ordinance.

Critical Area. The area adjacent to a water supply intake where risk associated with pollution is greater than for the remaining portions of the watershed. The critical area is defined as either (i) extending 1/2 mile from the normal pool elevation of the Jordan Lake Reservoir or to the ridge line of the watershed (whichever comes first) or (ii) extending 1/2 mile upstream from and draining to the public water supply intakes located in the Haw River or to the ridge line of the watersheds (whichever comes first). The Town of Pittsboro may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

Cul-de-sac. A street with only one outlet and having an appropriate permanent terminal for the safe and convenient reversal of traffic movement. Length is measured from the center point of the turn around to the center line of the adjoining street.

Dedication. The object of the act of an owner offering property or property rights to the public. Since a transfer of property rights is involved, dedications must be made by written recordable instruments.

Developer. The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.

District Division of Highways. The Division of Highways of the North Carolina Department of Transportation both agency and persons.

Double Front Lot. A continuous (through) lot which is accessible from both streets upon which it fronts.

Easement. The right to use another person's property, but only for a limited and specifically named purpose, the owner generally continues to make use of such land since he has given only certain, and not all, ownership rights.

Existing Development. Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this ordinance based on at least one of the following criteria:

- (a) substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or
- (b) having an outstanding valid building permit as authorized by the General Statutes (G.S. 160A-385.1), or
- (c) having expended substantial resources (time, labor, money) and having an approved site specific or phased development plan as authorized by the General Statutes (G.S. 160A-385.1).

Final Plat. The map or plan or record of a subdivision and any accompanying material, as described in these regulations.

Flood Hazard Area. The minimum area of the flood plain that, on average, is likely to be flooded once every one hundred years (i.e., that has a one percent chance of being flooded each year) as identified by the Federal Insurance Administration on Flood Hazard Area Boundary Maps of Chatham County and Pittsboro dated May 19, 1978.

Grade. The slope of a road, street, or other public way, specified in percentage (%) terms.

Health Department. The agency and person designated to administer the local health regulations. The Chatham County Health Department.

Individual Sewage Treatment Facility. A sewage disposal system developed to function on an individual lot basis. A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device.

Interior Lot. A lot other than a corner lot with frontage on only one street.

Lot. A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

Lot Area. The total horizontal area included within lot lines.

Lot Area (Useable). Lot area suitable for septic fields. This area does not include areas such as rights-of-way or land deemed unsuitable for development as specified in these regulations, such as land with the water hazard area or floodway.

Lot Improvement. Physical changes made to raw land and structures on or under the land surface in order to make the land more useable for man's activities. Typical improvements in these regulations would include but not be limited to grading, street pavement, drainage ditches, and street name signs. Certain lot improvements shall be properly bonded as provided in these regulations.

Major Subdivision. All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of six (6) or more lots, or any size subdivision requiring any new street, or extension, or the creation of any public improvements.

Minor Subdivision. Any subdivision containing not more than five (5) lots fronting on an existing public street, not involving any new street or road, or the extension or the creation of any public improvements, and not adversely affecting the remainder of the property or adjacent property.

Monuments. Markers placed on or in the land, metal pins not less than three-fourths (3/4) inches in diameter and 18 inches long or concrete monuments 4 inches in diameter or square and three (3) feet long.

Nonresidential Subdivision. A subdivision whose intended use is other than residential, such as commercial or industrial.

Official Submission Date. This shall be considered the date of the Board meeting at which a plat is considered for approval. This is not the date upon which the plat is submitted to the Planning Board staff for review.

Off-Site. Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant requesting subdivision plat approval.

Open Space. An area of land and/or water generally lacking in man-made structures and reserved for enjoyment in its unaltered state, or for recreation.

Owner. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under the regulations.

Percolation Test. An examination of subsoil used in determining the acceptability of the site and the design of the subsurface disposal field. The procedure of administering the test is set forth in Section 1921 of the North Carolina Administrative Code, Title 10 Department of Human Resources, Chapter 10 Health Services; Sanitary Engineering Subchapter 10A, Sanitation.

Planning Board. The Pittsboro Planning Board.

Planned Unit Development (PUD). This is a development with a unique design that is comprised of a mixture of land uses, including open space. The open space shall be deeded to

a property owner's association or an appropriate governmental body. A PUD shall be developed according to the master plan as specified in Section 8.

Private Street. An undedicated private right-of-way which affords access to abutting properties according to the standards of this ordinance and requires a subdivision streets disclosure statement in accordance with the North Carolina General Statutes.

Protected Area. The area adjoining and upstream of the watershed critical area in which protection measures are required. The boundaries of the protected area are defined as either (i) extending 10 miles upstream and draining to the Haw River public water supply intake or to the ridge line of the watershed (whichever comes first) or (ii) extending 5 miles upstream of and draining to the Jordan Lake Reservoir (measured from the normal pool elevation) or to the ridge line of the watershed (whichever comes first). The Town of Pittsboro may extend the protected area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the protected area if these landmarks are immediately adjacent to the appropriate outer 5-mile or 10-mile boundary.

Public Improvement. Any drainage ditch, roadway, sidewalk, lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

Public Street. A dedicated and accepted public right-of-way which affords access to abutting property and meets the standards of this ordinance and the most recent North Carolina Department of Transportation minimum construction standards for subdivision roads.

Public Utility. Any person, firm, corporation, municipal department or board duly authorized to furnish, under state or municipal regulations, to the public electricity, gas, steam communication, telegraph, transportation, water or sewer to the public.

Public Water Supply Watershed. The Jordan Lake Reservoir and Haw River public water supply watershed areas designated by the N.C. Environmental Management Commission that are located within the planning jurisdiction of the Town of Pittsboro.

Recreation Area or Park. An area of land and/or water resources that is developed for active and/or passive recreation pursuits with various man-made features that accommodate such activities.

Register of Deeds. Chatham County Register of Deeds.

Reservation. An obligation to keep property free from development for a stated period of time for the purpose of making the land available for a specified use at a later time.

Right-of-Way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public

agency shall be dedicated to public use by the owner of the property on which such right-of-way is established.

Road Right-of-Way Width. The distance between property lines measured at right angles to the center-line of the street.

Setback. The distance between a building and the street line or property line nearest thereto.

Staff. The professional assistants to the town of Pittsboro.

Streets. Streets and roads are hereby classified according to the function which they are to serve, the type, speed, and volume they will carry, and the required standards of design. The broad categories shall be arterials, collectors, and land service streets. Regardless of classification, the design and construction of streets and intersections in the Town's jurisdiction should aim to serve all types of users including pedestrians, bicyclists and motorists, and should be inclusive of all levels of ability such as those in wheelchairs, the elderly and the young. The designation in the major street and road plan of arterials and collectors does not prevent other streets proposed in or adjoining subdivisions from being similarly classified. Classifications are defined as follows:

Principal Arterials. Those major streets used for high speed and high volume traffic between Pittsboro and other urban centers and regions.

Major Arterials. Those Major streets used for traffic of moderate to fast speeds and high volumes between major local centers of employment, recreation, and shopping and suburban centers; access at intersections with other arterials, collector streets and major local centers.

Minor Arterials. Those other arterials used for traffic of moderate speeds and high volume which connect the higher classified arterials with each other and with local centers and public facilities; access with other arterials, collector streets, and some minor streets.

Collectors. Those major streets used for traffic of moderate speeds and high peak volumes between minor streets and the system of arterials or serving as principal entrance streets or primary circulation routes within a neighborhood or other limited area; access at all other streets and some private ways.

Land Service Streets:

Residential Streets. Those minor streets used for traffic of low volumes situated predominantly within a neighborhood or other limited area; access with higher classified streets and private property.

Minor Residential Streets. Those minor streets designed to provide access to abutting residential property and to discourage their use by through traffic.

Loop Streets and Culs-de-sac. Those minor streets of short length used for traffic of low speeds and low volumes primarily designed for access to abutting property and so constructed as to originate and terminate in T-intersections with

other minor streets or to terminate in dead-end turns-around so designed that they cannot be extended in the future.

Marginal Access Streets. Those streets parallel and adjacent to arterials and which provide access to abutting property and protection from through traffic.

Alley and Service Drives. Those minor streets used primarily for service access to back or side of property otherwise abutting a street.

Minor Industrial or Commercial Streets. Those minor streets designed to provide access to abutting commercial or industrial property and to discourage their use by through traffic. Industrial or commercial streets may include marginal access streets, culs-de-sac, and alley or service drives.

Street Line. The legal line between street right-of-way and abutting property.

Street Sign. The sign designating the official name and/or number of the street.

Subdivider. Any person who (1) having an interest in land, causes it directly or indirectly, to be divided or who, (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plat in a subdivision, or who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision, or any interest, lot, parcel site, unit, or plat in a subdivision, and who (4) is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

Subdivision. A subdivision means all division 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 includes all division of land involving the dedication of a new street or a change in existing street; however, the following is not included within this definition and is not subject to any regulations enacted pursuant to this document:

1. The combination or recombination of portions of previously platted lots if 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 (10) acres if no street right-of-way dedication is involved;
3. The public acquisition by purchase of strips of land for widening or opening streets; and
4. The division of a tract in single ownership, the entire area of which is not greater than two acres into not more than three lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the Town as shown by its subdivision regulations.

Subdivision Agent. Any person who represents, or acts for or on behalf of a subdivider or developer, in selling, leasing, or developing or offering to sell, lease, or develop any interest,

lot parcel, unit, site or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

Subdivision Plat. The final map or drawing, described in these regulations, on which the subdivision is presented to the Planning Board for approval and which, if approved, may be submitted to the Register of Deeds for recording.

Surveyor. A qualified land surveyor or engineer registered and currently licensed to practice surveying in the State of North Carolina.

Temporary Improvement. Improvements built and maintained by a subdivider during construction of the subdivision and prior to release of any performance bond.

Traffic. Pedestrians and vehicles including bicycles, automobiles, and other conveyances either singly or together while using streets for the purpose of travel.

Unit or Dwelling Unit. A building or portion thereof designed, arranged or used for living quarters for one family.

Useable Land. See Lot Area (Useable).

Water-Dependent Structure. Any structure for which the use requires access to or proximity to or sitting with surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water-dependent structures.

Water Hazard Area. The area adjacent to continuously flowing waterways which, due to its proximity to the waterways, soils and/or other topographic information, is deemed not suitable for residential structures or septic fields due to potential water pollution.

Watershed. The entire land area contributing surface drainage to a specific point (e.g. the water supply intake).

Wet Detention Pond. A pond that has a permanent pool and which also collects stormwater runoff, filters the water, and releases it slowly over a period of days.

