

CHAPTER 19. SUBDIVISIONS

SECTION 19.1. APPLICABILITY

In accordance with NCGS Section 160D-801, the purpose of this Chapter is to establish procedures and standards for the subdivision of land within the planning jurisdiction of the County, and to provide for orderly growth in a manner and under conditions that facilitate the adequate provision of streets, water, sewage disposal, and other considerations essential to public health, safety, and the general welfare.

SECTION 19.2. PLATS SHALL BE REQUIRED ON ANY SUBDIVISION OF LAND

In accordance with NCGS Section 160D-803, plats shall be prepared, approved, and recorded pursuant to the provisions of this Ordinance whenever any subdivision of land takes place.

SECTION 19.3. EXEMPT SUBDIVISIONS

A. . EXEMPTIONS IDENTIFIED

In accordance with NCGS Section 160D-802, the following activities are not subject to the subdivision regulations of this Ordinance:

1. COMBINATION / RECOMBINATION

The combination or recombination of portions of lots when the total number of lots is not increased and the resultant lots are equal to or exceed the dimensional requirements of the zoning district where located.

2. DIVISIONS GREATER THAN 10 ACRES

The division of land into parcels, each greater than 10 acres, measured from the property lines, if no street right-of-way public dedication is involved. The creation of private streets or access easements maintained by an owners' association does not constitute public dedication of street right-of-way.)

3. PUBLIC ACQUISITIONS / RIGHT-OF-WAY

The public acquisition, by purchase, of strips of land for widening or opening street rights-of-way or for public transportation system corridors.

4. TWO INTO THREE LOTS

- i. The division of a tract in single ownership, the entire area of which is no greater than two acres, and the division resulting in not more than three lots, provided no street right-of-way dedication is involved and the resultant lots are equal to or exceed the applicable zoning district dimensional requirements.
- ii. This exemption only applies in cases when all of the contiguous land owned by the qualifying single owner does not exceed two acres in area.

5. ESTATE EXCLUSION

- i. The division of land among heirs in order to settle an estate by a probated will or by order of a court of jurisdiction in the settlement of a decedent's estate or in accordance with intestate succession under Chapter 29 of the General Statutes.
- ii. Unless the lots in the estate exclusion meet the standards of this Ordinance, a building permit shall not be issued.
- iii. A copy of the will or order shall be submitted to the Administrator as part of the materials associated with the subdivision exemption.

6. COURT ORDERED SURVEY

- i. The division of land pursuant to an Order of the General Court of Justice.
- ii. A copy of the court order shall be submitted to the Administrator as part of the materials associated with the subdivision exemption.

7. EASEMENT PLATS

- i. Access and utility easements may be platted and recorded as exemptions from these subdivision regulations.

- ii. Access easements shall be a minimum 20 feet in width pursuant to the NC Fire Code.

8. NON-OCCUPIED FACILITIES

- i. The subdivision of land to establish special lots intended solely for non-occupied structures like utility substations, septic tanks, family cemetery lots, dock access, and similar features.
- ii. Individual lots for non-occupied facilities are exempt from the minimum dimensional standards of the zoning district where located, but each use shall comply with other zoning district regulations including, but not limited to, required setbacks and screening requirements.

B. EXEMPT SUBDIVISION SUBMITTAL REQUIREMENTS

The exempt subdivision application shall be submitted in conformance with:

- 1. All applicable requirements zoning requirements, including but not limited to the minimum lot dimensional standards of the underlying zoning district;
- 2. Demonstrated compliance with the standards in NCGS Section 47-30 if the applicant is seeking to file a plat; and
- 3. Any applicable statements in Section 19.16.

C. ACTION BY THE ADMINISTRATOR

- 1. The Administrator shall render decision within 14 working days after receipt of the completed application and associated documents.
- 2. If the subdivision is disapproved, the Administrator shall promptly furnish the applicant with a written statement of the reasons for disapproval.

D. APPEAL

Appeal of the Administrator's decision on an exempt subdivision application shall be made to the Board of Adjustment in accordance Section 14.1, Appeal of Administrative Decision.

SECTION 19.4. FAMILY SUBDIVISIONS

A. APPLICABILITY

- 1. Family subdivisions involve the creation of lots for residential purposes which are to be deeded only to immediate family members and cannot be resold or deeded to a person who is not an immediate family member for at least three years from the date the lot is established.
- 2. For purposes of this section "immediate family members" shall include: husbands, wives, mothers, fathers, brothers, sisters, children (biological, adopted, or step), grandmothers, grandfathers, grandchildren (biological, adopted, or step), aunts, uncles, nieces, and nephews.

B. FAMILY PLAT REQUIREMENTS

The family subdivision plat shall comply with all of the following:

- 1. All applicable zoning and subdivision requirements;
- 2. Any required easements shall be 50 feet from perennial streams;
- 3. All applicable requirements for plats in NCGS Section 47-30, including but not limited to the applicable information required in Section 19.15;
- 4. All applicable certification statements required in Section 19.16;
- 5. Each lot in a family subdivision shall front on an existing public or private road or on an existing or new access easement with a minimum width of at least 20 feet, including the shoulder areas. Access easement widths of at least 45 feet are encouraged in order to comply with NCDOT's minimum right-of-way width standards; and
- 6. Extension of public water or sewer service laterals to individual lots in the subdivision served by public utilities (but not extension of common lines except where required to serve lots in the family subdivision).

C. ADDITIONAL DOCUMENTS

- 1. The application for a family subdivision shall include the following additional items:

- i. The signed affidavit of family subdivision, or deed of gift;
 - ii. The private road maintenance agreement, provided by the Administrator, if private streets or accessways are proposed; and
 - iii. A septic suitability certificate as determined by the Moore County Department of Environmental Health Division or licensed soil scientist for each lot in the subdivision.
2. The private road maintenance agreement and any associated easements shall be recorded in the office of the Register of Deeds at the same time as the family subdivision plat.

D. ACTION BY THE ADMINISTRATOR

1. The Administrator shall render decision within 14 working days after receipt of the completed plat.
2. The plat shall not be approved by the Administrator until all additional documents have been reviewed and approved.
3. If no decision is rendered by the Administrator within the required 14 day period, the applicant may refer the Family Subdivision plat to the Subdivision Review Board for review.
4. If the subdivision is disapproved, the Administrator shall promptly furnish the applicant with a written statement of the reasons for disapproval.

E. EXPIRATION OF PLAT APPROVAL

1. Approval of a family subdivision plat is contingent upon the plat and associated documents being recorded within 60 days after the date the plat was signed by the Administrator.
2. Failure to record the approved plat and all associated documents within the 60-day period shall render the plat null and void.

F. APPEAL

Appeal of the Administrator's decision on a family subdivision application shall be made to the Board of Adjustment in accordance Section 14.1, Appeal of Administrative Decision.

SECTION 19.5. LIMITED SUBDIVISIONS

A. PURPOSE AND INTENT

The purpose for this limited subdivision review procedure is to allow certain land divisions to be reviewed via an abbreviated review procedure based on their small size and limited likelihood to create significant impacts on surrounding lands.

B. APPLICABILITY

The standards in this section shall apply to divisions of land meeting all the following criteria:

1. The proposed division of land is not exempted from the subdivision standards by NCGS Section 160D-802;
2. The proposed division will not result in more than three lots (including any residual or "parent" parcel);
3. The area of land subject to the division shall be comprised of at least five acres under common ownership;
4. No land included in a limited subdivision application shall have been the subject of an limited subdivision application approval within the preceding ten years; and
5. A proposed permanent means of ingress and egress to each lot is recorded prior to or concurrent with the limited subdivision plat.
6. Divisions of land that are not consistent with these criteria shall not be considered limited subdivisions, and shall be subject to the applicable review procedure and subdivision requirements of this Ordinance.
7. Limited subdivisions are not exempted from applicable zoning district dimensional requirements.

C. APPLICATION

Limited subdivision plats shall be prepared by a professional land surveyor or professional engineer licensed to practice in North Carolina.

D. REVIEW CRITERIA

A limited subdivision plat shall be approved by the Administrator if the application complies with the following:

1. The limited subdivision plat is on a sheet or sheets suitable for recording with the Moore County Register of Deeds;
2. The limited subdivision plat is prepared and sealed by a professional land surveyor or professional engineer;
3. The limited subdivision plat complies with all applicable standards in this Ordinance and NCGS Section 47-30;
4. The limited subdivision plat includes all required certifications;
5. The applicant has secured all required State and federal permit approvals;
6. The lots in the subdivision have been approved by the Moore County Health Department;
7. All lots in the limited subdivision comply with the applicable dimensional requirements for the zoning district where located;
8. The lots are served by a NCDOT-maintained roadway or a right-of-way constructed to and maintained in accordance with County standards; and
9. No land included in a limited subdivision application shall have been the subject of an limited subdivision application approval within the preceding ten years.
10. Limited subdivisions of land located within a special flood hazard area shall comply with the applicable standards in Chapter 17.

E. RECORDATION

1. Once a limited subdivision is approved, a signed statement of the approval shall be entered on the face of the plat by the Administrator. The limited subdivision plat may not be recorded without this certification. Failure to record the limited subdivision plat shall render the limited subdivision plat null and void.
2. Land may not be conveyed until the limited subdivision is recorded.
3. A copy of the recorded plat shall be filed with the Administrator within five business days of recording or the limited subdivision plat shall be null and void.

