SUBDIVISION REGULATIONS
DAVIDSON COUNTY, NORTH CAROLINA

ADOPTED: MARCH 7, 1986

AMENDED: DECEMBER 14, 1993

AMENDED: JUNE 4, 2007

AMENDED: SEPTEMBER 14, 2015

AMENDED: AUGUST 22, 2022

AMENDED: MAY 8, 2023

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TABLE OF CONTENTS

		PAGE
	ARTICLE 1: TITLE AND PURPOSE	
1.0	Title	4
1.1	Purpose	4
	ARTICLE 2: AUTHORITY AND JURISDICTION	4
2.0	Authority	4
2.1	Jurisdiction	4
	ARTICLE 3: PREREQUISITE TO PLAT RECORDATION AND APPROVAL OF PUBLIC SERVICES	5
3.0	Prerequisite to Plat Recordation	5
3.1	Approval of Public Services	5
	ARTICLE 4: LEGAL PROVISIONS	5
4.0	Procedure for Plat Approval	5
4.1	Effect of Plat Approval on Dedications	5
4.2	Penalties for Violation	6
4.3	Separability	6
4.4	Variances	6
4.5	Amendments	6
4.6	Abrogation	6
4.7	Effective Date	7
	ARTICLE 5: DEFINITIONS	7
5.1	"Subdivision" Defined	7
5.2	Other Definitions	8
5.3	Word Interpretation	11
	ARTICLE 6: COMPLIANCE WITH OFFICIAL PLANS	12
6.1	Reviewing Agencies	12
6.2	Zoning and Other Plans	12

ARTICLE 7:PROCEDURE FOR SUBDIVISION APPROVAL 13

7.0 General 13
7.1 Minor Subdivision 13
7.2 Major Subdivision 14
7.3 Sketch Plan Requirements 14
7.4 Contents Required in Sketch Plans 15
7.5 Review Procedure 15
7.6 Disposition of Copies 15
7.7 Preliminary Plat 15
7.8 Contents Required on Preliminary Plat 16
7.9 Review Procedure 18
7.10 Disposition of Copies 18
7.11 Final Plat 18
7.12 Contents Required on Final Plat 22
7.13 Review Procedure 24
7.14 Effect of Plat Approval on Dedications 25
7.15 Disposition of Copies 25
7.16 Recording of the Final Plat 25
7.17 Resubdivision Procedures 25

ARTICLE 8: GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN 26

8.0 General Requirements 26
8.1 Suitability of Land 26
8.2 Prevention of Flood Damage 26
8.3 Fill Areas 26
8.4 Sedimentation and Pollution Control 27
8.5 Storm Water Drainage 27
8.6 Water and Sewerage Systems 27
8.7 Name of Subdivision 28
8.8 Coordination and Continuation of Roads 28
8.9 Design Standards for Streets 29
8.10 Design Standards for Blocks 30
8.11 Design Standards for Lots 30
8.12 Design Standards for Easements 33
8.13 Providing Water Access for Back-Tier Lots on any Public Lakes or Rivers 33

ARTICLE 9: INSTALLATION OF PERMANENT REFERENCE POINTS AND IMPROVEMENTS 34

9.0 Survey Procedures 34
9.1 Construction Procedures 34

ARTICLE 10: PLANNED RESIDENTIAL DEVELOPMENTS/GROUP DEVELOPMENTS 36

10.0 General 36
10.1 Exceptions for Planned Developments 36

ARTICLE 11: HILLSIDE SUBDIVISIONS 38

Appendix I Water Supply Classifications
Appendix II Public Water and Sewage Systems

11.1 General 38
11.2 Street Design and Construction 38
11.3 Lots 39

ARTICLE 12 VESTED RIGHTS PURSUANT TO N.C.G.S. 153A-344.1

12.1 Establishment of a Vested Right 41
12.2 Termination of a Vested Right 42
12.3 Repealer 43
12.4 Effective Date 43

ARTICLE 1

TITLE AND PURPOSE

1.0 TITLE

This ordinance shall be known and may be cited as the Subdivision Regulations for Davidson County, North Carolina, and may be referred to as the Subdivision Regulations.

1.1 PURPOSE

The purpose of this ordinance is to establish procedures and standards for the development and subdivision of land within the territorial jurisdiction of Davidson County. It is further designed to provide for the orderly growth and development of Davidson County; for the coordination of streets and highways and with other public facilities; for the dedication or reservation of rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare. This ordinance is designed to further facilitate adequate provision for water, sewerage, parks, schools, and playgrounds, and also to facilitate the further re-subdivision of larger tracts into smaller parcels of land.

ARTICLE 2

AUTHORITY AND JURISDICTION

1.0 AUTHORITY

This ordinance is hereby adopted under the authority and provisions of the General Statutes of North Carolina, Chapter 153A, Article 18, Part 2.

2.1 JURISDICTION

The regulations contained herein shall govern each and every subdivision of land within Davidson County as provided in G.S. 153A, Article 18, except those lands lying within the jurisdiction of any municipality, unless such municipality shall have by resolution formally requested the County to enforce these regulations within the city's area of jurisdiction.

ARTICLE 3

3.0 PREREQUISITE TO PLAT RECORDATION

After the effective date of this ordinance, each individual subdivision plat of land within the jurisdiction of Davidson County shall be approved by the Planning Board.

3.1 APPROVAL OF PUBLIC SERVICES

No construction permits shall be issued for lots within any subdivision for which a plat is required to be approved unless and until such final plat has been approved by Davidson County.

ARTICLE 4

LEGAL PROVISIONS

4.0 PROCEDURE FOR PLAT APPROVAL

4.01 After the effective date of this ordinance, no subdivision plat of land within the jurisdiction of Davidson County shall be filed or recorded until it has been submitted to and approved by the appropriate agency as set forth in Article 3, Section 3.0 of this ordinance, and until this approval is entered in writing on the face of the plat by the chairman or head of that agency.

4.02 The Register of Deeds shall not file or record a plat of a subdivision of land located within the territorial jurisdiction of Davidson County that has not been approved in accordance with these provisions or certified as an exception to this ordinance, nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with this section.

4.03 Plats not subject to the provisions of this ordinance (See Sections 5.01, 5.02, 5.03, 5.04) may be recorded provided the owner desiring to record such plats shall obtain a Certificate of Exemption from the Subdivision Administrator and shall present such certificate to the Register of Deeds as proof that exemption conditions are present.

4.04 Certificate of Exemption. I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon, which was conveyed to me (us) by deed recorded in book _____, page_____, and that the subdivision of the property shown on this plat is an exception to the subdivision ordinance of Davidson County, North Carolina under Section _____.

4.1 EFFECT OF PLAT APPROVAL ON DEDICATIONS

Pursuant to G.S. 153A-333, the approval of a plat does not constitute or effect the acceptance by the County or the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat and shall not be construed to do so.

4.2 PENALTIES FOR VIOLATION

After the effective date of this ordinance, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this ordinance, thereafter subdivides his land in violation of this ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this ordinance and recorded in the office of Davidson County Register of Deeds, shall be guilty of a misdemeanor. The descriptions by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring land shall not exempt the transaction from this penalty. The County, through its attorney or other official designated by the Board of Commissioners, may enjoin illegal subdivision, transfer or sale of land by action for injunction. Further violators of this ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S. 14-4.

4.3 SEPARABILITY

Should any section or provision of this ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

4.4 VARIANCES

Where, because of severe topographical or other conditions peculiar to the site, strict adherence to the provisions of this ordinance would cause an unnecessary hardship, the Planning Board may authorize a variance to the terms of this ordinance only to the extent that is absolutely necessary and not to an extent which would violate the intent of the ordinance. Reason for the variance shall be noted in the minutes of the Planning Board.