SECTION 3. ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

3.1 Completion of Improvements

Before the plat is signed by the Mayor, all applicants shall be required to complete, in accordance with the Planning and Town Board's decision, all the street, sanitary, and/or improvements on the individual lots of the subdivision as required in these regulations, specified in the final subdivision plat, and as approved by the Town Board, and to dedicate same to the appropriate government body, free and clear of all liens and encumbrances on the property improvements thus dedicated.

3.2 Methods of Assurance for Completion of Improvements

A. When forty (40) percent of the total cost of improvements have been completed and when the public health and/or safety will not be endangered, the Town Board may waive the requirement that the applicant complete all public improvements prior to the signing of the subdivision plat, and that, as an alternative, the applicant post a performance bond, including labor and material payments, at the time of application for final subdivision approval. Other methods of assurance for completion and maintenance of improvements may be considered by the Town Board. The methods which may be considered for acceptance are cashiers check, certified check, money in escrow, and irrevocable letter of credit. The exact terms of these alternatives shall be satisfactory to the Town Attorney and Town Board. These alternatives shall be written so that they are collectable upon presentation with a letter from the Pittsboro Town Board verifying that the proposed improvements are not completed as scheduled.

The amount of the bond or alternative assurances shall not be less than an amount estimated by a registered licensed architect or engineer hired by the owner or a practicing contractor under contract with the developer to provide said improvements as approved by the Town Board, as sufficient to secure to the Town the satisfactory construction, installation, and dedication of the uncompleted portion of required improvements. The performance bond shall also secure all lot improvements on the individual lots of the subdivision as required in these regulations.

B. Such assurances shall comply with all statutory requirements and shall be satisfactory to the Town Attorney as to form, sufficiency (i.e., inflation or rising construction costs shall be taken into account of bond amount), and manner of execution as set forth in these regulations, a copy of the power of attorney for the countersigning agent shall be attached. The period in which required improvements must be completed shall be specified by the Town Board in the resolution approving the final subdivision plat and shall be incorporated in the bond and shall not in any event exceed two (2) years from date of final approval. Such bond or other assurances shall be approved by the Town Board as to amount and surety and conditions satisfactory to the Town Board. The Town Board may, upon proof of difficulty, grant extension of completion date set forth in such bond or other assurances for a maximum period of one (1) additional year. The Town Board may at any time during the period of such bond accept a substitution of principal or sureties on the bond.

3.3 Temporary Improvement

The applicant shall build and pay for all costs of temporary improvements required by the Town Board and shall maintain same for the period specified by the Town Board. Prior to construction of any temporary facility or improvement, the developer may be required to file with the Town a

separate suitable bond for temporary facilities, which bond shall insure that the temporary facilities will be properly constructed, maintained and removed.

3.4 Costs of Improvements

All required improvements shall be made by the applicant, at his expense, without reimbursement by the local government.

3.5 Failure to Complete Improvement

In those cases where a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the Town Board there upon shall declare the bond to be default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default. The Town Board may take such actions necessary to collect on the defaulted bond or other form of security and provide for the completion of the required improvements.

3.6 Acceptance of Dedication Offers

Acceptance of formal offers of dedication of public areas, easements, and parks shall be by resolution of the Pittsboro Board of Commissioners. The approval by the Town Board of a subdivision plat shall not be deemed to constitute or imply the acceptance by the Town of any easement, of park shown on said plat. Acceptance of formal dedication of public areas, easements or parks does not constitute or imply acceptance by the Town of such lands for maintenance or future improvements.

3.7 Inspection of Improvements

A. General Procedure. The Town Board and other reviewing agencies may provide for inspection of required improvements during construction and insure their satisfactory completion. If the reviewing agencies find upon inspection that any of the required improvements have not been constructed in accordance with the Town Board's or agencies involved construction standards and specifications, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance bond, the applicant and the bonding company shall be severally and jointly liable for completing the improvements according to specifications.

B. Release or Reduction of Performance Bond

- (1) Certificate of Satisfactory Completion: The governing body or other appropriate agency will not accept dedication of required improvements, nor the Town Board release nor reduce a performance bond, until the Town Engineer or the Division of Highways, or other appropriate authority has submitted a certificate stating that all required improvements have been satisfactorily completed or until the applicant's engineer, architect, surveyor or contractor, as approved by the Town Board, has certified to the Engineer, or other appropriate authority that the layout of the line and grade of improvements is in accordance with construction plans for the subdivision.

Upon such approval and recommendation, the governing body or other appropriate agency may thereafter accept the improvements for dedication in accordance with the established procedure and release the performance bond.

- (2) Reduction of Performance Bond: A performance bond may be reduced upon actual completion of public improvements and then only to the ratio that the

public improvements completed bears to the total public improvements for the plat. In no event shall a performance bond be reduced below twenty-five (25) percent of the principle amount.

3.8 Deferral or Waiver of Required Improvements

- A. Conditions. The Town Board may defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgement , are not requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.
- B. Payment in Lieu of Improvements. Whenever it is deemed necessary by the Town Board to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons the applicant may be required to pay his share of the costs of the future improvements to the Town prior to signing of the final subdivision plat, or the applicant may post a bond insuring completion of said improvements upon demand of the Town.

3.9 Maintenance of Publicly Dedicated Roads Before Acceptance into the State Road System or Town Responsibility

The developer, at the time of final plat submittal, shall submit a financial guarantee to the Town of sufficient form and amount to assure the road is in acceptable form 12 months from the date of final plat approval. The developer shall also be required to record an instrument with the final plat which guarantees:

- (1) A right of access to any roads in the subdivision by all lots served by the road.
- (2) Maintenance of any road in the subdivision at the standards set for approval for acceptance into the State Road System; the responsibility to be given to a property owner's association until such time as the road is accepted by the North Carolina Department of Transportation.
- (3) A full disclosure of the status of the roads and road maintenance responsibilities and that these listed items shall run with the land until such time as the roads are accepted into the State Road System.

3.10 Specific Operation and Maintenance Agreements

Specific operation and maintenance agreements are required for subdivisions located within public water supply watersheds which utilize the high density development option [see Article V, Section 5.5.12 (c) of the Pittsboro Zoning Ordinance.

SECTION 4. SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS

4.1 General Purpose

The purpose of this section is to establish the step-by-step procedure which shall be followed by the developer in submitting plats to the Town for approval.

- A. The procedure shall consist of four (4) main steps, unless waived in writing by the town planner:
 - (1) Prepare Existing Resources/Site Analysis Plan
 - (2) Informal Pre-sketch Conference and Site Visit
 - (3) Submission of the 2-Stage Preliminary Plat
 - (4) Submission of the Final Plat
- B. The overriding consideration in having a four step procedure is to assure that subdivisions develop soundly. Other objectives are as follow:
 - (1) To assist the developer in the sound and economical development of his property through the examination of the suitability of the property for subdivision development before surveying and engineering expenses and improvement costs are incurred.
 - (2) To aid the developer in the design of the proposed subdivision so that improvements, including roads, public utilities, and facilities may be installed initially and maintained over a period of time at minimal costs.

4.2 General Procedure

The subdivider shall follow four (4) general steps when subdividing land within the Town of Pittsboro's Planning Jurisdiction.

- A. **Step 1. Existing Resources/Site Analysis Plan**

The subdivider shall prepare a base map known as an Existing Resources and Site Analysis plan which identifies, locates and describes all note worthy features of the site. This step is intended to enhance the review process and result in the conservation of sensitive lands and public facilities. Base maps showing fundamental site information such as topography, and the boundaries of floodplains and wetlands are required as part of the subdivision review process.
- B. **Step 2. Pre-Sketch Conference, On-Site Visit, And Sketch Design**

An informal consultation and sketch design step is required. The town encourages subdivision applicants to meet with officials or staff to discuss ideas for their properties prior to the submission of a Preliminary Plat. Informal consultation with staff enables the applicant to become thoroughly familiar with these regulations, major street and road plans, and other official plans or public improvements which affect the area. To help everyone become better acquainted with the issues earlier on in the process, the applicant should meet with officials in the field and walk the land with the Existing Resources/Site Analysis Plan in hand at this formative stage. This will enable the applicant to obtain clearer insight into what local officials are looking for, such as conserving particular site features, or wanting to avoid, in terms of impacts, by meeting with them at the beginning and by introducing them to their property through a site walk with a plan identifying the existing features worthy of note. Additionally, sketch designs are simple and inexpensive drawings illustrating conceptual layouts of house lots, streets and conservation areas (if

any). Sketch designs should ideally be based upon the Existing Resources/Site Analysis Plan, and comments received from local officials during the pre-sketch conference and on-site visit. Such informal consultation and the sketch design should prevent unnecessary and costly revisions.

C. Step 3. Submission of Preliminary Plans (Two-Stages: Conceptual And Detailed)

(1) Purpose: The preliminary plat is the first of two formal plats that shall be required by these regulations. The preliminary plat is required to properly identify the property being subdivided, to insure adherence to required design standards, to determine improvement proposals and to guide construction of the required improvements.

(2) To ensure that concepts are sketched out and discussed with the Commissioners early in the process, before plans become engineered and inflexible, the 90-day review period authorized under state law for Preliminary Plats is split into two phases, for those applicants who decide not to submit voluntary sketch designs. Such applicants are required to prepare "Conceptual Preliminary Plats" during the first 30 days, and a "Detailed Preliminary Plat" during the following 60 days. The "Conceptual Preliminary Plat" closely resembles the voluntary sketch plan in its requirements. The "Detailed Preliminary Plat" essentially encompasses the requirements for the standard "Preliminary Plat". By the end of the first 30 days the Planning Board or staff must complete the informal but detailed review and prepare a list of recommendations for the applicant, specifying the modifications needed to bring the proposal into compliance with the zoning and subdivision requirements as provided in Section 5 of these regulations. Although these two time periods should be adequate in most cases, in those where additional time is needed, a mutually-agreed extension shall be signed by the applicant and town officials.

(3) Approval of Preliminary Plat: The applicant shall submit to the Planning Board a preliminary plat and receive approval of said plat by the Planning Board and the Pittsboro Board of Commissioners prior to making any street improvements or installing any utilities.

(4) Fees: At the time of submission of the preliminary plat, the applicant shall pay the fees established by the Town Board of Commissioners.

D. Step 4. Submission of Final Plat

(1) Purpose: The approved final plat, filed with the Register of Deeds, is the permanent record of the subdivision as constructed. It shows all property lines and other dimensions important for the accurate and legal transfer of property, and records the location of street lines, easements, utilities and improvements as they exist upon the ground.

