

**CABARRUS COUNTY  
SUBDIVISION ORDINANCE**

**ADOPTED MAY 15, 1995  
REVISED SEPTEMBER 2007**

**CABARRUS COUNTY DEPARTMENT OF COMMERCE**

**PLANNING SERVICES DIVISION**

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# SUBDIVISION ORDINANCE

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**BE IT ORDAINED** by the Cabarrus County Board of Commissioners that Chapter 66, Subdivision Regulations, of the Code of Ordinances, Cabarrus County, North Carolina is hereby repealed and the following Cabarrus County Subdivision Ordinance is hereby adopted.

## **CHAPTER 1 GENERAL PROVISIONS**

### **Section 1. Title of chapter**

This ordinance shall be known and may be cited as the Cabarrus County Subdivision Ordinance, and may be referred to as the Subdivision Regulations or Ordinance.

### **Section 2. Purpose of chapter**

The procedures and standards for the development and subdivision of real property for residential, industrial, institutional, or commercial purposes and the surveying and platting thereof, as adopted and prescribed in this Ordinance, are hereby found by the Board of Commissioners of Cabarrus County to be necessary and appropriate in order to partially implement the County's Land Development Guide and the Small Area Plans. In doing so, these regulations shall:

- 1) aid in promoting the orderly development of the County and safeguard conditions essential to public health, safety, and the general welfare;
- 2) provide space for safe and sanitary dwelling accommodations within Cabarrus County;
- 3) promote safe and sanitary environmental conditions, proper planning, adequate light, air and space, safe and sanitary design and arrangements, supply sanitary facilities, and existence of conditions which enhance life or property, and hinder damage by fire or other causes of destruction;
- 4) provide for suitable neighborhoods with adequate streets, utilities and appropriate building sites;
- 5) save unnecessary expenditures of public funds by reserving space for public lands and buildings including the dedication or reservation of recreation areas and school sites, or fees in lieu of, to serve residents of the immediate neighborhood within the subdivision and to provide sufficient streets with adequate width and with proper alignment and grade for the coordination of utilities, planned streets and highways and other public facilities, and to facilitate adequate and orderly communication and travel within and between communities;
- 6) provide proper land records for the convenience of the public and for better identification and permanent location of real property boundaries; and,

7) ensure legal access to all newly divided parcels.

### **Section 3. Authority and jurisdiction of chapter**

This ordinance is adopted under the authority of Chapter 153A, Article 18, Part 2 of the General Statutes of North Carolina. On and after the date of adoption, these regulations shall govern each and every subdivision of land within Cabarrus County and outside the jurisdiction of any incorporated municipality. However, this ordinance may also regulate territory within the subdivision regulation jurisdiction of any municipality whose governing body by resolution agrees to such regulation provided, however, that any such governing body may, upon six months written notice, withdraw its approval of these County Regulations, and those regulations shall not have further effect within the municipality's jurisdiction.

### **Section 4. Compliance with chapter required**

Pursuant to G.S. 153 A-332 unless otherwise noted, no real property within the jurisdiction of this ordinance shall be subdivided or a plat thereof recorded until; a plan has been reviewed and approved by the Cabarrus County Planning and Zoning Commission as provided in these regulations. Plans of group developments for housing, commercial, industrial, or other uses, or for any combination of uses shall be submitted in the same manner as other plats for review by the Planning and Zoning Commission.

### **Section 5. Sale of land in unapproved subdivision**

The sale of land in subdivisions, which have not been approved by the Planning and Zoning Commission, is prohibited. Any person(s) who, being the owner(s) or agent(s) of the owner of any land located within the jurisdiction granted to Commissioners by General Statute 153-266.1, hereafter subdivides his/her land in violation of this ordinance and any other use of a plat properly approved under said ordinance and recorded in the Office of Register of Deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instruments of transfer or other documents(s) used in the process of selling or transferring land shall not exempt the transaction from the penalty. The County, through its County Attorney or other official designated by the Board of County Commissioners, may enjoin such illegal transfer or sale by action for injunction. Further, violators of this ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by General Statute 14-4 as amended.

In addition to the remedies above, the County may deny issuance of building permits for lots that have been illegally subdivided. The County may also institute any appropriate

action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.

Per General Statute 153A-334, contracts and/or leases may be entered into by reference to an approved preliminary plat. All contracts shall be in conformance with North Carolina General Statutes.

## **Section 6. Other laws, ordinances or regulations**

Whenever the provisions of any local, state or federal law, ordinance or regulation impose higher standards than are required by the provisions of this ordinance, the provisions of such law, ordinance or regulations shall govern.

## **Section 7. Exceptions to chapter provisions**

Where because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas or the existence of other unusual physical conditions, strict compliance with the provisions of this ordinance would cause an unusual and unnecessary hardship on the subdivider, the Planning and Zoning Commission may vary the requirements set forth herein. In granting exceptions, the Planning and Zoning Commission may require such conditions as will secure, insofar as practicable, the objectives of the requirement varied. Any exception(s) authorized shall be entered in the minutes of the Planning and Zoning Commission meeting together with the circumstances that justified the exception(s) granted, and the conditions upon which the exception(s) was granted.

## **Section 8. Vesting development rights**

A developer/owner may establish a vested right to complete their development project by submitting a site specific plan. A public hearing must be held by the Planning and Zoning Commission to review and approve the site specific plan. Any variations from the original plan must have the consent of the Planning and Zoning Commission. Vested rights run with the land for a period of two years. See Chapter 13 of the Cabarrus County Zoning Ordinance.

## **Section 9. Appeals/Grievances**

Any person that is aggrieved by the decision of the Planning and Zoning Commission as it relates to this ordinance, may within thirty (30) days of the Planning and Zoning

Commission's decision, petition the Board of County Commissioners for their interpretation of the Planning and Zoning Commission decision.

## **CHAPTER 2 DEFINITIONS**

### **Section 1. "SUBDIVISION" DEFINED**

A "subdivision", as specified in General Statute 153A-335, shall include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale, or building development (whether immediate or future), and shall include all division of land involving the dedication of a new street or change in existing streets; however, the following shall not be included within this definition nor be subject to the regulations authorized by this ordinance:

- A. The combination or recombination of portions of previously platted and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards prescribed for new lots by this Ordinance, and the Cabarrus County Zoning Ordinance;
- B. The division of land in parcels greater than ten (10) acres where no street right-of-way dedication is involved;
- C. The public acquisition by purchase of strips of land for the widening or opening of streets;
- D. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards prescribed for new lots by this Ordinance.

### **Section 2. OTHER DEFINITIONS**

- A. Abut - having property, district lines, rights of way or easements in common; e.g., two lots abut if they have property lines in common.
- B. Access - a way of approaching or entering a property from a street.
- C. Block - a parcel of land which is bounded on all sides by a public street or roadway.
- D. Buildable Lot - a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area; and to provide such setbacks and other open spaces as required by other local ordinances.

- E. Building - any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, or chattels of any kind.
- F. Building Setback Line/Front - a line establishing minimum allowable distance between the wall of the building and the street or highway right-of-way line when measured perpendicularly from the right-of-way.

Side or Rear - a line-establishing minimum allowable distance between the wall of the building and the side and rear property lines. Covered porches, etc. whether enclosed or not shall be considered as part of the main building and shall not project into the required yard.

- G. [*reserved*]
- H. Control Corner - one or more corners in a development which serve as points of reference for the lots in that development, but more precisely defined in Article 5A Chapter 39-32 (Conveyance) of the North Carolina General Statutes.
- I. Corner Lot - a lot which abuts the rights-of-way of two (2) streets at their intersection.
- J. Conveyance Plat - a plat that may be used for the transfer of land qualifying as a minor subdivision (See Chapter 3, Section 3).
- K. County Commission - the Board of Commissioners of Cabarrus County, North Carolina.
- L. Dedication - the giving of a parcel of land by the subdivider to a public body for a specific purpose or for the general public use and the acceptance of the land by the public body.
- M. Double Frontage Lot - a continuous lot accessible from both of the streets upon which it fronts. Corner lots are not included unless they front on three streets.
- N. Flag Lot - a lot with street frontage that is less than the minimum lot width required by individual district regulations, and composed of a narrow "flagpole" strip extending from the street and a much wider "flag" section lying immediately behind another lot or lots or portion(s) of same having the required street frontage for a conventional lot. In the case of a flag lot, the lot line at the end of the flagpole lying parallel to the street to which the

flagpole connects shall be considered to be the front lot line for setback purposes.

1. Flag lots in residential districts.

- a. Minimum flagpole width of the lot is not less Than 15 feet for a single lot and not less than 25 feet for two lots and;
- b. The flagpole area may be used in calculating minimum lot size only if average lot width can be met.

2. Flag lots in non-residential districts.

- a. Maximum depth of the flagpole portion of the lot does not exceed 250 feet;
- b. Minimum flagpole width of the lot is not less than 30 feet; and
- c. The flagpole area is not used in calculating the minimum area of the lot.

- O. Cabarrus – Rowan MPO - a region defined for transportation planning purposes that includes areas within Cabarrus and Rowan Counties.
- P. Lot - a portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership.
- Q. Minor Subdivisions - a division of land involving one (1) to five (5) buildable lots which may or may not front on an existing street. Any subdivisions which may require new street access to interior property or require extension of public sewage or water lines or creation of new drainage easements through lots to serve property at the rear shall be approved by the Subdivision Administrator before any development will be permitted to begin. (See Chapter 3, Section 3)
- R. Non Access Easement - a 10-foot parcel of land adjoining and running parallel from a right-of-way in which vehicular encroachment (except for emergency access) is prohibited.