4.5 AMENDMENTS

The Board of Commissioners may from time to time on their own initiative, at the recommendation of the Planning Board, or by petition of fifty (50) or more people registered to vote in Davidson County, amend the terms of this ordinance, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation. The Planning Board shall have thirty (30) days within which to submit its report. If the Planning Board

fails to submit a report within the specified time, it shall be deemed to have approved the amendment.

4.6 ABROGATION

It is not intended that this ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this ordinance poses greater restrictions, the provisions of this ordinance shall govern. This ordinance is not meant to abrogate any rights or interests vested in or by the Subdivision Ordinance adopted for Davidson County in August, 1965, but rather to carry forward and re-enact all provisions of those regulations not specifically left out of these revised regulations. When there is a real or apparent conflict with any provisions in Davidson County's Zoning Ordinance, the more stringent requirements shall govern.

4.7 EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the 7th day of March, 1986.

Duly adopted by the Board of County Commissioners of Davidson County, North Carolina, this the 7th day of March, 1986.

Attest: Elizabeth G. Hargrave, Chairman, Davidson County Board of Commissioners
James F. Mock, Attorney _____, Clerk

Amended 12-14-93
Effective date 1-01-94

5.0 "SUBDIVISION" DEFINED

For the purposes of this ordinance, "subdivision" means all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or a change in existing streets; however, the following are not included within this definition and are not subject to any regulations enacted pursuant to this ordinance:

5.01 The combination of recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in the subdivision regulations;

5.02 The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;

5.03 The public acquisition by purchase of strips of land for the widening or opening of streets;

5.04 The division of a tract in single ownership, the entire area of which is not greater than two (2) acres, into not more than three (3) lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the county as shown by its subdivision regulations.

5.1 OTHER DEFINITIONS

For the purpose of this ordinance, certain words or terms used herein shall be defined as follows:

Board of Commissioners – County Commissioners of Davidson County

Buffer Strip – A solid fence or wall, or a planted strip at least five (5) feet in width composed of deciduous and/or evergreen trees spaced not more than ten (10) feet apart, and not less than one (1) row of dense shrubs spaced not more than five (5) feet apart, which shall be established and maintained in perpetuity by the owner of property whenever required under the terms and provisions of this ordinance.

Building Setback Line – A line parallel to the front property line in front of which no structure shall be erected.

Dedication – A gift, by the owner, or a right to use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with an acceptance.

Existing Road – Private access road or driveway existing prior to 2004.

Easement – A grant by the property owner of a strip of land for a specified purpose and use by the public, a corporation, or persons.

Hillside Subdivision – Land proposed to be subdivided which has a slope of sixteen percent (16%) or greater. That is, an average difference in elevation of at least sixteen (16) feet in a horizontal distance of one hundred (100) feet. The average shall be obtained from at least fifteen (15) measurements, each twenty (20) feet from the next.

Lot – A portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership or for development or both.

Lot of Record – A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Davidson County prior to the adoption of this ordinance, or a lot described by metes and bounds, the

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

Lot Types:

Access Lot – A lot having lake frontage and road frontage which offers lake frontage and/or lake access to those lots not having direct lake frontage within a lakefront subdivision.

Corner Lot – A lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

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

Through Lot or a "Double Frontage" Lot – A lot other than a corner lot with frontage on more than one street. Through lots abutting two (2) streets may be referred to as double frontage lots.

Reversed Frontage Lot – A lot on which the frontage is at right angles or approximately right angles (interior angle less than 135 degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot, an interior lot, or a through lot.

Official Maps or Plans – Any maps or plans officially adopted by the Board of Commissioners as a guide to the development of Davidson County.

Open Space – An area (land and/or water) generally lacking in manmade structures and reserved for enjoyment in its unaltered state.

Plan – Any documented and approved program of recommended action, policy, intention, etc., which set forth goals and objectives along with criteria, standards and implementing procedures necessary for effectively guiding and controlling decisions relative to facilitating development and growth management.

Planned Unit Development – The Planned Unit Development is a permitted use designed to provide for developments incorporating a single type or a variety of residential and related uses which are planned and developed as a unit. Such development may consist of individual lots or common building sites. Common land must be an element of the plan related to affecting the long-term value of the entire development.

Planning Board – The Planning Board of Davidson County.

Plat – A map or plan of a parcel of land which is to be, or has been subdivided.

Private Driveway – A roadway serving two (2) or fewer lots, building sites or other division of land and not intended to be public ingress or egress.

Private Street – An undedicated private right-of-way which affords access to abutting properties and requires a subdivision streets disclosure statement in accordance with G.S. 136-102.6. Emergency and other public services may not be provided over such private streets and they shall be privately maintained.

Public Sewage Disposal System – Any public or community sanitary sewage system and any sanitary sewage system which is designed to discharge effluent to the land surfaces or surface waters shall be approved by the Department of Natural Resources and Community Development under rules adopted by the Environmental Management Commission. All other sanitary sewage systems shall be approved by the Department of Human Resources under rules adopted by the Commission for Health Services.

Public Water Supply – Any water supply furnishing potable water to at least fifteen (15) service connections or regularly serves an average of at least twenty-five (250 individuals daily at least sixty (60) days out of the year. Approval by the North Carolina Division of Health Services is required.

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

Reservation – A reservation of land does not involve any transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period of time.

Single-Tier Lot – A lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.

Street – A dedicated and accepted public right-of-way for vehicular traffic. The dedication of half streets at the perimeter of a new subdivision is prohibited. If circumstances render this impracticable, adequate provision for the concurrent dedication of the remaining half of the street must be furnished by the subdivider. Where there may exist a half street in an adjoining subdivision, the remaining half shall be provided by the proposed development. The following classifications shall apply:

> Principal Arterial – A rural link in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel and existing solely to

serve traffic. This network would consist of Interstate routes and other routes designed as principal arterials.

Minor Arterial – A rural link in a network joining cities and large towns and providing intra-state and intercounty service at relatively high (55 mph) overall travel speeds with minimum interference to though movement. This network would primarily serve traffic.

Major Collector – A road which serves major intra-county travel corridors and traffic generators and provides access to the arterial system.

Minor Collector – A road which provides service to small local communities and links locally important traffic generators with their rural areas.

Local Road – A local road serves primarily to provide access to adjacent land and for travel over relatively short distances.

SPECIFIC TYPES OF ROADS

Cul-De-Sac – a cul-de-sac is a short street having but one end open to traffic and the other end being permanently terminated and a vehicular turn-around provided.

Frontage Road – A frontage road is a local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

Alley – A minor right-of-way publicly or privately owned, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Expressway – An expressway is a divided street or road which serves through traffic with full or partial control of access and generally with grade separations at intersections.

Subdivider – Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

Subdivision Administrator – The Planning Director of Davidson County or his designee.

5.2 WORD INTERPRETATION

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

Words used in the present tense include the future tense.

Words used in the singular number include the plural, and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.

The words “used for” shall include the meaning “designed for”.

The word “structure” shall include the word “building”.

The word “lot” shall include the words “plot”, “parcel”, or “tract”.

The word “shall” is always mandatory and not merely directory.

ARTICLE 6

COMPLIANCE WITH OFFICIAL PLANS

6.0 REVIEWING AGENCIES

The following agencies shall be given opportunity to make recommendations concerning an individual subdivision plat before the preliminary plat is approved:

(1) The district highway engineer as to proposed streets, highways, and drainage systems.

(2) The county health director as to proposed water or sewerage systems.

(3) Any other agency or official designated by the Board of Commissioners.

6.1 ZONING AND OTHER PLANS

Proposed subdivisions must comply in all respects with the requirements of any zoning ordinance in effect in the area to be subdivided, and any other officially adopted plans.

ARTICLE 7

PROCEDURE FOR APPROVAL OF SUBDIVISION

7.0 GENERAL

To secure approval of a plat as required by this ordinance, the subdivider shall follow the procedures of this Article.

7.1 MINOR SUBDIVISIONS

Procedures for handling application for approval of minor subdivisions are intended to simplify the processing of routine, small subdivisions with due regard to protection of the public interest.

