

**CLAY COUNTY  
SUBDIVISION ORDINANCE**

**Effective July 1, 1996  
Amended Effective March 1, 2006**

STATE OF NORTH CAROLINA  
COUNTY OF CLAY

AMENDED CLAY COUNTY SUBDIVISION ORDINANCE

ARTICLE I. TITLE, AUTHORITY, PURPOSE AND GENERAL EFFECT.

SECTION 1.1 TITLE.

This Chapter shall be known and cited as the Amended Clay County Subdivision Ordinance, and may be referred to as the "Amended Subdivision Ordinance".

SECTION 1.2 STATUTORY AUTHORITY.

The legislature of the State of North Carolina has in Article 18, Part 2, of Chapter 153A, of the North Carolina General Statutes delegated the authority to Counties to regulate the subdivision of land within their territorial jurisdiction.

SECTION 1.3 STATEMENT OF PURPOSE.

The purpose of this Subdivision Ordinance is to establish standards and procedures for the subdivision and resubdivision of land within all of Clay County and the municipalities and extra territorial jurisdictions contained in Clay County. It is further designed to provide for the orderly growth and development of the County.

SECTION 1.4 PREREQUISITE TO PLAT RECORDING.

Pursuant to the provisions of N.C. Gen. Stat. §§ 153A-331 and 153A-332, no subdivision plat of land within Clay County shall be filed or recorded by the Clay County Register of Deeds until it has been approved in accordance with the provisions of this Amended Subdivision Ordinance.

SECTION 1.5 COMPLIANCE WITH OTHER PLATS.

Any person who is the owner or the agent of the owner of any land located within Clay County, who subdivides the land in violation of this Amended Subdivision 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 Amended Subdivision Ordinance and recorded in the Office of the Clay County Register of Deeds, shall be guilty of a misdemeanor.

The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The County may bring an action for injunction of any illegal subdivision, transfer, conveyance or sale of land and shall upon appropriate finding, issue an injunction and order requiring the offending party to comply with this subdivision ordinance.

## ARTICLE II.

### SECTION 2.1 VIOLATIONS AND PENALTIES.

In addition to the foregoing, the violation of any provision of the this Ordinance shall subject the offender to a civil penalty in the amount of \$50 to be recovered by the County.

Violators shall be issued a written citation which must be paid with in 10 days. Each day's continuing violation of this ordinance shall be a separate and distinct offense. This Ordinance may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.

Nothing in this section shall be construed to limit the use of remedies available to the County. The County may seek to enforce this Amended Subdivision Ordinance by using any one, all or a combination of remedies.

### SECTION 2.2 SEPARABILITY.

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

### SECTION 2.3 AMENDMENTS.

The Board of Commissioners may from time to time amend the terms of this Amended Subdivision Ordinance, but no amendment shall become effective unless it shall have been proposed by the Subdivision Administrator, the County Manager, or the Board of Commissioners.

No amendment shall be adopted by the Board of Commissioners until it has held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the Clay County area at least once a week for two consecutive calendar weeks prior to the hearing. The initial notice shall appear not more than 25 days nor less than 10 days prior to the hearing date. In computing the 10 and 25 day periods, the date of publication is not to be counted, but the date of the hearing is.

### SECTION 2.4 ABROGATION.

This Ordinance shall neither repeal, aggregate, annul, impair or interfere with any existing

subdivisions where deeds creating the same, or partition proceedings or other Court order creates the subdivision or where existing plats of the subdivision have been prepared and dated prior to the effective date of this Amended Subdivision Ordinance and are filed with the Subdivision Administrator prior to the effective date of this Amended Subdivision Ordinance.

**SECTION 2.5 EFFECT OF EXISTING LEGISLATION.**

Where this Amended Subdivision Ordinance conflicts with existing ordinances, statutes or regulations effective in Clay County and enacted by the County, any municipality located therein, the State or federal government or their agencies, then the ordinance, statute or regulation having higher standard shall apply.

**SECTION 2.6 ADMINISTRATOR.**

The Clay County Commissioners shall appoint the Subdivision Administrator (herein referred to as "Administrator" or "Subdivision Administrator") and may appoint a planning commission.

**SECTION 2.7 EFFECTIVE DATE.**

This Amended Subdivision Ordinance shall take effect and be enforced from and after the 1 day of MARCH, 2006. It shall apply to all subdivisions of land, the platting thereof and the platting of roads in Clay County, North Carolina from said date forward. The original Clay County Subdivision Ordinance, effective July 1, 1996, shall continue to apply to the subdivisions of land, the platting thereof and the platting of roads in Clay County which occurred from July 1, 1996, to and including FEVRUARY 28, 2006, but not thereafter.