- S. Planning and Zoning Commission - Planning and Zoning Commission of Cabarrus County, North Carolina.
- T. Planned Multi-Family Development - a group of two or more dwelling units intended for multiple ownership's and established on a single tract. These developments must meet the requirements of General Statute 47A and the Cabarrus County Subdivision Regulations.
- U. Project Review Committee - a group consisting of Commerce Department Staff, Cabarrus County Soil Conservationist, Representatives from Water and Sewer Utility Providers, Cabarrus County Land Records Manager, Emergency Management Director, Sheriff's Department, Representative of North Carolina Department of Transportation, and representatives of local utility companies.
- V. Planned Development - land that is under unified control and planned and developed as a whole in a single development operation or a definitely programmed series of development operations. A planned development includes principal and accessory structures and uses substantially related to the character and purposes of the planned development.
- W. Plat - includes the terms map, plot, replat, or replot. A map or plan of a tract or parcel of land that is to be, or which has been subdivided.
- X. Private Road - an undedicated private right-of-way which affords access to abutting properties which meets the requirements of Chapter 4, Section 11 of this Ordinance.
- Y. Reservation - withholding a parcel of land from development for a stated period of time for the purpose of making the land available for public acquisition at a later time.
- Z. Reserve Strip - a parcel of land extending from a street right-of-way to the end of a property line.
- AA. Road, Street, or Highway - a dedicated public or private right-of-way for vehicular or pedestrian traffic which meets one of the following definitions:
  1. Private Roads - a dedicated right-of-way and/or road which may not meet the minimum standards of the NC Department of Transportation for public streets.
  2. Urban Roads - streets within the CABARRUS - ROWAN Metropolitan Planning Organization boundaries and classified in the Cabarrus - Rowan MPO

Transportation Plan which is incorporated into this document by reference. These are further divided into the following categories:

- a. Local Access Streets - designed only to provide access to abutting property. May be residential, commercial, or industrial.
  - b. Collector Road System – intracounty routes of two types:
    1. Major Collector Roads – streets providing service to the arterial system and major traffic generators.
    2. Minor Collector Roads – streets providing service from the local road system to major collectors and arterials.
  - c. Minor Thoroughfares – designed to collect traffic from local access streets.
  - d. Major Thoroughfares – the primary traffic arteries of the urban area providing for traffic movements within, around and through the area.
3. Marginal Access Street - a local or collector street which parallels and is immediately adjacent to an arterial road, and which provides limited access to abutting property and protection from through traffic.
- BB. Sewage - the wastewater and its contents from kitchen, bathroom, toilet, lavatory and laundry of any residence, business establishment, industrial plant, institution, or any public building.
1. Central Sewage Disposal System - A sewerage system serving two (2) or more dwelling units and approved by the Cabarrus County Health Department and the North Carolina Department of Environmental Health and Natural Resources which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region. The State of North Carolina considers central sewage disposal systems to be "Public Systems". For the purposes of these regulations the following distinctions are made:
    - a. "Public Sewage Disposal System" shall mean a single system of sewage collection, treatment, and disposal owned and operated by a sanitary district, a water and sewer authority or district, a county, or municipality or another public utility.

- b. "Community Sewage Disposal System" shall mean a privately owned central sewage disposal system or a system owned by a community association.
  - 2. On-Site Sewage Disposal System - a septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.
- CC. Subdivider - any person, firm or corporation who subdivides or develops any land which is a subdivision as herein defined.
- DD. Thoroughfare - any street designated on the adopted County or Cabarrus – Rowan Metropolitan Planning Organization Thoroughfare Plan. [See definition for "Road"].
- EE. Thoroughfare Plan - the map and attendant documents approved by the Cabarrus - Rowan MPO member jurisdictions or in the case of the County Thoroughfare Overlay Zone contained in Chapter 4, Part III of the Cabarrus County Zoning Ordinance approved by the Cabarrus County Board of Commissioners. The adopted Thoroughfare Plans are incorporated in this document by reference.
- FF. Urban Growth Area - that part of the County characterized by medium to high-density growth . Typically these are areas that will become incorporated at some time and are included within an adopted area of consideration. This area may also be defined by the County MDR zoning district or HDR.
- GG. Water System (Public) - shall mean a county, municipal, sanitary district, water and sewer authority or district owned system for the provision to the public of piped potable water for human consumption.
- HH. Water System (Community) - shall mean a privately owned system for the provision to the public of piped potable water which serves 15 or more service connections or which regularly serves 25 or more individuals. For the purposes of regulation of water quality, the state considers these systems to be Public Water Systems.

### **Section 3. WORD INTERPRETATION**

- A. For the purpose of this ordinance, certain words shall be interpreted as follows:

1. The present tense includes the future tense and future tense includes the present tense.
2. The singular number includes the plural number and the plural number includes the singular number.
3. The words "should" and "may" are permissive.
4. The words "shall" and "will" are mandatory.

## **CHAPTER 3 PLATS**

### **Section 1. Approval necessary**

- A. **General** - after the effective date of this Ordinance no subdivision plat of land within the County's subdivision regulation jurisdiction shall be filed or recorded until it shall have been submitted to and approved by the Cabarrus County Subdivision Administrator, as provided hereinafter in this Ordinance, and no land shall be sold or transferred by reference to a plat that has not been approved and recorded in accordance with the provisions of this Ordinance. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not be exempt. No plat shall be recorded by the Cabarrus County Register of Deeds until this approval is entered in writing on the face of the plat as herein provided.
- B. **Exemptions** - if the Planning and Zoning Staff shall determine that the subdivision is exempt from the provisions of this ordinance, based on the criteria set forth in Chapter 2, Section 1, the plat shall be endorsed to that effect and may be recorded with the Register of Deeds.
- C. **Appeal of Denied Exemption** - the subdivider may appeal the denial of a requested exemption to the Cabarrus County Planning and Zoning Commission. This appeal must be made within thirty (30) days of notification of the Planning and Zoning Staff's decision and must be made to the Planning and Zoning Commission in writing. The Planning and Zoning Commission shall calendar all such appeals for hearing by giving written notice to the subdivider at least ten (10) days prior to the hearing. The Planning and Zoning Commission in all such appeals shall make findings of fact in support of its decision. The proposed subdivider shall be notified in writing of the Planning and Zoning Commission's decision within ten (10) days after the said decision is made.

## Section 2. Sketch plan requirements

- A. **General** - prior to the filing of a Preliminary Plat the subdivider should submit a pre-application sketch plat to the Planning and Zoning Department in order that the staff may make the subdivider aware of the purpose and objectives of these regulations and to assist him/her in planning their development.
- B. **Timing** – sketch plats shall be submitted at least two weeks prior to the filing deadline for Preliminary Plat Applications.
- C. **Plan Contents** – Concurrent with the submission of a sketch plan, the applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that any proposed open space will meet the requirements of the Zoning Ordinance. The sketch plan shall include the following features:
  - 1. Property boundaries;
  - 2. All streams, rivers, lakes, wetlands and other hydrologic features. Streams shall be identified as perennial and intermittent;
  - 3. Topographic contours of no less than 4-foot intervals (these contours are available through the County);
  - 4. General vegetation characteristics;
  - 5. General soil types;
  - 6. All primary and secondary conservation areas labeled by type, as described in the Zoning Ordinance, where appropriate;
  - 7. Tree cover map in the form of either a survey or an annotated aerial photograph;
  - 8. The planned location of protected open space, where required;
  - 9. Existing roads and structures, including structures and roads uses on adjacent properties;
  - 10. Potential connections with existing open space and trails.

### **Section 3. Abbreviated procedure for minor subdivisions**

A. If the Planning and Zoning Department finds that the sketch plat meets the requirements of a minor subdivision as defined by this ordinance and that there are no adverse affects on the remainder of the parcel or on adjoining property, then the subdivider may proceed with the preparation of a conveyance plat or minor subdivision plat which may be submitted at anytime and given final approval by the Subdivision Administrator or his assignee(s).

B. Conveyance Plat Requirements:

A conveyance plat is a simple, clear sketch prepared by a registered surveyor which shows a proposed property division. It shows the relationship of the parcel(s) being subdivided to the original property. The conveyance plat must include the following information:

1. Title Block - it shall contain the words "conveyance plat" and shall include the township, parcel identification number, subdivision name, date, scale, name, and address of owners and name, and address of registered land surveyor. The Title Block shall be located at the bottom right hand corner of the plat.
2. Survey - the boundary lines on the tract to be subdivided shall be determined by an accurate survey prepared, sealed, and signed by a registered land surveyor. The survey shall be drawn in accordance with G.S. 47-30, Section 3, Part (M).
3. Location and labeling of all streets which adjoin the property.
4. Current zoning of the property.
5. Location and description of all existing structures on the property.
6. Name, address, and parcel identification numbers of adjacent property owners.
7. The conveyance plat may not be larger than 8 1/2 by 14 inches.
8. A vicinity map, valid north arrow and original surveyor seal and signature to meet the requirements of the N.C. Surveyors Standards and Practices.

### **Section 4. Preliminary plat requirements and review process**

The preliminary plat is the first graphic document which indicates the proposed division of land into lots and/or streets. The following procedures and requirements must be followed to get preliminary plat approval:

- A. **General** - The subdivider shall submit seventeen (17) folded copies of the preliminary plat for review by the Planning and Zoning Staff and other agencies. The Planning Services Division must receive these copies by the submission deadline without exception. The Planning and Zoning Commission's current regular monthly meeting date shall serve as the deadline for scheduling an item for consideration by the Commission at its next regularly scheduled monthly meeting. It is presumed that following the initial submittal, staff and agency review will require approximately 30 days to determine compliance with this ordinance, and following any required revisions, approximately 30 additional days for final review. Once revisions are completed to comply with this and other applicable ordinances, final materials must be submitted 30 days ahead of the next scheduled meeting to be considered by the Planning and Zoning Commission. If revisions are needed, the subdivider shall submit seventeen (17) folded copies of the revised preliminary plat to the Planning Services Division.
  
- B. **Specifications for Plats** - Unless the average lot size in a proposed subdivision is more than three (3) acres, the preliminary plat shall be drawn at a scale of one hundred 100 feet to the inch. If the average lot size is more than three (3) acres, the scale may be two hundred (200') feet to the inch.

All Preliminary Plats shall contain the following information:

1. The Title Block - it shall show the words "PRELIMINARY PLAT" and shall include the subdivision name, township, date, scale, and the name(s), phone number(s), and address(es) of the owner(s) and the designer(s) of the plan and his/her title. The title block shall be located on the bottom right corner of the plat. If the plan is part of a previously recorded subdivision, the old name, date and recording reference of the prior plat shall be stated.
  
2. Proposed Subdivision Data - the names and locations of all proposed streets, the location of all easements, lots, parks, reserve strips or other open spaces (including primary and secondary open space areas, where required), location of all heritage or specimen trees impacted by subdivision improvements (where required), reservations, other property lines and building setback lines with dimensions of streets, lots and other property lines. The approximate area in acreage or square footage of each lot.

