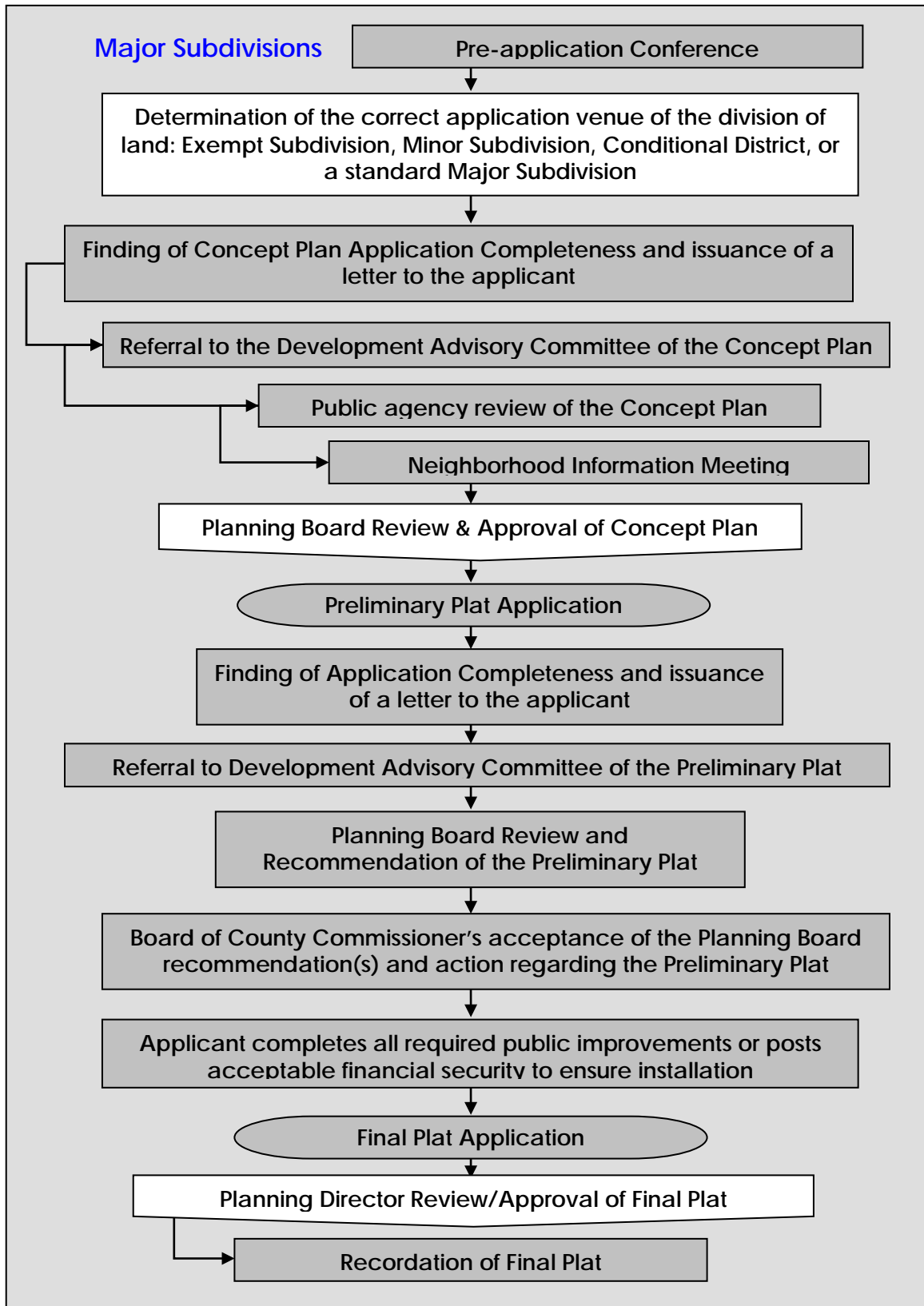


**SECTION 2.15: MAJOR SUBDIVISIONS**

**2.15.1 Review and Decision Process Flow Chart**

The review and approval process for a Major Subdivision is shown in the procedure's flowchart.



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## 2.15.2 Concept Plan

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### (A) Pre-Application Review

To promote better communication and avoid unnecessary expense in the design of acceptable subdivision proposals, each subdivider is encouraged to meet with the Planning Department staff prior to submitting an application for Concept Plan approval. The purpose of this informal meeting is to introduce the applicant to the provisions of this Ordinance and discuss his/her objectives in relation thereto.

### (B) On-Site Visit

- (1) Prior to submission of a Concept Plan application, the applicant shall schedule a mutually convenient time to walk the property with the Planning Director. The purpose of this visit is to familiarize the Planning Director with the property's special features, and to provide an informal opportunity to offer guidance to the applicant regarding the tentative location of Secondary Open Space Areas, potential dwelling locations, and potential street alignments.
- (2) Prior to scheduling the on-site visit, the applicant shall have prepared the Site Analysis Map as required in Section 7.13.2(A)(3) and shall submit the Site Analysis Map to the Planning Director when the on-site visit is scheduled.
- (3) If the on-site visit is not scheduled before submittal of the Concept Plan application, it shall occur prior to the Neighborhood Information Meeting.

### (C) Application Requirements

- (1) Applications shall be submitted on forms provided by the Planning Department in accordance with Section 2.2 of this Ordinance.
- (2) Applications shall include:
  - (a) An Orange County Geographic Information Systems (GIS) Map showing the location of the parcel to be subdivided.
  - (b) 25 copies of a Concept Plan of the proposed major subdivision prepared in accordance with the specifications for Concept Plan drawings as contained in Section 7.13.2(A) of this Ordinance. A Concept Plan shall include the following:
    - (i) A Site Analysis Map;
    - (ii) A Conventional Development Option; and
    - (iii) A Flexible Development Option.
- (3) In lieu of a three-part Concept Plan, one Concept Plan may be submitted if the applicant is seeking approval only of a Flexible Development Plan. The applicant may also combine the Site Analysis Map and the Flexible Development Option into a single plan, provided the information required in Section 7.13.2(A) is displayed in a clear and legible form. If an applicant chooses this option, he/she shall comply with the provisions for determining density contained in Section 7.12.4(A).
- (4) A comparison of the impacts of the Flexible Development Option to those that would result from the Conventional Development Option.
- (5) A checklist identifying consistency with applicable design guidelines as contained in Section 7.12.8(B).
- (6) Number 10 (business) sized envelopes with first class postage affixed addressed to each owner of property within 1,000 feet of the property proposed to be subdivided. The names and addresses of property owners shall be based on the current listing as shown in the Orange County Land Records System.

**(D) Neighborhood Information Meeting**

- (1) As a component of a Concept Plan application, the applicant shall schedule a Neighborhood Information Meeting (NIM) and shall obtain property owner mailing address information from Orange County Land Records data and mail notices of the meeting to each owner of property within one thousand feet of the property proposed to be subdivided.
- (2) Notices of the NIM shall be mailed by first class mail at least 14 days prior to the date of the meeting.
- (3) The applicant shall place a sign on the affected property indicating the total number of lots proposed, the date, time, and location of the NIM; and the Planning Department telephone number. The sign shall be posted on the affected property at least 14 days prior to the NIM. The NIM shall be held a minimum of 14 days prior to the Planning Board meeting at which the concept plan is scheduled to be reviewed.
- (4) The purpose of the NIM is for the applicant to present the Concept Plan to persons in attendance, to answer questions about the proposed subdivision, and to receive comments from neighboring property owners for the purpose of improving the proposed subdivision design.
- (5) The applicant shall submit a recording, audio or audio/video, along with a written report of the Neighborhood Information Meeting to the Planning Department at least 14 days before submitting the Preliminary Plat.
  - (a) The written report of the meeting shall include a list of those persons and organizations contacted about the meeting and the manner and date of contact; the time, date, and location of the meeting; a roster of the persons in attendance at the meeting; a summary of issues discussed at the meeting; and a description of any changes to the application made by the applicant as a result of the meeting.

