

SUBDIVISION ORDINANCE

FOR

HUDSON, NORTH CAROLINA

An Ordinance establishing comprehensive subdivision regulations for the Town of Hudson, North Carolina, and providing for the administration, enforcement and amendment thereof.

ARTICLE I

TITLE

This Ordinance shall be known and may be cited as the **Subdivision Ordinance for the Town of Hudson, North Carolina.**

ARTICLE II

AUTHORITY AND ENACTMENT CLAUSE

The Town Commissioners of the Town of Hudson, pursuant to the authority conferred by Chapter 160A-371 through Section 160A-376 of the General Statutes of the State of North Carolina, do hereby ordain and enact into law these Articles and Sections.

ARTICLE III

JURISDICTION AND PURPOSE

Section 30. **Jurisdiction.**

On and after the date of adoption, these regulations shall govern each and every subdivision of land submitted for review within the Town of Hudson (hereinafter referred to as the "TOWN") and its extraterritorial jurisdiction as shown on the Town's official Zoning Map.

Section 31. **Purpose.**

An Ordinance establishing procedures and standards for the development and subdivision of real estate and regulating the subdivision of land and for the surveying and platting thereof, as adopted and prescribed in this Ordinance, as hereby found by the Town Commissioners of Hudson to be necessary and appropriate in order to aid in promoting the following:

- a. The orderly development of the Town and safeguard conditions essential to public health, safety and welfare;
- b. To provide space for safe and sanitary dwelling accommodations within the Town;
- c. To promote the eventual elimination of unsafe and unsanitary conditions arising from the overcrowding and concentration of population, improper planning, lack of proper light, air and space, unsafe or unsanitary design and arrangements, lack of sanitary facilities, and existences of conditions which endanger life or property by fire or other causes;
- d. To provide for suitable neighborhoods with adequate streets and utilities and appropriate building sites;
- e. To save unnecessary expenditures of public funds by reserving space for public lands and buildings and by initial proper construction of streets and utilities;
- f. To provide for economical and sufficient streets with adequate width and with proper alignment and grade for the coordination of utilities, streets, and highways within proposed subdivisions with existing or planned streets and highways and other public facilities, and;
- g. To provide proper land records for the convenience of the public and for better identification and permanent location of real property boundaries.

ARTICLE IV

NO SERVICE OR PERMITS UNTIL FINAL PLAT APPROVED

No street shall be accepted and maintained by Town nor shall any street lighting, water, or sewer be extended to or connected with any subdivision of land nor shall any permit be issued by an administrative agent or department of the Town for the construction of any building or other improvement requiring a permit, upon any land concerning which a plat is required to be approved, unless and until the requirements set forth in this Ordinance have been complied with.

ARTICLE V

LEGAL PROVISIONS

Section 50. Penalties for Violation.

After the effective date of this Ordinance, any person who, being the owner or agent of the owner of any land located within the jurisdiction of this Ordinance thereafter

subdivides his land in violation of the 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 such Ordinance and recorded in the office of the appropriate 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 Town, through its attorney or other official designated by the council, may enjoin illegal subdivision, transfer, or sale of land by action for injunction. Further, violators of this Ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S. 14-4.

Section 51. **Separability.**

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

Section 52. **Variances.**

52.01 **Varying Minimum Standards.**

These land subdivision regulations are adopted only as minimum requirements. Developers are encouraged to go beyond the standards of these regulations. The Planning Board and the Board of Commissioners may require standards above the minimum contained herein whenever the public health, safety, and welfare justify such increase. Furthermore, either Board may reduce or otherwise vary the requirements of these regulations only when it encounters the situation described below. In granting such variances, the Planning Board and Board of Commissioners may attach and require whatever conditions it feels are necessary to secure the basic objectives of this Ordinance. Any variance granted shall be noted in the official minutes of both the Planning Board and the Board of Commissioners along with the reasons which justified the granting of the variance.

52.02 **Hardship Required.**

The Planning Board and the Board of Commissioners may reduce or otherwise vary the requirements of these regulations only when a definite hardship is created by strict enforcement of the standards herein. The following conditions must be met before any variance can be granted by either the Planning Board or the Board of Commissioners.

- a. That a particular hardship to the subdivider would occur because of peculiar physical surroundings or topographical conditions of the specific property involved. A definite major hardship must be demonstrated and distinguished from a minor inconvenience.

- b. That the conditions upon which the request for a variance is based are unique to the property involved and are not generally applicable to other properties and have not been created by any person having an interest in the property.
- c. That the purpose of the variation is not based exclusively upon a desire for financial gain.
- d. That the variance will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located.

Section 53. Registration of Ordinance and Plats.

53.01 North Carolina General Statutes.

In accordance with Article 160A-373 of the General Statutes of North Carolina, the Town shall file a copy of this Ordinance with the Register of Deeds of Caldwell County upon adoption.

53.02 Register of Deeds.

The Register of Deeds shall not, after the effective date of this Ordinance, record a plat of a subdivision of land lying within the jurisdiction of this Ordinance that has not been approved in accordance with the provisions contained herein; nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with the provisions or intent of this Ordinance.

Section 54. Amendments.

The Board of Commissioners may from time to time amend the terms of this Ordinance, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation. The Planning Board shall have thirty (30) days within which to submit its report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have approved the amendment.

Section 55. Abrogation.

It is not intended that this Ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

ARTICLE VI

DEFINITIONS

Section 60. Subdivision.

For the purposes of this Ordinance, the term "subdivision" shall mean all division 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 shall include all division of land involving the dedication of a new street or a change in existing street, but the following shall not be included within this definition nor be subject to the regulations established herein:

"EXEMPTIONS"

- a. *The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town as shown in its subdivision regulations;*
- b. *The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;*
- c. *The public acquisition by purchase or strips of land for the widening or opening of streets;*
- d. *The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the Town, as shown in this Ordinance;*

Section 61. Minor Subdivision.

For purposes of these regulations, a minor subdivision is defined as a subdivision:

- a. Involving not more than **five (5)** lots fronting on an existing approved street; and
- b. **Not** involving any new street or prospectively requiring any new street for access to interior property; and
- c. **Not** requiring extension of public sewage or water lines or creation of new drainage easements through lots to serve property at the rear; and
- d. **Not** adversely affecting the development of the remainder of the parcel or of adjoining property; and
- e. Creating no new or residual parcels not conforming to the requirements of these regulations.

Section 62. Additional Definitions.