3. Survey - the boundary line on the tract to be subdivided shall be determined by an accurate survey prepared and signed by a registered surveyor in accordance with G.S. 47-30, or a clear declaration shall be shown on the map of how the map was prepared.
4. Existing Data - the location on the property or within three hundred (300) feet of the property; of any existing streets, rights-of-way, railroad lines, platted property lines, water courses, wetlands, bridges, watermains, sewers, culverts, drain pipes, political subdivision lines, public and private easements, zoning classification of the tract and of the adjoining property. The names of adjoining subdivisions, and/or property owner(s) and parcel identification numbers will also be shown.
5. North Arrow and Total Acreage of Subdivision - shall be shown on the plat.
6. Existing and Proposed Contours - at intervals of not more than five (5) feet shall be shown of the entire area to be subdivided and shall extend into adjoining property for a distance of one hundred (100) feet at all points where street rights-of-way connect to adjoining property.
7. Screening and/or Buffering - if any type of fence, brick wall, or earthen berm is being proposed to screen the proposed development, its location shall be shown and a typical section detailed on the preliminary plat. All areas of common ownership or landscaping shall also be noted and shown.
8. Utility Plans - proposed utility layouts and pipe sizes showing connections to existing systems or plans for central water or package sewer system, or designation for individual water and sewerage, storm sewers, gas, telephone, electric, cable TV, etc. Utility plans may be provided on a separate map.

If the subdivider plans to connect the utility system to public water and/or sewer utility system, such layout shall be accompanied by a letter from the public agency stating that they will accept the system for ownership or maintenance and that sufficient capacity exists to serve the subdivision.

If public water and sewer is not currently available to the proposed subdivision, but will be extended to that area, then the subdivider may indicate on the face of the preliminary and final plats that the lots may be further divided, as permitted by zoning, when water and sewer is available to the site.

9. Lakes - where the plan for the subdivision includes a lake or pond one acre or more in size, existing or to be constructed, in connection with the development, the preliminary plat shall show the location of dams, spillways, and other structures and the location and extent of inundation at full reservoir. The preliminary plat shall also be accompanied by a profile of the proposed dam structure including all appurtenances and evidence of proper review by the North Carolina Department of Environmental Health and Natural Resources.
  10. Location Map - a key map and/or vicinity sketch at a scale of 1"=2,000 feet showing the relation of the property to adjoining properties, and to all streets or roads existing within 1,000 feet of any part of the property to be subdivided. The Location Map shall be located at the upper left hand corner of the plat.
  11. Road and Sidewalk Typicals - Typical cross sections shall be shown for each road and sidewalk type proposed within the subdivision.
  12. Location of Flood Plain/River-Stream Buffer Overlay - subdivider shall show location of one hundred (100) year flood elevation and location of buffer strip as required by the River/Stream Overlay. (Chapter 4, Part II of the Cabarrus County Zoning Ordinance)
  13. Open Space Management Plan – an open space management plan shall be submitted for subdivisions where open space is provided.
- C. Review - The Planning and Zoning staff and the Project Review Committee may review the plat and refer any recommendations to the Planning and Zoning Commission.
- The Planning and Zoning Commission shall act on the submitted subdivision plat within thirty-five (35) days of the meeting for which the plat is scheduled for review. If necessary, modifications of the preliminary plat may be required by the Planning and Zoning Commission as conditions of preliminary approval. The modified plat will then be resubmitted according to the procedure set forth in Chapter 2, Section 4.
- If the Planning and Zoning Commission fails to act within the above specified thirty-five (35) days the subdivider may seek preliminary approval at the next regularly scheduled meeting of the Board of Commissioners.
- D. After preliminary approval has been granted, evidence from the proper agencies must be provided to show that road plans (including driveway permits),

sediment/erosion control plans, stormwater plans and water/sewer plans have been approved before any construction may begin.

## **Section 5. Final plat requirements**

The final plat is the graphic document which is filed and kept on permanent record in the Cabarrus County Register of Deeds office. Its primary purpose is to provide a legal record to aid in the transfer of property. The following procedures and requirements must be followed for final approval to be granted:

- A. Submittal - the final plat shall be submitted within twenty four (24) months following approval of the preliminary plat. If the plat or a section thereof is not submitted within the twenty four (24) month time limit, or there is a lapse of more than twenty-four (24) months in the recording of any subsequent section, the plat must be resubmitted as a preliminary plat. It is the responsibility of the owner/developer to ensure that preliminary approval does not expire.

The final plat shall be prepared by a registered land surveyor, licensed and registered to practice in the State of North Carolina. The plat shall conform substantially to the preliminary plat as it was approved and shall conform specifically with the provisions of North Carolina G.S. 47-30 as amended, and with the policies of Cabarrus County.

Two (2) reproducible originals and seven (7) blue line prints of the final plat (all properly signed and executed as required for recording in the Office of the Register of Deeds of Cabarrus County) shall be submitted to the Planning Division of the Department of Commerce. The plat shall be reviewed, and a recommendation presented to the Subdivision Administrator.

One reproducible copy of the final plat shall be submitted for the purpose of providing addresses. The area between the front setback line and the property line for each lot shall be left clear with no dimensions, reference markings, arrows or lines. This area is left clear so that addresses may be clearly marked along with lot numbers. Copies of these maps, with addresses, will be distributed to all appropriate agencies and to the owner and preparer of the subdivision.

No subdivision shall be granted final plat approval until required improvements either have been constructed or approved plans prepared and improvement execution guaranteed by a good and sufficient surety or performance bond (See Chapter 4, Section 15) with corporate surety, a copy of which shall be filed with the Subdivision Administrator.

B. Specifications for Final Plat:

1. The Title Block - shall contain the following information: subdivision name, property designation, name(s) and address(es) of owner(s), township, county, state, the date(s) the survey was made, name and date of Preliminary Plat approval, scale in feet per inch in words or figures and bar graph, and the name, seal, address, and phone number of the surveyor. The Title Block shall be located on the bottom right hand corner of the plat.
2. Monuments and Control Corners – the accurate location, material, and size of monuments and the designation of specific control corners in conformance with G.S. 39-32 as amended shall be shown.
3. Boundaries and Uses – the exact boundary of the tract of land being subdivided in heavy lines; including full dimensions by lengths and bearings. The plat shall clearly show the disposition of all portions of the tract into designated lots, roads, alleys, parks, floodplains, and open space and the name(s) or owner(s) of record of adjoining parcels of unsubdivided land and present zoning.
4. Acreage – each plat shall show the total acreage of the areas being recorded along with the area of each lot. Area of land parcels must show the method of computation used by the surveyor, and county parcel identification numbers.
5. Sufficient Data – to determine readily and reproduce accurately on the ground the location, bearing, and length of every street line, lot line, easement line, block line, building line whether straight or curved. This data shall include tangent distance, the central angle, the radius, arcs and chords of all curves. All linear dimensions shall be given in feet and hundredths thereof and angular dimensions shall be of comparable accuracy within the limits of good surveying practices.
6. If the Final Plat is Drawn in Two or More Sections - each section shall be accompanied by a key map showing the location of the sections, match lines shall be shown and labeled, and maps shall have reference to each other (i.e. map 1 of 2, map 2 of 2, etc.).
7. Vicinity Map - as shown on preliminary plat.
8. North Arrow - north arrow and declination.

9. Restrictive Covenants - where restrictive covenants are proposed reference shall be made on the final plat as to deed book and page number of recorded covenants, or space shall be provided to insert the deed book and page number if the covenants have not been recorded.
10. Road Maintenance - statement as to who will maintain the roads and drainage systems until such time when they may be turned over to the proper governmental agency for their maintenance. Deed Book and Page Number must be shown if a road maintenance agreement has been recorded for that purpose.
11. Lot Area Reservation - If public water and sewer is not currently available to the subdivision, but will be extended to that area, then the subdivider may indicate on the face of the final plat that the lots may be further divided, as permitted by zoning when water and sewer is available to the site.
12. Location of Floodplain/River-Stream Buffer Overlay – subdivider shall show location of one hundred (100) year flood elevation and location of buffer strip as required by the River/Stream Overlay.
13. Final plat requirements – all final inspections by the public service providers must be complete and fees must be paid before the Subdivision Administrator will sign the Certificate of Approval by the Subdivision Administrator. Certificate number (6) as follows in Section (C) must be affixed to all final plats where public utility services are provided by the City of Concord.
14. Site Triangle Easements. Dedicated sight triangle easements at intersections with public streets will need to be shown on the final plat. The County standard is 35' x 35' and NCDOT is 10' x 70'.





## **CHAPTER 4 REQUIRED IMPROVEMENTS AND MINIMUM DESIGN STANDARDS**

### **Section 1. Compliance with federal, state and local law**

All subdivisions and lots created under this ordinance must comply with the requirements of the Cabarrus County Zoning Ordinance and other applicable Federal, State and Local laws.

### **Section 2. Suitability of the land for use**

- A. Lands which are subject to flooding, excessive erosion, or slides because of soil types or groups, water courses and other drainageways, steep slopes, or other hazards shall not be platted for residential or other uses in such a way as to present a danger to life, property, or to the public health, safety or general welfare.
- B. A subdivider proposing to use an existing lake must structurally upgrade the lake and dam, or if constructing a new lake and dam it must be in accordance with the North Carolina Dam Safety Act, or provide evidence that the lake does not fall under the provisions of that act.
- C. All proposed subdivisions shall be planned so as to facilitate the most advantageous development of the entire neighboring area, including but not limited to road locations, utilities location, development of adjacent property, etc.

### **Section 3. Preservation of natural features and historical sites**

Due consideration should be given to preserving natural features, such as trees, floodplains, wetlands, hydric soils, prime farmland soils, forests, ponds, streams, rivers and lakes, as well as significant historical, archeological and cultural sites which are of value to the County as a whole. The proposed subdivision shall take advantage of and be adjusted to the contour of the land so as to produce lots and streets of reasonable gradient.

- A. At the time of development of any subdivision providing less than 35 percent open space, no person shall destroy, damage, kill or remove any heritage or specimen tree without prior permission from the County in the form of a condition of subdivision plat approval authorized by the County. The tree protection required under this section shall apply only to subdivision infrastructure and improvements such as roads, and shall not apply to the development of individual lots following approval of the subdivision plat.