**(E) Planning Director Review Procedures**

- (1) The Planning Director shall prepare and submit a recommendation to the Planning Board which shall include the following:
  - (a) A written analysis of the Concept Plan;
  - (b) The Concept Plan's general compliance with the requirements of this Ordinance, the Comprehensive Plan, and other applicable codes and ordinances; and
  - (c) The comments of neighboring property owners expressed at the Neighborhood Information Meeting.
  - (d) Which Development Option Plan is recommended for eventual Preliminary Plat processing.
- (2) The Planning Director shall be permitted to defer the application and recommendation for one meeting beyond the Planning Board meeting at which the application is scheduled to be heard.

**(F) Planning Board Review and Approval Procedures**

- (1) After receiving the Planning Director's report and recommendation, the Planning Board shall consider the Concept Plans and take action on the proposals.
- (2) The Planning Board shall base its action on its findings as to the conformity of the proposals with all applicable regulations and shall:
  - (a) Approve one Development Option;

- (b) Approve one Development Option subject to conditions; or
    - (c) Deny the Development Options.
  - (3) The Planning Board shall vote on whether the development should proceed as a Conventional Development Option or as a Flexible Development Option.
    - (a) If that vote approves the Development Option recommended by the Planning Director, the vote by the Planning Board is the final decision on whether the development proceeds as a Conventional Development Option or as a Flexible Development Option.
    - (b) If the Planning Board vote is other than one approving the Development Plan Option recommended by the Planning Director, the application shall be forwarded to the Board of County Commissioners for a decision on whether the development shall proceed as a Conventional Development Option or as a Flexible Development Option.
  - (4) If the Planning Board approves a Development Option subject to conditions, such conditions shall be reasonable and shall seek to ensure compliance with applicable regulations.
  - (5) If the Planning Board denies both Development Options, the reasons for the denial shall be stated in writing to the applicant and entered into the minutes of the meeting at which such action was taken.
  - (6) If the Planning Board fails to take action within two regularly scheduled meetings, or extension thereof to a date certain, if such extension is agreed to by the applicant, the application shall be forwarded to the Board of County Commissioners with the Planning Board minutes and the Planning Director's recommendation.
- (G) Actions Subsequent to Approval**
- (1) If a Concept Plan Development Option is approved or approved with conditions, the Planning Board Chair shall endorse the approval on three copies of the approved Development Option. Two copies of the approved Development Option shall be retained by the Planning Department, and one copy shall be returned to the subdivider or his/her authorized agent. One copy of the unapproved Development Option shall be retained by the Planning Department for its files. The unapproved Development Option shall be stamped "NOT APPROVED".
  - (2) Upon approval of a Concept Plan Development Option by the Planning Board, the subdivider may then proceed with the preparation of a Preliminary Plat that is consistent with the approved Concept Plan.
  - (3) The applicant shall have two years from the date of approval of the Concept Plan Development Option by the Planning Board to prepare and file an application for Preliminary Plat approval. If a Preliminary Plat for subdivision has not been submitted within the specified time limit, the Concept Plan Development Option shall become null and void.

### 2.15.3 Preliminary Plat

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- (A) Generally**
- (1) Application and approval procedures specified in this sub-section apply to all Preliminary Plats except and to the extent that applicable Unified Development Ordinance application and approval procedures pertain.
  - (2) The applicant of a major subdivision may choose to vest the Preliminary Plat for a longer time period than is otherwise provided by this Section. If the applicant wishes to exercise this option, the application approval procedures in Section 2.5.5 shall apply.

**(B) Application Requirements**

For every subdivision within the territorial jurisdiction established by Article 1 of this Ordinance, and which does not qualify for exempt or minor subdivision approval procedures, the subdivider shall submit a Preliminary Plat which shall be reviewed by the Planning Board and approved by the Board of Commissioners before any site disturbance, construction or installation of improvements may begin.

- (1) Applications shall be submitted on forms provided by the Planning Department in accordance with Section 2.2 of this Ordinance.
- (2) Applications shall include:
  - (a) Major subdivision checklist form as prescribed by the Planning Department;
  - (b) 25 copies of the Preliminary Plat of the proposed subdivision prepared in accordance with Section 7.14.2(B) of this Ordinance;
  - (c) An Orange County Tax Map showing the location of the parcel to be subdivided;
  - (d) A copy of the Preliminary Plat indicating the Health Department's soils analysis approval/denial for each lot shown thereon;
  - (e) A written statement by the applicant or his/her authorized representative which sets forth the justification for a private road, if applicable;
  - (f) Auxiliary documents, in draft form, prepared in accordance with Article 7 of this Ordinance which ensure completion and/or maintenance of improvements required by this Ordinance, including, but not limited to: private road maintenance agreement, homeowner's association articles of incorporation, and homeowner's association restrictive covenants;
  - (g) A statement describing the methods proposed to protect environmental resources identified in "An Inventory of Sites of Cultural, Historic, Recreational, Biological and Geological Significance in the Unincorporated Portions of Orange County" and "Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina"; and
  - (h) An Orange County Floodplain Development Permit, if applicable.

**(C) Planning Director Review Procedures**

- (1) Upon acceptance of a preliminary plat application, the Planning Director shall determine if the plat and application conform with all applicable regulations, including any applicable conditions of an approved Special Use Permit.
- (2) Any required auxiliary documents, including Performance Guarantees detailed in Section 2.27 of this Ordinance, shall be submitted by the Planning Director to the County Attorney for review and recommendation.
- (3) Upon receipt of a complete Preliminary Plat application, the Planning Director shall submit copies of the Preliminary Plat and any accompanying material to the following officials and agencies for review and comment:
  - (a) The District Engineer of the N.C. Department of Transportation to review proposed public streets, highways and drainage systems;
  - (b) The Orange County Health Department to review proposed on site water supply and sewage disposal systems;
  - (c) The Board of Education of the appropriate school district to review the reservation of proposed school sites and the impact of the proposed subdivision on school enrollment capacities;