(2) Preparation of Final Plat: After the preliminary plat has been approved by the Planning Board and the Board of Town Commissioners and the required improvements have been installed or appropriate assurance for completion and maintenance of improvements has been filed, the final plat shall be prepared in conformance with Section 5 of these regulations by a surveyor or engineer licensed in the State of North Carolina.

- (3) **Deadline for Submission of Final Plat:** Approval of a preliminary plat shall be valid only for a period of one year following the date of preliminary approval by the Board of Town Commissioners unless a request for an extension has been received and approved by the Town Board prior to the expiration of preliminary approval. Upon expiration of preliminary approval, a final plat of the same subdivision shall not be considered by the Town Board unless said preliminary plat is submitted for preliminary approval based on standards in effect at the time of resubmission.
- (4) **Fees:** At the time of submission of the final plat the applicant shall pay the fees established by the Town Board.
- (5) **Extension of Time.** If the developer is unable to complete the improvements required for final approval within the specified time, he may present in writing to the Town Board a request for an extension of time setting forth the reasons for the extension. The developer shall submit his request one regularly scheduled Town Board meeting prior to the date preliminary approval expires and no less than thirty (30) days prior to the expiration of preliminary approval. In the event such an extension is granted, the Town Board shall state the time limit of the extension which shall be recorded in the minutes of the Town Board.

4.3 Classification of Subdivisions

For the purposes of these regulations, subdivisions shall be classified into two (2) types. The specific review procedure the subdivision plat follows depends upon its classification.

Subdivision plats shall be classified as follows:

- A. **Major Subdivision.** All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of six (6) or more lots, or any size subdivision requiring any new street or extension of the local governmental facilities, or the creation of any public improvements.
- B. **Minor Subdivision.** Any subdivision containing not more than five (5) lots fronting on an existing public street, not involving any new street or extension of the local governmental facilities, or the creation of any public improvements.

4.4 Specific Procedures for Each of the Two Classifications of Subdivisions

A general overview of the review process is provided on page 23. Although the standards and design criteria are basically the same for all subdivisions, the specific review procedure varies significantly depending on the classification of the subdivision as described in Section 4.3. The following is an explanation of each of the steps.

- A. **Procedure for All Subdivisions (Steps 1-3):**
 - (1) Step 1 is not a requirement but is strongly recommended. This initial contact with the Planning Board and/or its technical staff should enable the subdivider to become familiar with these regulations and should prevent unnecessary and costly plan revisions at a later date.
 - (2) Step 2 also is a recommendation. An Attorney should be helpful in answering questions regarding legal matters of subdivision.

- (3) Step 3. The surveyor/engineer who prepares the subdivision plats must be licensed to practice in the State of North Carolina. It is recommended that the surveyor/engineer have informal consultation with the Planning Board and/or its technical staff prior to making any survey or drawing a plat.
- B. Procedure for Major Subdivisions (Steps 4 thru 21):
- (1) Step 4. The information required on the preliminary plat is described in Section 5.1 and 5.2. Fifteen (15) copies of the information described in Section 5.1 and three (3) copies of the information described in Section 5.2 shall be submitted to the Planning Board staff. The standards and design requirements for subdivision plats are specified in Section 6 of these regulations. A subdivision plat with proposed new roads shall be submitted to the Planning Board staff 30 days prior to the day in which approval is requested. The Planning Board staff shall review the plat to be sure it meets the specifications of these regulations. An on-site inspection may be made of the subdivision at that time by the Planning Board staff.
 - (2) Steps 5, 6 and 7. If either wells or septic tanks are utilized the subdivider is responsible for having the preliminary plat reviewed and signed by the Chatham County Health Department. Where new public roads are proposed the plat shall be reviewed by the Town Engineer or the Division of Highways of the North Carolina Department of Transportation. The Land Quality Section of Natural Resources and Community Development or the local District Conservationist of the United States Soil Conservation Service shall be submitted plats when any new roads are proposed. When the development improvements may involve the placement of excavated material or fill material into streams, creeks, lakes, or wetlands, the subdivider is responsible for contacting the U.S. Army Corps of Engineers for a determination of whether a permit is required. An approved permit or a letter indicating no permit is required shall be provided at least three weeks before the meeting scheduled for preliminary plat review. The Planning Board staff may assist the developer upon request.
 - (3) Step 8. Review of planned water and sewer lines and fire protection by the Town should be carried out to assure adequate design and economic feasibility.
 - (4) Step 9. In Subdivisions larger than thirty (30) acres a plat may be submitted by the Planning Board staff to the School Superintendent for his recommendation concerning the desirability of acquiring a school site in the area. Whenever any subdivision includes part or all of a school site to be reserved as designated on the approved Land Development Plan, said subdivision plat shall be submitted to the County School Superintendent and the Board of Education and shall be reviewed as specified in Section 6.5A (1).
 - (5) Step 10. The signed preliminary plats shall be returned to the Planning Board staff prior to the regularly scheduled Board meeting.
 - (6) Step 11. The Planning Board staff shall present the plan along with his recommendation to the Board for formal action. Staff may advise the subdivider of his recommendation prior to the meeting. Plats of major subdivisions requesting a variance shall be reviewed and approved by the Board of Adjustment

for preliminary approval prior to making any site improvements and prior to being considered for final approval.

- (7) Step 12. In this step the developer makes site improvements such as grading and street construction in accordance with the design and specification of the preliminary plat. Any unforeseen difficulties in site development shall be reported to the Planning Board staff. The preliminary plat may need to be modified in such circumstances but this may be done only with approval by the Planning board. Assurances for completion of improvements such as construction bonds are discouraged but are permitted in lieu of improvements under certain circumstances.
- (8) Step 13. The final plat shall conform significantly to the preliminary plat and shall meet all requirements specified in these regulations. The information required on the final plat is described in Section 5.3. Fifteen (15) copies of this information shall be submitted to the Planning Board staff. If the plat is in order and public improvements are completed or assurance for completion of improvements is submitted, then three (3) certification pages shall be applied as well as the appropriate stamps to the plat. Major subdivisions which do not require new roads, public improvements, or variances, may be reviewed by the Planning Board simultaneously for preliminary and final approval.
- (9) Steps 14-18. These steps need not be taken in order. It is the developer's responsibility to have each of the listed appropriate agencies review the final plat and affix the agency's stamp of certification. The Planning staff may assist the developer upon request.
- (10) Step 19. After all certification stamps are signed, the developer shall submit the three (3) certification pages and three (3) signed plats, along with one (1) reproducible plat to the Planning staff for their final review.
- (11) Step 20. The Planning staff shall submit the final plat along with its recommendation to the Planning Board for formal action. Staff may inform the developer of their recommendation prior to the Planning Board meeting. Upon approval, the final plat shall be submitted to the Town Board for final approval. Upon approval by the Town Board, the Mayor shall affix his signature to the final plat.
- (12) Step 21 the developer shall submit the approved final plat to the Chatham County Register of Deeds for recording in the official plat file. A subdivision plat cannot legally be recorded unless it has been approved by the Town. Also, lots cannot legally be sold using an approved plat unless said plat is recorded in the official of the Chatham County Register of Deeds.

C. Procedure for Minor Subdivision (Steps A-D)

- (1) Step A. Minor subdivisions may be submitted to the Planning staff for both preliminary and final review simultaneously since there are no public improvements involved. Since minor subdivisions are easily reviewed by the Planning staff there is no deadline for submittal. The applicant shall submit two (2) prints and one reproducible plat to the Planning staff. The staff shall inform the

applicant of necessary modifications to the plat, and shall affix the necessary certification stamp.

- (2) Step B. Minor subdivision shall be reviewed and approved by the Health Department, if necessary. This approval may be by letter or signing of the designated certification stamp. (See Appendices)
- (3) Step C. The Planning staff shall review the plat and if everything is in order the Town Manager or his authorized agent shall approve the plat as a minor subdivision. (See Appendices). Said approvals shall be reported to the Planning Board at the next regularly scheduled meeting.
- (4) Step D. The plat shall be recorded by the time limit specified in these regulations.
- (5) Before a minor subdivision may follow the minor subdivision procedure the following requirements must be met.
 - a. The subdivision must meet the requirements of the minor subdivision definition.
 - b. The plat must meet all requirements and standards of the Town Board without exception.
 - c. There can be no variances requested from the subdivision regulations.
 - d. There cannot be, as a result of such subdivision, a creation of any lots which fail to meet all requirements of the subdivision regulations.
 - e. No subdivider may use the minor subdivision procedure in the same immediate location for a period of twelve (12) months after getting subdivision approval using said procedure in said location, if he owns, has an option on, or has any legal interest in any property adjacent to the property to be subdivided.
 - f. Additional street right-of-way dedication shall be shown on the plat in cases where the existing right-of-way does not meet the present minimum right-of-way width.
 - g. If a minor subdivision does not meet the above listed requirements it shall be reviewed as a major subdivision plat.

4.5 Submission Dates

The official submission date shall be considered the date of the Board meeting at which a plat is considered for approval. This is not the date upon which the plat is submitted to the Planning staff for review. Major subdivisions with new roads shall be submitted thirty (30) days prior to the day on which approval is requested.

4.6 Notice of Review

The Planning staff shall give notice by regular mail of the time and place of preliminary plat review by the Planning Board for major subdivisions. Said notice shall be mailed ten (10) days prior to the date specified thereon and shall be mailed to the address of the subdivider and the adjacent

property owners as specified on the plat. Notice of the time and location of regular Planning Board meetings shall be posted in the Town Hall in the office of the Clerk not less than seven (7) calendar days prior to the meeting. All meetings shall be posted in the locations specified above and on the door of the regular meeting room not less than forty-eight (48) hours prior to the date of the meeting.

4.7 Action by the Planning Board and Board of Commissioners

A. Preliminary Plat Review

- (1) Within sixty (60) days after the official submission date of the preliminary plat, the Planning Board and Town Board will review it and indicate their approval, disapproval, or approval subject to modifications. Failure of the Planning Board or Town Board to act on the preliminary plat within this sixty (60) day period will be deemed approval of the plat. If the Planning Board or Town Board gives disapproval or approval subject to modifications, the necessary reasons or modifications will be specified in the minutes of the meetings.
- (2) The approval of the preliminary plat by the Planning Board and the Town Board serves as permission to begin construction according to the plans and as a basis for preparation of the final plat. It does not constitute acceptance of the final plat.