- B. All subdivisions and site improvements subject to this section shall be oriented in a manner that allows for preservation of the greatest number of heritage and specimen trees, as determined by the County.
- C. Heritage trees include:
  - 1. Any Champion Big Tree designated by the NC Division of Forest Resources.
  - 2. Any tree that would measure 80% of the points of a tree on the North Carolina Big Trees List.
- D. Specimen trees include any large hardwood (e.g. oak, poplar, maple, etc.) or softwood (e.g. pine species) in good or better condition with a DBH of 24 inches or greater, and smaller understory trees (e.g. dogwoods, redbuds, sourwoods, persimmons, etc.) in good or better condition with a DBH of 10" or greater.
- E. Where a tree matching the definition of heritage or specimen tree above suffers from decay, cavities, rot, a broken top, leaning, an unbalanced crown, a history of breakage or other unhealthy characteristic, the County may determine it is not subject to this Section.
- F. Heritage and specimen trees may be removed, provided the removal is properly mitigated. Such trees shall be shown on the approved preliminary plat, and their removal shall be approved by the County prior to commencement of any grading or construction.
  - 1. Replacement trees must be similar to the type of tree removed; deciduous trees must be replaced with deciduous trees, and evergreen trees must be replaced with evergreen trees.
  - 2. Mitigation may be achieved by the establishment and maintenance of replacement trees at a 1:1 ratio for specimen trees and a 1.5:1 ratio for heritage trees, applied to the combined DBH of existing protected trees to be removed. For example, a 26-inch deciduous heritage tree must be replaced with at least 39 combined caliper inches of deciduous replacement trees. Replacement trees shall have a minimum caliper of 2-1/2 inches.
  - 3. Credit toward replacement trees may also be provided for existing groups of undisturbed trees whose trunks lie within 50 feet of a preserved heritage or specimen tree, provided they are at least 6 inches DBH. Such credit shall be calculated based on the combined inches DBH for the additional trees proposed to be preserved.

4. Replacement trees must be located to ensure that mature canopies shall not interfere with the health of existing trees or interfere with the health of other newly planted trees once they have reached maturity.
- G. If construction is interrupted, delayed or halted after removal of heritage or specimen trees and replacement trees are not planted within eight months, a fine shall be assessed by the County equal to the cost of the purchasing and planting the replacement tree.

#### **Section 4. Name of subdivision and its roads**

The name of a subdivision or its roads shall not duplicate nor closely approximate, either phonetically or by spelling, the name of an existing subdivision or roads within the County, within any municipality within the County, or in an adjacent County or municipality (if the development is in close proximity to another jurisdiction). All names must be approved by the County Planning Division. Where a street is likely to become part of a city maintained system, road names shall be in accordance with that city's standards for suffixes and direction.

#### **Section 5. Street Signs**

The developer shall bear the cost and the County shall install street signs at all intersections as shown on the final plat. These signs will be erected only after all road and utility construction has been completed. The County may approve decorative street signs that vary from the standard County sign requirements; however, County requirements such as letter size, sign content and reflectivity shall continue to apply. Where replacement of such a sign is necessary, the homeowner's association for the affected subdivision shall replace the sign. Where the County is required to replace a decorative street sign, it shall be replaced with a standard County sign.

#### **Section 6. Flood damage prevention**

Lots that are subject to flooding shall not be established in subdivisions for the purpose of creating building sites except as herein provided and in accordance with Flood Damage Prevention Ordinance of Cabarrus County.

1. **Flood Determination.** If there is any water course of any type running through or within 150 feet of the property proposed for subdivision, the prospective subdivider shall provide evidence to the Planning and Zoning Commission, by making reference to maps prepared by the Federal

Emergency Management Agency, that the lots within the subdivision will not be flooded.

2. **100 Year Flood Elevation.** The subdivider shall make a determination of the crest elevation of a flood of 100-year probable frequency in accordance with generally accepted engineering practice. This determination must reflect the actual conditions imposed by the completed subdivision, and must give due consideration to the effects of urbanization and obstructions.

- a. No proposed building lot shown that is wholly subject to flooding shall be approved.
- b. No proposed building lot that is partially subject to flooding shall be approved, unless there is established on the lot plan a line representing an actual contour at an elevation two (2) foot above the 100 year flood. Such line shall be known and identified on the lot plan or the "building restriction flood line".

All buildings or structures designed or intended for use shall be located on such a lot so that the lowest usable and functional part of the structure shall not be below the elevation of building restriction flood line. Usable and functional part of the structure is defined as being inclusive of living areas, basements, sunken dens, utility rooms, attached carports and mechanical appurtenances such as furnaces, air conditioners, water pumps, electrical conduits and wiring but shall not include water lines or sanitary sewer traps, piping and cleanouts provided openings serving the structure are above the building restriction flood line.

Where only a portion of a proposed building lot is subject to flooding, such lot may be approved only if there will be available for building, a usable lot area of not less than 1,500 square feet. The usable lot area shall be determined by deducting from the total lot area the area of the setback required by an applicable zoning district regulation and any remaining area of the lot lying below the building restriction flood line.

3. **Construction Standards.** During the construction, preparation, arrangement, and installation of subdivision improvements, and facilities in subdivisions located at or along streambed, the developer shall maintain the streambed of each stream, creek, or backwash channel contiguous to the subdivision in an unobstructed state. The developer shall also remove from

the channel and banks of the stream all debris, logs, timber, junk and other accumulations of a nature that would, in time of flood clog or dam the passage of waters in their downstream course. Installation of appropriately sized storm water drains, culverts or bridges shall not be construed as obstructions in the streams.

4. **Floodplain Fill Activity.** Fill activity is restricted within the 100-year floodplain. See Section 38-77, item 8, of the Flood Damage Prevention Ordinance.

### **Section 7. River stream buffer**

All subdivisions containing or located adjacent to all rivers or streams shown on USGS Quadrangle Maps as a solid blue line (perennial streams) or as a dotted blue line (intermittent streams) shall be subject to all of the regulations set forth in Chapter 4, Part II (River/Stream Overlay Zone) in the Cabarrus County Zoning Ordinance.

### **Section 8. Sedimentation pollution control**

All subdivision developments must meet the requirements of the Cabarrus County Sediment and Erosion Control Ordinance. The approval of a sediment and erosion control plan must be received prior to the commencement of any development activity.

Final subdivision approval may not be granted to any subdivision that is not in conformance with the Sediment and Erosion Control Ordinance.

### **Section 9. Stormwater drainage**

The subdivider shall provide for adequate drainage of all surface water. The purpose of the stormwater system is to control flooding and remove runoff from an area fast enough to avoid unacceptable amounts of ponding, damage, or inconvenience. Modifications of streams and other natural water courses is prohibited unless approved by the North Carolina Department of Environmental Health and Natural Resources and the Army Corp of Engineers. Points of interception of runoff shall be frequent enough to avoid heavy concentrations in any one system and to eliminate or minimize any flooding. Points of discharge shall be within the site unless otherwise approved by the Planning and Zoning Commission and adjoining property owners. The subdivider shall provide retention/detention devices as may be applicable. Drainage calculations shall be based on a five year frequency in agricultural and residential areas if greater than two acre lots, with all others designed at a 100 year storm for on site drainage and a 25 year storm for through site drainage. Minimum pipe size shall be 15 inches diameter. Velocities in storm sewer,

when flowing full at average peak flows, shall not be less than 2.0'/sec. nor greater than 20.0'/sec.

Cabarrus County prefers Low Impact Development (LID) techniques as a way to handle storm water flow that results from development activity and will accept proposals for storm water facilities that meet currently accepted LID practices.

## **Section 10. Water and sewer systems**

A. Private wells and septic tanks must be approved by the Cabarrus County Health Department.

B. Water and sewerage systems, which do not include individual wells and septic tanks, are subject to the following:

1. Connection to a public water and sewerage systems shall be in accordance with the policies and regulations of the Cabarrus County Water and Sewer Authority Board.

2. If a water or sewerage system is to be installed in a subdivision in the County's jurisdiction, and the system is to be assumed and maintained by a municipality or the County immediately upon installation, a complete set of construction plans must be provided for the proposed system.

The plans shall be prepared by a professional engineer and shall meet the utility requirements of the municipality or county and the Division of Health Services, North Carolina Department of Human Resources and/or the Division of Environmental Management of the North Carolina Department of Environmental Health and Community Development. The plans shall be approved by the County's Utilities Department Director or the municipality's engineer. The developer's engineer shall provide As-Built Plans and location maps for all valves and hydrant locations.

C. All community water and sewerage systems shall be designed by a professional engineer registered in the State of North Carolina and be approved as follows:

1. Water and sewerage systems in all subdivisions and planned developments shall be approved by the appropriate agency. Depending on the type of system, these agencies include the:

- a. Division of Health Services of the North Carolina Department of Human Resources.

- b. Division of Environmental Management of the Department of Environment, Health and Natural Resources.
- c. Water and Sewer Authority of Cabarrus County.
- d. Individual engineering department of municipality involved.

Proof of approval shall be provided to the Cabarrus County Commerce Department before any work shall commence. Installation of the system shall be in accordance with the approved plan and shall be certified to the County by the registered engineer retained by the developer/owner.

- 2. Community water systems shall be required to meet Cabarrus County specifications as set forth in Standards Specifications for the Construction of Municipal Water and Sewer Systems in Cabarrus County. Where the complete system is intended to be connected to and maintained by the County; the County reserves the right to inspect the installation of the system and requires as built drawings.
- 3. Sewer systems shall be designed to County's specifications and the County shall reserve the right to inspect the installation of the system and require as-built drawings.

## **Section 11. Public and private roads**

- A. **Public/Private Designation.** Each road shown on a subdivision plat or conveyance plat shall be classified and designated as either public or private.
- B. **Road Type and Layout.** The arrangement, character, extent, width, grade, and location of all roads shall be reviewed in relation to existing and proposed transportation patterns, topographical and other natural features, public convenience and safety, proposed uses of lands to be served by such roads and existing or potential uses in adjoining areas.
- C. **Private Roads.** Roads that are classified and designated as private are subject to the following conditions. PRIVATE ROADS SHALL BE MAINTAINED BY THE ADJOINING PROPERTY OWNERS AND/OR DEVELOPER AND WILL NOT BE ACCEPTED FOR PUBLIC MAINTENANCE. Plats with private roads shall be accompanied by a road maintenance agreement. New unpaved private roads shall be permitted only if they meet the following criteria:

1. No more than five lots may be accessed by a newly created private road.
2. Private roads must meet NCDOT minimum right-of-way standards. The travel way must be at least 12 feet wide with gravel four inches deep. In addition, the first 25 feet of the road must be 18 feet wide and paved when the private road adjoins a paved road.
3. Vehicle turnarounds must be provided at the end of all dead end roads.
4. The subdivider is responsible for obtaining a permit for access to a state maintained road.
5. A right-of-way maintenance agreement must be recorded in the office of the Register of Deeds to ensure proper maintenance.

**D. Public Roads.** Roads that are classified and designated as public shall be subject to the following conditions. Designation of a road as public shall be conclusively presumed to be an offer of dedication to the public and permit public use. THESE ROADS SHALL BE MAINTAINED BY THE DEVELOPER-OWNER, OR THE LOT PURCHASERS THROUGH A RECORDED MAINTENANCE AGREEMENT UNTIL THE RESPECTIVE GOVERNMENTAL AGENCY ASSUMES RESPONSIBILITY FOR THE MAINTENANCE.