**CLAY COUNTY BOARD COMMISSIONERS**

By: Steph Sellers  
Chairman

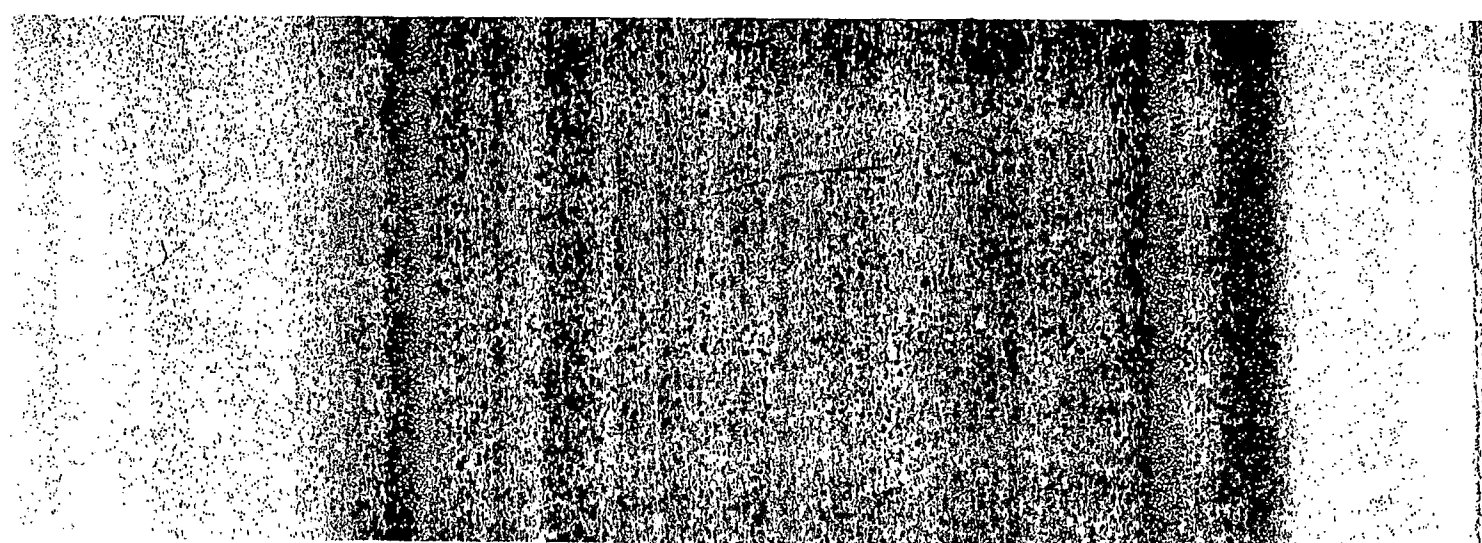
Attest:  
Michael C. Anderson  
Clerk to the Board

( County Seal )

**ARTICLE III. PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS.**

**SECTION 3.1 A PLAT SHALL BE REQUIRED ON ANY SUBDIVISION OF LAND INCLUDING MAJOR, MINOR, FAMILY AND SPECIAL SUBDIVISIONS.**

Pursuant to N.C. Gen. Stat. § 153A-331, a recordable plat shall be prepared, approved and recorded



pursuant to the provisions of this Amended Subdivision Ordinance whenever any subdivision of land takes place. All subdivisions shall be considered major subdivisions except those herein defined as minor, family or special subdivisions in Section 5.2.

**SECTION 3.2            PROCEDURES FOR REVIEW AND APPROVAL OF FAMILY SUBDIVISIONS.**

The subdivider shall submit a completed application for a family subdivision along with the following information and documentation to the Subdivision Administrator.

1. WRITTEN EVIDENCE THAT THE SUBDIVISION IS A DIVISION OF LAND BY PROPERTY OWNER AMONG THE IMMEDIATE FAMILY, TO WIT:

The spouse, children, or their lineal descendants or ascendants, or the lineal descendants or ascendants of the said property owner as a gift, as a settlement of the property owner's estate, or for a nominal consideration; the conveyance of a tract or tracts to a grantee who would have been an heir of the grantor if the grantor had died intestate immediately prior to the conveyance; or the conveyance of a tract or tracts for the purpose of dividing lands among the tenants in common, all of whom inherited by intestacy or by will, the land from a common ancestor.

2. SUBMIT A FINAL PLAT WHICH CONFORMS TO THE REQUIREMENT OF THIS ORDINANCE ( APPENDIX 2 ) NO PRELIMINARY PLAT IS REQUIRED.

Upon receipt of a properly completed application and supporting documentation for a family subdivision, the Subdivision Administrator shall review the application and plat for compliance with the provisions of this Section. The Subdivision Administrator shall approve the plat for recording when the application and plat conform to the provisions of this Amended Subdivision Ordinance. The Subdivision Administrator shall approve or disapprove the plat within seven working days. If he fails to act within seven working days from the filing of the plat, the plan is deemed to be approved. The Subdivision Administrator or his secretary shall note the date of filing on each application.