7.1.01 Minor Subdivision Defined

For the purposes of this ordinance, a minor subdivision is defined as any subdivision involving no new street right-of-way and consisting of not more than ten (10) lots having access to an existing, state-maintained road.

7.1.02 Procedure for Approval of Minor Subdivisions

In lieu of the procedures set forth in the remaining sections of this Article, the subdivider may apply for final approval of any minor subdivision through the procedures set forth in this section.

7.1.03 Number of Copies and Graphic Media

Two (2) copies of a plat, or legal sized paper, at a scale of one (1) inch equals two hundred (200) feet or greater must be presented to the staff of the Planning Board for all minor subdivisions.

7.1.04 Certification Required

Plats for minor subdivisions must be accompanied by a certificate of survey and accuracy as specified in Section 7.11.13(b) by a registered land surveyor or professional engineer licensed and registered to practice in North Carolina.

7.1.05 Review Procedure

The staff of the Planning Board shall review each minor subdivision and shall find that it either does or does not meet the requirements of this ordinance. Based on these findings, the Planning Board staff shall either approve, disapprove, or approve conditionally the proposed minor subdivision within thirty (30) days of its submission to the staff. The decision of the staff is subject to appeal by the subdivider to the Planning Board, which must act on any appeal within thirty (30) days.

7.1.06 Certificate of Approval for Recording

If the proposed minor subdivision is approved by the Planning Board staff, or by the Planning Board upon appeal, such approval shall be shown on each copy of the plat by the following signed certificate:

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for Davidson County, North Carolina, and that such plat has been approved according to the procedures for approval of minor subdivisions.

_____ _____

Date Signature

7.2 MAJOR SUBDIVISIONS

7.2.01 Preapplication Procedure – Sketch Design Plan

If a tract is to be subdivided into twenty-five (25) or more lots, the subdivider shall submit a sketch plan prior to submitting a preliminary plat. Tracts not meeting the definition of a minor subdivision, but being divided into fewer than twenty-five (25) lots may be submitted in sketch plan at the option of the subdivider. Sketch plans shall be submitted at least seven (7) days prior to a regularly scheduled Planning Board meeting.

7.3 SKETCH PLANS SHALL CONFORM TO THE FOLLOWING REQUIREMENTS:

7.3.01 Number of Copies and Graphic Media

A minimum of two (2) copies of a sketch design plan shall be submitted. No specific graphic media must be employed.

7.3.02 Size of Plan and Scale

No specific size or scale requirements apply to sketch design plans.

7.3.03 Administrative Fees

No administrative fees are charged in connection with the submission of sketch design plans.

7.3.04 Certification Required

No certificates must be provided in connection with the submission of sketch design plans.

7.4 CONTENTS REQUIRED IN SKETCH PLANS

The sketch design plan shall depict or contain the following information using tax, zoning, and topographic maps and aerial photographs:

7.4.01 A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;

7.4.02 The boundaries of the tract and the portion of the tract to be subdivided;

7.4.03 The total acreage to be subdivided;

7.4.04 The existing and proposed uses of the land within the subdivision and adjoining it;

7.4.05 The proposed general street and lot layout;

7.4.06 The name, address, and telephone number of the owner;

7.4.07 The name of the proposed subdivision;

7.4.08 Streets and lots of adjacent developed or platted properties to a distance of sixty (60) feet;

7.4.09 Schematic sewer and water plan;

7.4.10 The zoning classification of the tract and of adjacent properties.

7.5 REVIEW PROCEDURE

The Planning Board shall review the sketch design plan for general compliance with the requirements of this ordinance and the zoning ordinance; the Planning Board shall advise the subdivider of his authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the preliminary and final plats.

This review shall in no way be construed as constituting an official action of the approval for recording of the subdivision by the Planning Board or Board of Commissioners as required by this ordinance.

7.6 DISPOSITION OF COPIES

One copy shall be retained as a part of the minutes of the Planning Board with the other copy being returned to the subdivider or his authorized agent.

7.7 PRELIMINARY PLAT

The subdivider, or the subdivider's duly authorized agent, shall submit ten (10) copies of the preliminary plat, and any supplementary materials, to the Planning Board at least ten (10) days prior to a regular meeting of that board, for every subdivision of land

which is located within the territorial jurisdiction established by Article 2, Section 2.1 hereof.

7.7.02 Size of Plat

Preliminary Plats shall be prepared at a scale of one (1) inch equals two hundred (200) feet, or greater.

7.7.03 Administrative Fees

No administrative fees shall be charged in connection with the submission of preliminary plats.

7.7.04 Certification Required

No certifications must be provided in connection with the submission of preliminary plats.

7.8 CONTENTS REQUIRED ON PRELIMINARY PLATS

The preliminary plat shall depict or contain the following information; plats not illustrating or containing the following data shall be returned to the subdivider, or his authorized agent for completion and resubmission:

7.8.01 The proposed name of the subdivision;

7.8.02 A location/vicinity map showing the relationship between the proposed subdivision and the surrounding area.

7.8.03 The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented, with all bearings and distances shown;

7.8.04 Scale denoted both graphically and numerically;

7.8.05 North arrow;

7.8.06 The plans for proposed utility layouts, including sanitary sewers, storm sewers, water distribution lines, natural gas, telephone and electric service, illustrating connections to the existing systems. Plans for water supply and/or sewage disposal must be accompanied by letters of preliminary approval by the appropriate City, County, and State authorities (See Appendix I). Plans must show line sizes, blow-offs, manholes, pumps, force mains, and gate valves;

7.8.07 Proposed street names. All streets must be designated either “Public” or “Private” and named.

7.8.08 Proposed location and size of parks, school sites, or other recreational or open spaces, if any, and their future ownership (dedication for public use to governmental body, for owners to duly constituted homeowners or community association, or for tenants remaining in subdivider's ownership);

7.8.09 Site calculations, including:

(a) Acreage in total tract to be subdivided;
(b) Acreage in parks and other nonresidential use;
(c) Total number of parcels created;
(d) Linear feet in streets;

7.8.10 Proposed minimum building setback lines;

7.8.11 The names of owners of adjoining properties and any adjoining divisions of record (or proposed and under review);

7.8.12 Any proposed riding trails, natural buffers, pedestrian, bicycle, or other rights-of-way, utility or other easements, their location, width, and purposes;

7.8.13 Proposed streets, existing and platted streets on adjoining properties and in the proposed subdivision, rights-of-way, pavement widths, approximate grades, design engineering data for all corners and curves, and typical street cross sections. If any street is proposed to intersect with a State maintained road, the plat shall be accompanied by an application for driveway approval as required by the Department of Transportation, Division of Highways' Manual on Driveway Regulations

7.8.14 Existing and proposed property lines, both on the tract to be subdivided and on adjoining properties, buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and on the land immediately adjoining, corporate limits, township boundaries, and county lines;

7.8.15 Proposed lot lines, lot and block numbers, and approximate dimensions;

7.8.16 Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds, and any other natural features affecting the site;

7.8.17 The preliminary plat shall be accompanied by a copy of any proposed deed restrictions or similar covenants;

7.8.18 Date of plat preparation;

7.8.19 The name(s) of the township(s), county, and state in which the subdivision is located and Davidson County tax map;

7.8.20 The name(s), address(es), and telephone number(s) of the owner(s), mortgagee(s), registered surveyor(s), land planner(s), architect(s), landscape architect(s), and professional engineer(s) responsible for the subdivision.

7.8.21 Any other information considered by either the subdivider or the Planning Board to be pertinent to the review of the preliminary plat; e.g., topographic map showing vertical contours every five (5) feet.

7.9 REVIEW PROCEDURE

7.9.01 Before acting on the preliminary plat, the Davidson County Planning Board shall request comments from the District Highway Engineer, the County Health Director or a professional soil scientist registered in North Carolina, the County Superintendent of Schools and other officials or agencies directly affected by the proposed development.