F. EFFECT

1. Approval of the limited subdivision plat allows the sale or conveyance of lots within the subdivision.
2. Building permits may be issued following recordation of the limited subdivision plat.
3. Physical improvements to the land may not be commenced until after recordation of the limited subdivision plat.
4. Land subject to a limited subdivision approval shall not be further subdivided as an limited subdivision within ten years of the date of the prior limited subdivision approval.
5. Expiration
6. A limited subdivision plat shall be null and void unless it is recorded in the office of the Moore County Register of Deeds within 30 days of approval.

G. APPEAL

Appeal of the Administrator's decision on a limited subdivision application shall be made to the Board of Adjustment in accordance Section 14.1, Appeal of Administrative Decision.

SECTION 19.6. MINOR SUBDIVISIONS

A. IDENTIFIED

A Minor Subdivision is a subdivision that:

1. Creates a maximum of four lots, including the residual or parent lot, and/or any property within 500 feet from the original property boundaries, for a period of three years;
2. Does not require any new public or private street right-of-way to be constructed, expanded, or dedicated;

3. Fronts an existing, approved public or private street right-of-way or on an existing, expanded, or new access easement with a minimum width of at least 20 feet, including the shoulders; and
4. Does not require a variance or waiver from any of the requirements of this UDO.

B. FLAG LOTS

1. A flag lot is a lot that in its shape resembles a flag on a pole, where the flag part is the main body of the lot and the pole part is the narrow portion of the lot that provides access from the street.
2. The pole portion of the lot is not used to calculate area, width, depth, and setbacks of the lot or to provide off-street parking.
3. A flag lot shall serve only one single-family dwelling and its uninhabited accessory structures.
4. Flag lots shall only be approved when particular extenuating circumstance which makes traditional lot design and a minimum 100 foot road frontage infeasible.
5. There shall be no more than one flag lot within 300 feet of another flag lot.
6. The maximum pole length shall not exceed 1,000 feet.
7. The minimum pole width on an approved public or private street shall be 30 feet.
8. No re-subdivision of a flag lot shall be permitted unless access to the proposed new lot(s) can be provided from an approved public or private street.

C. MINOR PLAT SUBMITTAL REQUIREMENTS

The minor subdivision plat shall comply with all of the following:

1. All applicable zoning and subdivision requirements;
2. Any required easements shall be 50 feet from intermittent streams and 100 feet from perennial streams;
3. All applicable requirements for plats in NCGS Section 47-30, including but not limited to the applicable information required in Section 19.15;
4. All applicable certification statements required in Section 19.16; and
5. Extension of public water or sewer service laterals to individual lots in the subdivision served by public utilities (but not extension of common lines except where required to serve lots in the minor subdivision).

D. ACCESS REQUIREMENTS

1. A maximum of four lots (existing and/or new) can gain access through an existing, expanded, or new access easement.
2. Any parcel as shown on the Moore County Tax Map dated December 31, 2015, shall have no more than one (existing or future) access easement.
3. Lots in a minor subdivision served by a new access easement must complete the private road maintenance agreement, which shall be recorded at the same time as the minor subdivision plat. Before the plat is approved, the Administrator shall consult with other departments and agencies, if applicable, to ensure conformance of the proposed subdivision with the various development standards set forth by County and State agencies.

E. ACTION BY THE ADMINISTRATOR

1. The Administrator shall render decision on a minor subdivision application within 14 working days after receipt of the completed plat and additional documents.
2. If no decision is rendered by the Administrator within the required 14 day period, the applicant may refer the plat to the Subdivision Review Board for review.
3. If the subdivision is disapproved, the Administrator shall promptly furnish the applicant with a written statement of the reasons for disapproval.

F. EXPIRATION OF PLAT APPROVAL

1. Approval of a minor subdivision plat is contingent upon the plat being recorded within 60 days after the date the plat is signed by the Administrator.

2. Failure to record the approved plat and all associated documents within the 60-day period shall render the plat null and void.

G. APPEAL

Appeal of the Administrator's decision on a minor subdivision application shall be made to the Board of Adjustment in accordance Section 14.1, Appeal of Administrative Decision.

SECTION 19.7. MAJOR SUBDIVISIONS - PRELIMINARY PLAT SUBMITTAL AND REVIEW**A. DEFINED**

1. Major subdivisions are classified as a division of land into five or more lots of land at initial time of division or accumulative over a period of three years or a subdivision of two or more lots involving the creation, change, or expansion of a new or existing private or public streets.
2. All subdivisions shall be considered major subdivisions except those meeting the requirements for an exempt, family, or minor subdivision.

B. DISTRICTS PERMITTED

Major subdivisions shall only be permitted in accordance with the principal use table in Chapter 6.

C. SUBDIVISION REVIEW APPROVAL STEPS

The approval process for a major subdivision shall consist of the following steps (listed sequentially):

1. Initial consultation with County Staff;
2. Pre-application conference scheduled;
3. Pre-application conference;
4. Infrastructure Meeting (fire flow test results are required);
5. Preliminary Plat Submittal and Approval a minimum 30 days prior to the Subdivision Review Board Meeting – recommendation;
6. Subdivision Review Board Meeting;
7. Board of Commissioners Meeting – decision (including required approval of an associated special use permit);
8. Board Written Order of Decision;
9. Construction plan submittal and approval (or performance guarantees approved by the Board of Commissioners);
10. Installation and inspections of improvements (like streets);
11. As-built drawings submittal and approval; and
12. Final plat application and decision.

D. PRE-APPLICATION CONFERENCE

1. The applicant shall conduct a pre-application conference in accordance with Section 10.3, Pre-application Conference.
2. The applicant shall file a concept plan or site sketch showing a general design for the entire development project area for consideration during the pre-application conference.
3. The concept plan or site sketch should identify layout of streets, number of lots, phasing, adjacent land uses, open space and buffers, easements, etc.

E. PRELIMINARY PLAT SUBMITTAL

Preliminary plats shall:

1. Comply with the specifications in this Chapter;
2. Be submitted as a conservation subdivision (see Section 19.9) or a conventional subdivision (see Section 19.10);
3. Meet all applicable zoning and subdivision requirements; and
4. Include applicable statements required in Section 19.16.

F. PRELIMINARY SOIL EVALUATION REPORT

1. The developer shall provide a report from a licensed soil scientist who shall perform a soil assessment prior to approval of the preliminary subdivision plat.
2. The report from the soil scientist shall accompany the submittal of the preliminary plat and shall be in the form of a letter, signed and dated, and shall include the possibilities of lot sizes the site can support.

G. DRAINAGE

A stormwater management plan shall be required prior to preliminary plat approval. All structural stormwater Best Management Practices (BMPs) shall meet the most current edition of the North Carolina Department of Environmental Quality, Division of Water Quality's Stormwater Best Management Practices Manual. All stormwater control structures shall be designed by a state registered professional with qualifications appropriate for the type of system required. Residential subdivisions shall have systems designed to protect to the ten (10) year storm level, and commercial and industrial shall be protected to the twenty-five (25) year storm level. Each lot shall contain a suitable building area safe from inundation and erosion. Sanitary sewer systems, septic tank drainfields, water systems, wells, and adjacent properties shall be protected from inundation by surface water. Where a subdivision is traversed by a stream or drainage way, an easement shall be provided conforming with the lines of such stream and be of sufficient width to provide adequate drainage for the subdivision. If a stream or drainage way does not cross a subdivision, a 20 feet wide drainage way easement shall be provided along the topographically lowest property line(s) of lots within the subdivision.

H. ACTION BY THE ADMINISTRATOR

The Administrator shall review the preliminary plat and within 10 days provide comments to the applicant.

I. AGENCY REVIEW

Before the preliminary plat is approved, the Administrator shall consult with other departments and agencies, if applicable, to ensure conformance of the proposed subdivision with the various development standards set forth by county and state agencies, including but not limited to:

1. Regional Land Use Advisory Commission;
2. Superintendent of Schools and/or Board of Education;
3. North Carolina Department of Environmental Quality;
4. Army Corp of Engineers;
5. North Carolina Department of Transportation;
6. Moore County Airport Authority;
7. Moore County Department of Environmental Health;
8. Moore County Department of Public Works;
9. Moore County Building Inspections;
10. Moore County Department of Public Safety; and
11. Moore County Department of 911 Addressing.

J. REVIEW BY THE SUBDIVISION REVIEW BOARD (SRB)

The applicant shall submit 15 copies of the preliminary plat (24"X36") at least 10 days prior to the meeting. The SRB shall review the preliminary plat and determine if the proposed application is complete and if the preliminary plat, as proposed, meets the applicable requirements of this Ordinance.

K. ACTION BY THE BOARD OF COMMISSIONERS

The Board of Commissioners shall hold a quasi-judicial public hearing and shall approve, approve conditionally, or disapprove the preliminary plat and an associated special use permit based on the standards in Section 19.7.J, Approval Criteria. In no instance shall the Board of Commissioners use any portion of the Subdivision Review Board's deliberations or recommendations as a basis for deciding the preliminary plat application or the associated special use permit application in accordance with NCGS Section 160D-301(b)(6).