**SECTION 3.3            PROCEDURE FOR REVIEW OF SPECIAL SUBDIVISION.**

The subdivider shall submit a completed application for a special subdivision to the Subdivision Administrator's for review and approval. The plat required for a special subdivision shall be determined by the Subdivision Administrator for review and approval. If the special subdivision is not approved or if variances are requested, the subdivision shall be referred to the Board of Commissioners for review and final decision. The Subdivision Administrator shall approve or disapprove the plat within seven working days. If he fails to act within seven working days from the filing of the plat, the plan is deemed to be approved. The Subdivision Administrator or his secretary shall note the date of filing on each application.

1 PRELIMINARY PLAT.

All subdivisions that do not qualify for the abbreviated procedure under Sections 3.2 through 3.3, shall submit a preliminary plat for review and approval by the Subdivision Administrator before any permits may be issued or before any construction or installation of improvements may begin.

Contents Required.

The preliminary plat shall be prepared by a registered land surveyor, landscape architect or professional engineer and shall include all information required on the Preliminary Plat Checklist found in the Appendix 1 of this Ordinance.

2 REVIEW PROCEDURE.

The Subdivision Administrator shall review and either approve, approve conditionally, or disapprove each preliminary plat within seven business days from the date of submission. If he fails to act within seven working days from the filing of the plat, the plan is deemed to be approved. The Subdivision Administrator or his secretary shall note the date of filing on each application. If the Subdivision Administrator approves the preliminary plat, such approval shall be indicated on two copies by the following certificate and signed by the Subdivision Administrator:

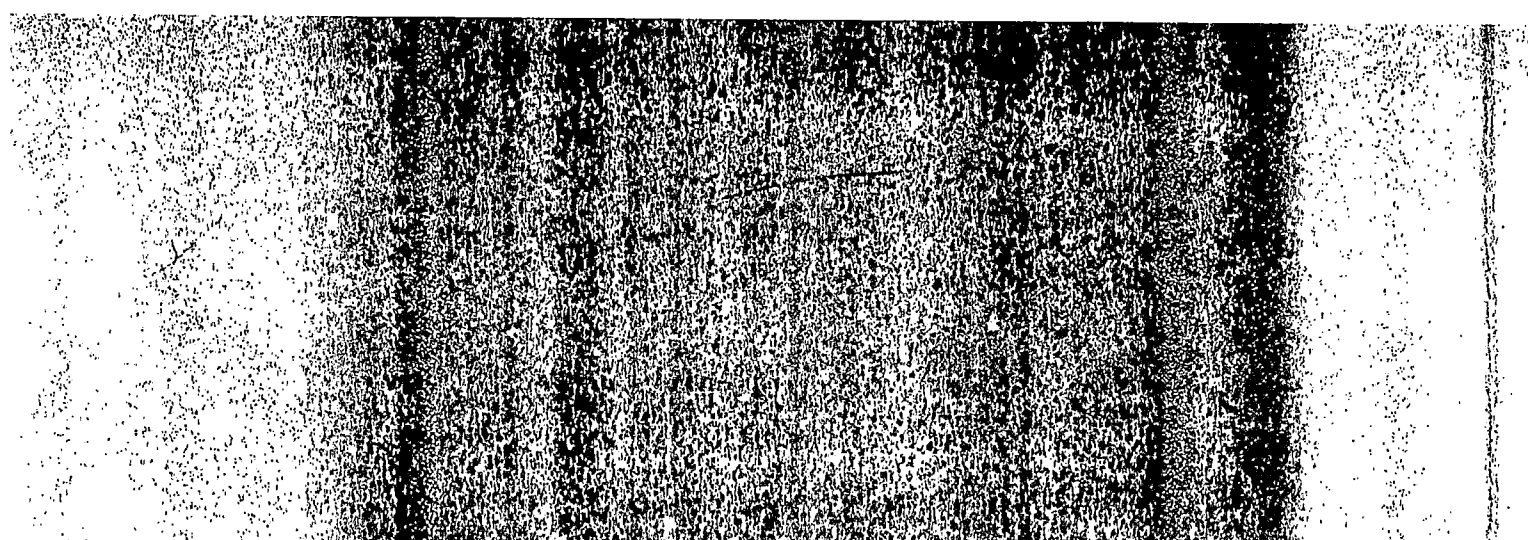
“ CERTIFICATE OF APPROVAL BY SUBDIVISION ADMINISTRATOR

This certifies that the Clay County Subdivision Administrator approved the preliminary plat for the \_\_\_\_\_ subdivision on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

\_\_\_\_\_  
Clay County Subdivision Administrator”

One copy shall be transmitted to the subdivider and one copy retained by the Subdivision Administrator.

If the Subdivision Administrator disapproves or approves conditionally said plan, the reasons for such action shall be stated in writing to the subdivider. The subdivider may make changes and submit a revised plan. All revisions shall be submitted, reviewed, and acted upon by the Subdivision Administrator pursuant to this Section.



Approval of the preliminary plat shall be valid for two years unless a written extension is granted by the Subdivision Administrator on or before the two-year anniversary of said approval. If the final plat is not submitted for approval within said two-year period, or any period of extension, the approval of the preliminary plat shall be null and void.