1. **Construction Plan Approval.** Road plans must be properly approved by NCDOT and evidence of that approval provided to the Planning Division before any construction may begin. Refer to NCDOT Subdivision Road Construction Standards for minimum speed, horizontal, vertical, etc. design standards. This includes but is not limited to, terrain classification, and minimum centerline radius. Minimum k values, minimum distance between reverse curves, etc. In addition to the NCDOT Subdivision Manual, the NCDOT Traditional Neighborhood Development Guidelines Manual may also be used for subdivision design when appropriate.
2. **Road Cross-Sections.** Appropriate road cross-sections shall be approved by the Cabarrus County Planning and Zoning Commission and NCDOT. Appendix A contains approved cross-sections for Cabarrus County. Others cross-sections may be approved by the Planning and Zoning Commission in conjunction with NCDOT

3. **Curve Radius.** Property lines at the intersection of residential streets shall be rounded with a 25-foot minimum radius and a 35-foot maximum radius. Modifications may be approved by Cabarrus County and NCDOT in conjunction with the current NCDOT Subdivision Road Construction Standards Manual or the NCDOT Traditional Neighborhood Development Guidelines.
4. **Medians and Islands.** Residential subdivision entrances may include a median or island. Medians and islands shall be a minimum of 75 square feet in size, and shall be landscaped. Structures, permanent materials or plantings within the island shall not obscure the visibility of cars entering a cross street for a distance of 25 feet back from the curb face of the cross street, unless a larger setback is needed due to inadequate sight distance.
5. **Pavement Structure.** Pavement structure shall be 8" stone, 1 ½" surface course with an additional 1" surface course applied when a majority of the construction is completed.
6. **Coordination of Road system.** The proposed road layout within a subdivision shall be coordinated with the existing and planned road system of the surrounding area, and existing roads shall be extended whenever possible. This includes connection of the road system to the system within adjoining subdivisions wherever possible, and the alignment of entrance roads with existing roads. Roads that are aligned with existing roads or connected to existing roads shall be given the same name as the existing road.
7. **Connections to Adjacent Property.** Where necessary to provide access or to permit the reasonable future subdivision of adjacent land, rights-of-way and improvements shall be extended to the boundary of a development. Connections shall be placed at locations where future connection can be made at a reasonable cost and shall not be directed into wetlands, creeks, steep slopes, or other locations that would make the future extension of the road impractical. A temporary turnaround may be required where the dead end exceeds 250 feet in length. Where such a connection has been established on adjacent property, each new subdivision shall be required to extend the connection as a link in the proposed subdivision street network.

8. **Sidewalks.** Sidewalks for residential development shall be installed based on development density. (See Appendix A for sidewalk construction standards)
- a) In residential developments with minimum lot sizes one acre or greater, no sidewalks shall be required except where an existing school, public park, open space, trail or greenway lies within ¼-mile of boundaries of the proposed subdivision, in which case a safe pedestrian connection between the subdivision and the off-site facility shall be planned, and improvements within the subdivision constructed by the developer.
  - b) In all other residential developments, sidewalks shall be installed on both sides of all streets serving more than 20 lots and where a street provides access to recreation or common areas, and on one side of all streets permanently serving 20 lots or less (such as a cul-de-sac). Street stubs temporarily serving 20 lots or less shall provide sidewalks on both sides of the street.
  - c) Handicap ramps shall be placed at each intersection in accordance with ADA guidelines.
  - d) Pedestrian crosswalks are required on any residential collector street at each intersection and any mid-block pedestrian or bicycle connections.
9. **Half Streets Prohibited.** The dedication of half roads at the perimeter of a new subdivision is prohibited.
10. **Street Trees.** Street trees shall be required for any development within the Thoroughfare Overlay Zone as described in Chapter 4, Part III of the Cabarrus County Zoning Ordinance. Street trees shall also be required along all residential streets and residential collector streets at a rate of one large canopy tree for every 40 linear feet, spaced a maximum of 50 feet apart. All street trees shall be a minimum of 2½ caliper inches at time of planting. Consideration should be given to mixing of tree species so that a monoculture subject to disease is not created. Credit shall be provided for any existing tree with a minimum DBH of 6 inches that is preserved within the planting strip or a median.

11. **Cul-de-sac Length.** NCDOT standards for cul-de-sac length must be met. No residential street cul-de-sac serving lots of 1 acre or greater in size shall exceed 1,000 feet. No residential street cul-de-sac serving lots less than one acre in size shall exceed 600 feet. The District Engineer for NCDOT has the right to vary this standard in conjunction with the Subdivision Administrator.

## **Section 12. Access and thoroughfare planning**

All subdivisions or developments shall be subject to the following provisions relating to access to the public road system.

- A. **Access Management.** Direct access to public roads is governed by the classification of that road in the CABARRUS – ROWAN MPO and/or County Thoroughfare Plans such that:
  1. No lots may directly access a road classified as a major thoroughfare. These lots must be served by an internal road system or marginal access street.
  2. Access shall be limited where lots abut minor thoroughfares and major collector roads. The Planning and Zoning Commission may at their discretion prohibit direct access entirely, or may permit limited access based on analysis by Staff Transportation Planner.
- B. **Traffic Impact Analysis.**
  1. **Applicability.** A traffic impact analysis (TIA) shall be required for any subdivision estimated to produce 2,000 vehicles per day or greater during an average weekday based on a five day national average as defined in the Institute of Transportation Engineers (ITE) Trip Generation Manual. A TIA may also be required for proposed access within 1,000 feet of an interchange, in the vicinity of a high accident location, on a major arterial roadway, when involvement with an existing or proposed median crossover is necessary, when the project includes highway improvements that are in the Transportation Improvement Program, when involvement with an active roadway construction project is necessary or at the discretion of the NCDOT District Engineer. The need for a TIA may be waived when Cabarrus County and NCDOT agree a TIA is not needed. In the event a waiver is requested, the applicant must provide evidence to show that a waiver

is appropriate. Waiver requests shall be handled on a case-by-case basis.

2. **Analysis required.** A traffic impact analysis shall follow the procedure and standards set forth in Section 12-12.5 of the Zoning Ordinance.

C. **Multiple Entrances Required.** In order to accommodate emergency and service vehicles, the following standards shall apply.

1. Any subdivision of greater than 30 lots shall include at least two access points, the second access may consist of stub street.
2. Any subdivision of greater than 75 lots shall include at least two access points to the collector and thoroughfare street network.
3. No more than 75 certificates of occupancy may be issued within the subdivision until the required secondary access has been constructed or bonded for construction.
4. Subdivisions of 250 or more lots shall provide three separate access points. Where three or more access points are required, the County may waive the requirement for immediate construction of more than two access points, provided that subdivision phasing and design illustrates the additional required connections.
5. For those subdivisions large enough to require a third access, a stub-out street may be credited as a required access if the two functioning access roads are both connected to a collector road.
6. A waiver of these standards may be allowed by the County during approval of the preliminary subdivision plat only in extreme cases where limited frontage, natural features (slope, topography), or similar circumstances preclude the required connections and there is no substantial impact noted regarding emergency service delivery.

D. **Divided Entrances Required.** Where a Traffic Impact Analysis, the County determines it is necessary, a divided entrance shall be required for a subdivision or development. A divided entrance shall be four travel lanes from the intersection with the public road system to the first intersection within the development.

- E. **Conformance with Transportation Plan.** Where a tract of land to be subdivided borders on a proposed thoroughfare or a road requiring improvement as indicated in the CABARRUS – ROWAN MPO and County Thoroughfare Plans, the owner/developer will be required to dedicate the necessary right-of-way for the proposed improvement. When dedication is required the developer may reduce lot size to 95% of that required by the underlying zoning. The number of lots created after the reduction may not exceed the number that could have been created had no dedication been required.
  
- F. **Conformance with Transportation Improvement Program.** Where a parcel to be subdivided is crossed by any part of the proposed right-of-way for a thoroughfare included in the NC Transportation Improvement Program, and the location of that right-of-way has been further defined by accepted location procedures, the right-of-way for that thoroughfare shall be reserved by the owner/developer. The reservation of the right-of-way shall be for a period not to exceed three years from the date of approval of the preliminary plat. During that period, however, the property may be acquired by the State or other governmental unit at fair market value.
  
- G. **Reserve Strips.** Reserve strips or non-access reservations that control access to roads, waterways, parks or the like, shall be permitted only if their purpose, location, dimensions, and manner of control are approved by the Planning and Zoning Commission.

### **Section 13. Monuments**

Unless otherwise specified by this ordinance, the standards of practice for land surveying as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, under provisions of North Carolina General Statute Chapter 39, Article 5A shall apply.

### **Section 14. Construction procedures**

- A. Construction or installation of improvements shall commence in a proposed subdivision after the preliminary plat has been approved, and all plans and specifications for roads, utilities and sedimentation and erosion control have been approved by the appropriate authorities.

- B. During the construction phase the proposed road when adjoining an existing paved road, shall have a gravelway of at least one hundred (100) feet in length, eighteen (18) in width, with a gravel base of at least six (6) inches, to help eliminate excessive mud and other such materials from being carried onto the paved road.
- C. Building or other permits shall be issued only for the erection of a structure on any lot of record prior to the adoption of this Ordinance or created in compliance with this ordinance and meeting all requirements of applicable State and local laws.

### **Section 15. Letter of credit/performance bond requirements**

When approval for a final plat is requested prior to completion of all improvements in that portion of a development, the following conditions shall apply

1. Detailed estimates of all required improvements shall be submitted on forms provided by the Cabarrus County Commerce Department. The estimates shall be signed by licensed contractor(s) or engineer(s) when applicable.
2. These estimates shall be reviewed and approved by a consulting engineer chosen by the County. The applicant for a bond/letter of credit shall be responsible for all costs associated with the outside engineering review.
3. A cash deposit held by Cabarrus County, letter of credit or performance bond by a lender of surety acceptable to the County shall be made out to Cabarrus County in the amount of 125% of the costs determined in step 2 above.
4. The final map of the subdivision shall be approved and recorded.

Prior to the reduction or release of the 125% amount required in step 3 above for completion of improvements(s), the following information must be provided, on an application form provided by the Cabarrus County Department of Commerce, when applicable:

1. Proof satisfactory to the County that the applicable improvement(s) has been made to the required specifications.
2. Proof satisfactory to the County that payment in full has been made to the applicable contractor and/or agency for the improvement(s).

Upon proof of completion satisfactory to the County, of the required improvement(s), the amount that had been required for that improvement(s) may be released from the total amount required. The total amount of the letter of credit or bond for required improvements may be released when all improvements are complete, and the above information has been provided. The County may employ a consulting engineer to review requests for full or partial releases. The applicant shall be responsible for all costs associated with the outside engineering review.