7.9.02 The Planning Board shall review and take action on each preliminary plat within thirty (30) days after first consideration by the Planning Board. First consideration shall be at the next regularly scheduled meeting of the Planning Board that follows at least fourteen (14) days after the plat is submitted.

7.10 DISPOSITION OF COPIES

7.10.01 If the plat is approved, approval shall be noted on at least two (2) copies of the plat. One copy shall be returned to the subdivider, and one copy shall be retained by the Planning Board

7.10.02 If the preliminary plat is disapproved, the Planning Board shall specify the reasons for such action in writing. One copy of such reasons shall be retained by the Planning Board and one copy shall be given to the subdivider. If the preliminary plat is disapproved, the subdivider may make the recommended changes and submit a revised preliminary plat, or appeal the decision to the Davidson County Board of Commissioners.

7.11 FINAL PLAT

7.11.01 Improvements Installation or Guarantees

Upon approval of the preliminary plat by the Planning Board, the subdivider may proceed with the preparations of the final plat, and the installation or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this ordinance. Prior to approval of a final plat, the subdivider shall have installed improvements specified in this ordinance or guaranteed their installation as provided.

7.11.02 Performance Guarantee

In lieu of prior construction of the improvements required by this ordinance, Davidson County may, for the purpose of approving the final plat, accept a guarantee from the subdivider that such improvements will be carried out at his expense according to Davidson County's specifications.

7.11.021 Such guarantee may be in the form of a surety bond made by a surety company licensed to do business in North Carolina, or a certified check drawn in favor of Davidson County, or cash deposited with the County. Such guarantee shall be in an amount of not less than 100% or more than 125% of the estimated cost of the construction of the required improvements. Performance guarantee shall run for a period of one year and may be renewed for a period of one year upon written approval of the County Manager.

7.11.023 Reduction of Bond or Surety

The sum of any performance bond or the amount of any deposit held under Section 7.11.021, may, from time to time, be reduced by the Planning Board upon receipt of evidence of partial completion of the required improvements. The amount remaining on deposit or insured by bond shall be sufficient to complete the improvements in the event of default by the subdivider.

7.11.03 Defects Guarantee

The Planning Board shall secure from all developers of major subdivisions, a Performance Bond to guarantee against defects and maintenance of roadway pavement and drainage facilities until the road is taken over by the NCDOT. The Bond must be at least 10% of the overall cost of roadway construction. (Amended: May 8, 2023)

7.11.04 Maintenance Guarantee

The Subdivision Administrator shall secure from all subdividers a letter in which said subdivider shall agree to maintain the backfill and any improvements located thereon and any ditch which has been dug in connection with the installation of such improvements. Such letter shall be binding on the subdivider for a period of one year after the approval of the final plat by the County.

7.11.05 Final Plat Review Contingent Upon Execution of Guarantees

No final plat will be accepted for review by the Planning Board or Board of County Commissioners unless accompanied by written notice by the Subdivision Administrator acknowledging compliance with this ordinance.

7.11.06 The Final Plat

The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at the time; such portion shall conform to all requirements of this ordinance.

7.11.07 No final plat shall be approved unless and until the subdivider shall have installed in that area, represented on the final plat, all improvements required by this ordinance or shall have guaranteed their installation as provided for in paragraphs 7.11.01, 7.11.02, 7.11.03 herein.

7.11.08 Plat Submitted

The subdivider shall submit the final plat, so marked, to the Chairman of the Planning Board or his designee not less than fourteen (14) days prior to the Planning Board meeting at which it will be considered for approval; further, the plat shall be submitted not more than twelve (12) months after the date on which the preliminary plat was approved, otherwise such approval shall be null and void unless a written extension of this time limit is granted by the Planning Board on or before the one-year anniversary of the approval.

7.11.09 Plat Prepared

The final plat shall be prepared by a surveyor or professional engineer licensed and registered to practice in the State of North Carolina. The final plat shall substantially conform to the preliminary plat as it was approved. The final plat shall conform to the provisions of plats, subdivisions, and mapping requirements as set forth in General Statute 47-30.

7.11.10 Number of Copies and Graphic Media

Ten (10) copies of the final plat shall be submitted; one (1) of these shall be mylar (matte side up) or other material approved by the Register of Deeds suitable for recording; nine (9) shall be black or blue line paper prints.

7.11.11 Size of plat and Scale

Final plats shall have an outside marginal size of not more than eighteen (18) inches by twenty-four (24) inches nor less than eight and one half (8 ½) inches by eleven (11) inches.

Where size of land areas or suitable scale to assure legibility require, maps may be placed on two (2) or more sheets with appropriate match lines. Final plats shall be drawn at a scale of one (1) inch equals two hundred (200) feet, or greater.

7.11.12 Administrative Fees

Submission of the final plat shall be accompanied by a filing fee, the amount of which shall be set from time to time by the Board of County Commissioners.

7.11.13 Certification Required

The following singed certificates shall appear on all copies of the final plat which are submitted to the Planning Board by the Subdivider:

(a) Certificate of Ownership and Dedication. I hereby certify that I (we) am (are) the owner(s) of the property shown and described hereon, which is located in the subdivision jurisdiction of Davidson County and that I hereby adopt this plan of subdivision with my (our) free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted.

_____ _____
Date Owners

North Carolina

_____ County

I, _____, a Notary Public for said County and State, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the _____ day of _____, 20_____.

(Official Seal) _____
Notary Public

My commission expires _____, 20_____.

(b) 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 shown as broken lines plotted from information found in Book _____, page_____; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this _____ day of _____, 20_____.

North Carolina

_____ County

I, _____, a Notary Public for said County and State, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the _____ day of _____, 20_____.

(Official Seal)

_____
Notary Public

My commission expires _____, 20_____.

7.12 CONTENTS REQUIRED ON FINAL PLAT

The final plat shall depict or contain the following information; plats not illustrating or containing the following data shall be returned to the subdivider or his authorized agent for completion and resubmission.

7.12.01 The name of the subdivision;

7.12.011 A location/vicinity map;

7.12.02 The exact boundary lines of the tract to be subdivided fully dimensioned by lengths and bearings, and the location of intersecting boundary lines of adjoining lands;

7.12.03 Scale denoted both graphically and numerically;

7.12.04 The plans for utility layouts, including sewers, storm sewers, water distribution lines, natural gas, telephone and electric service, illustrating connections to existing systems or plans for individual water supply systems and/or sewage disposal systems;

7.12.05 Street names;

7.12.06 The location, purpose, and dimensions of areas to be used for purposes other than residential;

7.12.07 Minimum building setback lines;

7.12.08 The name of owners of adjoining properties and any adjoining subdivisions of record (or proposed and under review);

7.12.09 The location and dimensions of all rights-of-way, utility or other easements, riding trails, natural buffers, pedestrian or bicycle paths, and areas to be dedicated to public use with the purpose of each stated;

7.12.10 Right-of-way lines, and pavement widths of all streets and the location and width of all adjacent streets and easements;

7.12.11 Property lines, buildings or other structures, water courses, railroads, bridges, storm drains, both on the land to be subdivided and on the land immediately adjoining, corporate limits, township boundaries, and county lines;

7.12.12 Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles, and tangent distances for the center line of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be measured at least to the nearest one-hundredth of a foot and all angles to be nearest minute;

7.12.13 The accurate locations and descriptions of all monuments, markers, and control points;

7.12.14 The blocks numbered consecutively through the entire subdivision and the lots numbered consecutively throughout each block;

7.12.15 The deed restrictions or any other similar covenants proposed for the subdivision, if any;

7.12.16 The date of the survey and plat preparation;

7.12.17 North arrow;

7.12.18 All certifications as required by Sections 7.11.13 of this Article;

7.12.19 The name(s) of the township(s), county(s), and state in which the subdivision is located and Davidson County tax map;

7.12.20 Responsible for Plat

The name(s), address(es), and telephone number(s) of the owner(s), mortgagee(s), registered surveyor(s), land planner(s), architect(s), landscape architect(s), and professional engineer(s) responsible for the subdivision and the registration number(s) and seal(s), of the professional engineer(s) and registered surveyor(s).