## SECTION 3.5 FINAL PLAT REVIEW AND APPROVAL.

### 1. PREPARATION OF FINAL PLAT AND INSTALLATION OF IMPROVEMENTS.

Upon approval of the preliminary plat by the Subdivision Administrator, the subdivider may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this Amended Subdivision Ordinance. Prior to the approval of a final plat, the subdivider shall have submitted proof of EPA approval, if required. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time; such portion shall conform to all requirements of this Amended Subdivision Ordinance.

### 2. NUMBERS OF COPIES AND SPECIFICATIONS.

Six copies of the final plat shall be submitted, one shall be on reproducible material, such as Mylar, and five shall be black or blue line prints. Material and drawing medium for the originals shall be in accordance with the Manual of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Clay County Register of Deeds.

The final plat shall be 18" x 24" for recording with the Clay County Register of Deeds, and shall be at a scale of not less than 1 inch equals 200 feet. Maps may be placed on more than one sheet with appropriate match lines.

### 3. SUBDIVISION ADMINISTRATOR REVIEW PROCEDURE.

The Subdivision Administrator shall review the final plat and he shall approve, conditionally approve with modifications to bring the plat into compliance, or shall disapprove the final plat within 10 working days of its receipt.

If the Subdivision Administrator conditionally approves the final plat with modifications to bring the plat into compliance, he shall retain one copy of the plat for his records, and return his written recommendations with all other copies to the subdivider.

If the Subdivision Administrator disapproves of the final plat, he shall instruct the subdivider concerning resubmission of a revised plat. The subdivider may make such changes as will bring the plat into compliance with the provisions of this Amended Subdivision Ordinance, and he may resubmit the same for reconsideration by the Subdivision Administrator or appeal the Subdivision Administrator's decision to the Board of Commissioners. The subdivider may appeal the decision of the Subdivision Administrator by filing written notice of appeal with the Board of Commissioners within 45

days from notification of the disapproval. The notice shall be filed with the County Manager. The Board of Commissioner shall hear the appeal within 45 days. If the Board of Commissioners disapproves the plat it shall issue a written statement as to the reasons for the disapproval.

If the plat is approved, the approval shall be noted on each copy of the plat in the following form:

“ CERTIFICATE OF APPROVAL FOR RECORDING:

I certify that the final plat shown hereof complies with the Clay County Subdivision Regulations and is approved for recording in the Clay County Register of Deeds Office.

Date: \_\_\_\_\_

\_\_\_\_\_  
Clay County Subdivision Administrator.

4. DISPOSITION OF COPIES.

If the final plat is approved by the Subdivision Administrator, the plat's shall be disposed of as follows:

One copy to the Tax Mapping Office;  
Two copies to the subdivider; and  
The Mylar and one copy to the Register of Deeds for recording.

The subdivider shall file the approved final plat and all other documents required for recording by this Amended Subdivision Ordinance with the Register of Deeds for recording within 30 days of the approval of said plan, otherwise such approval shall be null and void.

SECTION 3.6 PLATTING REQUIREMENTS FOR ROADS WITHOUT SUBDIVIDING LOTS.

When a subdivider proposes to construct new roads, without initially subdividing lots, the subdivider may present a preliminary plat to the Subdivision Administrator for approval of the roads only. This option is provided to allow developers the flexibility of designing and platting lots after road construction in order to adjust the subdivision to the existing terrain.

The Subdivision Administrator shall coordinate any proposed street names with the E911 coordinator later to prevent duplication of existing street/road names.

CONTENTS REQUIRED.



The preliminary plat shall be prepared by licensed registered land surveyor, landscape architect or a professional engineer. The preliminary plat shall contain the following information and supporting documentation:

- A. Name of owner, developer and engineer (if any) and/or registered surveyor;
- B. Title, date, North point and graphic scale;
- C. A sketch and vicinity map showing the relationship of the proposed subdivision with the surrounding area;
- D. Boundaries of the tract shown with distances and approximate acreage;
- E. Access right-of-way to state road;
- F. Names of adjoining property owners and/or subdivisions;
- G. Proposed streets, street names, right-of-way, Roadway widths, approximate grades and proposed drainage facilities;
- H. Other proposed right-of-way or easements showing locations, width and purposes;
- I. Statement of intended use of future lots (single or multi-family); and
- J. When an area covered by the plan includes or abuts a water area (stream, river or lake) the following additional information is required:
  1. Relationship with floodway and floodplain as delineated by the County floodway boundary and flood insurance rate maps; and
  2. Name of the owners of the water area.

### SECTION 3.7 PHASED DEVELOPMENTS.

If the subdivider proposes that a subdivision is to be constructed in phases, the following procedures shall apply:

1. A master-plan showing the entire proposed subdivision and the phases of development, proposed density, proposed type and location of utilities, and proposed development timetable shall be submitted to the Subdivision Administrator for approval.
2. Each phase of development shall be preceded by submission and approval of a preliminary plat as outlined in Section 3.4 unless such plat submission is waived by the Subdivision Administrator. The master-planned may be submitted prior to or along with the preliminary plat for the first phase of development.