## **Section 16. Reservation of School Sites**

Schools sites must be reserved within the agreement of the Board of Education, in accordance with adopted plans of the Planning and Zoning Commission and/or Cabarrus County Board of Commissioners. Whenever a subdivision includes all or part of a site identified for new school construction, the Board of Education will be notified. That Board shall then notify the Planning and Zoning Commission whether it still wishes the site to be reserved. If the Board of Education does not wish for it to be reserved, no reservation will be required. If that board wishes for the site to be reserved the subdivision may not be approved without that reservation. The Board of Education must acquire the site within 18 months of the date of reservation. If the Board of Education has not acquired the site or begun the proceedings to condemn the site within the 18 months, the land is freed of the reservation.

## **Section 17. Adequate Public Facilities Standards**

To ensure public health, safety and welfare the Planning and Zoning Commission shall review each subdivision, multi-family development, and mobile home park to determine if public facilities are adequate to serve that development in accordance with Chapter 15 of the Cabarrus County Zoning Ordinance.

# **CHAPTER 5 RECREATIONAL AREAS**

## **Section 1 . Parks--Required**

- A. **Applicability.** The provisions of this section shall apply to any application for approval of a residential subdivision plat. This requirements shall apply to any housing type proposed, including multi-family and condominium development. Residential developments with minimum one acre or larger lots, while encouraged to incorporate recreational areas, are exempt from these requirements. Further, nothing within these regulations should be construed as preventing the establishment of additional recreational amenities in any residential development.

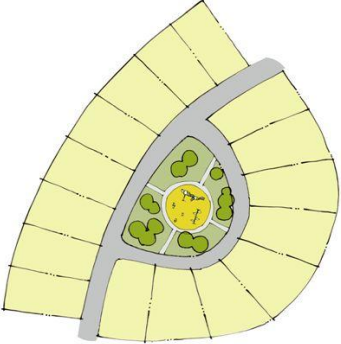
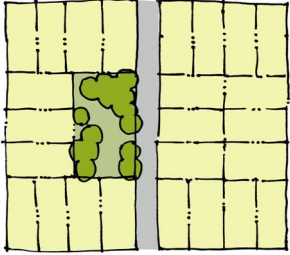
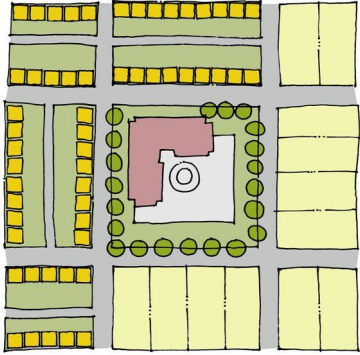
- B. **Location Shown.** The location and extent of all parks shall be indicated on all plats subject to this section or an optional fee-in-lieu designated.
- C. **Park Land Quantity.** A minimum of one acre of park land shall be dedicated for each 80 residential dwelling units (544.5 square feet per residential dwelling unit).
- D. **Improvements Required.** Each type of park (as set out in Section 2 below) requires improvements in addition to land area, as specifically set out below.
- E. **Connection to Parks.** The Administrator may require connection to an open space network and/or trails system if the proposed development is adjacent to the boundary of an established community public open space as included in the Livable Communities Blueprint for Cabarrus County, which is hereby incorporated by reference. The open space/trail system shall be maintained by the applicant or subsequent owners provided, however, that the applicant may request to publicly dedicate any trail.

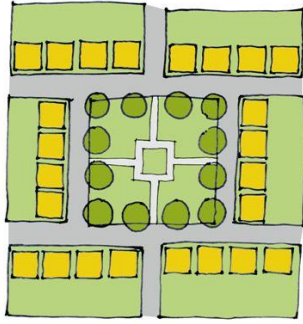
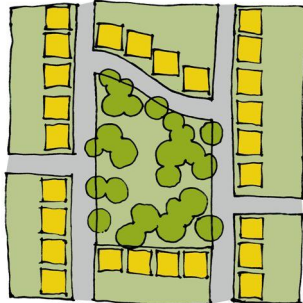

**Section 2. Park standards**

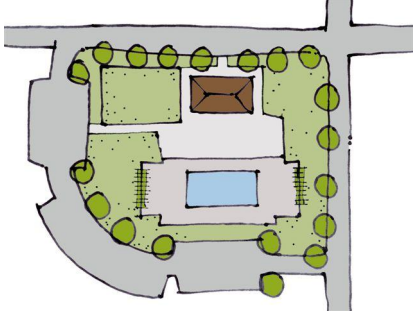

**A. Required Improvements.**

- 1. Subdividers shall be responsible for making certain improvements to the land they dedicate within their development for park, playground and public active open space purposes as follows:
  - a. Provide finish grading and turf establishment for all disturbed areas and provide landscaping.
  - b. Complete, construct, and pave walkways which may be required as a trail link connector in accordance with this section. Such walkways may be within or abutting residential street right-of-ways.
  - c. Complete and construct improvements as set forth for each type of park below.

| Category | Description | Required Improvements | Illustration |
|----------|-------------|-----------------------|--------------|
|----------|-------------|-----------------------|--------------|

|  |   |   |  |
|--|---|---|--|
| <p style="text-align: center;">Tot Lot &amp; Playgrounds</p> | <p>Playgrounds provide play areas for children as well as open shelter and benches. Playgrounds may be built within Squares, Greens, Mini-Parks and Neighborhood Parks or may stand alone within a residential block.</p> | <p>Playgrounds shall be designed with commercial grade play equipment for two age groups- tot lot for children ages 1-5 with separate play equipment for children ages 6-10. May include picnic units and shelters. Minimum requirements include 2 park benches, 1 trash receptacle. Must have shock absorbing surface with a maximum 2% slope. <sup>1 2 3</sup></p>  |    |
| <p style="text-align: center;">Mini-Park</p>                 | <p>The Mini-Park provides active recreational facilities for the use by the residents of the immediate surrounding neighborhood within the development.</p>   | <p>Size is from 2,500 sq. ft. to 1 acre. May include: tennis courts, basketball courts, playgrounds, seating accommodations. Each mini-park shall be centrally located and easily accessible so that it can be conveniently and safely reached and used by those persons in the surrounding neighborhood it is designed to serve. Rear facing lots are allowed. Mini-parks shall be attractively landscaped and be provided with sufficient natural or man-made screening or buffer areas to minimize any negative impacts upon adjacent residences. <sup>1 2 3</sup></p> |   |
| <p style="text-align: center;">Plaza</p>                     | <p>Plazas are for passive recreation use adjacent to a civic or commercial building.</p>  | <p>Plazas are paved in brick or another type of paver. Plazas shall be level, stepped or gently sloping. At no time shall a plaza's horizontal length or width be greater than 3 times the height of surrounding buildings. Size is from 2,000 to 30,000 sq. ft.</p>  |  |

|                   |  |   |  |
|-------------------|--|---|--|
| Squares           | Squares are formal areas for passive recreation use bound by streets or front facing lots.   | Squares shall be bound by streets on a minimum of three sides or 75% of their perimeter and may be bound by front facing lots on one side or 25% of their perimeter. No rear facing lots allowed adjacent to a square. Trees plantings are encouraged to be parallel to street right of way. Geometrical tree planting layouts for internal plantings are encouraged. Minimum size is 500 sq. ft. to 1 acre.  |   |
| Green             | The green is an informal area for passive use bound by streets or front facing lots.   | A green shall be bound by streets on a minimum of three sides or 75% of their perimeter and may be bound by front facing lots on one side or 25% of their perimeter. No rear facing lots allowed adjacent to a Green. Tree plantings can be informal and the topography irregular. Greens may be used to preserve a specimen tree(s). Size is 500 sq. ft. to 1 acre.  |  |
| Neighborhood Park | Neighborhood Parks are designed for active and/or passive recreation use. Maximum park size can exceed 5 acres if the Park creates an open space that services an entire neighborhood or a group of neighborhoods; or incorporates physical features which are an asset to the community (i.e. lake or river frontage, high ground, or significant stands of trees). Parks may be combined with parkways and greenbelts. | Minimum size from 1 to 5 acres. Neighborhood parks shall be bound by streets on a minimum of 50% of their perimeter. Front facing lots are encouraged around the perimeter. Neighborhood Parks shall include: benches and walking paths. Parks may include but are not limited to the following facilities: tennis courts, racquet ball courts, basketball courts, volley ball courts, ball fields, swings, slides, playgrounds, dog parks, benches, restrooms, picnic units, shelters, walking paths and parking. <sup>2 3</sup> |  |

|                                 |  |  |  |
|---------------------------------|--|--|--|
| Clubhouse/<br>Pool Amenity Area | Clubhouse/pool area can be found in a park, mini park or alone as an amenity area for the residents of a developed community. Amenity Areas typically provide facilities for the residents of a developed community and provide a range of recreational opportunities: swimming pools, group activity room, gazebos, outdoor eating areas, and exercise stations.  | Pools should be 1000 sq. ft. minimum.<br><br>Follow all pertinent building & health codes for swimming pools. <sup>4</sup>   |  |
| Parkway                         | Parkways typically follow natural or constructed features such as streams or roads and are designed to incorporate natural settings such as creeks and significant stands of trees within neighborhoods, and are used for transportation, recreation, and environmental protection. Parkway and greenways differ from parks; plazas and squares in that their detailing is natural (i.e. informally planted) except along rights-of-way, and may contain irregular topography. | Design of the Parkway should incorporate conservation of existing mature tree canopy and landscape, protection of existing natural drainage ways and creeks. Improvements shall include paved walks/trails and benches, and trash receptacles. |  |

<sup>1</sup> Playgrounds must meet all federal, state, and local regulations and guidelines and be compliant with the Americans with Disabilities Act. See the National Playground Safety Institute for guidelines and additional resources for design.

<sup>2</sup> See National Recreation and Park Association's (NPRA) *Park, Recreation, Open Space and Greenway Guidelines* for recommended design/spatial standards.

<sup>3</sup> See *Recommendations for Accessibility Guidelines: Recreational Facilities and Outdoor Developed Areas* for Outdoor accessibility design guidelines.

<sup>4</sup> Swimming pools must meet all applicable building and health codes for Cabarrus County and the State of North Carolina.

- d. Other recreational areas and associated requirements may be approved by the Planning and Zoning Commission.

### Section 3. Ownership and maintenance

**Ownership.** Recreational facilities established on subdivision plats may be dedicated to the County, but otherwise shall remain under the ownership and control of the developer (or successor) or a homeowners' association.