- (d) The Orange County Erosion Control Officer to review the Erosion and Sedimentation Control Plan and Stormwater Management Plan;
  - (e) The Orange County Department of Environment, Parks and Recreation to review the location, suitability and facilities proposed for required recreation areas and to review any historic and/or cultural resources;
  - (f) The Orange County Floodplain Administrator to review compliance with Special Flood Hazard Area regulations;
  - (g) The Planning Department and/or Planning Board of the appropriate municipality where a courtesy review procedure has been established by agreement between the County and the municipality;
  - (h) The appropriate utility provider where public or community water and/or sanitary sewerage systems are proposed to serve the subdivision;
  - (i) The Orange Soil and Water Conservation District to review a general soils description and interpretation; and
  - (j) The County Attorney to review the format and appropriateness of proposed restrictive covenants, homeowners association agreements, road maintenance agreements, Performance Guarantees and other similar documents.
- (4)** The reviewers designated in (3) shall review the Preliminary Plat and shall provide a report to the Planning Director on the basis of the suitability, provisional suitability, or unsuitability of the proposal.
- (5)** Where it is determined that alternative measures are required in order for the proposal to be classified as "suitable," a certification of "provisionally suitable" shall be provided. If reviewer approval is withheld on this basis, the reviewer shall identify the reasons for such classification and recommend measures through which the proposal may be made suitable. The Planning Board may recommend, and the Board of County Commissioners may approve, identified measures as conditions of approval of the Preliminary Plat; provided, however, the recommending reviewer has the authority to enforce such measures.
- (6)** Where no alternatives are available to address the concerns of the reviewer, a classification of "unsuitable" shall be provided. The reviewer shall provide a list of the reasons which resulted in such designation.
- (7)** Upon receipt of the comments and recommendations from reviewers, the Planning Director shall submit to the Planning Board a written analysis of the application and his/her recommendation.
- (8)** The Planning Director shall be permitted to defer the application and recommendation for one meeting beyond the Planning Board meeting at which the application is scheduled to be heard.
- (D) Planning Board Review and Approval Procedures**
- (1)** The Planning Board shall review the application and the Planning Director's report at a regularly scheduled meeting and shall prepare a written recommendation to the Board of County Commissioners.
- (2)** All interested persons shall be given the opportunity to speak and ask questions regarding the application at the meeting. The Planning Board may place reasonable and fair limitations on comments, arguments and questions to avoid undue delay.
- (3)** The Planning Board shall take action on the application solely on its findings of compliance with applicable regulations and conditions and shall recommend:
- (a) approval of the application;

- (b) approval with conditions; or
  - (c) denial of the application.
- (4) If the Planning Board fails to take action within two regularly scheduled meetings, or extension thereof, if agreed to by the applicant, the application shall be forwarded to the Board of County Commissioners with the Planning Board minutes, and the Planning Director's recommendation, and any conditions.
- (5) If the Planning Board approves the application with conditions, such conditions shall be reasonable and shall seek to ensure compliance with applicable regulations and the provision of utilities and/or other facilities needed to serve the proposed development.
- (6) If the Planning Board recommends approval with conditions, the applicant may amend his/her application to conform to all or some of the conditions, provided the Planning Director reviews the amended application for compliance with applicable regulations and certifies that the amendments conform to the conditions of the Planning Board recommendation. In such cases, the Planning Director may amend his/her report to conform to any or all of the Planning Board's recommendations. The Planning Director shall then forward his/her report and the Planning Board's recommendation to the Board of County Commissioners for consideration at its next available business meeting.
- (7) The Planning Board shall also make a recommendation regarding a Resolution of Approval. The Resolution of Approval shall contain items on which clarity and direction to the applicant and/or developer may be necessary. These items include, but are not limited to:
- (a) Sewage disposal issues,
  - (b) Roads and access issues,
  - (c) Land use buffers and landscaping issues,
  - (d) Drainage issues,
  - (e) Parkland and recreation issues, and
  - (f) Other environmental issues.
- (E) Board of County Commissioners Review and Approval Procedures**
- (1) The Board of County Commissioners shall receive the Planning Director's report and the Planning Board's recommendation.
- (2) Preliminary Plat applications shall be placed on a Board of County Commissioners business meeting agenda within 90 days of the Planning Board recommendation. The Board of County Commissioners shall act upon the application within a reasonable amount of time. During deliberations and consideration of the application the Board of County Commissioners may include the reasons for the need for additional analysis and review.
- (3) All interested persons shall be given the opportunity to speak and ask questions regarding the application at a business meeting. The Board of County Commissioners may place reasonable and fair limitations on comments, arguments and questions to avoid undue delay. The Board of Commissioners shall base its action on its findings of conformity with all applicable regulations and shall:
- (a) Approve the application;
  - (b) Approve the application with conditions; or
  - (c) Deny the application.

- (4) If the Board of County Commissioners approves the application with conditions, such conditions shall be reasonable and shall seek to ensure compliance with applicable regulations and the provision of utilities and/or other facilities needed to serve the proposed development.
- (5) If the Board of County Commissioners approves the application with conditions or denies the application, the reasons for such decision shall be stated in writing to the applicant and entered into the minutes of the meeting at which such action was taken.
- (6) The Board of County Commissioners shall also take action on the Resolution of Approval.

**(F) Actions Subsequent to Approval**

- (1) Upon approval of the Preliminary Plat by the Board of County Commissioners, 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 Ordinance.
- (2) If the application is approved or approved with conditions, the Planning Director may issue applicable development permits required to construct, install, and use improvements approved as part of the Preliminary Plat approval.
- (3) No building permits shall be issued to develop any lot or parcel shown on the approved Preliminary Plat until a Final Plat showing such lot or parcel is approved and recorded in compliance with Section 2.15.4.
- (4) If the applicant proposes to substantially amend or modify his/her application Preliminary Plat after the Board of County Commissioners have approved the Preliminary Plat, the applicant shall submit an amended application for review as a new application.
- (5) The approval of a Preliminary Plat shall be effective for a period of one year from the date of approval by the Board of County Commissioners. By the end of said time period, approval of the Final Plat must have been obtained from the Planning Director, although the plat need not have been recorded in the Office of the Register of Deeds.
- (6) Any plat or portion thereof not receiving final plat approval within the time period set forth in (5) above shall be null and void except under the following conditions:
  - (a) The subdivision is built in sections or phases, and a phasing plan was approved as part of the Preliminary Plat;
  - (b) The period between the approval date of the Preliminary Plat and the approval date of the Final Plat for the first phase does not exceed one year; and
  - (c) The period between the approval date of the Final Plat of the first phase and the approval date(s) of the Final Plat(s) of any subsequent phase(s) does not exceed the time limits specified in the phasing plan of the Preliminary Plat. If no phasing plan is indicated, then the period between Final Plat approvals shall not exceed six months.
- (7) If a phasing plan for construction of the subdivision is approved, the expiration date of the Preliminary Plat shall be governed by the time period(s) approved as part of the phasing plan.

**(G) Administrative Re-Approval**

- (1) The Planning Director may, within one year of the expiration of a Preliminary Plat, re-approve the expired Preliminary Plat or portions thereof, as long as the subdivision design and conditions of approval are in compliance with subdivision and zoning regulations (where applicable) in effect at the time of application for



re-approval, and any changes to the original design or conditions of approval are considered minor.

- (2)** A change may be considered a minor change if it does NOT involve any of the following:
  - (a) Any substantive change in a condition of approval;
  - (b) An increase in the number of building lots proposed;
  - (c) Any substantial change in the location of or any decrease in the amount of open space, buffers, or area reserved for recreation use;
  - (d) Any substantial change in pedestrian and/or vehicular access or circulation including road classification;
  - (e) Any change in the provision of services such as water supply and wastewater disposal; and/or
  - (f) Any substantial change in the location of utilities or other easements.
- (3)** The subdivision shall be subject to review by all applicable review agencies as is required for original preliminary plat approval.
- (4)** If all changes from the original approval are considered minor changes, the Planning Director may re-approve the preliminary plat. The re-approval shall be stated in a format which substantially conforms to the Resolution of Approval adopted by the Board of County Commissioners when approving a preliminary plat.
- (5)** Only one administrative re-approval may be approved for any subdivision. If a re-approved Preliminary Plat expires, the subdivider shall be required to resubmit a new Preliminary Plat for the tract or portion thereof for which approval has expired. The new plat shall be subject to all applicable regulations in existence at the time of resubmittal.