3. As each phase is completed, a final plat must be submitted and approved for that phase as outlined in Section 3.5. Approval of the master-plan need not be renewed unless density increases are proposed.

### SECTION 3.8 PLAT APPROVAL PREREQUISITES.

Notwithstanding anything to the contrary contained herein, no plat shall be approved or registered:

1. Until the district highway engineer is given an opportunity to make recommendations concerning an individual subdivision plat as to proposed State streets, State highways, and related drainage systems; and
2. Until the County Health Director or local public utility, as appropriate, is given an opportunity to make recommendations concerning an individual subdivision plat as to proposed water or sewer systems.

### ARTICLE IV. REQUIRED IMPROVEMENTS, DEDICATION, RESERVATION, MINIMUM STANDARDS OF DESIGN.

#### SECTION 4.1 GENERAL.

Each subdivision shall comply with minimum standards set forth below.

#### SECTION 4.2 SUITABILITY OF LAND.

1. Where land to be subdivided is found by the Subdivision Administrator to be subject to the conditions of flooding, improper drainage, severe erosion, slides, or to have other characteristics which pose an ascertainable danger to health, safety or property, the subdivider shall take measures necessary to correct said conditions and to eliminate said dangers. In making such determinations, the Subdivision Administrator may seek to take into consideration the following, if reasonably obtainable: Official Federal Emergency Management Agency Flood Boundary and Floodway Maps, Flood Insurance Rate Maps for Clay County, the Clay County Soil Survey, and recommendations from the Tennessee Valley Authority, the USDA Soil Conservation Service and the Clay County Health Department. Any findings made by the Subdivision Administrator shall be in writing and retained for inspection.
2. Areas that had been used for disposal of solid waste shall not be subdivided unless tested by the Clay County Health Department, a structural engineer, and a soil expert who determine that the land suitable for the purposes proposed.
3. Subdivisions proposed for areas identified as being located in flood hazard areas on Federal Emergency Management Agency Maps for Clay County shall conform to the following:
  - A. All subdivision proposals shall be consistent with the need to minimize flood damage; and

- B. All proposals shall have public utilities and facilities such as water, sewer, gas, telephone and electrical facilities located and constructed to minimize flood damage.

SECTION 4.3 NAME DUPLICATION.

In order to lessen possible confusion which could hamper the response time for emergency vehicles, the name of a subdivision shall not duplicate nor closely approximate the name of an existing subdivision within Clay County.

SECTION 4.4 SUBDIVISION DESIGN.

1. LOTS

- A. All lots in a new subdivision shall comply with the minimum requirements established in this Section, except as provided in Section 4.4 (2) B. Compliance with these requirements means that the smallest lot within a subdivision shall meet all area and dimensional requirements of this ordinance. It is not permitted to average the lot areas to meet the minimums established in this Section.
- B. All lots in a new subdivision shall meet the following minimum requirements for area and setback, except for lots within a special subdivision where lots specifically are not proposed for permanent structures or where specific provisions are made for reduced or zero lot line development. Setback requirements shall not apply to retaining walls or fences.

WATER And SEWER	PUBLIC or PRIVATE WATER And PUBLIC or COMMUNITY SEWER	PUBLIC or PRIVATE WATER And NO PUBLIC or COMMUNITY SEWER	INDIVIDUAL WATER And INDIVIDUAL SEWER
MINIMUM LOT AREA	1/3 Acre	3/4 Acre	1 Acre
FRONT, SIDE, And, REAR SETBACK	10 Feet	10 Feet	10 Feet

All setbacks shall be measured from the edge of the adjacent road right-of-way or lot line. Where a lot line is within a road right-of-way, the setback shall be measured from the edge of the right-of-way.

- C. The Clay County Health Department may require larger lot sizes, if necessary, to protect the public health and ensure proper operation of septic tanks and wells. Any variance must meet the requirements set forth in Article II, Section 2.3 of this Amended Subdivision Ordinance.
- D. All lots in all proposed subdivisions shall meet any applicable requirements of the Clay County Health Department.
- E. Multifamily residential lots: each lot intended for the development of more than one dwelling unit shall be accompanied by written approval from the Clay County Health Department. If municipal water and sewer services are not available, such approval shall state that the lot (s) proposed for multifamily residential units is (are) to accommodate the proposed water and sewage systems. All lots proposed for multifamily residential use shall conform with the standards in Section 4.4 (2) B of this Amended Subdivision Ordinance.

## 2. EASEMENTS.

- A. Utility easements. Easements for utilities shall be provided and shall meet the minimum standards of the utility company.
- B. All subdivisions shall have right-of-way of at least 30 feet in width with a minimum width of 16 feet of surfaced road bed except where fewer than five lots are being served by a spur roadway, the roadway width may be set in the discretion of the developer.