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

Access Corridors. A strip of land lying between the side lot boundary lines of lake or river front lots offering access to lots at least one lot depth away from the waters edge.

Access Streets. A platted street designed for the purpose of giving access to adjacent property owners.

Alley. A minor right-of-way privately or publicly owned, primarily for service access to the back or side of properties.

Buffer. A buffer as required by certain sections of these Regulations shall be one of, or equal to one of the following:

- A six-foot high wood, basket weave type fence;
- A six-foot high solid picket type fence with the pickets being placed facing the adjoining property;
- A six-foot high chain link type fence with panel inserts;
- A six-foot high, open type fence with evergreen vegetation planted facing the adjoining property and completely blocking the view from one area to another.

Building. The word "building" includes the word "structures".

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

Clerk of Superior Court. Clerk of Superior Court of Caldwell County, North Carolina.

Cluster Subdivisions: The cluster subdivision concept offers developers the possibility of more efficient and flexible methods for developing property, and provides residents of the project with larger open spaces for recreation and other activities properly related to residential uses.

Town Commissioners. The words "Town Commissioners" shall mean the Board of Commissioners of Hudson, North Carolina.

Dedication. A gift, by the owner, of his property to another party without consideration being given for the transfer. Since a transfer of property is involved, the dedication is made by written instrument and is completed with an acceptance.

Double Frontage Lot. A continuous (through) lot which is accessible from both streets upon which it fronts.

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

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

Lot. A portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership or for development or both. This word may also include the words "plot", "parcel", "tract", or "site".

Lot Front. A portion of the lot adjacent to the street. In the case of lots which abut a stream, lake or pond; the lot front is considered to be the part of the lot which abuts the water.

Official Maps or Plans. Any maps or plans endorsed by the Board of Commissioners as a guide to the development of Hudson.

Ordinance. The word "Ordinance" or "Regulation" shall mean the Subdivision Ordinance for Hudson, North Carolina.

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

Planning Board. The words "Planning Board" shall mean the Planning Board of Hudson, North Carolina.

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

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

Private Streets. A street intended to be for private ingress or egress, or to serve a large development under one ownership; such as in a large industrial park or with a planned unit development. May also serve "Family Subdivisions" as identified in Section 71.07 of this ordinance.

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

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

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

Staff Planner.The words "Staff Planner" shall mean the planner for Hudson, North Carolina, or his designated agent.

Streets. A dedicated and accepted public right-of-way for vehicular traffic. The following classifications shall apply:

***Arterials.** This thoroughfare category includes those streets and highways which carry large volumes of traffic at moderate speeds through and within Hudson. These thoroughfares provide access to major commercial, industrial and public traffic generators.*

***Major Collector Streets.** As the name indicates, traffic from local streets is collected by these thoroughfares and carried to arterial streets. While also serving as connectors between arterials, these streets perform an additional function of providing access to abutting properties. Smaller volumes of traffic are carried on these streets and speeds are lower.*

***Local Streets.** The local street system comprises all facilities not in one of the higher systems. It serves primarily to provide direct access to abutting land and access to higher order system.*

***Cul-de-sac.** A short local street having but one end open to traffic and the other end being permanently terminated and a vehicular turn-around provided.*

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

Section 63. Word Interpretation.

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

- The word "may" is permissive.
- The words "shall" and "will" are mandatory.
- The present tense includes the future tense and the future tense includes the present tense.
- The singular includes the plural and the plural includes the singular.

Section 64. Thoroughfare Plans

Where a proposed subdivision includes any part of a thoroughfare which has been designated as such upon the officially adopted Thoroughfare Plan of either the Town of Hudson or Caldwell County, such part of such thoroughfare shall be platted by the subdivider in the location and manner shown of the Thoroughfare Plan.

ARTICLE VII

**PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION
PLATS**

Section 70. General.

No final plat of a subdivision within the jurisdiction of Hudson as established in Article III of this Ordinance shall be recorded by the Register of Deeds of Caldwell County until it has been approved by the Board of Commissioners as provided herein. To secure such approval of a final plat, the subdivider shall generally follow the procedures established in this Section.

Section 71. Minor Subdivision Approval Process.

If the land to be subdivided meets the requirements of a minor subdivision as defined in Article VI, Section 62, of this Ordinance, the subdivider will not have to follow the same procedures as for a general subdivision. The review process for minor subdivisions shall be adequate to protect the public interest, but should also provide minimum delay and expense to the subdivider. A preliminary plat is not required. The developer may go from sketch plan to a final plat with the approval of the Staff Planner. However, the following minor plat approval process may be used only where the subdivision includes all contiguous land under the ownership of the sponsor.

71.01 Sketch Plan Required.

A preliminary plat **shall not** be required for approval for minor subdivisions. Instead, a sketch design plan shall first be submitted to the Staff Planner for approval and shall depict or contain the following information:

- a. A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads and waterways.
- b. The boundaries of the tract to be subdivided.
- c. The total acreage to be subdivided.
- d. The existing and proposed uses of the land within the subdivision and adjoining it.

- e. The lines of existing streets and easements.
- f. The name, address, and telephone number of the owner and/or developer.
- g. The zoning classification of the tract and adjacent properties.

71.02 Review Procedure.

The Staff Planner shall review the sketch design plan for the general compliance with the requirements of this Ordinance and shall advise the subdivider or his authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the final plat.

71.03 Approval of Sketch Plat by Staff Planner.

The Staff Planner, after determining that all requirements of this Ordinance have been met on the sketch map, shall submit copies to the County Health Department, Erosion Control Section, Soil and Water Conservation District and Inspection Division for their comments and reports. The sketch plan shall be approved and the subdivider shall be advised that the final plat may be prepared as long as it conforms to the sketch plat. This review shall in no way be construed as constituting an official approval for recording.

71.04 Dispute of Findings of Staff Planner.

In the event that the subdivider disagrees with any findings of the Staff Planner concerning approval of a sketch plan of a minor subdivision, the matter shall be taken to the Planning Board for Decision. No final plat shall be prepared until the Planning Board has acted on the disputed sketch plan.

71.05 Disposition of Copies.

Five Seven copies of the sketch plan shall be retained as part of the files of the Planning Board, with the original drawing being returned to the subdivider or his authorized agent.