B. Final Plat Review

- (1) Within sixty (60) days after the official submission date of the final plat, the Town will review it and indicate its approval, disapproval or conditional approval. Grounds for disapproval or conditional approval shall be stated upon the records of the Town Board. Failure of the Town Board to act on the final plat within this sixty (60) day period shall be deemed approval of the plat.
- (2) After approval of the final plat, two (2) signed plats and two (2) copies of the certification page and the reproducible plat shall be returned to the subdivider for his records and for filing with the County Register of Deeds as the official plat of record. Two copies of the plat and one certification page shall be retained by the Town for its records.
- (3) The subdivider shall file the approved final plat with the Chatham County Register of Deeds for recording within sixty (60) days of the date of Town Board approval or such approval shall be null and void and the plat will be denied recordation.

C. Appeals

- (1) The disapproval of a minor plat by the Town Manager may be appealed to the Town Board.
- (2) The disapproval of any plat by the Board of Adjustment or the Board of Town Commissioners may be appealed to the courts.

SECTION 5. SUBDIVISION PLAT PROCESS

OVERVIEW OF THE SUBDIVISION PLAT REVIEW PROCESS

- 1. Informal Consultation – Planning Board Staff
- 2. Contact Attorney
- 3. Hire Engineer/Surveyor

MAJOR SUBDIVISION PROCEDURES

- 4. Submit Preliminary Plat to Board Staff
- 5. Preliminary Review
Health Department
- 6. Preliminary Review
Department of Transportation
- 7. Preliminary Review
Land Quality Section
- 8. Preliminary Review Utilities
- 9. Preliminary Review
School Supt., if applicable
- 10. Planning Board Staff Review
- 11. Notice of Review to
Surrounding Property Owners
- 12. Formal Planning Board and
Board of Commissioners Action
- 13. Make Site Improvements
- 14. Submit Final Plat to Staff
- 15. Final Review
Health Dept., if applicable
- 16. Final Review
Dept. of Transportation, if applicable
- 17. Approval of Utilities - Water
- 18. Approval of Utilities - Street
- 19. Approval of Utilities - Sewer
- 20. Final Staff Review
- 21. Formal Board Action
- 22. Record Plat

MINOR SUBDIVISION PROCEDURES

- A. Submit Plat to Planning Board
- B. Approval of Health Dept.
- C. Planning Board Staff Review

5.1 Preliminary Plat

Preliminary plats submitted to the Planning Board, prepared in pen or pencil, shall be drawn to a convenient scale of not more than two hundred (200) feet to an inch when practical and shall show the following information:

- A. Name
 - (1) Name of subdivision if property is within an existing subdivision.
 - (2) Proposed name if not within previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded.
 - (3) Name of property if no subdivision name has been chosen. (This is commonly the name of the property owner.)
 - (4) Reference to existing covenants on the property, if any.

- B. Ownership
 - (1) Name and address, including telephone number, of legal owner or agent of property.
 - (2) Name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of public improvements and for surveys.
 - (3) Citation of any existing legal rights-of-way or easements affecting the property.
 - (4) Reference to existing covenants on the property, if any.

- C. Description. Location of property by tax map and parcel number, when available. The Warranty Deed Book number and page on which the property is currently recorded, when available.

- D. Features. The preliminary plat shall show the following information when available:
 - (1) Location sketch map showing relationship of this subdivision site to the surrounding area.
 - (2) Graphic scale, date, approximate North Arrow, legend.
 - (3) The location of property with respect to surrounding property and streets, the names of all adjacent developments. The name and address of adjacent property owners according to the county tax records.
 - (4) Zoning Classification of proposed subdivision and adjacent property.
 - (5) The approximate location of all boundary lines of the property.
 - (6) Approximate total acreage of land to be subdivided within the jurisdiction of the Town of Pittsboro.
 - (7) Approximate lineal feet of the proposed street.
 - (8) The approximate location of existing and platted streets, easements, water bodies, water courses (including sinkholes, dry stream beds, and pond overflow streams), buildings (including mobile homes), railroads, parks, the location and width of buffer areas, cemeteries, bridges sewers, water mains, culverts, lands subject to flood the location of public water supply watershed boundaries, and other pertinent features.
 - (9) The location and width of all existing and proposed street rights-of-way and easements, and other public ways, and building setback lines where applicable.
 - (10) The approximate location and dimensions of all proposed or existing lots and the maximum allowable built-upon area for each lot or tract located within a public water supply watershed.
 - (11) The appropriate location, dimensions and acreage of all property proposed to be set aside for a park or playground use, or other public or private reservation,

with designation of the purpose thereof, and conditions, if any of the dedication or reservation.

- (12) Names of all new streets.
- (13) A notation on the use of any lot proposed for a use other than a single family residential.
- (14) All lots in each subdivision shall be consecutively numbered.
- (15) If applicable, a notation specifying that a public water system is not presently available to the subdivision.

5.2 Additional Preliminary Plat Information

A. Impact Assessment

- (1) Environmental. Pursuant to Chapter 113A of the North Carolina General Statutes, the Planning Board may require the subdivider to submit an environmental impact statement with the preliminary plat if the development exceeds two acres in area, and if the Board deems it necessary for responsible review due to the nature of the land to be subdivided, or peculiarities in the proposed layout.

The environment impact assessment shall address the following areas:

- a. The environmental impact of the proposed action;
 - b. Any significant impact of the environmental effects which cannot be avoided should the proposal be implemented;
 - c. Mitigation measures proposed to minimize the impact;
 - d. Alternatives to the proposed action;
 - e. The relationship between the short-term uses of the environment involved in the proposed action and the maintenance and enhancement of long-term productivity; and
 - f. Any irreversible and irretrievable environmental changes which would be involved in the proposed action should it be implemented.
- (2) Economic. Developers of subdivision consisting of more than fifty (50) lots or dwelling units may be required to submit an economic impact assessment compiled by the developer with assistance from the staff. The impact assessment shall address the probably effects of the development in terms of the following area:
 - a. Approximate schedule of occupancy of the subdivision.
 - b. Attendance to public schools; number of children by age.
 - c. Increases in vehicular traffic; number of automobiles.
 - d. Changes in the number of legal residents; changes in population.
 - e. Provisions of housing for persons of low and moderate income.
 - f. Increases in public service costs; school, police protection, maintenance of roads, etc.
 - g. Projected demands on public utilities.
 - h. Changed in property tax revenues.
 - i. Increased demand for refuse disposal service.
 - j. Harmony with the character of surroundings.
 - (3) Where potential negative impacts have been identified, it shall be the responsibility of the subdivider to provide plans and methods of how such impacts may be alleviated or minimized to the satisfaction of the Planning Board.

- (4) The failure to provide reasonably adequate or accurate information under any item specified shall be cause for disapproval of the preliminary plat.

- B. Topographic Map. A topographic map with contours at vertical intervals of not more than five (5) feet, at the same scale as the preliminary plat, for all major subdivisions unless not deemed necessary by the staff. Staff may require a topographic map for other subdivisions if necessary for adequate review. The date and method of preparing the topographic survey shall be stated.

- C. Percolation Tests. Percolation tests shall be performed for all subdivisions unless a central sewerage disposal system is proposed. Tests may be performed by the Health Department or persons approved by the Health Department to perform such tests.

- D. Drainage Plan and Erosion Control Plan. For All Subdivisions with new roads the developer shall submit a drainage plan and an erosion control plan which provides information as specified in the regulations of the Land Quality Section of the North Carolina Department of Natural Resources and Community Development. (See Appendix)

- E. Utility Plans. Plans of proposed utility layouts for sewer and water where applicable, showing feasible connections to the existing utility system, or any proposed utility system. Projected daily demand for water and sewer system may also be required.

5.3 Final Subdivision Plat

- A. General. The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time, provided, however that such portion conforms to all requirements of these standards.

- B. Features. The final plat shall show the following information:
 - (1) The final plat shall be drawn to an appropriate scale of not more than one (1) inch equals two hundred (200) feet on sheets having an outside marginal size of not more than twenty-one (21) by thirty (30) inches. When more than one sheet is required, an index sheet of the same size shall be filed showing the entire subdivision with the sheets lettered in alphabetical order as a key, or the location sketch map shall show the relationship of the separate sheets.

 - (2) Location Sketch map showing relationship of the positioned site to surrounding area.

 - (3) Graphic scale, date, and north arrow accurately positioned and designed as:
 - a. magnetic north,
 - b. true north, or
 - c. North Carolina grid north.

 - (4) Name and address of owner and person responsible for plans.

 - (5) The location of the property with respect to surrounding property and streets, the names of all adjacent property owners of record or the names of adjacent

developments; and the book and page number of recordation, and the name and/or number of adjacent streets.

- (6) The total acreage of land to be subdivided in Pittsboro or its extraterritorial jurisdiction and the maximum built-upon area for each lot or tract located within a public water supply watershed. If less than one (1) acre, the square footage of each lot and if one (1) acre or greater the acreage of each lot.
- (7) All lots in each subdivision shall be consecutively numbered throughout the several additions if there exists more than one.
- (8) The location, and width of all existing and proposed rights-of-way and easements, alleys, and other public ways and building setback lines.
- (9) All streets shall be designated as either public or private.
- (10) The location, dimension and area of all property proposed to be set aside for park or playground use or for buffer areas, or other public or private reservation, with designation of the purpose thereof and conditions, if any, of the dedication or reservation.
- (11) Accurate description of all monuments and markers. Monuments and control corners shall be designated.
- (12) Sufficient data to determine readily the location, bearing, and length of all lines and to reproduce such lines upon the ground; the location of all proposed monuments. This shall include but not be limited to (a) radius (b) central angle (c) tangent distance for the center line of curved streets and curved lines.
- (13) Any other information required on surveys as specified by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors in its Manual of Practice for Land Surveying in North Carolina.
- (14) When available the tax map and parcel number of the Property being subdivided.
- (15) When appropriate, subdivisions shall contain a note which states that a public or community water system is not presently available to the subdivision lot.
- (16) Certificate of Ownership and Dedication (See App.)
- (17) Certificate of Survey and Accuracy (See App.)
- (18) Certificate of Division of Highways (See App.)
- (19) Certificate of Approval by the Planning Board or authorized person. (See App.)
- (20) Certificate of the Register of Deeds (See App.)
- (21) In the event that the proposed subdivision is located within a public water supply watershed, the Public Supply Watershed Protection Statement (See App.)

SECTION 6. GENERAL REQUIREMENTS AND MINIMUM STANDARDS FOR IMPROVEMENTS, RESERVATIONS AND DESIGN

6.1 STANDARDS FOR SUBDIVISIONS

A. Determining Density or “Yield”

Applicants shall have the option of estimating the legally permitted density on the basis of mathematical percentages and formulas contained in the Ordinance, or on a “yield plan”. A “yield plan” consists of conventional lots and street layouts and must conform to the town’s regulations governing:

- (1) Minimum dimensions corresponding to the general zoning district within the provisions of the Town Zoning Ordinance, Section 5.4, Table of Area, Yard and Height;
- (2) Subdivision standards within the provisions of this section include: Suitability of the Land; Street, Block and Lot Design; Public Use and Service Areas (school sites, recreation and parks, open space).