## 3. OTHER REQUIREMENTS.

- A. Street Names. Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing name shall be avoided, and in no case shall the proposed name be phonetically similar to existing names in the County, 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 Board of Commissioners.
- B. Street Name Signs. The subdivider shall be required to provide and erect Street name signs in accordance with the requirements of the Subdivision Roads, Minimum Construction Standards, May 1, 1983, or as amended, at all intersections within the subdivision.
- C. Permits for Connection To State Roads. An approved permit is required for connection to any existing State Road system. This permit is required prior to any

construction on the street or road. The application is available at the office of the nearest district engineer of the Division of Highways for the State of North Carolina.

#### SECTION 4.5 UTILITIES.

##### 1. WATER AND SANITARY SEWER SYSTEMS.

If the developer is to provide water or sewer systems, the plat shall so state. If no system is to be provided by the developer, the plat shall so state.

##### 2. REQUIRED APPROVAL OF WATER AND SEWER SYSTEMS.

Preliminary plats which require the installation of any water and/or sewage system shall be accompanied by written approval from the appropriate state or local agency stating that the proposed system or systems meet the State and local requirements. The types of systems and the regulatory agency required to approve the system are described below:

###### A. Water Systems are defined as follows:

1. Individual Water System: Any well, spring, stream or other source used to supply a single connection.
2. Private Water System: Any system serving from two to 14 connections and less than 25 persons.
3. Public Water System: Any municipal or County water System in Clay County, and any water systems serving 15 or more residential connections or serving more than 25 year round residents. Plans and specifications for any public water system shall be submitted to the North Carolina Department of Environment, Health and Natural Resources, and proof of submission shall accompany the preliminary plat.

###### B. Sewer Systems are defined as follows:

1. Individual Sewer System: Any septic tank, privy or other ground absorption system serving a single source or connection.
2. Community Sewer System: Any sewer system owned and operated by a local government of Clay County, or other sewer systems serving two or more connections. A proposed subdivision which uses or is to connect with a community sewer system having a discharge into any surface water shall submit plans to the North Carolina Department of Environment, Health and Natural Resources, Division of Environmental Management. Proof of submission shall be submitted with the preliminary plat. A

proposed subdivision which uses or is to connect with a system which utilizes ground absorption for sewage discharge shall have a written approval from the Clay County Health Department submitted with the preliminary plat.

## ARTICLE V. DEFINITIONS.

### SECTION 5.1 SUBDIVISION DEFINED.

As used in this Ordinance, the definition of the word "subdivision" is defined in N.C. Gen. Stat. § 153A-335. The definition is as follows:

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

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

### SECTION 5.2 TYPES OF SUBDIVISION.

For all subdivisions of land as defined in Section 5.1 the following categories of subdivisions shall be used to determine the procedures required for review:

- (1) **RESIDENTIAL SUBDIVISION.**  
A subdivision of land by property owner into lots or parcels for the purpose of sale or development for residential purposes.
- (2) **FAMILY SUBDIVISION.**  
A subdivision of land by property owner among his immediate family as a gift, as a settlement of the property owners of state, or for nominal consideration; the conveyance of a tract or tracts to a grantee who would have been an heir of the grantor if the grantor had

died intestate immediately prior to the conveyance; or the conveyance of a tract or tracts for the purpose of dividing lands among the tenants in common, all of whom inherited by intestacy or by will, the land from a common ancestor.

(3) SPECIAL SUBDIVISION.

The subdivision of land for uses not otherwise specified by this Ordinance including condominiums, cemeteries, apartments, townhouses, recreational vehicle (R.V.) Park, mobile home or trailer park, and commercial or industrial purposes.

SECTION 5.3 OTHER DEFINITIONS.

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

**Apartment:** A room or suite of rooms used as a dwelling, eg. In private houses, hotels or tenant houses, where the tenant has no ownership.

**Board of Commissioners:** Clay County Board of Commissioners.

**Buffer Easement:** Any easement not exceeding 10 feet in width adjacent to a major street or a commercial or industrial development may be required by the Board of Commissioners. The Board of Commissioners may require the grading and planting of said buffer easement.

**Commercial:** Relating to trade or business; having profit or wealth as the primary aim; occupied with or engaged in commerce or work intended for commerce.

**Community Sewer System:** Any sewer system owned and operated by local government in Clay County, or other sewer system serving two were more connections.

**Condominium:** A legal arrangement under which a person owns outright a particular unit of a multiunit development, such as an apartment building, plus an undivided interest in common areas.

**Contiguous Parcel:** Consists of a plot of land not subdivided into parcels or lots remaining under one ownership.

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

**Easement:** A grant by the property owner of a use, for a specified purpose, by the public, the Corporation or persons, of an area of land.

**Individual Sewer System:** Any septic tank or ground absorption system serving a single source or connection and approved by the Clay County Health Department.