L. APPROVAL CRITERIA

1. An application for a major subdivision preliminary plat and associated special use permit shall be approved, provided:
 - i. The major subdivision is proposed in a zoning district where it is permitted (see Chapter 6);
 - ii. The subdivision location and configuration is in accordance with the applicable goals enumerated in the Moore County Land Use Plan;
 - iii. The subdivision location and configuration is in harmony with the surrounding community character, as determined by the Board of County Commissioners;
 - iv. The major subdivision is consistent with and supported by the goals for infrastructure enumerated in the Moore County Land Use Plan;
 - v. The major subdivision is capable of being reasonably served by available or planned infrastructure, in the sole discretion of the Board of County Commissioners;
 - vi. The special use permit portion of the major subdivision preliminary plat application is consistent with the applicable requirements in Chapter 13;
 - vii. The preliminary plat is prepared and sealed by a professional land surveyor, professional landscape architect, or professional engineer;
 - viii. The preliminary plat includes all applicable certifications;
 - ix. All lots have been certified by the Moore County Health Department as capable of accommodating the wastewater generated from the proposed use, in cases when the lot(s) is not served by a centralized wastewater system;
 - x. The lots shown on the preliminary plat are in substantial conformance with all applicable requirements in the zoning district where located;
 - xi. The preliminary plat complies with all standards and conditions of any applicable permits and development approvals from outside agencies, utilities, volunteer fire departments, and any other applicable agency or service provider;
 - xii. The name of the subdivision shall not duplicate or be similar to the name of an existing subdivision in Moore County or incorporated area of the County; and
 - xiii. The preliminary plat complies with all other applicable requirements in this Ordinance and the County Code of Ordinances.
2. Subdivisions of land located within a special flood hazard area shall comply with the applicable standards in Chapter 17.

M. WRITTEN NOTICE OF DECISION

1. If approval is granted, written confirmation shall be made on two copies of the preliminary plat.
2. One copy of the approved preliminary plat shall be returned to the applicant.
3. Approval of the preliminary plat is authorization for the applicant to proceed with the construction of the necessary improvements.

N. CONDITIONAL APPROVAL

If the Board of Commissioners approves the preliminary plat with conditions, the conditions shall be noted on the plat.

O. DENIAL OF APPLICATION

1. If the Board of Commissioners disapproves the preliminary plat, the reasons for such action shall be stated in writing and references shall be made to the specific regulations with which the preliminary plat does not comply and possible modifications may be indicated for further considerations.
2. The applicant may make the recommended revisions and submit a revised preliminary.

P. EXPIRATION

1. Preliminary plat approval shall be valid for a period of two years from the date of approval of the plat by the Board of Commissioners unless an extension of time is applied for and granted by the Board of Commissioners.
2. Each successive final plat for a phase of the subdivision shall be submitted for approval within two years of the date of approval of the previous final plat for a stage of the subdivision.

Q. APPEAL

Appeal of a quasi-judicial decision made by the Board of Commissioners with respect to a major subdivision preliminary plat application shall be made to the Superior Court for Moore County in accordance with Section 14.2, Appeal of Quasi-Judicial Decision.

SECTION 19.8. MAJOR SUBDIVISIONS – MINIMUM DESIGN STANDARDS AS SHOWN ON PRELIMINARY PLAT**A. CONFORMITY TO EXISTING MAPS OR PLANS**

The plat shall conform to any official map or plan adopted by the Board of Commissioners.

B. TOPOGRAPHY

1. The general design shall take advantage of and be adjusted to the contour of the land so as to produce usable building sites and streets of reasonable gradients.
2. Steep slopes (15% or greater) shall be labeled on the preliminary plat.

C. SUITABILITY OF LAND

1. Land which has been determined by the Board of Commissioners on the basis of engineering or other expert surveys or studies to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed, shall not be platted for that purpose, unless and until the applicant has taken the necessary measures to correct said conditions and to eliminate said dangers.
2. Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Moore County Department of Environmental Health or a qualified licensed professional determine that the land is suitable for the purpose proposed.

D. STREET DESIGN STANDARDS

All public or private streets and related components, including but not limited to storm water controls, drainage, curb and gutter, wheel chair ramps, pavement designs, traffic controls, guardrail, road intersections, islands or short medians at entrances, name markers, and minimum design criteria, shall be designed, constructed, and paved in accordance with the most current edition of NCDOT's "Subdivision Roads Minimum Construction Standards."

E. MARGINAL ACCESS STREETS

1. Where a tract of land to be subdivided adjoins an arterial street, the subdivider shall provide a marginal access street parallel or adjacent to the arterial street for the lots to be developed adjacent to the arterial.
2. Where reverse frontage is established, private driveways shall be prevented from having direct access to the principal arterial.
3. A maximum of five lots may front an arterial street as approved by the NCDOT, on a case-by-case basis.

F. NCDOT APPROVAL

1. If any street proposes to access a state-maintained road, the subdivider shall receive NCDOT driveway approval as required by NCDOT's "Policy on Street and Driveway Access to North Carolina Highways" prior to construction and/or final plat approval.
2. NCDOT or the Board of Commissioners may require a traffic impact study when a road capacity or safety issue exists.

CHAPTER 19. SUBDIVISIONS

SECTION 19.8. MAJOR SUBDIVISIONS – MINIMUM DESIGN STANDARDS AS SHOWN ON PRELIMINARY PLAT

3. The required homeowners' association (HOA) documents and by-laws, to be recorded at the same time as the final plat, shall include the following:
4. The HOA shall be responsible for the maintenance of all streets by means of a private road maintenance agreement until the streets are part of the State highway system.
5. The developer is responsible for maintenance of the streets until a HOA is formed.

G. STREET NAMES

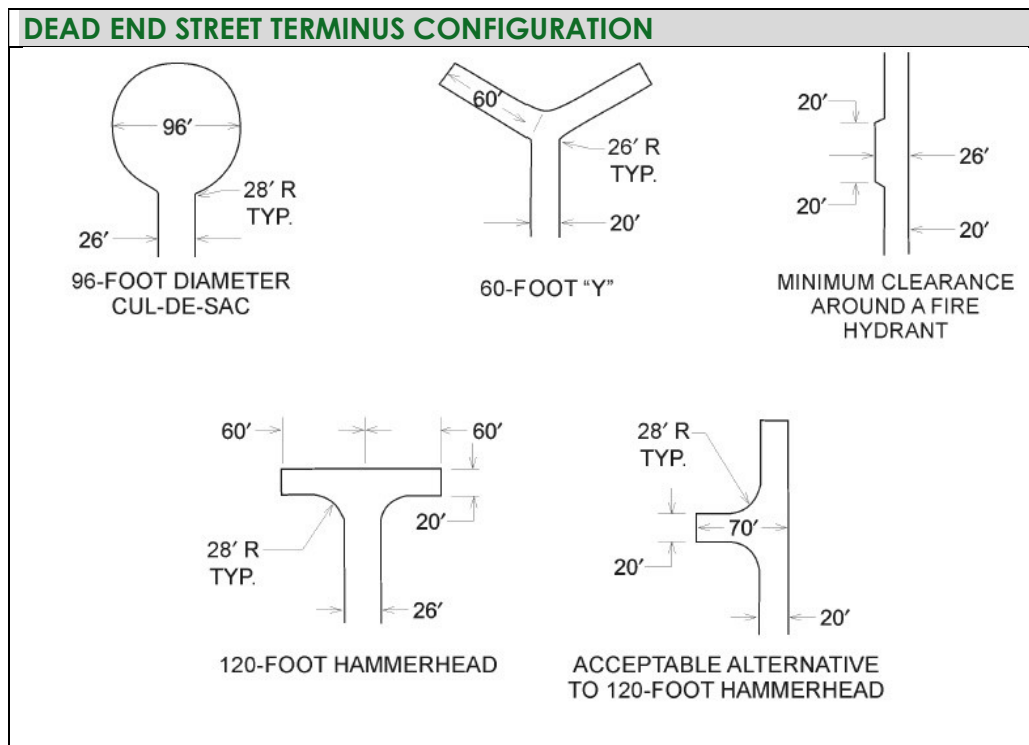
1. All roads shall comply with the applicable provisions of the "Moore County Road Name and Addressing Ordinance."
2. All new street names shall receive final approval by the Board of Commissioners.

H. STREET NAME AND TRAFFIC CONTROL SIGNS

The applicant shall be required to provide and erect, at the developer's expense, street name signs per the Moore County Road Names & Addressing Ordinance and traffic control signs per the NCDOT Manual on Uniform Traffic Control Devices at all intersections within the subdivision prior to final plat approval.

I. DEAD-END STREETS

Dead-end roads shall be terminated in a cul-de-sac or "T" turnaround per the NC Fire Code Fire Apparatus Access Roads Standards:



J. STREET TREES

1. The subdivider shall plant or leave at least one street tree for each 20 feet of street frontage along all streets, outside of sight triangles, as illustrated on the preliminary plat.
2. The trees planted shall be a minimum height of six feet at the time of installation with the intent to grow to 10 feet within two years.
3. Street trees shall be configured in accordance with Section 7.11.H, List of Recommended Native Species.
4. Street trees may be installed either before final plat approval or before certificate of occupancy is issued for each dwelling unit.

K. WATER AND SEWER OPTIONS

1. All water and sewer systems shall be installed in accordance with County specifications and standards.
2. Major subdivisions are required to install and connect to public or community water and/or sewer.
3. Water supply and sewage disposal facilities to serve major subdivision developments may be provided through the use of:
 - i. Individual wells or septic tanks provided either on each lot or in off-lot locations protected through recorded easements; or
 - ii. A community water and/or sewage disposal system designed, constructed, and maintained in conformity with all applicable County, State, and Federal standards, regulations, and policies; or
 - iii. Connection to a public water and/or sewage disposal system shall be provided. System extensions are permitted only in accordance with applicable local and State water, sewer and land use policies. The proposed public water and/or sewer supply shall show that the existing facilities have the capacity to handle the additional usage generated by the development and what affect it will have on future capacity in the area; or
 - iv. A combination of the above alternatives.