71.06 Final Plat Approval of Minor Subdivision.

In order not to cause any unnecessary expense to the developer and to the administrative departments of the Town, the Planning Board Town Planner shall have the responsibility for approving minor subdivisions. A final plat shall be submitted to the Staff Planner at least twenty (20) days prior to the next regular meeting of the Planning Board. The final plat for minor subdivisions shall be complete and show all information required for a final plat for general subdivisions as prescribed by this Ordinance. The recording of a minor subdivision plat shall be the same as for a general subdivision as provided in this

Ordinance. If a minor subdivision plat is disapproved, the Planning Board shall specify the reasons for such action in writing. One (1) copy of such reasons shall be given to the subdivider. If a minor subdivision plat is disapproved, the subdivider may make the recommended changes as requested and submit a revised minor plat, or appeal the decision to the Board of Commissioners.

71.07 Family Subdivision: Shall meet the minimum requirements of the Subdivision Ordinance except as follows:

1. A subdivision where lots are to be conveyed to members of the owners' lineal family for the purpose of building a residence for the new owner (family member). Lineal family shall include only direct lineal descendants (children, grandchildren, great grandchildren and so on), direct lineal ascendants (father, mother, grandfather grandmother, and so on) and their spouses (including widowed spouses). Lots can be conveyed as a gift, as settlement of the property owner's estate or for nominal consideration. This ordinance is intended to facilitate the subdivision of the family homestead.

2. The plat must state that this is a "Family Subdivision". No more than 7 lots may be created under this section and a plat must be submitted to the Hudson Board of Commissioners for final approval. The plat will go through the major subdivision review process.

3. All lots created by a Family Subdivision shall abut a ~~thirty (30')~~^{Fifty (50')} foot right-of-way that conveys an easement on the property to be subdivided extending to a publicly maintained road. Access to a publicly maintained street or highway is required. A private street must be constructed within the right-of-way. The private street is required to have a ten (10') foot minimum pavement width that abuts all newly subdivided parcels, or have pavement length of at least thirty (30') feet and ten (10') foot pavement width when accessing the private street from a publicly maintained road. The remaining portion of the private street must have at least an eighteen (18') foot wide gravel drive of at least four (4") inches of gravel.

4. All property owners abutting the private street must have a signed and recorded right of way that is recorded with the Register of Deeds. Each property owner must sign and have recorded with the Register of Deeds a private street maintenance agreement. There must be a statement on the final plat and deed stating that neither the Town of Hudson nor the State Department of Transportation is responsible for maintenance of the private street.

5. After approval of a maximum of 7 lots in a Family Subdivision, additional lots shall not be subdivided unless the private street serving the Family Subdivision is improved to meet the Town of Hudson's or State Department of Transportation's street design standards.

Section 71.10: Cluster Subdivisions:

The cluster subdivision concept offers developers the possibility of more efficient and flexible methods for developing property, and provides residents of the project with larger open spaces for recreation and other activities properly related to residential uses.

- 71.11 Such subdivision would permit single family homes in the R-SF zoning district. Exclusive of manufactured homes.
- 71.12 Such project is an integrated plan designed for the primary purpose of residential use.
- 71.13 The site for the total project must be at least 3 acres divided into a minimum of 6 single-family lots.
- 71.14 Common space is to be provided at not less than 10% of the total project area, exclusive of the buffer area. Common spaces are to be arranged and designed so as to provide accessibility to all residents and to create an aesthetic environment. The topography of proposed open space shall be suitable for recreational uses.
- 71.15 That the total parcel of land is under single ownership or control, and all requirements of this section must be met before final approval is given. A homeowners association must be established to maintain all common space, recreation space and other common land. The homeowners association shall provide for a levy against all property within the development for maintenance of all common area. The homeowners agreement must be submitted to the Planning Board and Board of Commissioners, and be approved by the Town Attorney before final approval is given.
- 71.16 A public street or buffer shall be provided for on all lots that abut property lines outside the subdivision. Such buffer shall not be less than 15 feet in width and shall be approved by the Planning Board and Board of Commissioners. All common space and buffer area shall become property of the Homeowners' Association.

72.01 Sketch Design Plan.

If the land to be subdivided contains more than ten (10) acres, the subdivider shall submit a sketch plan prior to submitting a preliminary plat. Smaller subdivisions may be

submitted in sketch plan form if the developer wishes. Sketch plans shall conform to the following requirements:

72.02 Number of Copies and Graphic Media.

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

72.03 Size of Plan and Scale.

No specific size requirements apply to a sketch design plan; it is suggested that the requirements applicable to preliminary and final plats be utilized. (See Section 75.04)

72.04 Administrative Fees.

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

72.05 Certification Required.

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

72.06 Contents Required.

The sketch design plan shall depict or contain the following information:

- a. A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;
- b. The boundaries of the tract and the portion of the tract to be subdivided;
- c. The total acreage to be subdivided;
- d. The existing and proposed uses of land within the subdivision and adjoining it;
- e. The proposed street and lot layout;
- f. The name, addresses, and telephone number of the owner's;
- g. Street and lots of adjacent developed or platted properties;
- h. The zoning classification(s) of the tract and of adjacent properties.

72.07 Review Procedure.

The Staff Planner shall review the sketch design plan for general compliance with the requirements of this Ordinance and any other applicable Ordinances and shall advise the subdivider or his authorized agent of the procedures to be followed in the preparation and submission of the preliminary and final plats. This review shall in no way be construed as constituting an official action of approval for recording of the subdivision by the Planning Board or the Board of Commissioners as required by this Ordinance.

72.08 Dispute of Findings of the Planning Division.

In the event that the subdivider disagrees with any findings of the Staff Planner concerning approval of a sketch plan, the matter shall be taken to the Planning Board for a decision. No final plat shall be prepared until the Planning Board has acted on the disputed sketch plan.

72.09 Disposition of Copies.

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

Section 73. Preliminary Plat.

After approval of the sketch plan, the preliminary plat can then be prepared and shall be submitted to the Planning Board at least twenty (20) days prior to a regular meeting of the Planning Board, for every subdivision of land which is located within the territorial jurisdiction established by Article III, Section 30, hereof unless it meets the requirements of a minor plat.

73.01 Number of Copies and Graphic Media.

Eight (8) copies of the preliminary plat shall be submitted; no specific graphic media must be employed. Three (3) copies shall be disposed of as provided under Paragraph 73.07; five (5) copies shall be distributed for review as provided in Paragraph 73.06.