7.13 REVIEW PROCEDURE

Final plats shall be reviewed according to the following procedure:

7.13.01 Planning Board Review

The Planning Board shall approve or disapprove the final plat within thirty (30) days of its first consideration.

During its review of the final plat, the Planning Board may appoint an engineer or surveyor to confirm the accuracy of the final plat. If substantial errors are found, in the opinion of the Planning Board, the costs shall be charged to the subdivider and the plat shall not be approved until such errors have been corrected.

If the Planning Board disapproves the final plat, the Planning Board shall state in writing its reasons for such actions, specifying the provisions of this ordinance with which the plat does not comply. One copy of this statement shall be transmitted to the subdivider within fifteen (15) days of disapproval and one copy shall be retained by the Planning Board as part of its proceedings.

If the final plat is disapproved, the subdivider may make such changes as will bring the plat into compliance with the provisions of this ordinance and resubmit same for reconsideration by the Planning Board or may make appeal to the Board of County Commissioners.

If the Planning Board fails to approve or disapprove the final plat within thirty (30) days after first consideration, as previously defined, such failure shall be deemed approval.

7.13.02

If the Planning Board approves the final plat, such approval shall be shown on each copy of the plat by the following signed certificate:

Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for Davidson County, North Carolina, and that this plat has been approved by the Planning Board/Board of Commissioners for recording in the office of the Register of Deeds of Davidson County.

_____	_____	_____
Date	Chairman	Subdivision Administrator

7.13.03 Appeal to the Board of County Commissioners

If the final plat is disapproved by the Planning Board, the subdivider may make appeal to the Board of county commissioners by filing a notice of appeal to the Board of

County Commissioners by filing a notice of appeal with the Planning Board and the County Manager. The Board of County Commissioners shall review the final plat on appeal, along with the comments of the Planning Board and shall uphold or reject the Planning Board's decision within sixty (60) days of the receipt of the appeal. If the Planning Board's decision is rejected, the Certificate of Approval for Recording (7.13.02) shall be signed by the Chairman of the Board of Commissioners.

7.14 EFFECT OF PLAT APPROVAL ON DEDICATIONS

The approval of a final plat shall not be deemed to constitute or effect the acceptance by Davidson County of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However; the County may by resolution of the Board of County Commissioners accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision regulation jurisdiction. All streets must be designated either "Public" or "Private".

7.15 DISPOSITION OF COPIES

If the final plat is approved by the Planning Board, the reproducible plat and one print of the plat shall be returned to the subdivider. The reproducible plat shall be recorded at the Register of Deeds, and one print shall be retained by the Planning Board.

7.16 RECORDING OF THE FINAL PLAT

The subdivider shall file the approved final plat with the Register of Deeds of Davidson County for recording within sixty (60) days after the date of Planning Board's approval; otherwise, such approval shall be null and void. The recording of the final plat shall be prima facie evidence that the provisions of this ordinance have been met.

7.17 RESUBDIVISION PROCEDURES

For any replatting or resubdivision of land, the same procedures, rules, and regulations shall apply as prescribed herein for an original subdivision. Lot sizes may, however, be varied on an approved plat after recording, provided that (a) no lot or tract of land shall be created or sold that is smaller than the size shown on the approved plat; (b) drainage, easements or rights-of-way shall not be changed; (c) street alignment and block sizes shall not be changed; (d) the property line between the back of the lots shall not be changed; (e) the rear portion of lots shall not be subdivided from the front part; and (f) the character of the area shall be maintained.

ARTICLE 8
GENERAL REQUIREMENTS AND MINIMUM STANDARS OF DESIGN

8.0 GENERAL REQUIREMENTS

8.1 Suitability of Land

Land subject to flooding, improper drainage, erosion or that is for topographical or other reasons unsuitable for residential use as determined by the Planning Board, shall not be platted for residential use nor for any other uses that will continue or increase the danger to health, safety, or property unless the hazards can be and are corrected.

8.2 Prevention of Flood Damage

8.2.01 Lands known to be within a flood plain in any area known to be subject to flooding shall be so identified on the preliminary plat

8.2.02 Any land identified as "floodplain" on the maps prepared for Davidson County under the Department of Housing and Urban Development's Flood Insurance Program shall be prohibited from development for dwellings or other uses unless the sites are flood protected as follows:

8.2.021 No structures or fill shall be placed in the floodway which would interfere with the natural water course.

8.2.022 Streets and utilities lines and structures may be placed within the flood plain only if their elevation is raised above maximum flood heights shown on the flood plain maps described in 8.2.02 or of they are otherwise flood-protected.

8.2.023 Dwellings and self-contained sewage disposal units (if used) shall be built at an elevation above maximum flood heights as shown on the flood plain maps described in 8.2.02.

8.2.024 The subdivision drainage system shall be designed to prevent increased flood flows due to newly developed impervious surfaces and other factors.

8.3 Fill Areas

Areas that have been used for the commercial disposal of solid waste shall not be subdivided into commercial or residential building sites. This shall include those areas that have been used for the disposal of trash, and other waste materials.

8.4 Sedimentation and Pollution Control

In order to prevent soil erosion and sedimentation pollution of streams, springs, flat water bodies, or other drainage networks, the subdivider shall comply with al requirements of the "North Carolina Sedimentation Pollution Control Act of 1973".

8.5 Storm Water Drainage

The subdivider shall provide an adequate drainage system for the drainage of all surface water. The design of such a system shall be subject to the approval of the Planning Board.

8.5.01 No surface water shall be channeled or directed into a sanitary sewer.

8.5.02 Surface drainage courses shall have side slopes of at least two (2) feet of horizontal distance for each one (1) foot of vertical distance, and courses shall be of sufficient size to accommodate the drainage area without flooding; that is, the ratio slope height to horizontal distance shall be 2:1.

8.5.03 The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one (1) foot in each three hundred (300) foot of horizontal distance.

8.6 Water and Sewerage Systems

The preliminary subdivision plat must be accompanied by satisfactory evidence as to the proposed method and system of water supply and sanitary sewage collection and disposal.

8.6.01 A written statement from the Davidson County Health Department or a professional soil scientist registered in North Carolina shall be submitted with the preliminary plat indicating that each lot has adequate land area and soil conditions suitable to accommodate the proposed methods of water supply and sewage disposal.

The statement shall be based upon a field investigation. The field investigation for sewage disposal shall include a site evaluation to determine the characteristics of the soil and etc. and to to determine the depth to the ground water table, and the presence of rock formations or other impervious strata.

8.6.02 Preliminary plat shall depict fire hydrants to be installed within one thousand (1000) feet of every new lot by the subdivider as appropriate to the design of the subdivision and as approved by the Planning Board.

8.7 Name of Subdivision

The name of a subdivision shall not duplicate nor closely approximate the name of an existing subdivision within Davidson County unless the subdivision is directly adjoining and carries forward design, restrictions, etc. of the existing subdivision.

8.8 Coordination and Continuation of Roads

8.8.01 The proposed street layout within the subdivision shall be coordinated with the existing road system of the surrounding area and where possible, existing principal roads shall be extended.

8.8.02 Access to Adjacent Properties

Where, in the opinion of the Planning Board it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turn-around shall be provided.

8.8.03 Private Streets and Reserve Strips

Private streets will be allowed only under the following conditions:

8.8.031 In subdivisions of lots or parcels in which a new street provides access to three (3) or four (4) lots, provided that;

(a) The new street connects directly to a public street currently accepted by maintenance by the North Carolina Department of Transportation.

(b) The new street is not planned as a through street and is no longer in length than 0.2 miles.

(c) The right-of-way for the new street is a minimum of forty-five (45) feet.