L. FIRE SERVICE

1. The developer shall identify the primary and secondary fire and rescue responders.
2. Major subdivisions shall provide for fire service flow and shall follow the insurance service office (ISO) and the current adopted fire code.
3. Any major subdivisions greater than six driving miles could potentially be placed in a non-protective fire class and should not be considered.

M. UTILITY EASEMENTS

1. Easements for underground or above ground utilities shall be provided where needed.
2. Where possible, these easements shall be located in the street right-of-way.
3. Where easements are necessary across land, they shall be located to the extent possible along property lines.

N. OVERSIZED IMPROVEMENTS

1. The County may require installation of certain oversized utilities or the extension of utilities to abutting property when it is a part of the long range utility plan and the extension is in the interest of future development.
2. If funds are budgeted by the County for this purpose, the installation of improvements in excess of the standards required in this Ordinance the County may pay the cost differential between the improvement required and the standards in this Ordinance.

O. LOTS

1. Double frontage lots or through lots shall be avoided.
2. Cul-de-sac bulb lots shall have a minimum frontage of 50 feet.

P. RESERVATION OF SCHOOL SITE

1. Pursuant to NCGS Section 160D-804(f), if the Moore County Board of Commissioners and Board of Education have jointly determined the specific location and size of any school sites to be reserved in accordance with a comprehensive land use plan, the Administrator shall notify the Board of Education whenever a preliminary plat is submitted which includes all or part of a school site to be reserved.
2. If the Board of Education does wish to reserve the site, the subdivision shall not be approved without such reservation.
3. The Board of Education shall then have 18 months beginning on the date of preliminary approval of the subdivision within which to acquire the site by purchase or by exercise of the power of eminent domain.

4. If the Board of Education has not purchased or begun proceeding to condemn the site within 18 months, the subdivider may treat the land as freed of the reservation.

Q. CLUSTER MAILBOXES

1. Appropriate mail receptacles must be provided for the receipt of mail as approved by the Postal Service and other applicable departments.
2. Cluster mailboxes shall be located outside of the right-of-way and in a owners' association-maintained areas.
3. Approval of cluster mailbox installations by the United States Postal Service and Building Inspector is required prior to final plat approval.
4. Applicants for a major subdivision that choose to construct a private mail house structure or building instead of cluster mailboxes shall obtain a commercial building permit. Private mail house structures or buildings shall:
 - i. Be located outside of the street right-of-way;
 - ii. Be located on land controlled by a homeowners' association; and
 - iii. Provide off-street parking at a rate of one space per employee plus one space per every 20 mailboxes.

SECTION 19.9. MAJOR SUBDIVISIONS – OPTION 1 – CONSERVATION DESIGN STANDARDS**A. PURPOSE**

The purpose of the conservation option is to preserve open space that might be lost through conventional development approaches. To accomplish this goal, greater flexibility and creativity in the design of such developments is encouraged and allowed.

B. APPLICABILITY

1. The conservation option shall only be permitted in the Residential and Agricultural – 20 (RA-20), Residential and Agricultural – 40 (RA-40), and Rural Agricultural Urban Service Boundary (RA-USB) residential zoning districts in accordance with the principle use table in Chapter 6.
2. All conservation subdivision plats shall comply with the requirements and standards specified in this Ordinance and in all respects with other applicable codes and Ordinances.

C. DIMENSIONAL REQUIREMENTS

1. No minimum lot size, frontage, or depth is required.
2. The required minimum front, side, and rear setback shall be 10 feet and may be reduced to five feet when abutting an alley or dedicated open space, or reduced to a zero lot line configuration for duplexes.
3. Minimum setbacks, measured from the furthest point of the house (such as eaves or decks) shall meet the fire code separation requirements, as applicable (For example: A minimum 31-foot separation requires a minimum 16-foot side setback.)

D. MINIMUM OPEN SPACE REQUIRED

1. At least 30 percent of the total land area shall be set aside as protected open space.
2. At least 40 percent of the required open space shall be contiguous.
3. The right-of-way area is not included in the calculation of minimum open space required.
4. In addition to woodlands, agriculture, historical sites, or natural areas, open space may include vegetative perimeter buffers with a minimum 25-foot width configured as a Type 3 Screening).
5. Contained within the open space, at least five percent of the total net area of any proposed conservation subdivision shall provide for active park space, passive park space, and/or trails.
6. Areas in access shall be located outside of the protected open space.

7. Wetlands, storm water management facilities that are designed to look like natural areas, and waterbodies such as ponds may also be used provided the total area of water surface does not comprise more than 50 percent of the required open space.

E. OWNERSHIP OF OPEN SPACE

1. Land dedicated for open space shall be designated on both the preliminary and final plat(s) of the subdivision.
2. All open space shall be permanently restricted from further subdivision.
3. Open space shall be owned and/or administered by one or more of the following methods:
 - i. Fee simple dedication to a public government entity or a private non-profit land conservancy which public access shall be provided.
 - ii. Ownership by a homeowners’ association (HOA) where specific development restrictions and maintenance requirements are included as part of its bylaws and restrictive covenants filed in the Register of Deeds Office. The fee-simple title of the common area shall be conveyed by the subdivider or developer to the HOA before any lots are sold. The required organizational documents and by-laws shall include, but are not limited to, the following: Membership shall be mandatory for each buyer and any successive buyer. The developer shall be responsible for all maintenance and other responsibilities of the HOA until 60% of all units to be sold are sold. After 60% of all units are sold, the HOA shall levy assessments and assume its responsibilities. The HOA shall be responsible for liability insurance, taxes and maintenance of all recreational open space facilities, grounds and common areas. Any sums levied by the HOA that remain unpaid shall become a lien on the individual property.
 - iii. A private landowner may retain ownership of the open space, provided a conservation easement established for that express purpose is recorded in the public records of Moore County prior to the approval of a plat or issuance of a building permit for a vertical building or structure on the property. The responsibility for maintaining the open space and any facilities shall be borne by the private land owner.

F. PERMITTED DENSITY

1. All lots shall be required to meet County Environmental Health Department requirements as well as NC State requirements for septic system installation.
2. Permitted density is calculated by dividing the minimum lot size for each dwelling unit by the gross area of the site. The table below provides an example of the permitted density calculation.

PERMITTED DENSITY DETERMINATION	
REQUIREMENT	NUMERIC VALUE
Gross Area of Project Site	100 acres (4,356,000 square feet)
Minimum Lot Size of the Zoning District	43,560 square feet (RA zoning district)
Permitted Density	1.0 dwelling units per acre
Total Number of Units Permitted	100 units

G. BONUSES

In the event that a developer seeks to contribute additional open space beyond the minimum required, the developer will receive an additional density bonus based on the following scale:

DENSITY BONUSES IN CONSERVATION SUBDIVISIONS	
OPEN SPACE PROVIDED (% OF TOTAL DEVELOPMENT SITE)	DENSITY BONUS (% INCREASE IN ALLOWABLE NUMBER OF DWELLING UNITS)
30%	0%

CHAPTER 19. SUBDIVISIONS

SECTION 19.10. MAJOR SUBDIVISIONS – OPTION 2 – CONVENTIONAL SUBDIVISION DESIGN STANDARDS

DENSITY BONUSES IN CONSERVATION SUBDIVISIONS	
OPEN SPACE PROVIDED (% OF TOTAL DEVELOPMENT SITE)	DENSITY BONUS (% INCREASE IN ALLOWABLE NUMBER OF DWELLING UNITS)
31% - 35%	10%
36% - 40%	15%
41% - 45%	20%
46% - 50% [1]	25%
NOTES: [1] No additional units will be granted in the form of a density bonus for additional open space beyond 50% of the total site (gross area).	

SECTION 19.10. MAJOR SUBDIVISIONS – OPTION 2 – CONVENTIONAL SUBDIVISION DESIGN STANDARDS

A. APPLICABILITY

The conventional subdivision option shall only be permitted in the Residential and Agricultural – 20 (RA-20), Residential and Agricultural – 40 (RA-40), and Rural Agricultural Urban Service Boundary (RA-USB) residential zoning districts in accordance with the principle use table in Chapter 6 and shall comply with the requirements and standards specified in this Chapter and in all respects with other applicable codes and Ordinances. The stricter standards shall apply.

B. CLEARING & GRADING LIMITS

1. A maximum disturbance area of no more than 75 percent of a lot within a conventional option subdivision may be cleared of natural vegetation or otherwise disturbed.
2. This would allow for 25 percent of each lot to be preserved.
3. Clearing and grading limit line shall be delineated on each lot.

C. OPEN SPACE REQUIREMENTS

1. At least 5 percent of the tract to be subdivided must be preserved as public or private recreation and/or open space including the preservation of natural and cultural resources and/or to serve the leisure needs of the residents of the subdivision.
2. Passive or active recreation areas shall be located so as to provide accessibility to all residents of the subdivision.
3. Recreation and open space areas shall adhere to the standards set forth in Section 19.9.D.