Although “yield plans” shall be conceptual in nature and are not intended to involve significant engineering and associated costs, they must be realistic and must not show potential house sites or streets in areas that would be unbuildable land in a conventional subdivision layout.

The first step to preparing a realistic “yield plan” is to map the Primary Conservation Areas on the site. “Yield Plans” shall include at minimum:

- * basic topography (US Geological Survey, 1:24,000)
- * location of wetlands (US Army Corps of Engineers)
- * 100-year floodplains (FEMA FIRM maps)
- * slopes exceeding 25% (interpret from topography)
- * soils subject to slumping (County Soil Survey Map)

The second step is to deduct these sensitive lands from the total parcel acreage to produce the “Adjusted Tract Acreage” on which density shall be based (for both conventional and conservation subdivisions).

For sites not required to connect to the public sewage treatment facility, soil suitability for individual septic systems shall be demonstrated.

B. Suitability of the Land

Land Physically Unsuitable for Subdivision. Land which the Planning Board has found to be unsuitable for development:

- (1) Because of flooding, bad drainage, steep slopes, rock formations, and other such features which may endanger health, life, or property, aggravate erosion, or increase flood hazard, or
- (2) Which other public agencies concerned have investigated and found in the best interest of the public not suitable for the type of platting and development proposed, may not be approved for subdivision unless adequate methods are

formulated by the developer for the subdivision of such land. such land within any plat shall be set aside for such uses as shall not produce unsatisfactory living conditions.

- C. Land Subject to Flood. Land within any floodway shall not be platted for residential occupancy or other building site and shall not be raised by fill. Other land subject to flood may be platted for residential use only if filled to such height as will secure a flood-free site based on data submitted by the subdivider and prepared by – competent engineers, provided such use or fill does not endanger health, life, or property or restrict the flow of water or increase flood heights. To prevent such hazards, fill material should be taken from between the stream bank and the area to be filled. In applying these provisions, land subject to flood shall be defined as follows:
- (1) Land lying within the special Flood Hazard Area as indicated on the “Flood Hazard Boundary Map Chatham County North Carolina Unincorporated Areas” May 19, 1978 and the Flood Hazard Map of the Town of Pittsboro prepared by the U.S. Department of Housing and Urban Development. These maps are available for review at the Town Hall.
 - (2) Areas included in the Floodway map for unincorporated areas of Chatham County and the Town of Pittsboro, North Carolina prepared by the U.S. Department of Housing and Urban Development. The areas shown in the floodway shall not be included when calculating the lot area.
- D. Water Hazard Area Setback. To help lessen the potential of water pollution from septic fields, sedimentation and storm water runoff and to maintain the scenic character of the waterways, the following areas shall be considered within the water hazard area where neither buildings nor septic systems shall be situated. Roads that run parallel to rivers and streams specified below shall not have right of way within the water hazard setback. Roads shall cross rivers and streams at angles that approximate right angles as closely as possible to minimize stream disturbance. The water hazard setback shall not be included in calculating the minimum useable lot area.
- (1) Along the Haw River the water hazard setback shall extend one hundred feet landward from the edge of the bank at normal pool level. A one hundred foot setback shall also apply on each side of all continuously flowing and intermittent streams as shown on the most recent U.S. Geological Survey Maps within a distance of 2500 feet from the bank of the Haw River. A seventy five (75) foot setback shall also apply on each side of all continuously flowing and intermittent streams beyond the 2500 foot distance from the bank of the Haw River as shown on the most recent U.S. Geological Survey Maps
 - (2) The above setbacks shall be required unless the subdivider demonstrates that a lesser distance (but not less than seventy five (75) feet) is adequate to maintain the scenic character of the waterway and to guard against stream pollution. Evidence may be based on topography, soils, geology and shall be prepared by a registered engineer or other person approved by the Planning Board.
 - (3) The Planning Board may allow development within the 75 foot buffer but no closer than 25 feet from the stream bank in areas where development will be connected to public water and wastewater utilities and surface runoff is controlled on site. The developer must also provide evidence that the proposed site is not in the floodway and the development will not infringe on any designated greenway corridor. If the development creates more than 10,000 square feet of

impervious surface area on the proposed site, the developer must submit an erosion control plan to the Town that is certified by an engineer choosing how the first inch of stormwater is retained on site. In addition, the constructed stormwater facilities must be inspected and certified by the engineer in a letter to the Town before an occupancy permit is approved. Additional requirements for stormwater control structures in subdivisions located within public water supply watersheds are delineated in Article V, Section 5.5.11 through 5.5.13 of the Pittsboro Zoning Ordinance.

- E. **Watershed Buffer Areas.** Subdivisions located within a public water supply watershed shall reserve a minimum 30-foot vegetative buffer along all perennial waters indicated in the most recent version of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. For subdivisions utilizing the high density option authorized by Article V, Section 5.5.10 of the Pittsboro Zoning Ordinance, a 100-foot buffer shall be reserved along all perennial waters.

6.2 Streets

- A. **Classification.** Streets and roads are hereby classified according to the function which they are to serve, the type, speed and volume they will carry, the required standards of design. Regardless of classification, the design and construction of streets and intersections in the Town's jurisdiction should aim to serve all types of users including pedestrians, bicyclists and motorists, and should be inclusive of all levels of ability such as those in wheelchairs, the elderly and the young. The broad categories shall be (a) arterials, (b) collectors, and (c) land service streets. The designation in the major streets and road plan of arterials and collectors does not prevent other streets proposed in or adjoining subdivisions from being similarly classified. Classifications are defined as follows:
- (1) **Arterials**
 - a. **Principle Arterials—(A-1)** Those major streets used for high speed high volume traffic between Pittsboro and other urban centers and regions.
 - b. **Major Arterials—(A-2)** Those major streets used for traffic of moderate to fast speeds and high volumes between major local centers of employment, recreation, and suburban centers; access at intersections with other arterials, collector streets, and some minor streets.
 - c. **Minor Arterials—(A-3)** Those other arterials used for traffic of moderate speeds and high volumes which connect the higher classified arterials with each other and with local centers and public facilities; access with other arterials, collector streets and some minor streets.
 - (2) **Collectors—(C)** Those major streets used for traffic of moderate speeds and high peak volumes between minor streets and the system of arterials or serving as principle entrance streets or primary circulation routes within a neighborhood or other limited area; access at all other streets and some private ways.
 - (3) **Residential streets—**Those minor streets used for traffic of low volumes situated predominantly within a neighborhood or other limited area; access with higher classified streets and private property.

- a. Minor residential street—(L-1) those minor streets designed to provide access to abutting residential property and to discourage their use by through traffic.
- b. Loop streets—(L-2) and Culs-de-sac—(L-3) Those minor streets of short length used for traffic of low speeds and low volumes primarily designed for access to abutting property and so constructed as to originate and terminate in T-intersections with other minor streets or to terminate in dead-end turn-arounds so designed that they cannot be extended in the future.
- c. Marginal access streets—(L-4) Those parallel and adjacent to arterials and which provide access to abutting property and protection from through traffic.
- d. Alley and service drives—(L-5) Those minor streets used primarily for service access to back or side of property otherwise abutting a street.

B. Relation to Present, Proposed, and Future Street System

- (1) The location and width of all streets and roads shall conform to the official major street and road plan of the Town of Pittsboro and the State Division of Highways.
- (2) For the purpose of these design standards, existing streets which terminate at or adjoin a subdivision boundary shall be deemed a part of the subdivision. The proposed street system shall extend the right-of-way of existing streets at no less width than the required minimum width. Subdivisions that adjoin only one side of existing streets shall dedicate one-half of the additional right-of-way needed to meet minimum width requirements. If any part of the subdivision includes both sides of an existing street all the required additional right-of-way shall be dedicated.
- (3) Where, in the opinion of the Planning or Town Board, it is necessary to provide for street access to adjoining property, proposed streets shall be extended by dedication of right-of-way to the boundary of such property.
- (4) When an arterial adjoins or is included in a subdivision, lots therein which abut the arterial shall be provided with another means of access, e.g.
 - a. platting a single tier of lots back to the arterial and front on a minor street
 - b. platting a marginal access street
 - c. platting a loop road and culs-de-sac
 - d. platting a rear service drive for access
 - e. other method approved by the Planning Board
- (5) Subdivision streets which intersect the arterial shall do so at intervals not less than as follows: principal arterial (A-1) 1200 feet; major arterial (A-2) 800 feet; minor arterial (A-3) 600 feet.

- (6) When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of streets in the future and for logical further resubdivision.
- (7) The recommended pedestrian facilities within the Town of Pittsboro Pedestrian Transportation Plan shall be provided upon the development of land adjacent to them.
- (8) Streets shall be bordered by sidewalks on both sides (except on alleys, service drives and principal arterials). The Commissioners may grant exceptions upon recommendation of the Planning Board if it is shown that local pedestrian traffic warrants their location on one side only, or if it is demonstrated that adverse affects would occur from stormwater runoff.
- (9) Residential sidewalks shall be a minimum of five (5) feet in width. Sidewalks serving mixed use and commercial areas shall be eight (8) feet in width unless excepted by the Commissioners. New streets and modifications to existing streets shall adhere to the design standards in the Town of Pittsboro Pedestrian Transportation Plan.
- (10) Streets shall be designed with street trees planted in a manner appropriate to their function. Commercial streets shall have trees which compliment the face of the buildings and which shade the sidewalk. Residential streets shall provide an appropriate canopy which shades both the street and the sidewalk. Street trees shall allow for the free movement of emergency vehicles.
- (11) Whenever possible streets should be designed to fit the contours of the land and should minimize the removal of significant trees.

C. Design standards for Streets

- (1) Width of Street Rights-of-way. The minimum width of right-of-way measured from lot line to lot line shall be as follows:

TABLE (1)

CLASSIFICATION	WIDTH OF RIGHT-OF-WAY (FEET)
Principal Arterial (A-1)	120
Major Arterial (A-1)	80
Minor Arterial (A-3)	60
Collector (c)	60
Minor Residential (L-1)	50
Loop Street (L-2)	50
Cul-de-Sac (L-3)**	50

Marginal Access (L-4)	50*
Service Drive (L-5)	24
Minor Commercial Street	70*
Minor Industrial Street	80*
Commercial & Industrial, Marginal Access Streets, Culs-de-Sac, or Service Drive	50*

*Or such lesser amount as may be required.