**(H) Amended Phasing Plan**

- (1)** The development phasing plan approved as part of the Preliminary Plat (hereafter "the phasing plan") may be amended by the Board of County Commissioners upon application by the subdivider.
- (2)** In determining whether to approve an amended phasing plan, the Board of County Commissioners shall consider:
  - (a) Whether approval of other diligently pursued regulatory requirements can be obtained before the expiration of the time periods established in the phasing plan;
  - (b) The quality of and length of time of the experience of the subdivider in managing development projects;
  - (c) Whether factors other than market conditions and beyond the control of the subdivider caused a delay in meeting the phasing plan;
  - (d) Whether the development project, if completed consistent with the approved Preliminary Plat, will aid or meet an important public policy goal established by the Board of County Commissioners;
  - (e) Whether the application for an amended phasing plan was submitted before the previously approved time limit(s) lapsed;
  - (f) The possibility of and practicality of the subdivider and/or developer completing the development project consistent with Orange County regulations applicable if the phasing plan amendment is not granted; and
  - (g) Whether the time by which improvements must be completed or installed would be extended by the revised phasing plan.

- (3) After consideration of the evidence submitted by the applicant concerning each of the factors listed above, the Board of County Commissioners may, in its discretion and for good cause shown, grant the amendment to the phasing plan unless it concludes that to do so would not maintain or promote, in some specific manner, the public's general health, safety and welfare.
- (4) If the Board of County Commissioners approves an amendment to the phasing plan, it may require reasonable additional conditions of approval of the unapproved final plat(s).

#### **2.15.4 Final Plat**

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- (A) Prior to approval of a Final Plat, the subdivider shall have installed the improvements specified in this Ordinance or guaranteed their installation as provided in Section 2.27 of this Ordinance.
- (B) No Final Plat will be accepted for review by the Planning Director unless accompanied by written documentation acknowledging compliance with the improvement and Performance Guarantee standards of Section 2.27 of this Ordinance.
- (C) 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 Ordinance.
- (D) **Application Requirements**
  - (1) Applications shall be submitted on forms provided by the Planning Department in accordance with Section 2.2 of this Ordinance.
  - (2) Applications shall include:
    - (a) Five copies of the Final Plat prepared in accordance with Section 7.14.3 of this Ordinance; and
    - (b) Auxiliary documents, in final form, prepared in accordance with Article 7 of this Ordinance which ensure completion and/or maintenance of improvements required by this Ordinance, including but not limited to: private road maintenance agreement, property owner's association articles of incorporation, and property owner's association restrictive covenants, and any required Performance Guarantees.
  - (3) The Final Plat of the subdivision or any portion thereof shall be submitted not more than one year after the date on which the Preliminary Plat was approved unless the subdivision is being developed in accordance with an approved phasing plan under Section 7.3.
  - (4) If a Final Plat is not submitted within the time period specified in (3), the Preliminary Plat approval shall be null and void. The subdivider shall be required to resubmit a new Preliminary Plat application for the tract or portion thereof for review as a new application.
- (E) **Review and Approval Procedures**
  - (1) Upon acceptance of a Final Plat application, the Planning Director shall determine if the plat and application conform with all applicable regulations, including any applicable conditions of an approved Conditional District.
  - (2) Auxiliary documents as required by Article 7 shall be submitted by the Planning Director to the County Attorney for review and recommendation.
  - (3) Upon receipt of the recommendation of the County Attorney, the Planning Director shall take action on an application solely on findings of conformity with all applicable regulations and shall:
    - (a) Approve the application;

- (b) Approve the application with conditions; or
  - (c) Deny the application.
- (4) If the Planning Director approves the application with conditions, such conditions shall be reasonable and shall seek to ensure compliance with applicable regulations.
- (5) If the Planning Director approves the application with conditions or denies the application, the reasons for such decision shall be stated in writing to the applicant.
- (F) Actions Subsequent to Approval**
- (1) If the application is approved or approved with conditions, the applicant shall submit a reproducible mylar original of the Final Plat to the Planning Director for endorsement within one year of Final Plat approval.
- (2) The Planning Director shall obtain all required certification signatures and shall endorse approval of the approved Final Plat on the reproducible mylar original after all other certification signatures have been obtained. The Planning Director shall prepare the Declaration of Restrictions.
- (3) The Planning Director shall notify the applicant when all required certification signatures have been obtained and County Attorney review is complete. The applicant shall then make an appointment with the Planning Director to have the approved plat and any associated documents necessary to ensure conformance with regulations recorded in the Office of the Register of Deeds. The approved plat and any associated documents must be recorded within 90 days after the Planning Director's endorsement of approval.
- (4) The Planning Director shall accompany the applicant to the Register of Deeds Office to ensure the approved plat and any required documents are recorded in the correct order and to fill in the book and page references, where applicable. Documents shall be numbered in the order they are to be recorded. The order is as follows:
- (a) Approved plat,
  - (b) Road Maintenance Agreement, if required,
  - (c) Declaration of Restrictions,
  - (d) Homeowners/Property Owners' Association documents, if required, and
  - (e) Any other associated documents.
- (5) If the Final Plat is not recorded within the specified time period, the Final Plat is void.
- (6) The Planning Director may extend the deadline for recordation, provided the applicant can demonstrate a good faith effort to comply with the deadline, but for reasons beyond his/her control, fails to meet the requirements for recordation within the specified period.
- (7) All Final Plats shall conform to drawing specifications and certification requirements for Final Plats contained in Section 7.14.3 of this Ordinance.
- (8) Recordation of the approved final plat, and any required auxiliary documentation shall be with the advice and consent of the Planning Director.

### 2.15.5 Certificate of Adequacy of Public School Facilities

No approval of a major subdivision preliminary plat or a minor subdivision final plat for a residential development shall become effective unless and until a Certificate of Adequacy of Public School Facilities (CAPS) for the project has been issued by the relevant School District.

See Section 6.19 for standards related to CAPS.

## SECTION 2.16: SUBDIVISIONS IN THE ECONOMIC DEVELOPMENT, COMMERCIAL, AND/OR COMMERCIAL-INDUSTRIAL NODES

- (A) All subdivisions in the Economic Development, Commercial and/or Commercial-Industrial Nodes, as identified in the Comprehensive Plan, shall submit an application in accordance with the requirements specified in Section 2.15.3(B).
- (B) Initial review of all subdivisions in the Economic Development, Commercial and/or Commercial-Industrial Nodes shall be performed by the Planning Department.
- (C) Following review by the Planning Department all subdivisions shall follow the major subdivision preliminary plat approval procedures specified in Section 2.15.3.
- (D) All roads in the Nodes identified in (A) above are required to be public and constructed to North Carolina Department of Transportation standards.
- (E) Final plat approvals shall follow the final plat approval procedures in Section 2.15.4.
- (F) Additional Requirements for Hillsborough Economic Development District:
  - (1) When a Conditional District rezoning petition is approved, and the tract that is subject of said rezoning is proposed to be subdivided, all provisions of Article 7 shall be satisfied.
    - (a) The applicant may obtain approval of the subdivision simultaneously with the approval of the rezoning if sufficient information (i.e. lot lines, lot size, etc) is shown on the site plan or at a later time.
    - (b) The subdivision shall be consistent with the terms of the approved Conditional District petition.
    - (c) If the approved Conditional District rezoning petition establishes density, floor area, impervious surface, or similar limitations on the tract that is rezoned or any portion thereof, the subdivision final plat that creates lots out of any portion of the tract so encumbered shall indicate on the face of the plat with respect to each lot such limitations or restrictions as are necessary to ensure compliance with the Conditional District rezoning approval.
      - (i) For example, if the Master Plan or Site Plan associated with a Conditional District approval shows a ten-acre portion of the tract approved for retail development with a maximum floor area of 100,000 square feet, then if that ten acre area is subdivided, each lot so created shall show on the face of the plat the maximum building area that can be constructed on that lot.