D. PAYMENTS IN LIEU OF DEDICATION OF RECREATION REQUIREMENTS

1. Recreation and/ or open space required for conventional subdivisions may make a payment in lieu of dedication or make a combination of land dedicated and payment.
2. Before approving a payment in lieu of dedication, the Board of Commissioners shall find that no recreation/open space sites have been designated on any officially adopted Recreation Plan.
3. The Moore County Parks and Recreation Board shall submit any and all recommendations concerning the payment of fees in lieu of dedication to the Board of Commissioners.
4. The fees in lieu of dedication shall be paid prior to final plat approval.
5. The amount of the payment shall be the product of the number of acres to be dedicated and the assessed value for property tax purposes of the land being subdivided, adjusted to reflect its current fair market value at the time such payment is due to be paid.
6. All monies received by the County pursuant to this Section shall be used only for the acquisition or development of parks, greenways, and open space sites.

SECTION 19.11. MAJOR SUBDIVISION – CONSTRUCTION PROCESS**A. CONSTRUCTION PLAN SUBMITTAL**

1. Following preliminary plat approval, the subdivider shall submit eight paper copies and a digital copy of the construction plans to the Administrator.
2. Licensed professional engineer design and certification are required on all construction related plans, including but not limited to streets, stormwater controls, drainage, and utilities (storm sewers, sanitary sewers, water systems, electric, cable, natural gas, telephone, etc.).

B. AGENCY REVIEW

1. The construction plans shall be reviewed and approved by the appropriate departments and agencies prior to the start of construction and/or the submission of the final plat.
2. The subdivider shall submit all required state permit approvals to the Administrator before construction begins, including but not limited to NCDEQ, Army Corp of Engineers, and NCDOT.

C. SOIL EVALUATION REPORT

1. Prior to final plat approval, the subdivider shall submit a report including a lot-by-lot evaluation, signed, sealed, and dated from a licensed soil scientist, for septic system capacity.
2. The report must show that each proposed lot has been evaluated under the current provisions of Title 15A NCAC 18A.1900 et seq.
3. The evaluation should note whether there is adequate space for an on-site individual private water source and an on-site subsurface sewage treatment and disposal system, if needed.
4. If the developer proposes a system that would treat a flow of 3,000 GPD or greater, and therefore would require state approval, a letter from the State would also be required to be submitted for final plat approval.
5. Moore County Environmental Health will develop guidelines for the Soil Scientist reports and evaluations as well as review reports submitted by developers.

D. START OF CONSTRUCTION

The applicant, prior to commencing any work within the subdivision, shall make arrangements with the Administrator to provide for adequate inspections.

E. INSPECTIONS

1. No final plat shall be approved until all required infrastructure has received final inspection approval or appropriate surety has been provided.
2. Upon completion of public or private streets the developer shall submit confirmation by the NCDOT or a registered engineer, that the roads have been constructed to NCDOT standards.

F. CERTIFICATE OF APPROVAL OF THE DESIGN AND INSTALLATION OF STREETS, UTILITIES, AND OTHER REQUIRED IMPROVEMENTS

Before approval of the final plat or before the release of improvements guarantees, the applicant shall acquire the services of a licensed engineer to supervise the construction, inspect upon completion, and certify in writing to the Administrator that the improvements have, in fact, been installed in accordance with the requirements of this UDO, with the preliminary plat, and with the Division of Highway's Minimum Construction Standards, or explanations and drawings of any necessary changes.

G. AS-BUILTS

1. As-built drawings shall meet the requirements of the appropriate agency involved.
2. No building, zoning or other permits shall be issued for construction of a building on any lot (not of record at the time of adoption of this Ordinance) until all the requirements of this Ordinance have been met and as-built drawings of all improvements have been submitted and approved by the appropriate agencies.

SECTION 19.12. MAJOR SUBDIVISIONS – FINAL PLAT SUBMITTAL

A. FINAL PLAT SUBMITTAL REQUIREMENTS

1. The final plat shall conform substantially to the approved preliminary plat.
2. Should the Administrator, Building Inspector, Environmental Health Director, the Fire Marshal, or NCDOT identify minor changes the Administrator shall be authorized to accept such minor modifications to plat, as necessary.
3. Such minor changes may include, but not be limited to, small site alterations such as realignment of streets and relocation of utility lines due to engineering necessity.
4. If the submitted final plat deviates in its overall design from the approved preliminary plat, the plat shall be reviewed by the Board of Commissioners.

B. ACTION BY THE ADMINISTRATOR

1. The Administrator shall take expeditious action on a final plat.
2. If the Administrator fails to act within 15 business days after the final plat is submitted, the applicant may request that the final plat be reviewed by the Board of Commissioners.
3. Approval

The Administrator shall approve the final plat unless the plat fails to comply with one or more of the requirements of this Ordinance or that the final plat differs substantially from the plans and specifications approved for the preliminary plat.

C. DENIAL

If the final plat is disapproved by the Administrator, the applicant shall be furnished with a written statement of the reasons for the disapproval and reference shall be made to the specific section(s) of this Ordinance with which the plat does not comply.

D. APPEAL

Appeal of the Administrator's decision on a final plat application shall be made to the Superior Court of Moore County in accordance with NCGS Section 160D-1403.

E. EXPIRATION OF FINAL PLAT

1. Approval of a final plat is contingent upon the plat being recorded in the Office of the Register of Deeds within 60 days after the approval date of the final plat.
2. Failure to record the approved plat within the specified 60-day period shall render the plat null and void.

SECTION 19.13. PHASING

A. ADEQUATE FACILITIES

The Administrator may not recommend approval of a phasing plan if they determine such phasing will not provide for adequate facilities to support any such phase or phases independent of the overall subdivision plan.

B. NCDOT APPROVAL OF PUBLIC STREETS

1. Subsequent phasing shall not be approved until a written request to the NCDOT has been made for acceptance of all proposed public streets/roads in the previous phase.
2. All roads in any new phase of a subdivision are to be guaranteed until accepted for maintenance by NCDOT.
3. The amount of this guarantee shall be for at least 50 percent of the total costs of construction of the subdivision road. Once a subdivision road is accepted for maintenance by NCDOT, through written confirmation by NCDOT, this guarantee may be released.

C. PLAT DETAIL

1. When a subdivision is to be developed in phases the preliminary plat shall be submitted for the entire development. The boundary of each phase shall be shown on the preliminary plat.

2. A final plat shall be submitted for each phase.

D. EXPIRATION

Each successive final plat for a phase of the subdivision shall be submitted for approval within 24 months of the date of approval of the previous final plat for a stage of the subdivision.

SECTION 19.14. PERFORMANCE GUARANTEES FOR MAJOR SUBDIVISIONS**A. PURPOSE AND INTENT**

1. These standards create the additional flexibility necessary for lots in a subdivision to be conveyed or for issuance of a building permit to commence with development prior to completion of all required infrastructure or site improvements, subject to the prior approval of the Board of Commissioners, and provided funds have been reserved for completion of these features.
2. These provisions ensure that funds are available for the County's use to complete required public infrastructure or private site features in the event an applicant is unable to do so.

B. APPLICABILITY

1. Performance guarantees shall be configured and managed in accordance with the standards in this section. Acceptance of a performance guarantee is in the sole discretion of the Board of Commissioners, who are under no obligation to approve a performance guarantee for any feature or under any circumstance.
2. The following facilities and site features may be eligible for performance guarantees at the discretion of the County:
 - i. Sidewalks, multi-use paths, and greenways;
 - ii. Private stormwater control measures and erosion control facilities;
 - iii. Street lights; and
 - iv. Placement of vegetation, except when required as part of erosion control measures.
3. All other public infrastructure or required site features shall be completed prior to issuance of a certificate of occupancy for the development, the conveyance of lots, or approval of the final plat, as appropriate.

C. INELIGIBLE FACILITIES

The following infrastructure facilities are not eligible for performance guarantees, and shall be completed and dedicated to the County or other appropriate agency, prior to approval of a final plat, conveyance of lots, or issuance of a building permit:

1. Public potable water;
2. Public sanitary sewer;
3. Functional fire protection infrastructure;
4. The base and initial courses of asphalt on a street;
5. Stormwater drainage facilities associated with a street right-of-way;
6. Curb and gutter; and
7. Street signs and traffic control signals.

D. STORMWATER AND EROSION CONTROL FACILITIES

Stormwater control measures and erosion control facilities shall not be subject to these performance guarantee standards, but shall be subject to the specific provisions for performance guarantees associated with those features in accordance with NCGS 160D-804.

E. FORM

1. The form of a performance guarantee shall take one of the following forms, at the sole discretion of the applicant:
 - i. A surety bond issued by a firm licensed to operate in the State of North Carolina;
 - ii. A letter of credit issued by a financial institution licensed to operate in the State of North Carolina; or

- iii. Cash or certified check; or
 - iv. Other form of guarantee that provides equivalent security to the forms listed above, as determined by the County.
2. In cases where more than one facility or site feature is requested to be subject to a performance guarantee, the applicant may provide a single, consolidated performance guarantee for all facilities or site features. In no instance shall performance guarantees associated with private stormwater control mechanisms or sedimentation control be consolidated with any other performance guarantee.
 3. If cash or other instrument is deposited in escrow with a financial institution, an agreement between the financial institution and the developer shall be filed with the County guaranteeing the following:
 4. That the escrow account shall be held in trust until released by the County and may not be used or pledged by the developer for any other matter during the term of the escrow; and
 5. That in case of a failure on the part of the developer to complete or repair the improvements, the financial institution shall, upon notification by the County, immediately pay the funds deemed necessary by the County to complete or repair the improvements up to the full balance of the escrow account, or deliver to the County any other instruments fully endorsed or otherwise made payable in full to the County; and
 6. The financial institution holding the cash or other instrument shall indicate to the County its notification requirements for release or payment of funds.