**Provided with closed-end turn-around of at least one hundred (100) feet or approved alternate design

- (1) Arterials, collector streets and minor residential streets through proposed neighborhood or local business areas shall be increased ten (10) feet in width on each side to provide for movement of automobiles and trucks into and out of necessary off-street parking and loading areas without interference to traffic. Through proposed industrial areas, width may be increased for these purposes as required.
- (2) Vertical Alignment of Streets. Grades on arterials, collectors, and minor industrial streets shall not exceed seven (7) percent; grades on minor residential (L-1) and minor commercial streets shall not exceed ten (10) percent; grades on other residential streets (L-2 thru L-5) shall not exceed thirteen (13) percent. All changes in grade shall be connected by a vertical, curve so constructed as to afford a minimum sight distance, said sight distance measured beginning from driver's eyes, which are assured to be three and three-fourths (3-3/4) feet above the pavement surface, to an object six (6) inches high on the pavement.

This minimum sight distance shall be the minimum stopping sight distance for the rated speed of the street as follows:

TABLE (2)

CLASSIFICATION OF STREET	DESIGN SPEED (MPH)	MINIMUM STOPPING SIGHT DISTANCE
Principal Arterial (A-1)	50	350'
Major Arterial (A-2)	40	260'
Minor Arterial (A-3)	35	210'
Collector (c)	30	180'
Minor Residential (L-1)	25	125'
Loop Street (L-2)	20	75'
Cul-de-Sac (L-3)**	15	40'

Marginal Access (L-4)	15	40'
Alley & Service Drive (L-5)	15	40'
Minor Commercial Street	20	75'
Minor Industrial Street	25	120'

The design of all streets shall provide adequately for the discharge of surface water from the right-of-way. No street which is subject to inundation by flood water shall be approved; no street shall be located more than two (2) feet below the elevation of the 100 year flood stage. Fill may be used for streets if fill and drainage and opening provided do not unduly increase flood heights.

Where the plat includes areas of possible flood or where, in the opinion of the Planning Staff topography warrants it, profiles of all streets showing natural and finished grades drawn to scale of not less than one (1) inch equals one hundred (100) feet horizontally and one (1) inch equals ten (10) feet vertically shall be required. Drainage swales may be required in areas where runoff needs to be slowed and temporarily retained in order to protect ditch and creeklines from undue erosion.

- (3) Horizontal Alignment of Streets. Where a deflection angle of more than ten (10) degrees in the alignment of a street occurs, the radius of curvature of the center line of said street shall be not less than as follows:

TABLE (3)

CLASSIFICATION OF STREET	MINIMUM RADIUS OF CURVATURE OF CENTER LINE (WITHOUT SUPERELEVATION)
Principal Arterial (A-1)	690
Major Arterial (A-1)	430
Minor Arterial (A-3)	310
Collector (c)	230
Minor Residential (L-1)	150 (or 90*)
Loop Street (L-2)	90 (or 50*)

Cul-de-Sac (L-3)**	50
Marginal Access (L-4)	50
Service Drive (L-5)	50
Minor Commercial Street	90
Minor Industrial Street	150

*Where approved, to make efficient use of land.

A tangent of at least one hundred (100) feet in length shall be introduced between reversed curves on arterial and collector streets.

Street jogs with center-line offsets of less than the minimum stopping sight distance (in accordance with paragraph 3 B. above) of the street intersected shall not be allowed.

- (4) Intersections. All streets shall intersect at right angles; such intersecting streets shall continue as perpendicular from the center point of the intersection for not less than the minimum stopping sight distance for their respective rated speeds in accordance with Table (2) of this article. Right-of-way lines at street intersection shall have a radius of curvature of not less than twenty (20) feet. Wherever necessary to permit the construction of a curb having a desirable radius without curtailing the sidewalk at a street corner to less than normal width, the street right-of-way line at such street corner shall be rounded or otherwise set back sufficiently to permit such construction.
- (5) Reserve Strips. There shall be no reserve strips controlling access to streets except where the control of such strips are definitely placed with the community under conditions approved by the Planning Board.
- (6) Street Names. Proposed streets which are obviously in alignment with others already existing and named shall bear the names of existing streets. In no case shall the name for a proposed street duplicate existing street names, irrespective of the use of the suffix street, avenue, boulevard, road, pike, driveway, place, court, or other derivatives. Through its index list of street names and guide for naming and suffixing, the planning board can assist the subdivider in avoiding duplication, and in coordinating the names of streets within his subdivision.
- (7) Curb and gutter is required for all residential subdivisions except as specified in these regulations. Rural subdivisions designed such that all lots are equal or greater than one acre may be exempted from this requirement, unless streets in said subdivision are located on land consisting of soil types or excessive grades that present unusually difficult drainage problems as determined by the Planning Board and approved by the Town Commissioners. Planned unit developments may also be exempted from this requirement if alternative treatments are determined to be more appropriate by the Planning Board and approved by the Town Commissioners.

Streets in subdivisions located within a public water supply watershed may be allowed without curbs and gutters if specifically authorized by the Town Board of Commissioners. The Town Board shall review each request for streets with

shoulders and drainage swales on a case-by-case basis. After reviewing such a request along with technical data supplied by the subdivider supporting the use of shoulder and drainage swales, the Town Board may allow streets without curbs and gutters.

- (8) Impervious surface area. To reduce the amount of runoff and subsequently stream pollution, roads (i.e. road surfaces and parking areas) shall not exceed four (4) percent of the area of the subdivision, unless the developer provides plans which demonstrate that the first half inch of runoff will be managed on site.

D. Construction Standards

- (1) All streets in subdivisions shall be public, except as specified in this section. The design and construction of all public streets and roads, including the grading, roadbed, shoulders, slopes, medians, ditches, right-of-way and pavement widths, grades, curves, intersections and other proposed features shall conform to the respective current standards of the North Carolina Department of Transportation Division of Highways and the Town of Pittsboro Subdivision regulations. Except for private roads which meet the requirements stated in this section, all arterials, collectors, residential, cul-de-sac and marginal access drives shall be paved with either bituminous or concrete material. Standards for constructing such streets shall depend on the category of street and be mandated by either the Town Engineer or the Division of Highways. But in no case shall be less stringent than the standards set for similar streets by the N.C. Department of Transportation.
- (2) Private roads may be allowed in the following type of developments: rural residential subdivisions, mobile home parks and planned unit developments
 - a. Private roads, may be allowed in rural residential subdivisions located outside the limits of the urban growth as designated by the Land Use Plan for the Town of Pittsboro provided that:
 1. The subdivision does not embrace or abut any part of a proposed thoroughfare or street shown on the Chatham County or Town of Pittsboro Thoroughfare Plans.
 2. The developer shall record an instrument with the final plat which guarantees:
 - (a) A right of access to any roads in the subdivision by all lots served by the road.
 - (b) Maintenance of any road in the subdivision at the standards set for approval; the responsibility of such maintenance shall be given to a property owner's association.
 - (c) A full disclosure of the status of the roads and road maintenance responsibilities and that these listed items shall run with the land.

- b. Rural subdivision roads must meet minimum construction standards for subdivision roads as specified in the most recent approved NCDOT Manual, with the exception that paving requirements may be waived in (cases where unpaved roads are more appropriate as determined by the Planning Board and approved by the Board of Commissioners.
 - c. The full width of the travel way of unpaved roads must be covered with crush and run stone or other material as approved by the Planning Board. There shall be a uniform depth of not less than four (4) inches of stone or stabilized material as approved by the Planning Board at the time of final subdivision review.
 - d. Developments served by private gravel road; shall be designed so that no lot shall be more than one mile from a state maintained road.
 - e. Alternative design and construction standards of private drives and access ways for planned unit developments or mobile home parks may be specified by the special use permit approved by the Board of Commissioners as long as the alternative standards meet the intent of the ordinance.
- (3) Where possible, streets shall be located outside of watershed buffer areas. Roads constructed within the watershed buffer areas shall be designed and constructed so as to minimize their impact on water quality.

6.3. Blocks

- A. Length. Blocks shall be neither less than four hundred (400) feet no more than twelve hundred (1200) feet in length, except as the Planning Board considers necessary to secure efficient use of land or desired features of street pattern.

Culs-de-sac designed to have one end permanently closed shall be no more than one thousand (1,000) feet long unless necessitated by topography or design considerations. The length of a cul-de-sac shall be measured from the center of the turn around to the intersection of its centerline with the center line of the connecting non-cul-de-sac street.

In blocks greater than eight hundred (800) feet in length (or at the ends of cul-de-sacs) the Planning Board may require at locations it deems necessary one (1) or more public cross walks of not less than ten (10) feet in width to extend entirely across the block, or pedestrian easements in lieu thereof.

- B. Width. Blocks shall be wide enough to allow two (2) rows of lots, except where reverse frontage on major streets is provided or where prevented by topographic conditions or size of the property or location next to an arterial, in which case the Planning Board may approve a single row of lots.

6.4 Lots

- A. Adequate Building Sites. Each lot shall contain a building site suitable for habitation as defined in Section 6.1 and 6.6.
- B. Arrangement. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial curved street lines. Every lot shall have frontage on a public street except as provided below.

- (1) Planned unit developments which have direct access to a public street having a street right of way not less than 50 feet may utilize private streets provided the streets are designed and constructed in conformity with NCDOT design standards and provided that a homeowners association is created with the responsibility for street maintenance under the terms of the North Carolina Unit Ownership Act.
- (2) Rural Subdivision lots may be allowed on a private road as specified in Section 6.2D, provided that every lot has the minimum required frontage on the private road for the zoning district in which it is located. No lot on a private road shall be less than three acres with a minimum five (5) acre average for all lots in the subdivision except as noted in Section 6.4B(3). Tracts larger than ten (10) acres will not be included when calculating the average lot size of the subdivision. All land within lot lines except public right-of-ways may be included in lot area calculations to meet this requirement.
- (3) Lots created by gift from a parent or a child located within the Town's extraterritorial area and a maximum of three rural residential subdivision lots may be allowed provided that every lot has at least 30 feet of frontage on a Perpetual easement not less than thirty (30) feet in width that meets a public road; provided, however, that parent/child lots authorized herein fronting on a private easement less than thirty (30) feet in width and suitable for public safety access may be allowed if the easement was in existence prior to March 1, 1992. If additional lots are to be created and served by the easement, the private easement shall meet the standards required in Section 6.2D. The easement shall not be within 100 feet of another easement of this type unless approved by the Planning Board after considering topography, lot design and other appropriate information. Proof of the permanence of the easement, the relationship of the parties involved, and the nature of the gift transaction shall be provided to the planning director and certified by the applicant's attorney.
- (4) A comprehensive multi-family, group housing, or other unified and planned development, including unified design and construction of units together with necessary drive and way of access, may be approved by the Town Board of Commissioners upon recommendation by the Planning Board, even though the design may depart from the foregoing standards for streets and lots and subdivision arrangements, if the design meets the general intent of the ordinance. Lots within a cluster of subdivision located in a public water supply watershed shall comply with the cluster development requirements of Article V, Section 5.5.5 of the Pittsboro Zoning Ordinance.