## SECTION 2.17: VACATION OF RECORDED PLATS AND ROAD ABANDONMENT

### 2.17.1 Generally

#### (A) Lots Unsold

The owner of a parcel subject to an approved plat may vacate the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.

- (d) The Parcel Identification Number (PIN) number(s) of the lot(s) subject to the application,
- (e) The proposed property lines for each lot,
- (f) Common Open Space lots, including type and acreage,
- (g) A Site Analysis Map as outlined in UDO 7.13.2 (A)(3) below,
- (h) The delineation of any known and required stream buffers on the proposed lot(s),
- (i) The proposed method for ingress and egress including a description of how each lot will be afforded access,
- (j) A narrative detailing the development of all proposed roadways,
- (k) A private road justification, if required under Section 7.8, and
- (l) Any other reasonable relevant information.

**(B) Final Plat**

Final plats shall adhere to the specifications contained in Section 7.13.

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**7.13.2 Major Subdivisions**

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**(A) Concept Plan**

**(1) In General**

- (a) The required Concept Plan for Major Subdivisions consists of three parts:
  - (i) A Site Analysis Map;
  - (ii) A Conventional Subdivision Option; and
  - (iii) A Flexible Development Option.
- (b) The Concept Plan shall be prepared according to the “four-step” process for designing Flexible Development subdivisions, as described herein.
- (c) The Concept Plan shall be drawn in black ink or pencil to a scale of not less than 200 feet to the inch. The scale chosen shall be large enough to show all required detail clearly and legibly.

**(2) Required General Information**

Each Site Analysis Map and Development Option shall contain the following general information:

- (a) A sketch vicinity map showing the location of the subdivision in relation to the existing street or highway system;
- (b) The plotted boundaries of the tract from deeds or maps of record and the portion of the tract to be subdivided;
- (c) The total acreage to be subdivided, including tax map, block and lot number reference;
- (d) The name, address and telephone number of the subdivider or owner and the person responsible for the subdivision design;
- (e) Scale, approximate north arrow and date of plat preparation; and
- (f) Name of subdivision.

**(3) Site Analysis Map**

As determined from readily identifiable on-site inventories, aerial photographs, maps of record, State/Federal resource maps, and local planning documents and inventories, the Site Analysis Map shall contain the following information:

(a) Primary Open Space Areas

Identification of physical resources associated with the site which restrict its development potential or contain significant natural and/or cultural resources, including:

- (i) Topographic contours at ten-foot intervals, showing rock outcrops and slopes of 7 ½% to 15%, and more than 15%.
- (ii) Soil type locations and characteristics relating to seasonal high water table and depth to bedrock.
- (iii) Hydrologic characteristics of the site, including drainage tributaries, surface water bodies, floodplains, and wetlands.
- (iv) Natural areas, and wildlife habitats and corridors.
- (v) Historic and archaeological sites listed on the National Register of Historic Places or included on the State's National Register study list, designated as a local historic landmark, located in a local historic district, and/or identified as having a high potential for archaeological remains.

(b) Secondary Open Space Areas

Identification of significant site elements on buildable portions of the site, including:

- (i) Vegetation of the site, defining approximate location and boundaries of woodland areas, and, wherever possible, vegetative association in terms of species and size. Information from aerial photographs shall be acceptable at the Concept Plan stage.
- (ii) Current land use and land cover (cultivated areas, pastures, etc.), existing buildings and structures, and burial grounds.
- (iii) Scenic views onto the site from surrounding roads as well as views of scenic features from within the site as determined by field survey.
- (iv) Other historic and archaeological sites and structures.

(c) Transportation and Utility Systems

Identification of facilities associated with the movement of people and goods, or the provision of public services, including:

- (i) Railroad and street rights-of-way.
- (ii) Easements for vehicular access, electric and gas transmission lines, and similar uses.
- (iii) Public and private water and sewer lines and storm drainage facilities.

**(4) Conventional Subdivision Option**

The Conventional Subdivision Option shall contain the following information:

- (a) The proposed street layout within the subdivision, including travelway and right-of-way widths, and connection to existing streets;
- (b) The location of soils suitable for individual septic systems as determined by:

- (i) Preliminary soil suitability analyses of 10% to 15% of the proposed lots; or
- (ii) Provision of a map showing the location of soil types suited for septic systems as based on the Orange County, N.C. Soil Survey. The map shall be prepared in consultation with the Soil Scientist of the Environmental Health Division of the Health Department.
- (iii) The proposed arrangement of lots within the subdivision, including size and number, as based on soil suitability analysis.

**(5) Flexible Development Option**

The Flexible Development Option shall contain the following information:

- (a) The proposed arrangement of lots within the subdivision, including size and number.
- (b) The proposed street layout within the subdivision, including travelway and right-of-way widths, and connection to existing streets.
- (c) The location, type, and area of the open space proposed in the subdivision, including open space to be preserved:
  - (i) In a separate lot or lots under the ownership of a homeowner's association.
  - (ii) As part of individually owned lots through a conservation easement applicable to multiple lots.
  - (iii) As part of individually owned estate lots through designation of buildable areas and the use of restrictive covenants.
  - (iv) In a separate lot or lots through dedication for public use, such as a park site, to a unit of local government, state government or a private land conservancy.
- (d) The location of proposed water supply and sewage disposal facilities, including:
  - (i) Well sites for individual and community water systems.
  - (ii) Nitrification fields and land application areas for community sewage disposal systems employing subsurface disposal and spray irrigation, respectively.
  - (iii) Nitrification fields and land application areas for individual on- and off-lot sewage disposal systems employing subsurface disposal and spray irrigation, respectively.
  - (iv) Public water and sewer lines, where such facilities are available or capable of being extended.
- (e) Where the applicant is seeking approval only of a Flexible Development Plan, he/she shall submit information showing the location of soils suitable for individual septic systems as required in subsection 4(b) above.

**(B) Preliminary Plat**

**(1) In General**

- (a) The Preliminary Plat shall be prepared by a North Carolina registered land surveyor, professional engineer or registered architect or landscape architect.

- (b) The Preliminary Plat shall be drawn in black ink or pencil at a scale of not less than 200 feet to the inch nor more than 20 feet to the inch. The scale chosen shall be large enough to show all required detail clearly and legibly.
- (c) Approximate dimensions and locations are acceptable provided that on the Final Plat all information shall be based on an actual field survey.
- (d) The sheets shall be numbered in sequence if more than one sheet is used.