**Maintenance.** The person or entity identified as having the right of ownership and control over a development's recreational and open space area shall be responsible for the continuing upkeep and proper maintenance of the same. Recreational and open space areas shall be maintained so that their use and enjoyment are not diminished or destroyed.

#### **Section 4. Homeowners' association**

In the event a homeowners' association or similar legal entity is to be responsible for the maintenance and control of recreational facilities established under these regulations, the association shall be established in conformance with the following:

When created. Provision for the establishment of the association or similar entity is made before any lot in the development is sold or any building occupied.

Authority. The association or similar legal entity has clear legal authority to maintain and exercise control over such common areas and facilities.

Contributions. The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with both maintenance and upkeep.

#### **Section 5. Fee In Lieu of Parks**

- A. In lieu of land dedication, the County may permit the subdivider to contribute a cash payment to the County. The value of such payment shall be the pre-development tax value for the amount of dedicated land from the parcel from which the open space is being dedicated as required and the cash value of the minimum required improvements as described above. The specified contribution shall be determined by the tax value at the time final plat approval is granted. Such tax value shall consider zoning district changes that occur at any time up until final plat approval. Tax deferrals of any kind shall not be used in the calculation of the fees.
- B. If, at the option of the County, it is determined that a cash dedication shall be made, said cash shall be paid to the County and shall be deposited into appropriate park district fund prior to final plat approval. Money in the fund,

including accrued interest, shall be expended solely for acquisition, development or rehabilitation of park land or improvements related thereto.

- C. Collected fees shall be appropriated by the County for a specific project to serve residents of the subdivision in a budgetary year within seven years from receipt of payments or within seven years after the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If such fees are not so committed, these fees shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lots bears to the total area of all lots in the subdivision.

## **Section 6. Timing of recreational improvements**

Because of the varying nature of subdivision developments, it is impractical to categorically set one time frame with applicability to all. Consequently, the timing of recreational improvements will be established for each development by reviewing staff in consultation with the developer. Generally, the County will require recreational improvements implemented when 50% of the total approved lots for the subdivision have been completed. When compliance with the preceding requirement does not occur, zoning compliance permits for the remainder of the development may be stopped. Nothing, however, should be construed as barring a developer from immediate development of recreational facilities as an amenity and such timing is encouraged.

## **Section 7. Flexibility in administration**

Due to the widely varying characteristics of land itself, the nature of proposed facilities, or other factors, it is possible that the overall objectives of these regulations, **on rare occasion**, be achieved without adhering to the standards set forth with exact mathematical precision. Accordingly, minor deviations from these standards may be made when it can be determined that:

- i) the objectives of the standards can be met without strict adherence to them, or,
- ii) the peculiarities of a tract of land would make strict adherence to standards unreasonable.

## **Section 8. Administrative procedures for deviation**

A deviation from strict standards is to be presented within the regular subdivision review process, becoming both a part of the written record and also, receiving approval from the subdivision approving body, the Cabarrus County Planning & Zoning Commission. Again, a

deviation will be considered the exception rather than the rule and accordingly, be authorized only when the evidence is overwhelmingly in its favor.

### **Section 9. Penalties**

Failure to meet the requirements of Cabarrus County Subdivision Regulations, specifically, Chapter 5, Section 6, Timing of Recreational Improvements, may result in the cessation of the issuance of zoning compliance permits for the remainder of a subdivision. Issuance of zoning compliance permits may begin after the requirements of the section are met as determined by the Zoning Administrator. In addition, the County may withhold approval of additional final plats within the development until the requirements of this section are met.

## **CHAPTER 6 LEGAL PROVISIONS**

### **Section 1. Separability**

If any portion, clause or sentence of this ordinance shall be determined to be invalid or unconstitutional, such declaration of invalidity shall not affect the remaining portions of this ordinance.

### **Section 2. Re-enactment and repeal of existing subdivision ordinance**

The provision in part carries forward by re-enactment some of the provisions of the Subdivision Ordinance of the County of Cabarrus initially adopted on October 5, 1978 and effective November 1, 1978 and subsequent revisions and updates. It is not the intention to repeal, but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued there under are preserved and may be enforced.

All provisions of the Subdivision Ordinance, which are not re-enacted herein are hereby repealed. All suits at law for inequity and/or all prosecutions resulting from the violation of any subdivision ordinance heretofore in effect, which are now pending in any of the courts of this state or of the United States shall not be abated or abandoned by reason of the adoption of this ordinance, but shall be prosecuted to their finality the same as if this ordinance had not been adopted, and any and all violators of the existing ordinance prosecutions for which have not yet been instituted may be hereafter filed and prosecuted, and nothing in this ordinance shall be construed as to abandon, abate, or dismiss any litigation or prosecution, now pending and/or which may heretofore have been instituted or prosecuted.

### **Section 3. Effective date**

This ordinance shall take effect and be in force from and after:

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Date

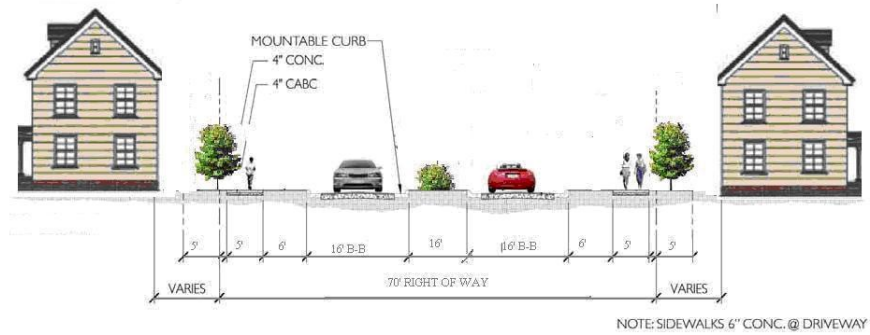
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County Commissioners Chairperson

# APPENDIX A

## TYPICAL STREET STANDARDS

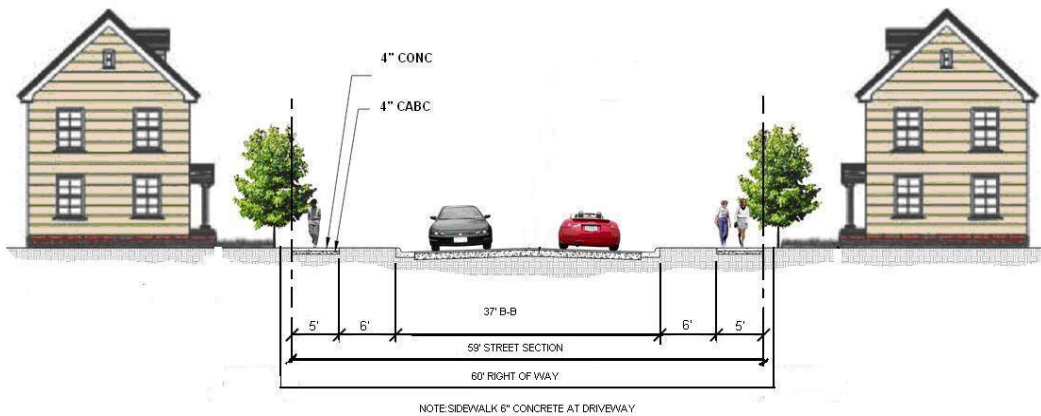
### RESIDENTIAL COLLECTOR (PARKWAY)



| Right-of-Way | Sidewalks | Planting Strips | Street Width | Median | Parking | Design Speed | Curb Type    |
|--------------|-----------|-----------------|--------------|--------|---------|--------------|--------------|
| 70'          | 5'        | 6'              | 2 x 16'      | 16'    | None    | 40 mph       | 30" Standard |

- NO DIRECT LOT ACCESS ALONG RESIDENTIAL COLLECTOR (PARKWAY)
- THE MEDIANS OF THE PARKWAY SHALL TERMINATE 100' EACH WAY FROM THE CENTERLINE OF ALL INTERSECTIONS

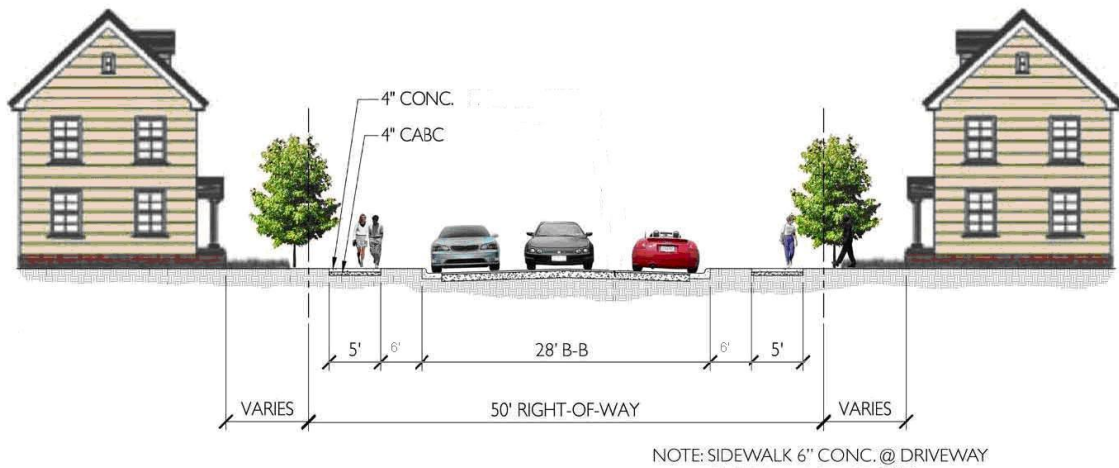
### RESIDENTIAL COLLECTOR



| Right-of-Way | Sidewalks | Planting Strips | Street Width | Parking  | Design Speed | Curb Type    |
|--------------|-----------|-----------------|--------------|----------|--------------|--------------|
| 60'          | 5'        | 6'              | 37'          | One Side | 40 mph       | 30" Standard |