6.5 Public Use and Service Areas

A. Public Use Areas

- (1) **Reservation of School Sites.** This ordinance provides for the reservation of school sites in accordance with the approved Land Development Plan. Before approving such a plan, the Board of Education and Town Commissioners shall determine jointly the specific location and size of each school site to be served and shown as part of the plan.

Whenever a subdivision that includes part or all of a school site to be reserved under the plan is submitted for approval, the Planning Board shall immediately

notify the Board of Education. The Board of Education shall promptly decide whether it still wishes the site to be reserved and shall notify the Town of Commissioners or planning agency of its decision.

If the Board of Education does wish the site to be reserved, the subdivision may not be approved without the reservation. The Board of Education must acquire the site within 18 months after the date of the site is reserved, either by purchase or by exercise of the power of eminent domain. If the Board of Education has not purchased the site or begun proceedings to condemn the site within the 18 months, the subdivider may treat the land as freed of the reservation.

(2) Dedication of Land for Recreation and Park Purposes. All residential subdivisions, except family subdivisions, shall provide community recreation areas consistent with Town plans, policies, and regulations. For purposes of this section, community recreation areas shall be areas developed for active recreational uses. The following are illustrative of the type of facilities that shall be deemed to serve active recreational needs: tennis courts, swimming pools, sauna and exercise rooms, meeting or activity rooms in clubhouses, basketball courts, ball fields, swings, slides, and play apparatus. Each subdivision development shall satisfy its community recreational requirement by:

a. Dedicating and conveying to the Town the type of public recreational facilities that are most likely to be appropriate for the community consistent with the Town's plans for recreation. Each community recreation area shall satisfy the standards set forth in the Town's plans as to size, shape, location, slope, access, and usefulness to the community and shall be not less than 1/33 of an acre for each lot to be developed or dwelling unit, whichever is greater. The Town shall be authorized to sell any land dedicated pursuant to this section, but the proceeds shall be used only for the acquisition, or development of other recreation facilities in the general area.

1. Unity. The dedicated land shall form a single parcel of land except where it is determined by the governing board that two or more parcels would be in the public interest; and in such case, the Board may require that such parcels be connected by a dedicated strip of land at least thirty (30) feet in width.
2. Shape. The shape of the dedicated parcel of land shall be sufficient to be useable for the above enumerated active recreation activities. Green strips around the perimeter of the property may be considered open space unless the strip is required as a bugger by regulations of the zoning ordinance.
3. Location. The dedicated land shall be so located as to reasonably and primarily serve the recreation and open space needs of the subdivision for which the dedication was made.
4. Access. Public access to the dedicated land shall be provided by adjoining street frontage.
5. Topography. Slope on areas dedicated for recreation shall not exceed five (5) percent.

6. Usefulness. The dedicated land shall be functional for recreation. The area of lakes and other bodies of water shall not be included in computing dedicated land area.
 - b. Payments in Lieu of Dedication of Land. In lieu of dedicating public community recreation areas, a fee shall be paid to the Town. The fee shall be equivalent to the post development tax value of the land required to be dedicated pursuant to a. above.
 - c. Authority to Sell. The Town may require payment of the fee in lieu of dedication at the time of final approval upon finding that the land required to be dedicated is not suitable for public community recreation purposes or upon finding that the recreational needs of the proposed development can be met by other public recreational facilities planned or constructed by the Town. The Town shall decide during the review and approval process as to which option shall be available.
- B. Easements, Dedications, and Reservations. All easements, dedications and reservations shall be shown on the plat with notes stating their purpose.
- (1) Utility Easements: Easements shall be provided for utilities along lot lines where necessary to provide utilities to every platted lot. The subdivider and the utility companies shall agree on the width of easements needed.
 - (2) Pedestrian Easements: In such cases and at such locations as the Planning Board deems advisable, easements along side or near lot lines not exceeding twenty (20) feet in width may be required for pedestrian or bicycle traffic to and from schools, neighborhood parks, and other public places.
 - (3) Drainage Easements: In cases in which a subdivision is traversed by a stream or drainage channel there shall be provided a storm water easement of such width along each side of the stream as the Planning Board deems necessary for the purpose of otherwise improving such drainage easement. Other drainage easement may be required for the proper drainage of all lots.
 - (4) Sight Distance Easements at Intersections: Triangular sight distance easements at all street intersections shall be shown in dashed lines and so noted on the final plat. These easements will remain free of all structures, trees, shrubbery, driveways, and signs, except utility poles, fire hydrants, and traffic control signs. Sight distance easements shall be in accordance with the requirements of the Town.
 - (5) Dedication of Waterways: Lakes, ponds, creeks, and similar areas will be accepted by the Town for maintenance only if sufficient land is dedicated as a public recreation area or park or if such area constitutes a necessary part of the drainage control system. The suitability of such dedicated areas shall be evaluated by the Planning Board prior to being considered for acceptance by the Town Board of Commissioners.
 - (6) The Planning Board may require easements for garbage dumpster sites in subdivisions when appropriate. Such a requirement may take into consideration

the number of lots in the subdivision, the availability of other sites in close proximity to the subdivision.

- E. Community Assets. In all subdivisions due regard may be shown for all natural features such as large trees and water courses and for historical spots and similar community assets which, if preserved, will add attractiveness and value to the property.

6.6. Zoning or Other Regulations

No final plat of land within the force and effect of an existing zoning regulation shall be approved if it conforms to such regulations. Wherever there is a discrepancy between minimum standards or dimensions noted herein and those contained in the zoning regulations or other agencies regulations the more stringent standards shall apply.

SECTION 7. DEVELOPMENT PREREQUISITE TO FINAL APPROVAL

A perfectly prepared and recorded subdivision plat means little to a prospective lot buyer until he can see raw acreage physically transformed into lots suitable for building and human habitation. Improvements by the subdivider spares the community from a potential tax liability. The following tangible improvements are required before final plat approval in order to assure the physical reality of a subdivision for which recordation will establish legality.

7.1 Required Improvements

Every subdivision developer shall be required to grade and improve streets, install monuments, sanitary sewers, storm drainage, water mains, and other utilities, and make other site improvements in accordance with the following specifications.

A. **Monuments and Lot Markers.** Iron pins not less than three-fourths (3/4) inches in diameter and eighteen (18) inches long shall be set at all street corners, at points where the street lines intersect the exterior boundaries of the subdivision, at the intersection of curves and tangents along street lines, at all lot corners and at all corners of the plat. These pins shall be driven so as to be snug in the ground and shall not have over six inches exposed above the finished grade. The location of these pins shall be identified with wooden stakes or other suitable markers at the time the plat is submitted for final approval so that all necessary inspections may be made by the various agencies involved in the review of the subdivision. At least one concrete monument shall be set for major subdivisions.

Additional concrete monuments may be required where deemed necessary due to large acreage and/or a large number of lots.

B. **Street Development.** Every subdivision developer shall be required to grade and improve new streets. These improvements for public roads shall be in accordance with the minimum standards for design as specified in the most recent appropriate road standards by the Division of Highways or Section 6.2 of this ordinance.

C. **Storm Drainage.** An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water. The storm drainage system shall divert stormwater away from surface waters and shall incorporate stormwater Best Management Practices to minimize adverse water quality impacts. Subdivisions located within public water supply watershed that utilize the high density development option shall comply with the stormwater management requirements of Article V, Section 5.5.10 of the Pittsboro Zoning Ordinance. Banks of ditches shall be immediately seeded upon grading and installation of utilities and the ditch itself shall be improved with appropriate vegetative cover to retard erosion.

D. **Sanitary Sewers.** When located within the service area of public sewerage system or a reclaimed water distribution system and within the distance of an existing line as specified in the formula below, sanitary sewers and reclaimed water distribution systems shall be installed in such a manner as to serve adequately all lots with connection to the public system. The distance from an existing sewer line or reclaimed water distribution system shall be based on the formula below:

NUMBER OF LOTS+	DISTANCE TO EXISTING LINE
At least...But Less Than	
1...5	300' + 50' for each lot over 1
5...20	300' + 75' for each lot over 5
20...50	1,375' + 100' for each lot over 20
50	4,375' + 125' for each lot over 50

+Consideration shall be given to the acreage of an entire tract and the number of potential lots therein, taking into account topography, feasibility of the land for further subdivision development and other factors.

Sewer lines shall be installed according to the standards and regulations of the Chatham County Health Department and/or the Town of Pittsboro.

Where, in the opinion of the Planning Board and the utility agency, lots cannot be economically connected with a sewage system they must contain adequate area (based on soil survey, percolation tests, source of water supply, etc.) for the installation of approved septic tanks and disposal fields, and must be approved in writing by the Chatham County Health Department.

- E. Water Supply Systems. When located within the service area of a public water supply system and within the distance of an existing line as specified in the formula below, water mains shall be properly connected in such a manner as to adequately serve all lots shown on the subdivision plat for both domestic use and fire protection. The distance from an existing water line shall be based on the formula below.

NUMBER OF LOTS+	DISTANCE TO EXISTING LINE
At least...But Less Than	
1...5	300' + 50' for each lot over 1
5...20	300' + 75' for each lot over 5
20...50	1,375' + 100' for each lot over 20
50	4,375' + 125' for each lot over 50

+Consideration shall be given to the acreage of an entire tract and the number of potential lots therein, taking into account topography, feasibility of the land for further subdivision development and other factors.

The lines shall conform with accepted standards of good practice for water systems, as specified in the regulations of the Town of Pittsboro water system extension policy.

Where, in the opinion of the Planning Board and utility agency, lots cannot be economically connected with a water system, they must contain adequate area (based on information concerning the soil survey, water table, type of sewage disposal, etc.) for the installation of private water supply systems and must be approved in writing by the County Health Department.

In major subdivisions with new roads where an adequate public water supply system is available, the developer shall install fire hydrants in such a manner that the subdivision is afforded adequate fire protection or as provided in the Town of Pittsboro water system extension policy. Fire Hydrants locations shall be located in such a manner that no lot is further than five hundred (500) feet from a hydrant. Water lines on which fire hydrants are to be installed shall not be less than six (6) inches in diameter. There shall be no closed or dead end lines servicing the fire hydrant locations in the subdivision, unless an alternate method is approved.