73.02 Size of Plat and Scale.

No specific size requirements apply to preliminary plats. Preliminary plats shall be prepared at a scale of one (1) inch equals two hundred (200) feet or greater. (Reference to Section 75.04)

73.03 Administrative Fees.

When submitting the preliminary plat, the subdivider shall pay a filing and inspection fee of fifty cents (\$.50) per lot in the subdivision, or twenty-five dollars (\$25) whichever is greater to the Town Clerk of Hudson. The fee once paid will not be refundable.

73.04 Certifications Required.

No certifications must be shown on the drawing in connection with the submission of preliminary plats. However, plans for proposed utilities shall be approved by appropriate Town, County and State agencies.

73.05 Contents Required.

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

- a. The proposed name of the subdivision;
- b. A sketch vicinity map showing the relationship between the proposed subdivision and the surrounding area;
- c. The boundaries of the tract or portion thereof to be subdivided, distinctly, and accurately represented, with all bearings and distances shown;
- d. Street line and grade profile;
- e. Scale denoted both graphically and numerically;
- f. North arrow and declination;
- g. The plans for proposed sediment control programs, utility layouts, including sanitary sewers, storm sewers, water distribution lines, natural gas, telephone and electric service, illustrating connections to existing systems. Plans for water supply and/or sewage disposal and sediment control must receive approval by the appropriate County and State authorities, including the Caldwell County Health Department, and Office of Water and Air Resources and Com. Dev. Utility plans must show line sizes, the location of fire hydrants, blow-offs, manholes, pumps, force mains, and gate valves, and shall include profiles based upon mean sea level datum for sanitary sewers and storm sewers; these plans may be submitted separate from the preliminary plat but are due on the same date as the preliminary plat.
- h. Utility layout calculations including storm sewer, sanitary sewer and water distribution.
- i. Proposed street names;

- j. Zoning classification of proposed subdivision and adjacent property;
- k. Street design information including vertical and horizontal curvatures;
- l. Proposed location and size of parks, school sites, or other recreational or open spaces, if any, and their future ownership (dedication for public use to governmental body from owners to duly constituted homeowners or community association, or for tenants, but remaining in subdividers ownership);
- m. Site calculations, including:
 - 1. acreage in total tract to be subdivided,
 - 2. acreage in parks and other nonresidential use,
 - 3. total number of parcels created,
 - 4. linear feet in streets,
 - 5. delineate drainage area onsite and offsite.
- n. Proposed minimum building setback lines;
- o. The names of owners of adjoining properties and any adjoining subdivisions of record (or proposed and under review);
- p. Any proposed riding trails, natural buffers, pedestrian, bicycle or other rights-of-way, utility or other easements, their location, width, and purposes;
- q. Proposed streets, existing and platted streets on adjoining properties and in the proposed subdivision, rights-of-way, pavement widths, grades, typical street cross sections. If any street is proposed to intersect with a State maintained road, the plat shall be accompanied by an application for driveway approval as required by the Department of Transportation, Division of Highway's Manual on Driveway Regulations.
- r. Water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and on the land immediately adjoining corporate limits, township boundaries, and county lines;
- s. Proposed lot lines, lot and block numbers, and approximate dimensions;
- t. Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds, and any other natural features affecting the site;
- u. The preliminary plat shall be accompanied by a copy of any proposed deed restrictions or similar covenants (mandatory when private recreation areas are established).

73.06 Review Procedure

The Planning Board shall review and take action on each preliminary plat within thirty (30) days after submission. First considerations shall be at the next regularly scheduled meeting of the Planning Board that follows at least twenty (20) days after the plat is submitted. Before taking action on the plat, the Staff Planner shall refer copies of the plat and any accompanying material of those public officials and agencies concerned with new development, including but not limited to the County Health Director, the Town Building Inspection Dept, the District Engineer of the North Carolina State Highway Commission, and the County Soil Conservation Service.

73.07 Disposition of Copies.

If the plat is approved, approval shall be noted on at least three (3) copies of the plat by the Staff Planner who shall retain one (1) copy for public examination, one copy shall be returned to the subdivider, and one copy shall be retained for Planning Board files.

If the preliminary plat is disapproved, the Planning Board shall specify the reasons for such action in writing. One (1) copy of such reasons shall be retained by the Staff Planner and one (1) copy shall be given to the subdivider. If the preliminary plat is disapproved, the subdivider may make the recommended changes and submit a revised preliminary plat, or appeal the decision to the Board of Commissioners.

Section 74. Final Plat Approval Process.

74.01 Improvements Installation.

Upon the approval of the preliminary plat by the Planning Board, the subdivider may proceed with the preparation of the final plat, and the installation or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this Ordinance.

Prior to approval of a final plat, the subdivider shall have installed improvements or guarantees in lieu of improvements, as specified in this Ordinance.

74.02 Performance Guarantees.

In lieu of prior construction of the improvements required by this Ordinance, the Town Manager may, for the purpose of approving a final plat, accept a guarantee from the subdivider that such improvements will be carried out according to the Town's specifications at the subdivider's expense provided the guarantee is acceptable to the Town Attorney. Such guarantee shall be in accordance with the Hudson Subdivision Policies concerning Performance Guarantees. Such guarantee shall be in an amount of not less than 100% of the estimated cost of the construction of the required improvements. This amount shall be determined by the Town Engineer. Performance guarantees shall run for a period of one (1) year and may be renewed once for a period of one (1) year upon written approval from the Planning Board.

74.03 Defects Guarantee.

The Planning Board and Board of Commissioners shall require a letter guaranteeing utility taps, curbs, gutters, street pavement, sidewalks, drainage facilities, water and sewer lines, and other improvements against defects for one year.

74.04 Maintenance Guarantee.

The Planning Board shall secure from all subdividers a letter in which states who shall maintain any street improvements located thereon, and any ditch which has been installed in connection with the installation of such improvements.

74.05 Final Plat Review Contingent Upon Execution of Guarantees.

No final plat will be accepted for review by the Planning Board or Board of Commissioners unless accompanied by written notice by the Staff Planner acknowledging compliance with this Ordinance requiring guarantees in lieu of improvements, and the required maintenance letters.

Section 75. The Final Plat.

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

No final plat shall be approved unless and until the subdivider shall have installed, in that area represented on the final plat, all improvements required by this Ordinance (or shall have guaranteed their installation as provided for in subsection 74.02 of this Ordinance and all permanent reference points described in Article VIII of this Ordinance.)