**(2) Title Block**

The title block shall contain the following information:

- (a) The proposed name of the subdivision, preceded by the words "Preliminary Plan of \_\_\_\_\_", which shall not duplicate nor closely approximate, phonetically or in spelling, the name of any other subdivision in Orange County;
- (b) The scale, approximate north arrow, date of preparation and any other pertinent legend data;
- (c) County and township location; Parent Parcel Identification Number, tax map, block and lot number of the parcel; and deed book and page citations for the property to be subdivided; and
- (d) The name and address of the owner(s) of the land to be subdivided, the name and address of the subdivider if other than the owner, and the name, address, registration number and seal of the registered land surveyor, professional engineer or registered architect or landscape architect responsible for preparation of the plat.

**(3) Vicinity Map**

- (a) A vicinity map showing the general location of the subdivision in relation to the surrounding area shall be placed on the plat.
- (b) The vicinity map shall be shown at a sufficient size to show the relationship of the tract to the existing street or highway system and readily recognized Orange County landmarks.
- (c) Streets and roads shall be identified by State road number and name.

**(4) Existing Site Data**

Information on existing conditions shall be shown as noted below.

- (a) Boundary Lines
  - (i) The approximate or survey location, including distances and bearings for boundary lines of the subject tract.
  - (ii) The location, width and purpose of all recorded easements and any readily visible and apparent easements.
  - (iii) The approximate location of boundary lines which abut the tract shall be shown as dashed lines. The boundary lines of the tract shall be shown by a heavy line which provides quick and easy distinction between the property to be subdivided and adjacent properties.
  - (iv) The approximate location of corporate limit lines, township boundaries, and county lines.
  - (v) The names of owners of adjacent unsubdivided land.



- (vi) For adjacent subdivided land, the subdivision plat name, plat book and page number, and perimeter lot numbers abutting the tract to be subdivided.
- (b) Streets and Transportation Systems
  - (i) The location, name and right of way width of streets, roads and railroads abutting the tract
  - (ii) Surface material and width of travelways.
  - (iii) The location of any existing curbs, gutters and culverts. These features shall also be shown in cross section.
  - (iv) The location and width of alleys, sidewalks, bike lanes, transit systems, and bus stops.
- (c) Utility Systems
  - (i) The location and size (if appropriate) of all:
    - a. Above ground installations of major electric, CATV and telephone transmission lines,
    - b. Underground gas transmission mains,
    - c. Underground water mains and sanitary sewer lines, and
    - d. Important storm sewer systems on or abutting the tract shall be shown.
  - (ii) Information about underground installations of the utilities listed above shall be based on information obtained from the respective utility provider.
- (d) Contour Information
  - (i) Existing contours on the tract shall be shown at vertical intervals of not more than ten feet.
  - (ii) Contours shall be referenced to mean sea level datum as obtained from the latest applicable U.S. Geological Survey topographic map or other geodetic bench mark.
  - (iii) Where a field topographic survey of the tract has been performed, contours shall be referenced to a permanent identifiable bench mark.
- (e) Other Conditions
  - (i) Streams and rivers, ponds or lakes, swamps or marshes, and natural areas identified in "An Inventory of Sites of Cultural, Historic, Recreational, Biological and Geological Significance in the Unincorporated Portion of Orange County" or "Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina".
  - (ii) Manmade features including houses, barns, and known or identified cemeteries shall be shown in their approximate location.
  - (iii) The zoning of the subject tract and adjacent properties shall be noted.

**(5) Subdivision Layout Data**

Information on the proposed development shall be shown as noted below.

- (a) Site Calculations

Site calculations shall be shown as follows and may be approximate, provided that the Final Plat shows all calculations based on an actual field survey:

- (i) Acreage in tract to be subdivided;
  - (ii) Lineal feet of road centerlines and approximate acreage within new street rights of ways;
  - (iii) Acreage in recreational areas and other non-residential uses; and
  - (iv) Total number of lots or parcels created.
- (b) Lot Arrangement
- (i) Proposed lot lines, lot and block numbers and the approximate dimensions and area of each proposed lot shall be shown on the plat.
  - (ii) Lot areas exclusive of road right of way shall be shown.
  - (iii) Blocks shall be consecutively numbered or lettered in alphabetical order and all lots in each block shall be consecutively numbered.
  - (iv) Required building setback lines shall be shown for each lot or noted on the plat.
- (c) Dedications, Reservations, and Easements
- (i) The location and approximate dimensions of all property to be set aside for recreational use or other public or private dedications, reservations or easements shall be shown.
  - (ii) The purpose and conditions of the dedication, reservation or easements shall be noted.
  - (iii) For recreation areas with improvements, a separate sheet shall be provided showing the proposed site dimension and improvements drawn at a scale of not less than 50 feet to the inch, or at a different scale if approved by the Planning Director.
- (d) Streets and Transportation Systems
- (i) The location, dimensions and classification (public or private) of all proposed streets, easements, alleys and other right of ways shall be shown on the plat.
  - (ii) The location and dimensions of proposed pedestrian paths and sidewalks, bike lanes or paths, and bus stops shall also be shown.
  - (iii) Proposed streets, pavement or travelway widths shall be denoted as well as typical roadway cross sections. The approximate centerline radius shall be shown on all proposed streets.
  - (iv) Proposed street names shall be indicated on the plat. Such names shall not duplicate or approximate the name of any other street in Orange County except where a proposed street is the continuation or extension of an existing street.
- (6) Utility and Drainage Data**
- (a) Proposed utility systems shall be shown on the plat, including but not limited to:

- (i) Public or private community water supply systems,
  - (ii) Public or private community sewage disposal systems, and
  - (iii) Storm drainage facilities, including existing and proposed drainageways and channels.
- (b) Any easements associated with such utility systems shall also be denoted and the purpose for the easements designated on the plat.

**(7) Landscaping and Buffer Data**

The following information shall be denoted on the Preliminary Plat to demonstrate compliance with the provisions of Section 6.8 of this Ordinance:

- (a) Existing trees and/or vegetation to be preserved and proposed trees and/or landscape materials to be installed.
- (b) Required buffers.

**(8) Special Flood Hazard Area (SFHA) Standards**

- (a) The boundary of the SFHA shall be designated and labeled on the plat as required by this Ordinance.
- (b) For subdivisions located within a Watershed Protection Overlay District, as identified on the Orange County Zoning Atlas, the following information shall be designated and labeled on the plat:
  - (i) Impervious surface data as required by Section 4.2 of this Ordinance;
  - (ii) Stream buffers as required by Section 6.13 of this Ordinance; and
  - (iii) Stormwater detention and/or retention sites and undisturbed areas for infiltration purposes as required by the Section 6.14 of this Ordinance.

**7.13.3 Final Plat Specifications**

**(A) Plat Preparation**

- (1) The Final Plat shall be drawn in accordance with the requirements of G.S. 47-30 as amended and to the specifications of this Section. The plat shall be prepared by a Professional Land Surveyor at a scale of not less than 100 feet to the inch nor more than 20 feet to the inch.
- (2) All Final Plats shall be prepared in accordance with the Manual of Practice for Land Surveying in North Carolina as prepared by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors.