(d) Reserve strips shall be prohibited.

(e) A Private Road Disclosure Statement indicating the responsibility of maintenance shall be placed on the recorded plat and a Road Maintenance Agreement must be established and recorded. (Amended: May 8, 2023)

8.8.04 Dead End Streets

Dead end streets or cul-de-sacs designed to have one end permanently closed shall be no more than six hundred (600) feet long unless necessitated by topography (or approved by Planning Board). They shall be provided at the closed end with a turn-around having an outside roadway diameter of at least seventy (70) feet and a street right-of-way diameter of at least one hundred (100) feet.

8.8.05 Marginal Access Streets

Where a tract of land to be subdivided adjoins a principal arterial street, the subdivider may be required to provide a marginal access street parallel to the arterial street or reverse frontage of a minor street for the lots to be developed adjacent to the arterial. Where reverse frontage is established, private driveways shall be prevented from having direct access to the expressway.

8.8.06 Street Names

Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new name, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing name irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be subject to the approval of the Planning Board. Street signs shall be erected by the developer. The design, construction, and location of the street signs shall be approved by the Planning Board.

8.8.07 Collector and Minor Streets

Collector and minor streets shall be so laid out that their use by through traffic will be discouraged. Streets shall be designed or walkways dedicated to assure convenient access to parks, playgrounds, schools, and other places of public assembly.

8.8.08 Large Tracts or Parcels

Where land is subdivided into parcels ten (10) acres or more in area, such parcels shall be arranged to allow for the opening of future roads and logical further re-subdivision.

8.9 Design Standards for Streets

8.9.01 The design of all public streets and roads within Davidson County shall conform to the minimum standards set forth in the most recent edition of

"minimum Construction Standards for Subdivision Roads" as published by the N.C. Department of Transportation, Division of Highways.

8.9.01(a) The developer of a major subdivision will be responsible for the maintenance of a public road until the road is accepted by the NCDOT. A disclosure statement must be placed on the plat indicating the developer being responsible for the roadway maintenance and the individual lot owner being responsible for right of way maintenance as it was initially constructed, until accepted by the NCDOT. (Amended: May 8, 2023)

8.9.02 Private Streets must conform to the same design standards as public streets, except that the pavement surface may be omitted and the base course may be reduced in thickness. In no case may the base course be less than three (3) inches.

8.9.03 Existing private roads giving access to proposed minor subdivisions must conform to the following construction standards:

1-4 Lots	=	No requirement
5-6 Lots	=	30' right of way, road maintenance agreement
7-9 Lots	=	30' right of way, road maintenance agreement, 18' graveled surface.
10+Lots	=	State Standards

Additional lots on an existing private road that does not meet the standards can be appealed to the Planning Board where the decision will be made on a case by case basis.

8.10 Design Standards for Blocks

8.10.01 The lengths, widths, and shapes of blocks shall be determined with due regard to: provision of adequate building sites suitable to the special needs of the type of use contemplated; needs for vehicular and pedestrian circulation, control and safety of street traffic; limitations and opportunities of topography; and convenient access to water areas.

8.10.02 Block Length

Blocks shall not be less than four-hundred (400) feet nor more than sixteen hundred (1,600) feet in length.

8.10.03 Block Width

Blocks shall have sufficient width to allow two (2) tiers of lots of minimum depth except where single-tier lots are required to separate residential

development from through vehicular traffic or another type of use, or when abutting a water area or the edge of the subdivision.

8.10.04 Pedestrian Crosswalks

Where deemed necessary by the Planning Board a pedestrian crosswalk at least fifteen (15) feet in width may be required to provide convenient public access to a public area such as a park or school or to a water area such as a stream, river, or lake.

8.11 Design Standards for Lots

8.11.01 The lot size, width, depth, shape, and orientation, and the minimum housing setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Where there are conflicts between the lot size, width and/or depth standards set forth in this Ordinance and those set forth in the Davidson County Zoning Ordinance the more stringent provisions and/or requirements shall govern.

8.11.02 Lots laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated as determined by the Planning Board.

8.11.03 Lots for residential uses shall comply with the following requirements.

(a) Lot area:

(1) Lots served by both public water and public sewer shall have an area of at least thirty thousand (30,000) square feet. (August 22, 2022)

(2) Lots served by public sewer but not public water shall have an area of at least thirty thousand (30,000) square feet. (August 22, 2022)

(3) Lots served only by public water and not public sewer, and outside of watershed area (defined in item (4) below) shall have an area of at least 30,000 square feet of area suitable for a septic tank system location and operation. Lots within major subdivisions of 10 or more lots, may vary in size as low as 20,000 square feet, as long as the overall density in the subdivision remains at one dwelling per 30,000 square feet. (August 22, 2022)

(4) Lots located in a watershed of a Class III or Class IV reservoir or on the watershed of a portion of a Class IV Stream or River extending to a downstream intake of water purification plant shall contain at least forty thousand (40,000) square feet of area suitable for a septic tank system location and operation. Lots within major subdivisions

of 10 or more lots, may vary in size as low as 20,000 square feet, as long as the overall density in the subdivision remains at one dwelling per 40,000 square feet. (August 22, 2022)

(5) Water frontage lots shall have a minimum width as sold of one hundred (100) feet at the building line on the water side of the lot. All other lots within four hundred sixty (460) feet of the official pond level of a lake, if there be an official pond level, or the mean water level of a stream or pond, shall have a minimum width as sold of one hundred (100) feet at the front building line.

(b) Lot Width

(1) All lots shall have a minimum width at the building line of ninety (90) feet and a minimum width at the street line of thirty-five (35) feet. Corner lots shall have an extra width of ten (10) feet to permit adequate setback from side streets. Greater Lot width is required as follows:

(2) Lots served by only public water or by neither public water nor sewer shall have a lot width of at least **100 feet** at the building line. Except in cul-de-sacs where the minimum linear width is 80 feet. (September 14, 2015)

(c) Lot Depth

(1) All lots shall have an average depth of at least one-hundred (100) feet. Single-tier lots shall have an average depth of at least one hundred twenty-five (125) feet. Greater lot depth is required as follows:

(2) Lots served by only public water on by neither public water nor sewer shall have an average depth of at least 175 feet.

(d) Residential Building Setback Lines. The minimum building setback distance from property lines shall be as follows:

(1) Distance from Front Property Line on Arterial Street 30 Feet
(a) Distance from Front line in Major Subdivisions 50 Feet
(Amended: May 8, 2023)

(2) Distance from Side Property Line 10 Feet

(3) Distance from Side Property Line Abutting Street 15 Feet

(4) Distance from Rear Property Line 20 Feet

(5) Distance (horizontal) from the Ordinary High Water Line of a Stream, River or Lake — 50 Feet

(6) Distance (horizontal) from the normal high water Line of a Stream, river or lake that is a Class I or Class II impounded reservoir used as a source of Drinking Water — 100 Feet

(e) Orientation of Residential Lot Lines. Side lot lines shall be substantially at right angles or radial to street lines. Double-frontage lots shall be avoided wherever possible.

(f) Only one principal dwelling may be located on a single lot, except where the lot has enough acreage for two principal dwelling units.

8.11.04 Panhandle Lots

Panhandle lots must have at least 35 feet of width extending from the road throughout the panhandle, must not extend farther than 320 feet, and shall be defined as having access along a private driveway. Side by side panhandle lots or easements shall be prohibited on property or adjacent properties under one ownership.

8.12 Design Standards for Easements

Easements shall be provided as follows:

8.12.01 Utility Easements

Easements for underground or above ground utilities shall be provided where necessary across lots or, preferably, centered on rear or side lot lines and shall be at least twenty (20) feet in width. A ten (10) foot easement on each side may be required along the common line of lots.

8.12.02 Drainage Easements

Where a subdivision is traversed by a stream or drainage way, an easement shall be provided conforming with the lines of such stream and of sufficient width as will be adequate for the purpose.