75.01 Plat Submitted.

The subdivider shall submit ~~five (5)~~ seven (7) copies of the final plat, so marked, to the Staff Planner not less than twenty (20) days prior to the Planning Board meeting, at which time it will be considered for approval; further, the plat shall be submitted not more than twelve (12) months after the date on which the preliminary plat was approved, otherwise a written extension of this time limit may be granted by the Planning Board on or before the one-year anniversary of the approval.

75.02 Plat Prepared.

The final plat shall be prepared by a surveyor or professional engineer licensed and registered to practice in the State of North Carolina. The final plat shall substantially

conform to the preliminary plat as it was approved. The final plat shall conform to the provisions of Section 47-30 of the General Statutes of North Carolina.

75.03 Number of Copies and Graphic Media.

~~Five~~(5) Seven (7) copies of the final plat shall be submitted not less than twenty (20) days prior to the Planning Board meeting; one (1) additional copy shall be drawn in ink on linen or film suitable for reproduction; and shall bear all the required certifications set forth in Section 75.06 of this Ordinance. The reproducible drawing shall be given to the Staff Planner not later than the date of the Planning Board meeting in which approval is requested.

75.04 Size of Plat and Scale.

Final plats shall have an outside size of not more than eighteen (18) inches by twenty-four (24) inches nor less than eight and one-half (8 ½) inches by eleven (11) inches, including one and one-half (1 ½) inch border for binding on the left margin and one-half (1/2) inch border on each of the other sides. Where size of land areas or suitable scale to assure legibility require, maps may be placed on two or more sheets with appropriate match lines. Final plats shall be drawn at a scale of one (1) inch equals two hundred (200) feet, or greater.

75.05 Certification Required.

The following signed and notarized certificates shall appear on the reproducible copy of the final plat which is submitted to the Planning Board by the subdivider:

a. Certification of Ownership and Dedication

I hereby certify that I am/we are the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of Hudson and that I/we hereby adopt this plan of subdivision setback lines, and dedicate all sanitary sewer, water lines and streets to Hudson.

_____ Date

_____ Owner(s)

_____ Owner(s)

b. **Certification of Approval of Water Supply and Sewage Disposal Systems**

I hereby certify that the water supply and sewage disposal systems installed, or proposed for installation in _____ Subdivision meet all public health requirements of Hudson.

Date

County Health Officer or his
Authorized Representative

(Certification not required for subdivisions which are connected, or will be connected, to existing publicly owned and operated water supply and sewage disposal systems.)

c. **Certificate of Survey and Accuracy**

I, _____, certify that this was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book ____ Page ____, etc.) (other); that the error of closure as calculated by latitudes and departures 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. 74-30 as amended. Witness my hand and seal this ____ day of _____, A.D., 19__.

Registered Surveyor or Professional

License or Registration Number

d. **Certificate or Approval of the Design and Installation of Utilities, and Other Required Improvements**

I hereby certify that all required improvements have been installed in an acceptable manner and according to the Hudson Specifications and standards in the _____ Subdivision or that guarantees of the installation of the required improvements in an amount and manner satisfactory to Hudson and has been received, and that the filing fee for this plat, in the amount of \$ _____ has been paid.

Hudson Town Manager

e. **Certificate of Approval of the design and installation of public streets:**

DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
SUBDIVISION ROAD CONSTRUCTION STANDARDS CERTIFICATION

APPROVED: _____

DATE: _____

Disclosure Statement for the Responsibility for Constructing and Maintaining Private Streets. This statement shall be placed on the final plat and deed and signed by the subdivider or agent before final approval can be granted.

All roads in this subdivision are hereby declared private and shall not be maintained by the North Carolina Department of Transportation. The maintenance of all streets and roads in this subdivision shall be the responsibility of _____ and, it shall be the responsibility of _____ to bring the roads up to the standards of the North Carolina Department of Transportation Secondary Roads Council before any private streets or roads on this plat are included, at any time after the approval of this plat, into the North Carolina State Maintained Road System.

Subdivider or Agent

75.06 Contents Required.

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

- a. The name of the subdivision;
- b. The exact boundary lines of the tract to be subdivided fully dimensioned by lengths and bearings, and the location of intersecting boundary lines of adjoining lines;
- c. Scale denoted both graphically and numerically;
- d. Street names;
- e. The location, purpose and dimensions of areas to be used for purposes other than residential;

- f. The names of owners of adjoining properties and any adjoining subdivisions of record (or proposed and under review);
- g. The location and dimensions of all rights-of-way, utility or other easements, riding trails, natural buffers, pedestrian or bicycle paths and areas to be dedicated to public use with the purpose of each stated;
- h. Right-of-way lines and pavement widths of all streets and the location and width of all adjacent streets and easements;
- i. Property lines, buildings or other structures, water courses, railroads, bridges, culverts, storm drains, and both on the land to be subdivided and on the land immediately adjoining;
- j. Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line; including dimension bearings, or deflection angles, radii, central angles, and tangent distances for the centerline of curbed streets and curbed property lines that are not the boundary or curbed streets. All dimensions shall be measured to the nearest one-tenth of a foot and angles to the nearest minute;
- k. The accurate locations and descriptions of all monuments, markers, and control points;
- l. The blocks numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each block;
- m. The deed restrictions or any other similar covenants proposed for the subdivision, if any.
- n. The date of the survey and plat preparation;
- o. North arrow and declination;
- p. All certifications as required by Article VII, Section 75.05.
- q. The names(s), address(es), and telephone number(s) of the owner(s), registered surveyor(s), land planner(s), architect(s), landscape architect(s), and professional engineer(s) responsible for the subdivision and the registration number(s) and seal(s) of the professional engineer(s) and registered surveyor(s).
- r. Any other information considered by either the subdivider or the Planning Board to be pertinent to the review of the final plat.

Section 76. Review Procedure.

Final plats shall be reviewed according to the following procedure:

76.01 Planning Board Review.

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

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

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

CERTIFICATE OF APPROVAL BY THE PLANNING BOARD

The Hudson Planning Board hereby approves the final plat for the
_____ Subdivision.

Date

Chairman or Agent, Hudson
Planning Board

If the Planning Board disapproved the final plat, the Staff Planner shall state in writing its reasons for such action, specifying the provisions of this Ordinance with which the plat does not comply. One copy of this statement shall be transmitted to the subdivider within fifteen (15) days of disapproval; one copy shall be retained by the Planning Board as a part of its proceedings. If the final plat is disapproved, the subdivider may make such changes as will bring the plat into compliance with the provisions of this Ordinance and resubmit same for reconsideration by the Planning Board.