When located outside the service area of a public water supply system and/or outside the distance of an existing line as specified in the above formula, lot sizes may be allowed to be reduced for having water available, provided adequate water is available for domestic use in the community water system to be installed by the developer; and provided six (6) inch water lines are installed to service fire hydrant locations such that no lot is farther than 500 feet from such a location, and stub outs with gate valves are provided at said fire hydrant locations. If the subdivision does not meet these provisions, it shall be considered under the regulations specified herein for property not having public water available.

- F. Installation of Utilities: All utility services shall be so designed and installed as to conform with all appropriate state, local, and utility agency requirements. Underground electric and telephone lines are encouraged and may be required in subdivisions where lot densities and soil conditions exist to make installations of such facilities economically feasible in the opinion of the Town Board.
- G. Sidewalks. Sidewalks may be required where deemed necessary by the Town Board as an integral part of a pedestrian traffic system within a one (1) mile radius of existing or planned schools, neighborhood recreation or commercial areas, or other public places. Where provided, sidewalks shall be located not less than one (1) foot from the property line to prevent interference or encroachment by fencing, walls, hedges or other planting or structures placed on property lines at a later date. Sidewalks shall be installed to conform with accepted standards of good practice. But in any case shall be no less than 5 feet in width and 4 inches in depth; constructed of concrete.
- H. Street Name Signs and Traffic Signs. Appropriate street signs enable strangers, delivery concerns, and even potential lot buyers to find their way around. Street name signs shall be installed. The signs shall be of standard design, size and material as approved by the Town or the Division of Highways.
- I. Site Improvements. Banks which infringe on sight lines at intersections shall be appropriately graded to correct the deficiency.

Whenever grading or filling occurs on lots within the subdivision, the subdivider shall first stockpile the topsoil from the affected areas; immediately after grading and filling shall redistribute sufficient topsoil to support growth of lawn grass, and other vegetation; and shall immediately seed such areas with appropriate vegetative cover, as specified in the U.S. Department of Agriculture Handbook entitled *Guide for Sediment Control on Construction Sites in North Carolina*. This is to prevent erosion, silting of streams, and other damage. Provisions to establish vegetative cover shall be completed in bare soil areas prior to final approval by the Planning Board.

All Drainage ditches within the subdivision shall be treated for erosion control. The following minimum treatment may be required for ditches with respective grades:

<u>Grade</u>	<u>Treatment</u>
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0%-2%	Seeding
2%-5%	Grass Sodding
5%-7%	Dumped rip-rap
Above 7%	Concrete or asphalt pavement

Due regard shall be shown for such desirable trees as are already on the site, and grading and filling should be planned to preserve as many as possible; however, no retained planting shall infringe on sight lines at intersections. If trees are planted by the subdivider, they shall be located five (5) feet inside or behind property lines where they are less subject to injury, decrease chances of motor accidents and enjoy more favorable conditions for growth. If trees are to be planted within a planting strip in the right-of-way, their proposed locations and species to be used must be submitted for the Town or Division of Highways' approval since the public inherits the care and maintenance of such trees.

Where land is platted or reserved for commercial or industrial use bordering and across minor streets from residential lots, a suitable buffer planting of trees and shrubs (not infringing on sight lines at intersections) approved by the Planning Board shall be required.

J. Guarantee in Lieu of Completed Improvements. No final subdivision plat shall be approved by the Planning Board and Town Board or accepted for record by the County Register of Deeds until one of the following conditions has been met:

- (1) All required improvements have been constructed in a satisfactory manner and approved by the Planning Board and Town Board, or
- (2) The Town of Pittsboro or any of the certifying agencies have accepted an assurance for completion and maintenance of improvements as established in Section 3 of these regulations, whereby improvements may be made and utilities installed without cost to public bodies in the event of default of the subdivider. This also assures the prospective purchaser that improvements shall be installed as stated on the final plat.

K.. All public streets, sidewalks and other common areas in subdivisions created after the adoption of this subsection shall be sufficiently illuminated to ensure the safety of persons using such streets, sidewalks, and other common areas.

Street lighting shall be placed on streets to ensure for the safe use of streets by both cars and pedestrians. All street lighting shall be placed in accordance with the following minimum design standards.

- (1) Minimum average street light spacing:
 - a. Single Family Homes and Duplex lots (greater than 100 feet wide): 500 feet;
 - b. Single Family Homes and Duplex lots (less than 100 feet wide): 300 feet;
 - c. Multi Family Uses: 150 feet;
 - d. All other uses: 300 feet
- (2) Preference in placement shall be given to street intersections and street curves.
- (3) Pedestrian lighting shall be on poles no taller than 18 feet and directed to paths and sidewalks; they should be prioritized over automobile lighting. Lighting should be placed to provide good uniformity, to limit glare and the casting of shadows on sidewalks.

- (4) All street lighting shall utilize a full cutoff or cut-off fixture. Where buildings are close to the street (less than fifteen (15) feet from the right of way) full cut-off fixtures are required to limit glare and light spillage on upper levels. Exceptions are allowed as outlined below if approved by the planning department.
 - a. Non-cutoff decorative post-mounted fixtures may be used but must be equipped with a solid top. Mounting heights of 19 feet or less above ground are allowed when the maximum initial lumens generated by each fixture does not exceed 9,500 initial lamp lumens.
 - b. All metal halide, mercury vapor, fluorescent, induction, white high pressure sodium and color improved high pressure sodium lamps 9,500 lumens and less used in non-cutoff fixtures shall be coated with an internal white frosting inside the outer lamp envelope.
 - c. All metal halide solid top decorative post fixtures equipped with a medium base socket must use an internal refractive lens, a diffuse outer lens or a wide-body refractive globe as described in the definitions section.
 - d. All lighting fixtures in a subdivision shall be consistent in color of light and illumination levels.
- (5) Alleys are excluded from the spacing and placing requirements of this Article but are encouraged to be illuminated using private security lights, wall packs, or similar low level decorative lighting in accordance with Chapter <> of the Codified Ordinance of the Town of Pittsboro.
- (6) The Town may, upon the approval of the Board of Commissioners, assume the responsibility for maintenance of streetlights, previously maintained by private individuals, homeowners associations, or commercial occupancies, providing such lights are on public streets or public right of ways.
- (7) The Town Planning Director or his/her designee may present to the Board of Commissioners an exception to this policy provided there is a justification for it.

**SECTION 8. SPECIAL DEVELOPMENT STANDARDS
PLANNED UNIT DEVELOPMENTS**

8.1 Procedure for Preliminary and Final Master Plan Approval

All master plans for planned unit developments shall be reviewed and granted final approval by the Planning Board and Town Board prior to recordation.

8.2 Additional Required Information for Preliminary Master Plan Approval

- A. Existing and proposed land uses and the approximate density of the proposed dwellings.
- B. The approximate location of any road shown on the major thoroughfare plan.
- C. Public uses, including schools, parks, Play areas, and other open spaces, both existing and proposed.
- D. Areas proposed to be conveyed, dedicated, or reserved for parks, playgrounds, swimming pools, recreation buildings, supporting commercial areas, similar public and semi-public uses.
- E. A site plan for each building site and common open area, showing the approximate location and dimensions of all buildings, structures, and improvements and indicating the open spaces around buildings and structures.
- F. A development schedule indicating:
 - (1) the approximate date when construction of the project can be expected to begin
 - (2) the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin
 - (3) the anticipated rate of development of each of the stages in the development of common open space will be provided at each stage.
- G. An estimate of population and density and extent of activities and overall densities.
- H. A tabulation of the land area to be devoted to various uses and activities and overall densities.
- I. A market analysis and financial statement may be requested by the Planning Board to help determine the demand for the development and the probability of its completion.

8.3 Design Standards for Planned Unit Developments

- A. Common Open Space
 - (1) The location, shape, size and character of the common open space shall be reviewed in detail.
 - (2) Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development considering its size, density, expected population, topography, and the number and type of dwellings to be provided. There shall be no less than five (5) percent of the total land area reserved as open space, and twenty five (25) for PUDS.

- (3) Common open space must be suitable improved for its intended use but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.
 - (4) The use and improvements of common open space must be planned in relation to any existing or proposed public or semipublic open space which adjoins or which is within close proximity to the perimeter of the planned development.
 - (5) All land shown on the final master plan as common open space must be conveyed under one of the following options:
 - a. It may be conveyed to a public agency which will agree to maintain the common space any building, structures, or improvements which have been placed on it.
 - b. It may be conveyed to a trustee(s) provided in a deed of record which establishes an association or similar organization for the maintenance of the planned development. The common open space may be conveyed to the trustees subject to the approval of the Planning Board which will result in the restriction of the common open space to the uses specified on the final plan, and which will provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purposes.
 - (6) No common open space may be put to any use not specified on the final master plan unless the final master plan has been amended to permit that use.
- B. Roads. General subdivision road standards set out or referenced in these regulations may be waived for Planned Unit Developments provided that the intent of these regulations is not negated or lessened. Privately maintained roads may be allowed by the Planning Board provided that the status and maintenance of said roads is made known by appropriate notes on the plat, in deeds, protective covenants or other means approved by the Planning Board and the construction of said roads shall be certified by a registered architect or engineer licensed to practice in North Carolina.
- C. Other Design Standards. Design standards set out in these subdivision regulations may be waived for Planned Unit Developments provided that the intent of these regulations is not nullified or lessened and provided that sufficient proof is given substantiating that adequacy of the alternative design.

SECTION 9. DESIGN STANDARDS FOR A PLANNED DEVELOPMENT DISTRICT

Design standards set out in these subdivision regulations may be waived for Planned Development Districts (PDD) provided that the intent of these regulations is not nullified or lessened and provided that sufficient proof is given substantiating the adequacy of the alternative design. An approved Master Plan for a Planned Development District shall constitute sufficient proof to substantiate, the adequacy of the alternative design, and the development standards in the Master Plan shall be the development standards for that Planned Development District.

Appendix

Public Water Supply Watershed Protection Statement

All or portions of the property contained in this subdivision are located within a Public Water Supply Watershed. Additional development restrictions regarding such matters as residential density, maximum impervious surface area, and stormwater control measures may apply to this property. Any engineered stormwater controls shown on this plat are to be operated and maintained by the property owners and/or a property owners association pursuant to the Operation and Maintenance Agreement filed with the Chatham County Register of Deeds in Book ____ Page ____.

Amendments

April 8, 2013

Section 9 Design Standards for Planned Development Districts