8.12.03 Buffer Strips

A buffer strip is at least ten (10) feet in width may be required by the Planning Board adjacent to a major street or a commercial or industrial development. This strip shall be in addition to the normally required lot dimension, shall be

part of the platted lot, and shall be reserved for the planting of trees and shrubs by the owners.

8.12.04 Easement Construction

New easements giving access to two or more proposed lots must have driveway approval from the NCDOT and must be constructed prior to receiving a zoning permit.

8.13 Providing Water Access for Back-Tier Lots on any Public Lakes or Rivers

8.13.01 No lot within a water-front subdivision of any river or public lake within the County shall be transferred or a deed for the same recorded by the Register of Deeds of Davidson County unless the property owner shall provide within the deed to the purchaser thereof a right in an access lot or lots to said river or to the high water mark of said public lake for the use of the owner of said lot and other owners of lots in said subdivision provided, however, that this shall not apply to lots having direct access to said river or public lake but only to the back-tier lots within 460 feet of said high water mark of said public lake, and provided further that nothing herein shall give to the public generally any rights or interest of any nature in said access lot or lots.

8.13.02 "High water mark" as referred to herein means contour at elevation 655 Carolina Aluminum Company datum as it pertains to High Rock Lake and contour 606 Yadkin, Inc. datum as it pertains to Tuckertown Lake.

ARTICLE 9

INSTALLATION OF PERMANENT REFERENCE POINTS AND IMPROVEMENTS

9.0 SURVEY PROCEDURES

Unless otherwise specified by this ordinance, specified by this ordinance, the Manual of Practice for Land Surveying as adopted by the N.C. State Board of Registration for Professional Engineers and Land Surveyors, under provisions of Section 16, Chapter 89 of the General Statutes of North Carolina, shall apply when conducting surveys and placements of monuments, markers, control corners, and property corner ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions. The Suburban Land Survey (Class B) criteria shall apply to all subdivisions in Davidson County, except for commercial and industrial surveys.

9.1 CONSTRUCTION PROCEDURES

9.1.01 Commencement

No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved and all plans and specifications have been approved by the appropriate authorities.

Streets to serve properties offered for sale or transfer under the provisions of this Ordinance shall be graded to the required width, properly drained, and provided with adequate base course in accordance with the construction standards set forth in the State Department of Transportation's "Minimum Construction Standards for Subdivision Roads".

Water mains and sanitary sewers may be installed by the subdivider. If such installations are made, the subdivider shall comply with all rules and regulations prescribed for community public water supplies and sewage disposal by the North Carolina Division of Health Services, the North Carolina Division of Environmental Management and the Davidson County Health Department; and with all regulations and construction specifications of any municipality to whose utility systems such as water mains and/or sanitary sewers may eventually be connected.

9.1.02 Permits

No building, or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this Ordinance until all the requirements of this Ordinance have been met.

9.1.03 Access

The administrator of this Ordinance shall have access to premises and structures during reasonable hours to make those inspections deemed necessary by him to ensure compliance with this Ordinance.

9.1.04 Inspection

The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the Administrator of this Ordinance to provide for adequate inspection. The approving authorities having jurisdiction or their representatives shall inspect and approve all completed work prior to release of the sureties.

9.1.05 Erosion Control

The subdivider shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be so mulched, seeded, sodded, or otherwise protected to comply with the provisions of Article 8.4.

ARTICLE 10

PLANNED RESIDENTIAL DEVELOPMENTS
GROUP DEVELOPMENTS

10.0 GENERAL

Where topography or other existing physical conditions are such that compliance with the requirements of this ordinance would cause an unusual and unnecessary hardship on the subdivider above and beyond what other subdividers would meet, the Board of County Commissioners may vary the minimum requirements set forth herein, provided that such variation will not have the effect of nullifying the interest and purpose of these regulations. Where a variation is accepted the reasons for such shall be noted in the minutes of the Planning Board.

10.1 EXCEPTIONS FOR PLANNED DEVELOPMENTS

The purpose of this Article is to provide desirable open space in commonly owned areas, tree cover, recreation area, scenic vistas, and variety in development by allowing certain variations in lot sizes and design requirements, and the establishment of townhouses and condominiums. In no case shall the overall density of dwelling units be greater than that permitted by the applicable zoning requirements. Subject to the approval of the Board of County Commissioners the design standards as set forth in this ordinance may be modified by the Planning Board in the case of a plan and program for a planned development which may consist of offices, institutions, stores, industries, townhouses, and residences or any desirable combination of these establishments which meet the requirements of the Davidson County Zoning Ordinance. Proposed ownership of planned developments may be one individual, partnership, corporation, cooperative, condominium or any desirable combination. A preliminary and final plat of a planned development shall be submitted pursuant to the provisions of this Article in conformity with the following:

10.1.01 Common Aras

Al planned development shall contain commonly owned land equal in area to 20% of the entire development. Common areas shall not be less than two (2) acres in size and shall be held in non-profit corporate ownership by the owners of lots within the development. In consideration of the purpose served by a planned development, the title to such common areas or property shall be preserved to the perpetual benefit of the private properties in the development and shall be restricted against private ownership for any other purposes. If the corporation desires, improvements may be made within the common areas provided that maximum coverage of such improvement shall not exceed 25% of the entire common property. The developer shall submit and, after approval by the county, record a declaration of the covenants and restrictions that will govern the ownership, management, and maintenance of the common areas.

10.1.02 Density

Individual lot sizes may be varied, but the overall density of a planned development shall not exceed that permitted by the applicable zoning requirements. All remaining land not shown as lots shall be designated as common areas.

10.1.03 North Carolina Unit Ownership Act

Before a declaration establishing a condominium or unit ownership development may be recorded the declaration and plan shall be approved by the Planning Board and the Board of County Commissioners as a preliminary and final plat.

10.1.04 Site Plan

Site plans for all planned development shall show the location of the buildings, streets, alleys, walks, parking areas, recreation areas, tree cover and planting. The site plan shall number and show the dimensions of all building sites and all streets and utility easements to be dedicated to the public. All areas on the site plan other than public streets, easements, or private building sites shall be shown and designated as common areas.

10.1.05 Landscape Plan

A landscape plan for all planned developments shall show all existing and proposed plant material. The plan shall indicate the size and type of existing plant material and the size and type of plants to be planted.

10.1.06 Public Access, Easements and Private Party Walls

Building lots may abut or be provided with frontage on common areas, properly restricted though a property owners association to assure adequate access, if in the opinion of the county a public street is within an acceptable distance and would allow adequate community services. Easements over the common areas for access, ingress, and egress from and to public streets and walkways and easements for enjoyment of the common areas, as well as for parking, shall be granted to each owner of a residential site. All common walls between individual residences shall be party walls and provisions for the maintenance thereof and restoration in the event of destruction or damage shall be established.

10.1.07 Utilities and Improvements Required

All planned developments shall include public water and sewer utilities, sidewalks, paved streets and parking areas with curb and gutter, underground electric and telephone service, landscaping and any other improvements considered necessary by the Board of County Commissioners.

ARTICLE 11

HILLSIDE SUBDIVISIONS

11.1 GENERAL

For the purposes of this Article, the term "hillside lands" shall be construed to mean land proposed to be subdivided which has at least sixteen percent (16%) slope (an average difference in elevation of at least sixteen (16) feet in a horizontal distance of one-hundred feet). Any street frontage having a length of three-hundred (300) feet or more shall be considered a hillside land area if the slope of thirty percent (30%) or more of its length equals or exceeds sixteen percent (16%). All provisions of this Article as set forth herein shall apply to "hillside land subdivisions" except as superseded by this Article, which is hereby made expressly applicable to hillside land subdivisions only.

11.2 STREET DESIGN AND CONSTRUCTION

11.2.01 Widths

Within Davidson County, no local road shall have a right-of-way of less than sixty (60) feet except that a right-of-way of fifty (50) feet will be permitted if a reduced width is essentially unavoidable and is approved by the District Engineer of the Department of Transportation, Division of Highways.