**(B) Title Block**

A title block shall be placed on the plat, which shall contain the following information:

- (1) The name of the subdivision, preceded by the words "Final Plat of \_\_\_\_\_", which shall not duplicate nor closely approximate, phonetically or in spelling, the name of any other subdivision in Orange County, and, where the plat at hand is only part of a larger subdivision bearing the same name, the unit or section number of other necessary identification;
- (2) The graphic scale in feet per inch in words or figures and bar graph; a north arrow accurately positioned and designated as magnetic north, true north, North Carolina State Plane Coordinate Grid System North or north referenced to a recorded instrument with the recording reference shown; the date or dates the survey was conducted; and any other pertinent legend data;

- (3) State, county and township location; tax map, Parent PIN, block and lot number references; and deed book and page number citations for the property being subdivided; and
- (4) The name and address of the owner(s) of the land being subdivided; the name and address of the subdivider if other than the owner; and the name and address, registration number and seal of the land surveyor responsible for preparation of the plat.

**(C) Vicinity Map**

- (1) A vicinity map showing the general location of the subdivision in relation to the surrounding area shall be placed on the plat.
- (2) The vicinity map shall be drawn at a sufficient size to show the relationship of the tract to the existing street or highway system and readily recognized Orange County landmarks.
- (3) The vicinity map shall show the street names in addition to the State Road (S.R.) designations.

**(D) Existing Site Data**

Information on existing conditions shall be shown as noted below.

**(1) Boundary Lines**

- (a) The location, distance and bearings for the boundary line of the tract to be subdivided.
- (b) Areas not designated as lots that will be under common ownership such as a conservancy, public agency or similar entity or a homeowners' association's ownership shall be appropriately labeled as tracts.
- (c) Locations of corporate limits or Extraterritorial Zoning Jurisdiction (ETJ) lines, township boundaries, and county lines.
- (d) The names of owners and Parcel Identification Numbers (PIN) of adjacent land.
- (e) For adjacent land that is platted, the subdivision plat name, plat book and page number abutting the tract to be subdivided shall also be shown.

**(2) Other Conditions**

- (a) If any portion of the final plat includes land referenced in the "Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina" it shall be shown on the plat.
- (b) Constructed features including houses, barns, sheds, railroads and overhead utility lines.
- (c) Cemeteries if designated either by a previously recorded instrument or if disclosed to or found by the surveyor during the course of the survey.
- (d) All street rights-of-way, which adjoin the boundaries of the tract being subdivided, shall be shown with dashed lines and shall denote the right-of-way location and width.

**(E) Subdivision Layout Data**

The lot design plan shall be drawn and shall show the following information:

**(1) Lot Arrangement and Development Potential**

- (a) The lot lines, Parent Parcel Identification Number, and lot and block numbers of each lot shall be shown on the plat.

- (b) Blocks shall be consecutively numbered or lettered in alphabetical order and, all lots in each block shall be consecutively numbered.
- (c) Lot and block numbers provided shall be in substantial compliance with those shown on the approved Preliminary Plat.
- (d) The location and dimensions of all lot lines, all new easements and any existing easements which are recorded or easements which are visible and apparent reservations, and areas dedicated to public or private use with notes stating their purposes shall be shown on the Final Plat.
- (e) Lots shown on the Final Plat shall be substantially the same as those shown on the approved Preliminary Plat.
- (f) Front, rear, and side yard setbacks that are greater than the minimum setback requirements of the district in which the parcel is located shall be designated with dashed lines on the individual lots and labeled as 'Minimum Setback'.
- (g) All lots which are of restricted development potential shall be noted on the Final Plat with reference to a separate recorded instrument which describes the restricted lot(s) by metes and bounds and designates the lot as "Of restricted development potential because of (specify condition), pursuant to Section 7.6.3 of the Orange County Unified Development Ordinance".

**(2) Streets and Transportation Systems**

- (a) The location, dimensions and classification (public or private) of all streets, new easements or any existing easements which are recorded or which are visible and apparent uses, alleys and other public or private ways shall be shown on the Final Plat, including pedestrian and non-motorized vehicle easements.
- (b) All streets intended for future extension either within or beyond the boundaries of the subdivision shall clearly be indicated on the Final Plat by the words, "Subject to future extension".
- (c) A No Vehicular Access Easement (NVA) (aka Negative Access Easement) 10 feet in width shall be designated, with a dashed line, along the right-of-way of all lots and tracts where direct vehicular access to a roadway is not approved.
- (d) Street names, including State road numbers if applicable, shall be indicated on the Final Plat and shall not duplicate or approximate the name of any other street in Orange County, or an adjacent County if a similar street name is in use in the vicinity, except where a street is the continuation or extension of an existing street.
- (e) All street names shall be approved through the Orange County Land Records office.

**(3) Utility and Drainage Data**

- (a) Construction plans shall be submitted to proper authorities, as required, to document any new:
  - (i) Public or private community water supply system,
  - (ii) Public or private community sewage disposal system, and/or
  - (iii) Storm drainage facilities.
- (b) Written approval of the reviewing authorities and a set of approved construction plans shall be submitted to the Planning Department prior to approval of the Final Plat.

- (c) The location and purpose of all new easements for utility systems shall be shown on the Final Plat, including, but not limited to,:
- (i) Sanitary sewers,
  - (ii) Septic tanks and nitrification fields,
  - (iii) Storm sewer lines,
  - (iv) Water mains,
  - (v) Gas, transmission mains,
  - (vi) Overhead electric, telephone and CATV transmission mains, and
  - (vii) Any other above or below ground utility systems which are contained within a designated easement.
- (d) It is understood that utility distribution systems to individual lots for gas, electric, telephone, and TV cable service are customarily covered by “blanket easements” or “general easements”. If these easements have been recorded, the recording data shall be shown on the plat. Otherwise, these easements need not be denoted on the plat.

**(4) Landscaping and Buffer Data**

Buffers widths and locations as required by Section 6.8 of this Ordinance shall be shown on the Final Plat and specified in a separate document to be recorded concurrently with the Final Plat. The Deed Book and Page reference shall be noted on the Final Plat.

**(5) Special Flood Hazard Area (SFHA) Standards**

- (a) The boundary of the SFHA shall be designated and labeled on the plat as required by this Ordinance.
- (b) For subdivisions located within a water supply watershed of regional and/or local importance, the following information shall be shown on the Final Plat:
- (i) The maximum impervious surface data as required by Section 4.2 of this Ordinance shall be shown for each lot.
  - (ii) Stream buffers as required by Section 6.13 of this Ordinance shall be delineated with widths noted on the Final Plat.
  - (iii) Development restrictions within the stream buffer shall be specified in a separate document to be recorded concurrently with the Final Plat. The Deed Book and Page reference shall be noted on the Final Plat.
  - (iv) Storm water detention and/or retention sites and undisturbed areas for infiltration purposes as required by Section 4.2 and 6.13 of this Ordinance shall be delineated and labeled on the Final Plat.
  - (v) Any restrictions or requirements associated with the detention/retention sites shall be specified in a separate document to be recorded concurrently with the Final Plat. The Deed Book and Page reference shall be noted on the Final Plat.

**(6) Open Space and Natural and Cultural Resource Areas**

- (a) Any areas identified in the “Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina” shall be shown on the Final Plat.

- (b) A description of the resource, and the conditions of subdivision approval, which ensure its protection shall be included in a document of describing development restriction to be recorded concurrently with the plat.
- (c) Common Open Space areas indicating the type (e.g., Primary/Secondary), the use (e.g., passive trails), the land area, the fee simple owner of the land, and/or the holder of the easement.