If the Planning Board fails to approve or disapprove the final plat within forty-five (45) days after the submission date, as previously defined in Paragraph 76.01, such failure shall be deemed to be approval and shall constitute grounds for the subdivider to apply for final approval by the Board of Commissioners.

76.02 Board of Commissioners Review.

The Board of Commissioners shall review the final plat with the requirements of the Planning Board and shall approve or disapprove the plat at their next regularly scheduled meeting.

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

76.03 Certificate of Approval for Recording.

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

Date

Clerk

Board of Commissioners

If the final plat is disapproved by the Board of Commissioners, the reasons for such disapproval shall be stated in writing, specifying the provision(s) of this Ordinance with which the final plat does not comply. One (1) copy of such reasons shall be retained by the Board of Commissioners as a part of its proceedings, one (1) copy shall be transmitted to the Staff Planner, and one (1) copy shall be transmitted to the subdivider. If the final plat is disapproved the subdivider may make such changes as will bring the final plat into compliance with this Ordinance and resubmit same for reconsideration by the Planning Board.

76.04 Disposition of Copies.

If the final plat is approved by the Board of Commissioners, two (2) copies of the plat shall be returned to the subdivider. The reproducible tracing and two (2) prints shall be filed with the Register of Deeds. One (1) print shall be retained by the Planning Board.

76.05 Resubdivision Procedures.

For any replatting or resubdivision of land, the same procedures, rules, and regulations shall apply as prescribed herein for an original subdivision. Lot sizes may, however, be varied on an approved plan after recording, provided that:

- (A) no lot or tract of land shall be created or sold that is smaller than the size shown on the approved plan;
- (B) drainage, easements, or rights-of-way shall not be changed;
- (C) street alignment and block sizes shall not be changed;
- (D) the property line between the back of the lots shall not be changed;
- (E) the rear portion of lots shall not be subdivided from the front parts; and
- (F) the character of the area shall be maintained.

ARTICLE VIII

INSTALLATION OF PERMANENT REFERENCE POINTS AND IMPROVEMENTS

Section 80. Permanent Reference Points.

Prior to the approval of the final plat, permanent reference points shall have been placed in accordance with the following requirements:

- a. **Subdivision Corner Tie:** At least one corner of the subdivision shall be designated by course and distance (tie) from a readily discernible reference marker. If a corner is within two thousand (2,000) feet of a U.S. Coast and Geodetic Station or N.C. Grid System coordinated monument, or Town of Hudson coordinated system, then this corner shall be marked with a monument so designated by computed X & Y coordinates which shall appear on the map with a statement identifying this station or monument to an accuracy of 1:10000. When such a monument or station is not available, the tie shall be made to some pertinent and physical object or structure that could not be destroyed.
- b. **Monuments:** Within each block of a subdivision at least two (2) monuments designed and designated as control corners shall be installed. The surveyor shall employ additional monuments if and when required. All monuments shall be constructed of concrete and shall be at least four (4) inches in diameter or square and not less than three (3) feet in length. Each monument shall have imbedded in its top or attached by a suitable means, a metal plat of noncorrosive material and marked plainly with the point, the surveyor's registration number, the month and the year it was installed, and the word "monument" or "control corner". Monuments shall be set at least thirty (30) inches in the ground with at least six (6) inches exposed above the ground unless this requirement is impractical.
- c. **Property Markers:** A steel or wrought iron pipe or the equivalent not less than three-fourths (3/4) inches in diameter and at least thirty (30) inches in length shall

be set at all corners, except those located by monuments. A marker shall also be set at a point of curve, point of intersection, property corner, point of tangency and reference point unless a monument is placed at said points. Additional markers shall be placed where necessary.

80.01 Private Utilities.

Nonmunicipal water supply systems serving ten (10) or more connections are classified as public water supplies by State law, and plans and specifications must be approved by the Sanitary Engineering Division of the State Board of Health.

Plans and specifications for water supply systems serving from two (2) to nine (9) connections, inclusive, must be approved by the County Health Department.

Plans for nonmunicipal public and community sewer systems must be approved by the Division of Stream Sanitation and Hydrology of the North Carolina Department of Water and Air Resources.

Individual water supplies should be located, constructed and operated in accordance with State Board of Health Bulletin No. 476, "Protection of Private Water Supplies."

Individual sewage disposal systems must be installed and maintained in accordance with the State Board of Health "Rules and Regulations Governing the Disposal of Sewage from Any Residence, Place of Business or Place of Public Assembly in North Carolina" and the regulations of the Caldwell County Health Department. State Board of Health Bulletin No. 519 "Residential Sewage Disposal Plants" contains helpful information.

80.02 Public Sites and Open Spaces.

In subdividing property, due consideration should be given by the subdivider and the Planning Board to the designation of suitable sites for parks, schools, and other uses. Such provision should be indicated on the sketch plan in order that it may be determined when and in what manner such areas will be required.

80.03 Access to Parks, Schools, Etc.

Streets shall be designed or walkways dedicated to assure convenient access to adjacent parks, playgrounds, schools and other places of public assembly. Dedicated walkways shall not be less than ten (10) feet in width.

80.04 Restrictions on the Subdivision for Residential Purposes of Land Subject to Flooding.

Lots that are subject to flooding shall not be established in subdivisions for the purpose of creating residential building sites except as herein provided. These areas can be obtained from Caldwell County Planning Department, U.S. Army Corps of Engineers, the Soil and Water Conservation District (SWCD), or the U.S. Geological Survey. Where the developer proposes to provide a levee or raise the floor elevations above the flood levee, an engineering report shall accompany the subdivision application.

- a. If there is any water course of any type running through or within one hundred and fifty (150) feet of the property proposed subdividing, the prospective subdivider shall furnish reasonable evidence to the Planning Board that residential lots within the subdivision will not be flooded.
- b. No proposed residential building lot shown that is wholly subject to flooding shall be approved.

Section 81. Design Standards and Required Improvements.

Streets requirements for subdivisions shall meet the current Minimum Construction Standards of North Carolina Department of Transportation, Division of Highways.

ARTICLE IX

**GENERAL REQUIREMENTS AND
MINIMUM STANDARDS OF DESIGN**

Section 90. General Requirements.

90.01 Conformity to Existing Maps or Plans.

The location and width of all proposed streets shall be in conformity with official plans and maps of the Town of Hudson and with existing or amended plans of the Planning Board.