**Individual Water System:** Any well or spring used to supply a single connection.

**Industrial:** Any nonresidential development that requires an NPDES permit for an industrial discharge and/or requires the use of storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

**Lot:** A portion of a subdivision or any other parcel of land intended as a unit for transfer or ownership, or for development, or both. The word "lot" includes the words "plot" or "parcel".

**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 Clay County prior to the adoption of this Amended Subdivision Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this Amended Subdivision Ordinance.

**Lot Types:**

**Corner Lot:** A Lot located at the intersection of two or more streets.

**Interior Lot:** A Lot other than a Corner Lot with only one frontage on a street.

**Single-Tier Lot:** A lot which fronts 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.

**Through Lot or a Double Frontage Lot:** A Lot other than a Corner Lot with frontage on more than one street. Through Lots abutting to streets may be referred to as double frontage lots.

**Mobile Home Park/Trailer Park:** The contiguous parcel of land that is used for the accommodation of more than one occupied mobile home. A park model is considered by this Amended Subdivision Ordinance to be a mobile home.

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

**Private Street:** A dedicated private right-of-way which affords access to abutting properties and conforms to the requirements of Section 4.4 (2) A of this Amended Subdivision Ordinance.



**Private Water System:** Any water system serving from two to 14 connections, and less than 25 persons.

**Public Street:** A dedicated public right-of-way for the vehicular traffic which affords access to abutting properties and has been accepted by the Department of Transportation for State North Carolina.

**Public Water System:** Any municipal water System in Clay County, and any water system serving 15 or more residential connections or serving more than 25 year-round residents.

**Recreational Vehicle (R.V.) Park:** A contiguous parcel of land upon which four or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

**Street Line:** The edge of the roadway pavement.

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

**Subdivision Administrator:** An official or designated person of Clay County responsible for assisting in the administration and enforcement of this Ordinance.

**Townhouse:** A townhouse project most commonly consist of a group of horizontally attached two or three-story units combined with common areas for the use and enjoyment of all townhouse unit owners in the project. Each townhouse unit is individually owned and the entire group of town house unit owners are also generally members of a homeowners association that owns and maintains the common areas for the benefit of all. Very similar to a condominium project in many respects, except the typical townhouse development is not a condominium because the common areas are not owned by each unit owner. The common areas are generally owned and maintained by a homeowners association.

#### Section 5.4 Word Interpretation.

For the purpose of this Amended Subdivision Ordinance, certain words shall be interpreted as follows:

Words in the present tense include the future tense.

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

The word "person" includes a firm, association, corporation, trust, and company, as well as an individual.

The words "used for" shall include the meaning "designed for".

The word "structure" shall include the word "building".

The word "shall" is always mandatory and not merely directive.

APPENDIX 1

PRELIMINARY PLAT CHECKLIST

The preliminary plat shall be clearly and legibly drawn at a scale of not less than one inch equals 100 feet or one inch equals 200 feet in extreme cases. The preliminary plat shall be prepared by a registered surveyor and shall include the following information prior to consideration by the Subdivision Administrator:

Name of subdivision: \_\_\_\_\_  
Submitted: \_\_\_\_\_  
Location: \_\_\_\_\_  
Name of at least one of the owners: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Surveyor: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Engineer: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Checklist:

- \_\_\_ A. Title Block: Subdivision name, subdivider's name, North arrow, scale (denoted graphically and numerically), date of plat preparation, location of subdivision ( township, county and state ), name and license number of registered surveyor preparing plat, and deed book and page reference.
  
- \_\_\_ B. Vicinity Map: A sketch vicinity map showing the location of the subdivision in relation to the surrounding area. If the subdivision is a portion of a larger tract, the map is to show the relation of the subdivision to the larger tract.
  
- \_\_\_ C. Tract Boundaries: The boundaries of the tract or portion thereof to be subdivided, with all bearings and distances shown.
  
- \_\_\_ D. Property Lines: Property lines and owners' names abutting properties and/or a abutting subdivisions of record.
  
- \_\_\_ E. Natural Features: Approximate location of existing features including buildings, streets, railroads, power lines, drainage ways, public sewer and water lines and utility easements.

F. Lot and Street Lines: All proposed Lot and Street right of way lines with approximate area and dimensions, Lot numbers, all easements, designations the any dedication or reservations to be made, and designation of public or private streets.

\_\_\_ G. Street Layout: If the road is to be dedicated as a public road, plan shall be submitted complying with the Department of Transportation Minimum Standards.

H. Water and Sewer Layout: Proposed water and sewer systems (excluding individual water and sewer systems), including lines sizes, approximate location of manholes, pumps, hydrants, force mains, or treatment facilities, and the connection of the proposed system(s) with existing systems.

\_\_\_ I. Drainage System: Proposed drainage facilities, including approximate location and dimensions of open drainage ways, storm sewers, culverts, retaining ponds, or areas where water is to be diverted through grading.