F. DECISION

After the conclusion of a public hearing, the Board of Commissioners shall decide applications for performance guarantees, which shall take one of the following forms:

1. Approval of the performance guarantee;
2. Denial of the performance guarantee; or
3. Remand of the application to County staff for further consideration.

G. REVIEW CRITERIA

1. An application for a performance guarantee shall be approved if the application complies with the following:
 - i. The request is for an eligible facility or site feature;
 - ii. The request is in the form and the amount required;
 - iii. The term of the guarantee is for the minimum period of time necessary; and
 - iv. The Board of Commissioners finds that approval of the performance guarantee is in alignment with the purpose and intent of this Ordinance and the County's Adopted Comprehensive Land Use Plan.
2. The performance guarantee shall be conditioned on the performance of all work necessary to complete the installation of the required improvements within the term of the guarantee.

H. AMOUNT

1. GENERALLY

The amount of the performance guarantee shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued. The local government may determine the amount of the performance guarantee or use a cost estimate determined by the developer. The reasonably estimated cost of completion shall include one hundred percent (100%) of the costs for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing. The additional twenty-five percent (25%) allowed under this subdivision includes inflation and all costs of administration regardless of how such fees or charges are denominated. The amount of any extension of any performance guarantee shall be determined according to the procedures for determining the initial guarantee and shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.

2. ESTIMATED COSTS

Estimated costs of completing installation of required public improvements, vegetation, or stormwater measures shall be itemized by improvement type and certified by the developer's licensed professional, and is subject to approval by the Board of Commissioners.

3. RENEWAL

If a performance guarantee is renewed, the Administrator may require the amount of the performance guarantee be updated to reflect changes in cost over time.

I. SEQUENCE

1. Performance guarantee applications may be filed along with any application for a subdivision, site plan, special use permit, building permit, or zoning permit, as appropriate.
2. Development subject to a performance guarantee shall not receive a certificate of occupancy or final development approval until all infrastructure or site features subject to a performance guarantee have been installed and accepted by the County or other appropriate agency.

J. AS-BUILT PLANS REQUIREMENTS

1. PUBLIC IMPROVEMENTS

Upon completion of a public improvements, an architect or professional engineer licensed by the State of North Carolina and retained by the developer shall certify, in writing, that the completed public improvements have been constructed in accordance with the approved plans and shall submit actual "as-built" plans for all public improvements after final construction is completed.

2. STORMWATER CONTROL MEASURES

Upon completion of a private stormwater control mechanism, the developer shall certify to the Administrator that the completed project is in accordance with all applicable requirements in this Ordinance, the County's Code of Ordinances, and State law.

3. INSPECTION REQUIRED

A final inspection and approval by the Administrator or a designee shall occur before the release of the performance guarantee.

K. MAINTENANCE

1. WARRANTY FOR STORMWATER CONTROL MEASURES

- i. Upon completion of construction of public or private stormwater control measures, the developer shall request a warranty inspection. Once all the improvements are deemed acceptable by the Administrator or a designee and pass the warranty inspection, the developer shall submit the following to the County:
 - ii. A set of acceptable as-built drawings;
 - iii. A written warranty against defects which shall guarantee the material and workmanship of required improvements for a period of not less than one year from the date of such acceptance.
 - iv. A maintenance warranty payable to the County equal to at least 25 percent of the cost of the installation of such improvements. Where the Board of Commissioners finds that repairs to any required improvement are needed, these funds shall be used.

2. MAINTENANCE OF STREETS UNTIL ACCEPTANCE

Following completion, the developer of any development containing streets shall sign a street maintenance disclosure statement to guarantee that the streets will be properly maintained until the offer of dedication is accepted by the NCDOT, or until maintenance responsibility is transferred to an owners' association if streets are private.

L. MAXIMUM TERM

1. Performance guarantees shall have a maximum term of one year, unless the developer determines a longer term is necessary to complete the public facilities or private site features. Acceptance of the proposed guarantee remains at the discretion of the Board of Commissioners.

M. EXPIRATION

1. The applicant shall demonstrate good faith towards the completion of public infrastructure or private site features subject to a performance guarantee. In the event the features subject to a guarantee are not completed prior to the expiration of the guarantee, the applicant shall request a renewal of the performance guarantee in accordance with these standards.
2. In the event an application for renewal of a performance guarantee has been filed with the County prior to expiration of an existing guarantee, the County shall delay the provision of notice of failure to install or complete improvements in accordance with Section 19.14.N, Forfeiture.

N. FORFEITURE

1. NOTICE OF FAILURE TO INSTALL OR COMPLETE IMPROVEMENTS

If the owner or developer fails to complete installation of the guaranteed improvements within the term of the performance guarantee (as may be extended), the Administrator shall give the owner or developer 30 day's written notice of the scope and degree of the default, by certified mail.

2. COUNTY COMPLETION OF IMPROVEMENTS

After the 30-day notice period expires, the County may draw on the guarantee and use the funds to perform the work necessary to complete installation of the guaranteed improvements. After completing such work, the County shall provide a complete accounting of the expenditures to the owner or developer. In the event of a default triggering the use of the performance guarantee, the County shall return any of the unused deposited cash funds or other security.

O. RELEASE OR REDUCTION

1. RELEASE REQUESTED

- i. The County shall release or reduce a performance guarantee only after:
- ii. The owner or developer has submitted to the County a written request for a release or reduction of the performance guarantee that includes certification by the owner's or developer's engineer or contractor, whichever is appropriate, that installation of the guaranteed improvements has been completed in accordance with approved plans and specifications, and as-builts (if applicable);
- iii. County staff has performed an inspection of the improvements and certified in writing that installation of the guaranteed improvements is completed in accordance with approved plans and specifications; and
- iv. No release or reduction in performance guarantee amounts will be considered until more than 25 percent of the work is in place and approved.

2. ACCEPTANCE SHALL BE DOCUMENTED

The Administrator shall provide written notice of the County's final acceptance of the improvements subject to performance guarantees.

3. IMPROPER RELEASE OF FINANCIAL GUARANTEES

If the County releases a performance guarantee through error, the error shall not release the developer from responsibility for the completion of all improvements in accordance with this Ordinance.

P. CHALLENGE OF DECISION

A legislative decision of the Board of Commissioners with regard to a performance guarantee request may be challenged by the filing of a declaratory judgment action in the Superior Court of Moore County in accordance with Section 14.3, Challenge to Legislative Decision.

SECTION 19.15. OWNERS' ASSOCIATION

A. PURPOSE

The purpose of this section is to set out the requirements for establishment of a homeowners' or property owners' association (hereinafter "association") that shall be responsible for the long-term maintenance of open space and private infrastructure in a subdivision. This section also sets out the requirements associated with transfer of subdivision control and maintenance responsibility from the subdivider to the association.

B. CREATION REQUIRED

- 1.** A homeowners' or property owners' association shall be established in areas that have private open space or shared private infrastructure (like private streets). Associations are required to accept ownership and maintenance responsibility of all open space set-aside(s) and shared infrastructure within a development.
- 2.** Associations are also required in order to fulfill the requirements of Chapter 47C (the "Condominium Act") of the North Carolina General Statutes, or the requirements of Chapter 47F (the "Planned Community Act") of the North Carolina General Statutes.
- 3.** The association shall be in legal existence prior to the conveyance, lease-option, or other long-term transfer of control of any unit or lot in the development, though maintenance responsibility shall only transfer from the developer to the association in accordance with the standards in this section.

C. PROCEDURE FOR ESTABLISHMENT

- 1.** Documents for the creation of the association shall be recorded in the office of the Register of Deeds for Moore County. Documentation shall include, but not be limited to the information in Section 19.15.F.
- 2.** The association shall be established by the subdivider prior to the sale of the first lot in the subdivision.
- 3.** Nothing shall prevent the subdivider from retaining maintenance responsibility for all open space areas and private infrastructure provided documentation to that effect is recorded in the office of the Register of Deeds prior to the issuance of the first Certificate of Occupancy.

D. DOCUMENTATION REQUIREMENTS

- 1.** The association documents shall include, but not be limited to, the following:
 - i.** A declaration of all restrictive covenants;
 - ii.** A declaration of all deed restrictions;
 - iii.** A declaration that the association is responsible for liability insurance and all applicable taxes;
 - iv.** A declaration of common ownership and maintenance responsibilities of all on-site improvements not dedicated to a local or State agency, including but not limited to drainage systems, wastewater systems, open space set-aside areas, recreational facilities, and private infrastructure;
 - v.** A description of the structural organization and operating procedures of the association;
 - vi.** Association by-laws;
 - vii.** A legal description of all open space set-asides and other lands owned in common;
 - viii.** Provisions establishing the legal authority of the association to maintain control over all common areas, common features, and private infrastructure in the subdivision, following transfer of control by the subdivider;
 - ix.** Provisions authorizing the association to compel contributions from owners in the development to cover their proportionate share of maintenance costs associated with common areas, common features, and private infrastructure;
 - x.** Provisions authorizing the association to increase the amount of mandatory fees or assessments, when necessary, for the continued maintenance of common areas, common features, or private infrastructure; and
 - xi.** Provisions authorizing the association to convert any member's unpaid assessments into a lien on real property.