90.02 Continuation of Existing Roads.

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

90.03 Access to Adjacent Properties.

Where, in the opinion of the Planning Board, it is desirable to provide access to an adjoining property, proposed roads shall be extended by dedication to the boundary of such property and a temporary turnaround shall be provided.

90.04 Private Streets.

~~Private streets may be allowed in Subdivisions, provided they meet certain standards as specified in this Ordinance for maintaining private streets.~~

90.05 Reserve Strips.

There shall be no reserve strips platted in any subdivision unless the developer can show good cause for such to the Planning Board.

90.06 Large Tracts and Parcels.

Where land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future roads and logical further subdivision.

90.07 Lots.

All lots shall front upon a public or private street.

90.08 Alleys.

Alleys shall be provided to the rear of all lots used for other than residential purposes. Alleys are prohibited in residential blocks unless such are approved by the Planning Board. All dead-end alleys shall be provided with a turnaround.

90.09 Contour Map.

A contour map shall be provided if requested by the Staff Planner. The contour interval required will depend upon topographic and drainage characteristics and shall be specified by the Town Engineer.

90.10 Street Names.

Proposed streets, which are obviously in alignment with others existing and named, shall bear the assigned name of the existing streets. In no case shall the name for proposed streets duplicate or be phonetically similar to existing street names, irrespective of the use of the suffix street, avenue, boulevard, drive, place, court, etc.

Section 91. Design Standards.

The following design standards shall be considered minimum requirements:

91.01 Streets.

The design standards which shall apply to streets are as follows:

a. **Right-of-way Widths.** Minimum street right-of-way widths shall be in accordance with the major street plan shall be not less than the following:

- 1. Major Arterials.....**90** feet
- 2. Collector Streets.....**60** feet
- 3. Local or Minor (Residential) Streets.....**50** feet
- 4. Marginal Access Streets.....**50** feet
- 5. Cul-de-sacs (Turnarounds).....**100** feet
- 6. Alleys.....**20** feet

b. **Pavement Widths.** (With curb and gutter) Pavement widths back to back of curb shall be not less than the following:

- 1. Major Arterials.....**44** feet
- 2. Collector Streets.....**34** feet
- 3. Local or Minor (Residential) Streets.....**26** feet
- 4. Marginal Access Streets.....**26** feet
- 5. Cul-de-sacs (Turnarounds).....**80** feet

Without Curb and Gutter: Where curb and gutter are not provided, the paving widths shall not be less than the following:

- 1. Collector Streets.....**24** feet
- 2. Local or Minor (Residential) Streets.....**20** feet
- 3. Marginal Access Streets.....**20** feet
- 4. Cul-de-sacs (Turnarounds).....**80** feet

c. **Grades.** Street grades shall be as follows:

- 1. Street grades shall be not more than twelve percent (12%) nor less than one-half of one percent.
- 2. Grades approaching intersections shall not exceed five percent (5%) for a distance of not less than one hundred (100) feet from the centerline of said intersection.

d. **Horizontal Curves.** Where a centerline deflection angle of more than ten degrees (10) occurs, a circular curve shall be introduced, having a centerline radius of not less than the following:

1. Major Arterials.....300 feet
2. Collector Streets.....200 feet
3. Minor Streets.....100 feet

e. **Vertical Curves.** All vertical curves shall have such length as necessary to provide safe sight distance.

f. **Tangents.** A tangent of not less than one hundred (100) feet in length shall be provided between curves.

g. **Intersections.** Streets shall be laid out as follows:

1. Streets shall intersect as nearly as possible at right angles and no street shall intersect at less than seventy-five (75) degrees.
2. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.
3. Intersections with a major street or highway shall be at least eight hundred (800) feet apart. This requirement can be waived by the Planning Board if such requirement would prevent a property owner fronting on a major street or thoroughfare from having access to such facility.
4. The dedication of half streets at the perimeter of a new subdivision is prohibited. If circumstances render this impractical, adequate provision for the concurrent dedication of the remaining half of the street must be furnished by the subdivider. Where there exists a half street in an adjoining subdivision, the remaining half shall be provided by the proposed development.

h. **Alleys.** All alleys shall be constructed in accordance with Town specifications and standards and shall meet the following requirements;

1. Right-of-way width.....20 feet
2. Minimum centerline radius when deflection angle of more than 10 degrees occurs.....35 feet
3. Property line radius at alley intersections.....15 feet

91.02 Blocks.

The maximum and minimum length and width of blocks shall be as follows:

- a. **Length** – Block lengths shall not exceed sixteen hundred (1,600) feet nor be less than four hundred (400) feet. Where deemed necessary by the Planning Board, a pedestrian crosswalk of at least ten (10) feet easement in width may be required.
- b. **Widths** – Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where fronting on major streets or prevented by topographic conditions, in which case a single tier of lots may be approved.

Section 92. Lot Designs.

92.01 Lots.

The size, shape, and orientation of lots shall reflect due consideration for topography and drainage. Lots shall conform to the requirements of this Ordinance and, in addition, shall conform to the following provisions:

92.02 Arrangement.

Every lot must front for at least thirty-five (35) feet on a public or private street. Insofar as practical, side lot lines shall be at right angles to straightlines or radial to curbed street lines.

92.03 Lake Frontage Lots.

Lake frontage lots shall have a minimum width as sold of one hundred (100) feet at the front building line. All other lots within four hundred and sixty (460) feet of the official pond level of the lakes within Caldwell County shall have a minimum width as sold of one hundred (100) feet at the front building line.

92.04 Area.

- a. All lots are required to meet the minimum standards set forth in the Hudson Zoning Ordinance. And
- b. A lot consisting of forty thousand (40,000) square feet may be required by the County Health Department if undue topographical conditions exist on the site or if percolation tests and subsoil investigation indicate a need for such.
- c. Lots served by a septic tank system and located on a watershed of a Class I or II reservoir or on the watershed of a portion of Class A-II stream extended from a Class I reservoir to a downstream intake to a water purification plant shall contain at least forty thousand (40,000) square feet in area suitable for septic tank system location an operation. The location and extent of these watersheds is determined by the North Carolina State Board of Health, Department of Human Resources.

92.05 Width.

- a. All lots are required to meet the minimum standards set forth in the Hudson Zoning Ordinance.

92.06 Depth.

All lots shall have a minimum mean depth of not less than one hundred and ten (110) feet. Single-tier lots shall have a mean depth of at least one hundred and twenty-five (125) feet. Greater lot depth is required when:

- a. A lot is served by public or community water but not public or community sewer. In such case, the mean lot depth shall be not less than one hundred and twenty (120) feet.
- b. A lot is not served by public or community water or public or community sewer. In such case, the mean lot depth shall be not less than one hundred and fifty (150) feet.