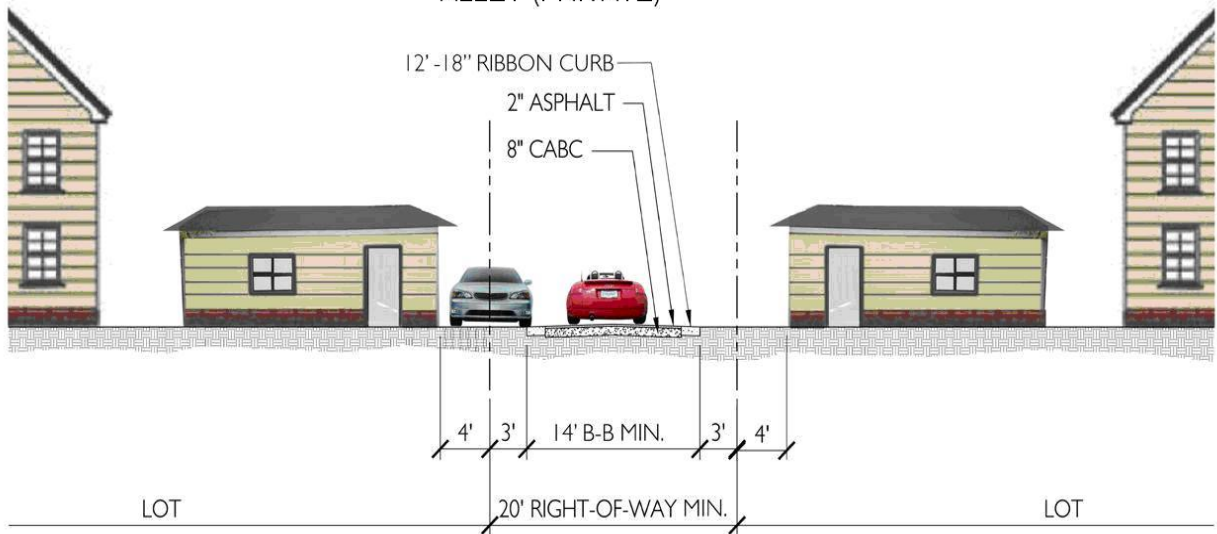
# APPENDIX A

## RESIDENTIAL STREET



| Right-of-Way | Sidewalks | Planting Strips | Street Width | Parking | Design Speed | Curb Type          |
|--------------|-----------|-----------------|--------------|---------|--------------|--------------------|
| 50'          | 5'        | 6'              | 28'          | One     | 35 mph       | Standard or Valley |

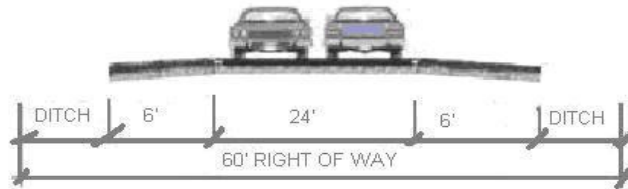
## ALLEY (PRIVATE)



| Right-of-Way | Grass Strips | Street Width | Curb Type      |
|--------------|--------------|--------------|----------------|
| 20'          | 3'           | 14'          | Ribbon Or None |

## APPENDIX A

### Rural Residential Street

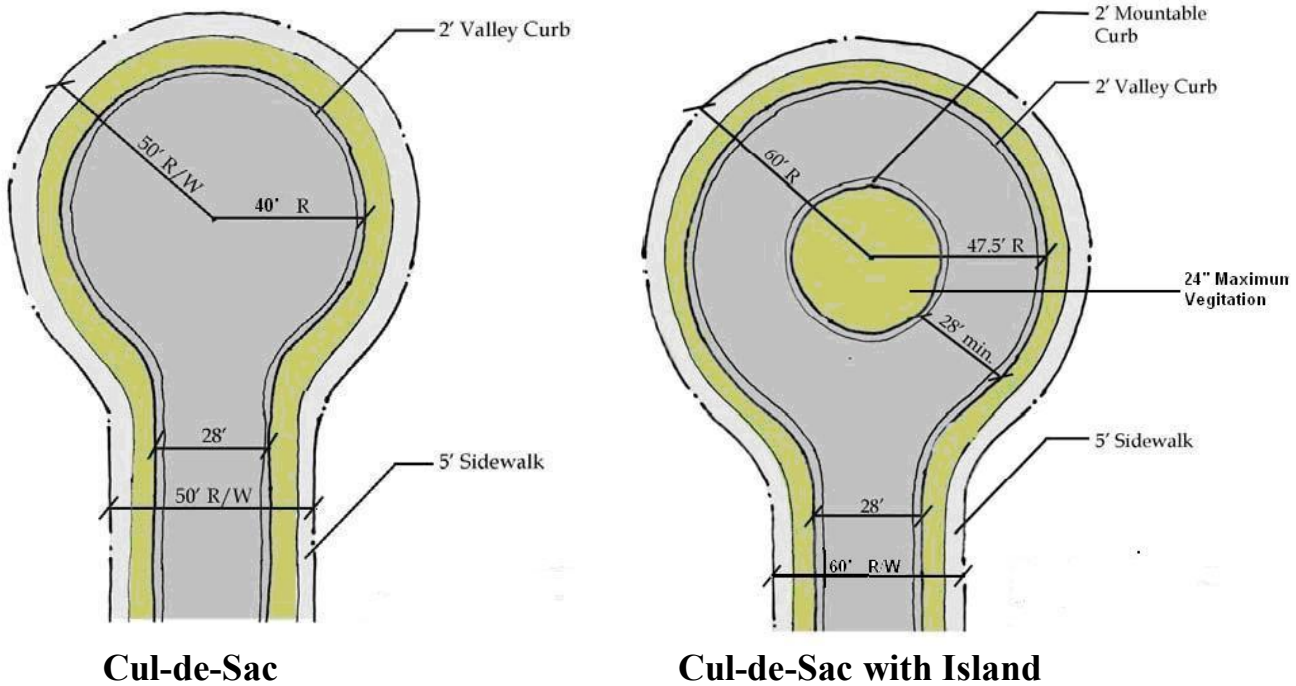


| Right-of-Way | Planting Strips | Street Width | Parking | Design Speed | Curb Type      |
|--------------|-----------------|--------------|---------|--------------|----------------|
| 60'          | 6'              | 24'          | None    | 20 mph       | Ribbon or None |

### Requirements for Dead-End and Stub Streets

| Length (feet)               | Width (feet)         | Turnaround Required   |
|-----------------------------|----------------------|---|
| 0 to 150                    | Varies (28' minimum) | <b>Stub Street:</b> None required<br><b>Cul-de-Sac:</b> 80' diameter<br><b>Hammerhead:</b> 60' stub-see detail (rural and suburban tiers)   |
| 151 to 400                  | Varies (28' minimum) | <b>Stub Street:</b> 80' temporary cul-de-sac or 60' hammerhead (all weather surfaced)<br><b>Cul-de-Sac:</b> 95' diameter (rural and suburban tiers)<br><b>Hammerhead:</b> Not allowed |
| 401 to 600                  | Varies (28' minimum) | <b>Stub Street:</b> Not allowed<br><b>Cul-de-Sac (suburban tier):</b> 95' diameter with center island<br><b>Hammerhead:</b> Not allowed   |
| 601-1,000 (rural tier only) | Varies (22' minimum) | <b>Stub Street:</b> Not allowed<br><b>Cul-de-Sac (rural tier):</b> 95' diameter with center island<br><b>Hammerhead:</b> Not allowed  |
| > 1,000                     | Not allowed          | Not allowed   |

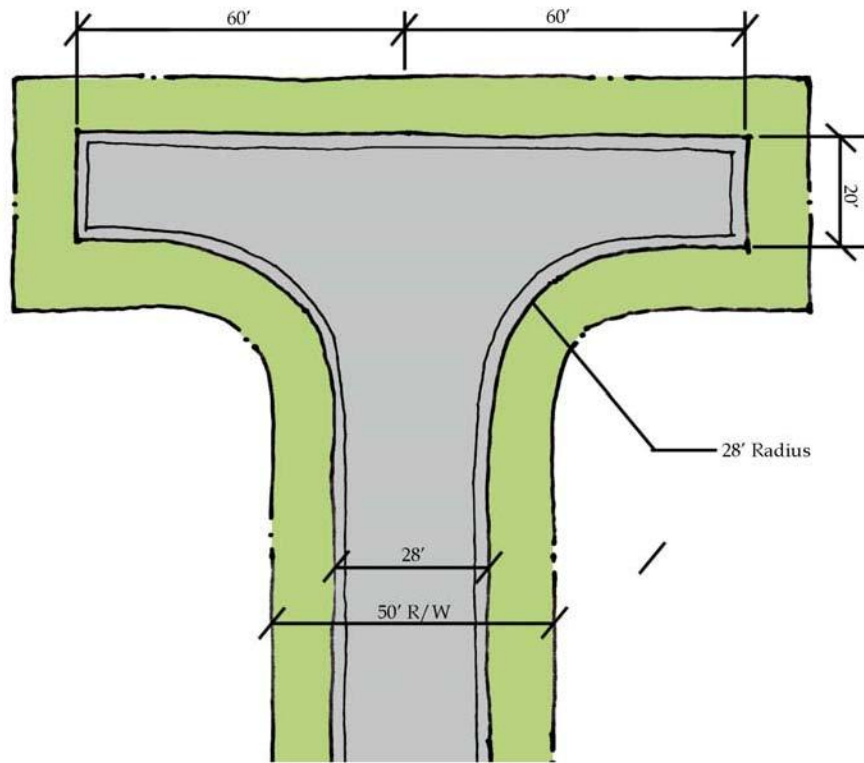
## APPENDIX A



### NOTES:

- VEGETATION WITHIN MEDIANS AND/OR PLANTING STRIPS CAN NOT EXCEED 24' IN HEIGHT
- VEGETATION IN MEDIAN/PLANTING STRIP IS TO BE MAINTAINED BY OWNERS, HOME OWNER'S ASSOCIATION OR OTHERS
- ALL PLANTINGS SHOULD CONFIRM TO THE NCDOT PUBLISHING TITLED "GUIDELINES FOR PLANTINGS WITHIN HIGHWAY RIGHT OF WAY"

## APPENDIX A



### Hammerhead

#### PAVEMENT SCHEDULE

| Classification     |                 | Base Course            | Intermediate Course | Surface Course |
|--------------------|-----------------|------------------------|---------------------|----------------|
| Major Thoroughfare | All             | *                      | *                   | *              |
| Minor Thoroughfare | All             | *                      | *                   | *              |
| Major Collector    | Non-Residential | *                      | *                   | *              |
|                    | Residential     | 10" CABC or 5" B-25.0X | 2.25" I-19.0X       | 2.0" SF 9.5X   |
| Minor Collector    | Non-Residential | *                      | *                   | *              |
|                    | Residential     | 10" CABC or 5" B-25.0X | 2.25" I-19.0X       | 2.0" SF 9.5X   |
| Local Street       | Non-Residential | *                      | *                   | *              |
|                    | Residential     | 8" CABC or 4" B-25.0X  | 2.25" I-19.0X       | 2.0" SF 9.5X   |
| Alley              | All             | 8" CABC                |                     | 2.0" SF 9.5X   |

\* Pavement cross sections must be designed on a case by case basis.