CHAPTER 19. SUBDIVISIONS

SECTION 19.16. SUBDIVISION PLAT REQUIREMENTS

E. MEMBERSHIP REQUIREMENTS

1. Following establishment of the association, membership in the association shall be automatic and mandatory for all purchasers of land within the subdivision and their successors in title.
2. All members of an association shall be responsible for contributions to the association's reserve fund to cover their proportionate share of maintenance costs associated with common areas, common features, and private infrastructure.

F. FAILURE TO MAINTAIN IS A VIOLATION

Failure to maintain open space areas, common features, or infrastructure is a violation of this Ordinance and is subject to the penalties and remedies in Chapter 18.

SECTION 19.16. SUBDIVISION PLAT REQUIREMENTS

The table below identifies the kind of information required on a subdivision application filed under this Ordinance. An "R" indicates that the information is required, and a blank cell indicates that the information is not required.

TABLE OF SUBDIVISION APPLICATION REQUIREMENTS					
INFORMATION REQUIRED	EXEMPT PLAT	FAMILY PLAT	MINOR PLAT	MAJOR PRELIM. PLAT	MAJOR FINAL PLAT
MAP SIZE AND MATERIALS					
Plat is 18X24", 21X30", or 24X36" in size	R	R	R	R	R
Legible black ink on mylar or white paper	R	R	R	R	R
TITLE BLOCK					
Property Designation / Name of Subdivision	R	R	R	R	R
Type of plat (minor plat, preliminary plat, etc.,)		R	R	R	R
Name of Property Owner	R	R	R	R	R
Township, County and State	R	R	R	R	R
Date the survey was prepared & any revision dates	R	R	R	R	R
Scale in words (Ex. 1"=200 feet)	R	R	R	R	R
Bar graph	R	R	R	R	R
Name, address, and telephone # of surveyor	R	R	R		R
The names, addresses, and telephone # of all owners, surveyors, architects, and engineers responsible for the subdivision				R	R
GENERAL INFORMATION					
Zoning district(s) of property & abutting properties		R	R	R	R
Parcel ID Number(s)		R	R	R	R
Plat book and/or deed book reference	R	R	R	R	R
Names of abutting property owners	R	R	R	R	R
Vicinity map	R	R	R	R	R
Corporate limits & county lines	R	R	R	R	R
Surveyor and/or engineer original signature, seal, & registration #				R	
Surveyor's original signature, seal, & registration #	R	R	R		R
North arrow and orientation	R	R	R	R	R

CHAPTER 19. SUBDIVISIONS

SECTION 19.16. SUBDIVISION PLAT REQUIREMENTS

TABLE OF SUBDIVISION APPLICATION REQUIREMENTS					
INFORMATION REQUIRED	EXEMPT PLAT	FAMILY PLAT	MINOR PLAT	MAJOR PRELIM. PLAT	MAJOR FINAL PLAT
Course and distance of existing and proposed property lines (label old property lines)	R	R	R	R	R
Tied to nearest street intersection if within 300 feet		R	R		R
Tied to USGS marker if within 2000 feet	R	R	R		R
Location and description of all monuments, markers and control corners		R	R		R
Minimum 2 control corners present when creating a new road right-of-way	R	R	R		R
Location of all existing buildings including distance to property lines (if applicable)	R	R	R		
Location of all existing and proposed buildings (if applicable) including distance to property lines				R	R
Square footage of all lots under 1 acre in size and acreage for all lots over 1 acre in size		R	R	R	R
Lots numbered consecutively		R	R	R	R
Lines not surveyed must be clearly indicated (include source data)	R	R	R	R	R
All mapping shall comply with NCGS 47-30	R	R	R		R
Required Certificates	See Section 25.16 for certificate requirements.				
If more than one sheet, each sheet must be signed, sealed, and numbered (ex. 1 of 3, 2 of 3, 3 of 3)					
AMENITIES & NATURAL FEATURES LAYOUT					
Location, dimension, and details of proposed recreation areas and facilities (golf courses, clubhouses, pools, tennis courts, playgrounds, etc.)				R	R
Required landscaping / perimeter buffer				R	R
Riding trails, pedestrian, or bicycle paths				R	R
Areas to dedicated as common area or open space – label the future ownership (HOA, dedication for public use to governmental body, etc.)				R	R
Areas to be used for uses other than residential				R	R
Name and location of any property or building on the National Register of Historic Places				R	R
Wetlands, marshes, rock outcrops, pond, lakes, streams, railroads, bridges and any other features affecting the site		R	R	R	
Location of any floodplain areas as shown on FEMA Flood Insurance Rate Maps	R	R	R	R	R
Existing and proposed topography of tract and 100 feet beyond property showing contour intervals of no greater than 5 feet				R	
Existing and proposed entrance signs (if applicable) including sight triangles and located outside the ROW				R	R

CHAPTER 19. SUBDIVISIONS

SECTION 19.16. SUBDIVISION PLAT REQUIREMENTS

TABLE OF SUBDIVISION APPLICATION REQUIREMENTS					
INFORMATION REQUIRED	EXEMPT PLAT	FAMILY PLAT	MINOR PLAT	MAJOR PRELIM. PLAT	MAJOR FINAL PLAT
UTILITY LAYOUT					
A note indicating that the proposed subdivision will be served by either a central or individual water supply		R	R	R	
A note indicating that the proposed subdivision will be served by either a central or individual sewer / septic system		R	R	R	
Water & Sewer - Connections to existing systems, line sizes, material of lines, blowoff & valves, manholes, catch basins, force mains, location of fire hydrants				R	
Storm drains, swales, detention ponds, & other drainage facilities, if any				R	
Natural gas lines				R	
Electric Lines				R	
Telephone Lines, Cable TV, etc.				R	
Utility and other easements				R	
Any additional determined by reviewing agencies that may be required to review plat				R	
STREET LAYOUT					
Proposed and existing rights-of-way – label public or private streets	R	R	R	R	R
Right-of-way & pavement location, widths, & dimensions			R	R	R
Cul-de-sac pavement diameter				R	
Approximate grades				R	
Typical detailed cross section(s)				R	
Existing and proposed street names				R	R
SUBDIVISION INFORMATION & CALCULATIONS TABLE					
Classification of Watershed Overlay District		R	R	R	R
Existing & Proposed use(s) of land				R	
Existing & Proposed zoning classification(s)				R	
Front, side, rear setback requirements				R	
Acreage in total tract to be subdivided		R	R	R	
Acreage in recreation & open space (label)				R	
Total number of lots proposed				R	
Estimated linear feet in streets				R	
Linear feet in streets					R
Estimated percent of entire project to be covered with impervious surfaces, including totals by phase				R	
Percent of entire project to be covered with impervious surfaces, including totals by phase					R

CHAPTER 19. SUBDIVISIONS

SECTION 19.17. SUBDIVISION PLAT CERTIFICATION REQUIREMENTS

TABLE OF SUBDIVISION APPLICATION REQUIREMENTS					
INFORMATION REQUIRED	EXEMPT PLAT	FAMILY PLAT	MINOR PLAT	MAJOR PRELIM. PLAT	MAJOR FINAL PLAT
Estimated separate impervious surface totals by streets, sidewalks, maximum allowed for each lot, etc.				R	
Separate impervious surface totals by streets, sidewalks, maximum allowed for each lot, etc.					R
PERMITS AND OTHER DOCUMENTATION REQUIRED BEFORE FINAL PLAT APPROVAL					
Construction plans for all infrastructure / improvements (such as streets, water, sewer, hydrants, stormwater, etc. Approval is required by appropriate agencies before construction begins)					R
Stormwater management plan				R	
Inspection results of all improvements					R
As built drawings of all improvements					R
NCDEQ Approval of the Erosion & Sediment Control Plan (if disturbing more than 1 acre)					R
NCDOT Approval of Driveway Access Permit					R
Wetland delineation of property					R
US Army Corp of Engineers Approval of earth disturbing activities in Wetlands (if applicable)					R
Submit copy of HOA agreement to be approved by the Administrator					R
Affidavit of Family Subdivision		R			
Deed of Gift		R			
Private Road Maintenance Agreement, if applicable		R	R		
Any other information the Administrator deems necessary to determine compliance with this Ordinance				R	R

SECTION 19.17. SUBDIVISION PLAT CERTIFICATION REQUIREMENTS

A. TABLE

1. The table below identifies the kind of certification statement required on a subdivision plat filed under this Ordinance. An "R" indicates that the particular certification statement is required, and a blank cell indicates that the information is not required.
2. The exact certification language to be used follows the table.
3. The Administrator may waive items if it is determined that they are not applicable.

TABLE OF SUBDIVISION CERTIFICATION REQUIREMENTS					
TYPE OF CERTIFICATE OR STATEMENT [1]	EXEMPT PLAT [2]	FAMILY PLAT	MINOR PLAT	MAJOR PRELIM. PLAT	MAJOR FINAL PLAT
Certificate of Survey Accuracy	R	R	R		R

CHAPTER 19. SUBDIVISIONS

SECTION 19.17. SUBDIVISION PLAT CERTIFICATION REQUIREMENTS

TABLE OF SUBDIVISION CERTIFICATION REQUIREMENTS

TYPE OF CERTIFICATE OR STATEMENT [1]	EXEMPT PLAT [2]	FAMILY PLAT	MINOR PLAT	MAJOR PRELIM. PLAT	MAJOR FINAL PLAT
Certificate of Purpose of Plat	R	R	R		R
Review Officer Certification	R	R	R		R
Certificate of Ownership		R	R		
Certificate of Ownership and Dedication				R	R
Certificate of Exemption	R				
Exemption 160D-802 Compliance Statement	R				
Certificate of Family Subdivision Plat Approval		R			
Family Documents Deed References		R			
Septic Suitability Certificate Statement		R			
Voluntary Agricultural District Proximity Statement		R	R	R	R
Public Water Supply Watershed Protection Statement		R	R	R	R
Certificate of Minor Subdivision Plat			R		
Certificate of Preliminary Major Subdivision Plat				R	
Certificate of Final Major Subdivision Plat Approval					R
NCDOT Div. of Highways District Engineer Certificate					R
Public Street Maintenance Disclosure Statement					R
Private Roads Disclosure Statement					R
Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements					R
Utilities Certificate			R		R
Sediment & Erosion Control Plan Certificate					R
Stormwater Control Certificate					R
Licensed Soil Scientist Certificate					R
Certificate of Warranty					R

NOTES:

[1] Statements such as “Preliminary, Not For Recording” cannot be recorded.