\_\_\_ J. Other Improvements: Proposed location and description of the any other improvements including, but not limited to, riding trails, sidewalks, pedestrian or bike ways, reserved open space or recreation facilities, commercial areas, or buffer strips.

\_\_\_ K. Site Data: Total acreage in tract to be subdivided, smallest Lot size, total number of lots, linear feet in streets.

\_\_\_ L. The following documentation is to accompany the preliminary plat and application:

\_\_\_ Written evidence acknowledging the submission of public or community water and sewer system plans to the appropriate agencies where applicable.

\_\_\_ Copy of erosion control plan approval, where required.

\_\_\_ M. Has the district highway engineer been given an opportunity to make recommendations concerning an individual subdivision plat as to proposed State streets, State highways, and related drainage systems shown on the Plat.

\_\_\_ N. Has the County Health Director or local public utility, as appropriate, been given an opportunity to make recommendations concerning an individual subdivision plat as to proposed water or sewer systems.

APPENDIX 2

FINAL PLAT CHECKLIST

The final plat shall meet the following requirements prior to any review of the plat by the Subdivision Administrator:

- Date submitted: \_\_\_\_\_
- Date preliminary plat approved if required: \_\_\_\_\_
- Name of subdivision: \_\_\_\_\_
- Location: \_\_\_\_\_
- The name of at least one of the owners: \_\_\_\_\_
- Surveyor's name: \_\_\_\_\_
- Address: \_\_\_\_\_
- Telephone number: \_\_\_\_\_

ADMINISTRATIVE REQUIREMENTS:

Where a preliminary plat is required, the final plat shall be submitted within 12 months from the date of the approval of the preliminary plat, unless a written extension is granted by the Subdivision Administrator.

- \_\_\_ Final plat is 18" x 24" and at a scale of at least one inch equals 200 feet.
- \_\_\_ Six copies of the plat submitted, one reproducible and five prints. ( The reproducible and one print will be given to the Register of Deeds; one print shall be returned to the subdivider; to print shall be retained by the Subdivision Administrator and one print shall be given to the County Mapping Department. )

REQUIRED DATA:

A. TITLE BLOCK:

- \_\_\_ Must show information required by N.C. Gen. Stat. § 47-.30 as amended.

B. TRACT BOUNDARIES:

- \_\_\_ Exact boundary lines of the tract to be subdivided, fully described by dimensions of lengths and bearings and the approximate location of intersecting boundary lines of adjoining lands.

C. ADJOINING PROPERTY OWNERS:

- \_\_\_ Names and deed references (when possible) of owners of abutting properties and subdivisions of record.

D. LOCATION OF IMPROVEMENTS:

\_\_\_\_\_ All visible and apparent rights-of-ways, water courses, utilities, road ways, and other such improvements shall be accurately located where crossing or forming any boundary of the property shown.

E. SURVEY DATA:

\_\_\_\_\_ Sufficient surveying data to determine readily and reproduce on the ground every straight or curved boundary line, Street line, Lot line, right-of-way line, and easement line, including dimensions, bearings, or deflection angles, radii, central angles, and tangent survey property line that are not the boundary or curved streets. Building setback lines are to be noted.

F. MONUMENTS:

\_\_\_\_\_ The accurate locations and descriptions of all monument markers and control points.

G. LOT AND TRACT NUMBERS:

\_\_\_\_\_ The tracts numbered consecutively throughout the entire subdivision and the lots numbered or letter consecutively throughout each block, as required by the Subdivision Administrator.

H. STREETS:

\_\_\_\_\_ Street names and right-of-way lines of all streets, and the designation of all streets as either public or private.

I. RIGHT OF WAY:

\_\_\_\_\_ The location and dimensions of all rights-of-way, utility or other easements.

J. FLOOD HAZARD AREAS:


\_\_\_\_\_ Location of existing flood hazard areas, where applicable, when information is available from FEMA.

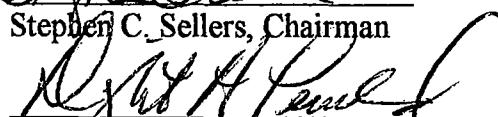
K. PLAT APPROVAL PREREQUISITES:

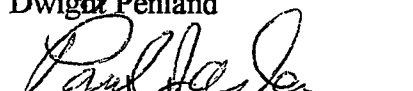
\_\_\_\_\_ Has the district highway engineer been given an opportunity to make recommendations concerning an individual subdivision plat as to proposed State streets, State highways, and related drainage systems;

\_\_\_\_\_ Has the County Health Director or local public utility, as appropriate, been given an opportunity to make recommendations concerning an individual subdivision plat as to proposed water or sewer systems.

There being no further business before the Board of Commissioners Commissioner Penland made a motion to adjourn, Commissioner Jordan seconded the motion and the meeting was adjourned.

  
Stephen C. Sellers, Chairman

  
Dwight Penland

  
Paul Jordan

  
Attested, Acting Clerk to Board