11.2.02 Cul-de-sacs

The required turn-around on a dead end street in a hillside subdivision shall have a roadway diameter of not less than fifty (50) feet and a right-of-way diameter of not less than sixty (60) feet. If the street length does not exceed three hundred (300) feet and if construction difficulties will not permit a turn-around, the use of a "Y" or "T" or other turning space of a design such as will allow a vehicle with a wheel base of at least twenty (20) feet to complete a turning movement, may be permitted if approved by the Planning Board.

11.2.03 Grading

Grading will not be required for the full right-of-way in hillside subdivisions if the Planning Board determines that full grading will prevent convenient access to adjoining property, or will destroy the natural beauty of the site by excessive cut and fill.

11.2.04 Street Grades

In hillside land subdivisions, maximum street grades permitted shall be twelve percent (12%) unless the Planning Board determines that a steeper grade is essentially unavoidable and would not create excessive danger.

11.2.05 Horizontal Alignment and Vertical Curves

The horizontal and vertical alignment of all streets shall be of a design approved by the district engineer of the State Department of Transportation. Evidence of this approval shall be submitted with the preliminary plan.

11.2.06 Pavement Widths Where Required

Pavement widths shall not be less than twenty-four (24) feet except that where the average cross slope is sixteen percent (16%) or greater, pavement widths may be reduced with Planning Board approval as follows:

11.2.06.01 Where the average cross slope is between sixteen percent (16%) and forty percent (40%) minimum pavement width may be reduced to twenty (20) feet.

11.2.06.02 Where the average cross slope is greater than forty percent (40%), approval of the district engineer of the State Department of Transportation shall be secured prior to any road construction. Evidence of such approval shall be shown on the preliminary plat.

11.2.07 Where pavement width is reduced, on-street parking shall not be permitted.

11.3 LOTS

11.3.01 General

Where the requirements stated in this Article of the Subdivision Regulations are in contradiction with other Articles, or with the Zoning Ordinance, the more stringent regulations shall apply.

11.3.02 Sixteen – Twenty-Five Percent Cross Slope

When the average cross slope is between sixteen and twenty-five percent (16-25%), design requirements are a follows:

11.3.02.01 The average minimum lot area for the entire subdivided area will be twelve-thousand (12,000) square feet. No less than eighty percent (80%) of the lots shall have a minimum area of twelve thousand seven

hundred (12,700) square feet, and no lot shall have an area of less than nine-thousand (9,000) square feet.

11.3.02.02 Minimum lot frontage will be seventy (70) feet except a minimum frontage of forty-five (45) feet may be permitted at the end of a cul-de-sac.

11.3.02.03 Minimum average lot width will be seventy (70) feet.

11.3.03 Twenty-Six – Forty Percent Cross Slope

When the average minimum cross slope is between twenty-six and forty percent (26-40%), design requirements for lots are as follows:

11.3.03.01 The average minimum lot area for the entire subdivided area will be twenty-five thousand (25,000) square feet. No less than eighty percent (80%) of the lots shall have a minimum area of twenty-eight thousand (28,000) square feet, and no lot shall have an area of less than fourteen thousand (14,000) square feet.

11.3.03.02 Minimum lot frontage will be one-hundred (100) feet, except a minimum frontage of fifty (50) feet may be permitted at the end of a cul-de-sac.

11.3.04 Cross Slope Greater than Forty Percent

When the average cross slope is greater than forty percent (40%), design requirements for lots are as follows:

11.3.04.01 The average minimum lot area for the entire subdivided area will be one (1) acre. No less than eighty percent (80%) of the lots shall have a minimum area of forty-eight thousand (48,000) square feet, and no lot shall have an area of less than twenty-five thousand (25,000) square feet.

11.3.04.02 Minimum lot frontage will be one hundred forty (140) feet except a minimum frontage of sixty (60) feet may be permitted at the end of a cul-de-sac.

11.3.04.03 Minimum average lot width will be one hundred thirty (130) feet.

11.3.05 Panhandle lots

The Planning Board may approve panhandle lots in exceptional cases where it is impractical to serve an isolated lot by a public street. The frontage of the panhandle lot shall have a minimum width of twenty-five (25) feet providing an access strip between two regular lots to the isolated building site. The area of

such strip shall be excluded in computing the lot area and width, and the length of said strip shall not exceed three-hundred (300) feet.

11.3.05 Residential Building Setback Lines

Within Davidson County, the residential building setback lines for hillside subdivisions shall conform to the requirements of the Zoning Ordinance, if applicable, or to the provisions of this ordinance as set out in Article 8.11.03 (d).

ARTICLE 12

VESTED RIGHTS PURSUANT TO N.C.G.S. 153A-344.1

12.1 ESTABLISHMENT OF A VESTED RIGHT

(a) A landowner may apply for the determination of a vested right pursuant to North Carolina General Statute 153A-344.1 on a form to be provided by the County at the same time as application is made for a zoning map amendment, subdivision plan approval, a conditional use permit, a special use permit, a site plan approval or a planned unit development approval.

(b) A vested right shall be deemed established upon the valid or conditional approval of a site specific development plan submitted with the application by the Planning Board, the Board of Adjustments or the Board of Commissioners (hereinafter referred to as the governing board) whichever has jurisdiction over the zoning action being considered following notice and a public hearing.

(c) Such vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site-specific development plan which plan may be approved upon such terms and conditions as may be reasonably necessary to protect the public health, safety, and welfare. Failure to abide by the terms and conditions imposed shall result in a forfeiture of a vested right.

(d) A right which has been vested as provided for in this section shall remain vested for a period of two years which period shall not be extended by any amendment or modification to a site-specific development plan unless expressly provided by the governing board.

(e) The establishment of a zoning vested right shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use, or preclude ordinances or regulations that are general in nature and are applicable to all property subject to land-use regulations by the County, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new or

amended regulations shall become effective with respect to property that is subject to a site-specific development plan upon the expiration or termination of the vested right in accordance with this article.

(f) Following approval or conditional approval of a site-specific development plan, nothing in this article shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval.

12.2 TERMINATION OF A VESTED RIGHT

A zoning right that has been vested as provided in this article shall terminate:

(a) at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit application has been filed;

(b) with the written consent of the affected landowner;

(c) upon findings by the governing board, by ordinance after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site specific development plan;

(d) upon payment to the affected landowner of compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the County, together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property which is caused by such action;

(e) upon findings by the governing board, by ordinance after notice and a hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the governing board of the site specific development plan; or

(f) upon the enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the site specific development plan, in which case the governing board may modify the affected provisions, upon a finding that the change in State or federal law as a fundamental effect on the plan, by ordinance after notice and a hearing.

12.3 REPEALER

In the event that G.S. 153A-344.1 is repealed, this article shall be deemed repealed and the provisions hereof no longer effective.

12.4 EFFECTIVE DATE

This article shall be effective October 1, 1991 and shall only apply to site specific development plans approved on or after October 1, 1991.

APPENDIX I

Water supply systems for the provision of potable water and serving at least fifteen (15) connections or regularly serving at least twenty-five (25) year-round residents are classified as community public water supplies by State Law. Plans and specification of such systems must be submitted for approval by the North Carolina Division of Health Services.

Plans for public and community sewer systems must be approved by the North Carolina Department of Natural Resources and Community Development.

Wastewater treatment systems which discharge to surface waters of the State must submit plans and specifications for approval by the North Carolina Division of Environmental Management and apply for a discharge permit.

Individual water supplies should be located, constructed and operated in accordance with North Carolina Division of Health Services Rules of Governing the Protection of Private Water Supplies Section .1700.

Individual sewage disposal systems must be installed and maintained in accordance with the North Carolina Division of Health Services Laws and Rules for Sanitary Sewage Collection, Treatment, and Disposal Section .1900, and the regulations of the County Board of Health.