[2] Preparation of an exempt plat is voluntary and at the discretion of the applicant for an exempt subdivision application.

B. CERTIFICATION STATEMENTS

1. The following paragraphs identify the text to be included as individual certification statements on subdivision plats reviewed under this Ordinance.
2. Professional preparing subdivision plat documents for review or recordation shall use the language exactly as listed in this section.

Certificate of Survey and Accuracy

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book

_____, page _____, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, page _____; that the ratio of precision or positional accuracy as calculated is _____; that this plat was prepared in accordance with NCGS 47-30 as amended. Witness my original signature, license number and seal this ____ day of _____, A.D., 20_____.

Seal or Stamp of Surveyor

Professional Land Surveyor

License Number

Certificate of Purpose of Plat

The final plat shall contain one of the following statements, signed and sealed by the plat preparer:

- a. This survey creates a subdivision of land within the jurisdictional area of Moore County, North Carolina and that the County has an Ordinance that regulates parcels of land.
- b. This survey is located in a portion of a County or Municipality that is unregulated as to an Ordinance that regulates parcels of land.
- c. Any one of the following:
 - 1. This survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new road or change an existing street. For the purpose of this section, an "existing parcel" or "existing easement" is an area of land described in a single, legal description or legally recorded subdivision that has been or may be legally conveyed to a new owner by deed in its existing configuration.
 - 2. This survey is of an existing feature, such as a building or other structure, or natural feature, such as a water course.
 - 3. This survey is a control survey. For the purposes of this section, a "control survey" is a survey that provides horizontal or vertical position data for support or control of other surveys or for mapping. A control survey, by itself, cannot be used to define or convey rights or ownership.
 - 4. That the survey is a proposed easement for a public utility as defined in G.S. 62-3.
- d. This survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exemption to the definition of subdivision.
- e. The information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in (a) through (d) above.

Signed: _____ SEAL
Surveyor

Date: _____

Review Officer Certification

State of North Carolina

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

Review Officer

Date

Certificate of Family Subdivision Plat Approval

I hereby certify that the family subdivision shown on this plat does not involve the creation of new public streets or any change in existing public streets or change in existing utilities, that the subdivision shown is in all respects in compliance with the Subdivision Regulations of Moore County, North Carolina, and that therefore this plat has been approved by the Subdivision Administrator, subject to its being recorded in the Moore County Registry within sixty days of the date below.

Subdivision Administrator

Date

Septic Suitability Certificate Statement

I hereby certify that each new family subdivision lot has received a Septic Suitability Certificate from the Moore County Department of Environmental Health or a licensed soil scientist.

Subdivision Administrator

Date

Voluntary Agricultural Proximity Statement

The following statement shall be placed on all subdivision plats that include lots that are within one aerial mile of a Voluntary Agricultural District.

“These parcels are located near an area that is presently used for agricultural purposes. Normal agricultural operations may conflict with residential land use. NC Law (General Statutes Section 106-701) provides some protection for existing agricultural operations against nuisance laws.

Certificate of Minor Subdivision Plat Approval

I hereby certify that the minor subdivision shown on this plat does not involve the creation of new public streets or any change in existing public streets or change in existing utilities, that the subdivision shown is in all respects in compliance with the Subdivision Regulations of Moore County, North Carolina, and that therefore this plat has been approved by the Subdivision Administrator, subject to its being recorded in the Moore County Registry within sixty days of the date below.

Subdivision Administrator

Date

Certificate of Preliminary Major Subdivision Plat Approval

I hereby certify that the Board of Commissioners of Moore County, North Carolina approved on the _____ day of _____, 20__ the preliminary plan of subdivision as shown on this plat. Preliminary approval is valid for a period of 24 months from the above date or as established under the vested rights procedures, if applicable.

Subdivision Administrator

Date

Certificate of Final Major Subdivision Plat Approval

I hereby certify that the subdivision depicted hereon has been granted final approval pursuant to the Subdivision Regulations of Moore County, North Carolina subject to its being recorded in the Office of Register of Deeds within 60 days of the date below. I further certify that streets, utilities and other improvements have been installed in an acceptable manner and according to specifications of Moore County in the subdivision depicted hereon or that a performance bond or other sufficient surety in the amount of \$_____ has been posted with Moore County to assure completion of required improvements.

Subdivision Administrator

Date

NCDOT Division of Highways District Engineer Certificate

I hereby certify that the streets as depicted hereon are/are not consistent with the requirements of the North Carolina Department of Transportation, Division of Highways.

District Engineer

Date

Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements

A. To be used when all improvements have been installed prior to final plat approval

I hereby certify that I have inspected and find that all streets, utilities, and other required improvements as shown on the preliminary and final plats of the _____ Subdivision have been installed in an acceptable manner and according to County and State specification and standards.

Date

Seal

Licensed Professional

Registration Number

B. To be used when some, but not all, improvements have been installed prior to final plat approval

I hereby certify that I have inspected and find that the following streets, utilities, and other required improvements as shown on the preliminary and final plats of the _____ Subdivision have been installed in an acceptable manner and according to County and State specification and standards.

(List all inspected and approved improvements)

Date

Seal

Licensed Professional

Registration Number

Private Streets Disclosure Statement

1. *The following statement shall be placed on all subdivision plats that include private streets:*

‘The maintenance of streets designated on this plat as ‘private’ shall be the responsibility of property owners within this development having access to such roads. Private streets as shown hereon will not be included, for maintenance purposes, in the North Carolina highway system. Neither Moore County nor the North Carolina Department of Transportation will maintain a private street.’

Utilities Certificate

I hereby certify that the _____ improvements have been installed in an acceptable manner and in accordance with the requirements of the Subdivision Regulations of Moore County, North Carolina or that a performance bond or other sufficient surety has been provided to assure completion of the required improvements.

Signature of Authorized Agent
of Utility Provider

Date

Certificate Regarding Erosion and Sedimentation Control Plan

Where a subdivision of property does not require an Erosion and Sedimentation Control Plan as determined by licensed professional, the plat shall show the following certificate with signature

I hereby certify that the subdivision of property shown and described hereon does not require an approved Erosion and Sedimentation Control Plan.
(List all inspected and approved improvements)

Date

Licensed Professional

Seal

License Number

Storm Water Control Statement

I hereby certify that the subdivision of property shown and described hereon has systems designed to protect to the ten (or) twenty-five year storm level and were designed and constructed to NCDOT standards.

Date

Licensed Professional

Seal

License Number

Certificate of Warranty

(To be modified if signed by an officer of a corporation)

I hereby certify that I know of no defects from any cause and will fully warrant all improvements which have been installed to be free from defects in material and workmanship for a period of 1 year from this date. Any improvements yet to be installed

I shall fully warrant in this same manner for a period of 1 year from the date of the release of guarantees. In the event that defects are discovered in any such improvements during the warranty period, I shall replace and/or repair the defective improvements at my own expense.

Date
Subdivider
Attest: _____
Subdivision Administrator

County Clerk

Public Water Supply Watershed Protection Certificate

I certify that the plat shown hereon complies with the Moore County Watershed Ordinance and is approved by myself, as agent for the Watershed Review Board for recording in the Moore County Register of Deeds Office.

Subdivision Administrator
Date

NOTICE: This property is in Located within a Public Water Supply Watershed – Development Restrictions May Apply.

Include the following when applicable

Any engineered stormwater controls shown on this plat are to be operated and maintained by the property owners and/or a property owners' association pursuant to the Operation and Maintenance Agreement filed with the Office of the County Register of Deeds in Book ____ Page ____.'

Public Street Maintenance Disclosure Statement

The following statement shall be placed on all subdivision plats that include newly constructed streets intended to be maintained by the NCDOT:

'The maintenance of public street(s) shown on this plat is (are) intended to be the responsibility of the North Carolina Department of Transportation, provided that all requirements for acceptance are met. Until such time as the NCDOT accepts the street(s), I (We) will provide for necessary maintenance of the streets.'

Owner(s)

Licensed Soil Scientist Certificate

The following statement shall be placed on all subdivision plats that include lots where access to public water and/or sewer are not available.

I hereby certify that the lot(s) on this plat have been evaluated under the current provisions of Title 15A NCAC 18A.1900 et seq., and have found to have adequate space for an on-site individual private water source and on-site subsurface sewage treatment and disposal system. NOTE: Due to variations in siting specific uses and potential for changes in regulation or soil conditions, issuance of a Well Permit or Improvement Permit by Moore County Department of Environmental Health is not guaranteed.

Date

Licensed Soil Scientist

License No.