**(F) Certificates and Endorsements**

**(1) General**

The Final Plat shall be made by or prepared under the supervision of a Professional Land Surveyor licensed to practice in the State of North Carolina and shall contain a certificate as required by Section 47-30 of the General Statutes and prepared in substantially the following form and acknowledged by a notary public:

"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 ratio of precision is 1: \_\_\_\_\_; that the boundaries not surveyed are shown as broken lines plotted from information found in Book \_\_\_\_\_, Page \_\_\_\_\_; that this map was prepared in accordance with G.S. 47-30 as amended. Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_."

Seal or Stamp

Surveyor Registration Number

(The surveyor shall also certify on the plat as required by G.S. 47-30 (f) (11) as amended.)

**(2) Certificates of Dedication and Maintenance**

- (a) The following certificate shall be printed on the Final Plat and shall be followed by the signature of the owner(s) of the property being subdivided acknowledged by a notary public.

"The undersigned owner hereby certifies that the land shown hereon is located within the subdivision-regulation jurisdiction of Orange County and hereby freely dedicates all rights-of- way, easements, streets, recreation areas, open spaces, common areas, utilities and other improvements to public or private common use as noted on this plat, and further assumes full responsibility for the maintenance and control of said improvements until they are accepted for maintenance and control by an appropriate public body or by an incorporated neighborhood or homeowners association or similar legal entity."

Owner(s): \_\_\_\_\_

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

- (b) Where a Final Plat shows a private road, an instrument substantially in the form of the County’s Standard Road Maintenance Agreement entitled, “DECLARATION OF RESTRICTIONS AND PROVISIONS FOR PRIVATE ROAD MAINTENANCE”, shall be recorded contemporaneously with the recordation of the approved Final Plat which guarantees: (a) right of access to any private road in the subdivision by all lots served by the road and by law enforcement and emergency vehicles, (b) right of access for the proposed private road to a State or municipally maintained road by way of direct access or other private roads, (c) perpetual maintenance for any private road serving the subdivision at the standards set for approval, and (d) provide record notice of the probability that future development dependent on the private roads for access will require upgrading of the roads to a higher private road standard or public dedication and upgrading of the road to North Carolina Department of Transportation standards.

This instrument shall also note acceptance by the owner of all liability related to the use of the road, and agreement to hold both the County and State harmless from such liability, and acknowledge that some public services may not be provided due to the private nature of the road. The guarantees of right of access and maintenance of the subdivision roads shall run with the land and shall be disclosed to any prospective purchaser of land in the subdivision as provided in North Carolina General Statutes Chapter 136- 102.6. Upon recordation the Deed Book and Page Number of the recorded document shall be referenced on the Final Plat.

Owner(s): \_\_\_\_\_

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

- (c) The following shall be printed on the final plat and shall be followed by the signature of the County Manager:

“Orange County hereby accepts, for the use of the general public, without maintenance responsibility, the offer of public dedication of all public rights-of-way, public easements, public streets, public recreation areas, public open space, public utilities and other public improvements shown on this plat.”

County Manager: \_\_\_\_\_

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

**(3) Certificates of Approval**

- (a) A Final Plat for a minor subdivision shall show the following form for Planning Department endorsement: “I hereby certify that the subdivision plat shown hereon has been found to comply with the Orange County Subdivision Regulations, provided that this plat shall be recorded within ninety (90) days of final approval, approved by the Orange County Planning Department on \_\_\_\_\_(Date).”

\_\_\_\_\_  
 Planning Director or Authorized Agent      Date



- (b) A Final Plat for a major subdivision shall show the following form for Planning Department endorsement: "I hereby certify that the subdivision plat shown hereon has been found to comply with the Orange County Subdivision Regulations. Provided that this plat shall be recorded within ninety (90) days of final approval, approved by the Orange County Planning Department on \_\_\_\_\_ (Date)."

\_\_\_\_\_  
 Planning Director or Authorized Agent      Date

- (c) (c) Where sewage disposal within all or a portion of a subdivision is to be accomplished through the installation and use of surface sewage disposal systems, the plat shall show the following form for Orange County Health Department endorsement:

"Soil and site evaluations have been conducted by the Orange County Health Department, Environmental Health Division, and unless otherwise noted, an area on each lot has been tentatively designated for the installation and repair of a wastewater system. This certification is not an Improvement Permit or an approval for a septic system on any of the lots. Subsequent changes to the lots may affect the ability to obtain Improvement Permits and/or Construction Authorizations.

\_\_\_\_\_  
 Environmental Health Specialist      Date

- (d) Where water and/or sewage disposal is to be provided by a public or quasi-public entity the following statement shall be certified by the person authorized to represent the service provider:

"I hereby certify that the construction plans for the water system and/or sewer system have been approved for [Name of Project]. The utilities have been constructed, or secured via an irrevocable Letter of Credit, to the [Service Provider] standards.

\_\_\_\_\_  
 [Authorized Signature]      Date

\_\_\_\_\_  
 [Attest Signature]      Date

SEAL

- (e) Where a division of property is found to be exempt from the provision of this Ordinance as specified in Section 7.2, the plat shall show the following statements for Planning Department endorsement:

"I hereby certify that the division of property shown and described hereon is exempt from the subdivision regulations contained in the Orange County Unified Development Ordinance.

\_\_\_\_\_  
 Planning Director      Date

- (f) Where a property is recombining property that includes a vacant lot or an existing dwelling the following statement shall be shown on the plat:

"The recombination of existing lots has been reviewed by the Orange County Health Department, Environmental Health Division. Based on available information, this proposal does not appear to adversely affect the suitability of the lots for the issuance of an improvement permit, nor the installation, maintenance, or repair of an existing wastewater system. This certification is not an Improvement Permit or an approval for septic system on any of the lots. Subsequent changes to the lots may affect the ability to obtain Improvement Permits and/or Construction Authorizations."

- (g) All certificates and endorsement signatures on the Final Plat, except those of the County Manager, Planning Board Chair, Planning Director and Environmental Health Officer shall be notarized by the statement of a Notary Public entered on the Final Plat. The Notary Public statement shall be shown in substantially the following form:

"North Carolina \_\_\_\_\_ County

I, a Notary Public of the County and State aforesaid, certify that \_\_\_\_\_ personally appeared before me this day and acknowledged the execution of the foregoing certificate. Witness my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

"Seal or Stamp Notary Public

My Commission expires \_\_\_\_\_

**(4) Certificate of Improvements**

- (a) If the required improvements are completed prior to the submission of the Final Plat, then one of the following certificates shall be shown on the plat and followed by the County Manager's signature:

"The County Manager hereby certifies that all improvements required by the Orange County Subdivision Regulations have been installed as specified by the approved Preliminary Plat for \_\_\_\_\_ Subdivision and that said improvements comply with Orange County specifications."

County Manager: \_\_\_\_\_ Date: \_\_\_\_\_

- (b) If the required improvements are not completed prior to the submission of the Final Plat and their completion is not ensured by regulations applicable to developments financed by the U.S. Department of Housing and Urban Development, the following certificate shall be recorded followed by the County Manager's signature:

"The County Manager hereby certifies that (a) cash in the amount of \$\_\_\_\_\_, or (b) an irrevocable letter of credit by an approved institution and as approved by the Orange County Attorney, has been posted with Orange County guaranteeing that all improvements will be installed as specified by the approved Preliminary Plat for \_\_\_\_\_ Subdivision. All required improvements must be completed within three hundred and sixty-five (365) days hereof."

County Manager: \_\_\_\_\_ Date: \_\_\_\_\_