92.07 Orientation of Lot Lines.

Side lot lines shall be substantially at right angles or radial to street lines.

92.08 Building Setback Lines.

- a. All lots are required to meet the minimum standards set forth in the Hudson Zoning Ordinance.

92.09 Easements.

Utility and other easements shall be provided as follows:

- a. Utility and drainage easements centered on rear or side lot lines shall be provided where necessary and shall be at least ten (10) feet in width; or width if required for the installation and maintenance of the facility.
- b. Crosswalk easements of ten (10) feet in width shall be provided when such area is required by the Planning Board.
- c. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction or both, as will be adequate for the purposes. Parallel streets or parkways may be required in connection therewith.

92.10 Buffer Strips.

It is required that a buffer be provided adjacent to a railroad, a limited access highway, and commercial or industrial developments.

92.11 Storm Water Drainage.

- a. Where curb and gutters are constructed, they shall be in accordance with the standards of the North Carolina Department of Transportation's "Guidelines for Curb Cuts and Ramps for Handicapped Persons."
- b. No surface water shall be channeled or directed into a sanitary sewer.
- c. Where feasible, the subdivider shall connect to an existing storm drainage system or stream.
- d. Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to protect the proposed development from water damage.
- e. Surface drainage courses shall have side slopes of at least three (3) feet or horizontal distance for each one (1) foot of vertical distance, and courses shall be of sufficient size to accommodate the drainage area without flooding. The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one (1) foot in each two hundred (200) feet of horizontal distance.
- f. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purposes. Parallel streets or parkways may be required in connection therewith.
- g. Where storm sewers, drains and structures are installed, they shall be of a size and type, and location as required by the Town of Hudson Public Works Department. The minimum size of storm drains shall be fifteen inches in diameter. The design frequency for storm sewer collectors shall be at a ten (10) year flood level with cross street frequency at a twenty-five (25) year storm level. Storm drains carrying water from street right-of-way shall be placed along lot lines where feasible and shall extend for a distance of thirty-five (35') feet minimum back of the building line. All off-street storm drains or extensions shall be installed initially by the subdivider or the responsibilities thereafter shall be transferred to the purchaser through the instrument of property transfer, which responsibility shall be clearly indicated on the final plat.
- h. Cross pipes under streets shall be constructed of N.C. Department of Transportation approved plastic, reinforced concrete, or asphalt coated corrugated metal.

- i. Culverts shall be provided to accommodate all natural water flow and shall be sufficient length to permit full width roadway and the required slopes. The size openings to be provided shall be determined by the Department of Public Works, but in no case shall be built less than fifteen inches (15"). Cross drains shall be built on straight line and grade shall be laid on a firm base, but not on rock. Pipes shall be laid with the spigot pointing in the direction of the flow and with the ends filled and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the road bed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one foot (1') below the road bed and shall be constructed of N.C. Department of Transportation approved plastic, reinforced concrete, or asphalt coated corrugated metal.

Section 93. Cluster Development and the Creation of Permanent Open Space Through a Planned Unit Development.

93.01 Purpose.

The purpose of providing for the clustering of development and the resultant open space are to offer recreation at or near each home, to improve the appearance of the area through preservation of green space, to counter the undesirable effects of urban congestion and monotony, and to encourage group participation in community activities by all ages on a local "block" or neighborhood basis in order to build community and personal stability and security. Local parks, recreation areas, and other spaces in a planned neighborhood pattern are intended to conserve areas of natural beauty, to encourage cooperative relationships between neighbors, and to help promote the public health, safety, and general welfare.

The purpose of this Section is to provide permissive voluntary alternative subdivision procedure for single family use; or governed by the minimum lot size requirements of this Subdivision Ordinance (see Section 92). This is to be accomplished by permitting the density of dwelling units contemplated by the minimum lot size requirements to be maintained on an overall basis when applied to specific tracts of land, and thereby provide for desirable an proper open space.

93.02 Development Procedure.

93.02.01 Varied Lot Sizes. The developer of a subdivision may, subject to requirements of this section, vary the lot size within a subdivision from those sizes required in this Subdivision Ordinance (Section 92) by complying with the procedures set forth in this Section.

93.02.02 Maximum Number of Lots. The maximum number of lots that may be approved shall be computed by subtracting from the total area of the site, the area in easements, flood plains, and any other area that is not developable; and then, subtracting

from the remainder a fixed percentage of twenty-five (25%) percent of the remainder for street right-of-way purposes.

93.02.03 **Minimum Lot Sizes.** Under this development procedure, no lot shall be reduced in area by more than fifty percent (50%) of the required minimum lot area of this Subdivision Ordinance (Section 92) and in no case shall the individual lot size be less than eight thousand (8,000) square feet.

93.02.04 **Common Land Areas.** Common land for open space or recreational use created by this procedure shall be set aside for the following land uses only:

- a. Private recreational facilities, such as golf courses or swimming pools. Swimming pools constructed for group developments, i.e. apartments, planned unit developments, etc., which are to be shared by many families in common shall meet the minimum standards of the North Carolina Division of Human Services.
- b. Historic building sites or historical sites, parks, and parkway areas, playgrounds, extensive areas with tree cover, areas having natural features worthy of scenic preservation.
- c. Access, sanitary and utility service uses.

93.02.05 **Preliminary Planned Unit Development Plans.** The owner or owners of any parcel of land may submit to the Town Planning Board a preliminary plan for the use and development of all the tract of land. If the Planning Board approves the plan, the preliminary plan together with the recommendations of the Planning Board shall be accompanied by a report, to be submitted with the final plan, stating the reasons for approval of the application and specific evidence and facts showing that the preliminary plan meets the following conditions:

- a. **Adjacent Properties.** That property adjacent to the area included in the plan will not be adversely affected. That the plan is consistent with the intent and purpose of this Ordinance to promote public health, safety, and general welfare.
- b. **Residential Portion of Final Plans.** That the area per family contained in the residential portion of the site shown on the plan, exclusive of that which is occupied by streets, easements, flood plains, or other terrain features which render land unusable for development purposes, shall not be less than the individual lot area required for in this Subdivision Ordinance (See Section 92). It being understood that upon submission and approval of a final plan by the Town Planning Board for any portion of the site shown on the preliminary plan, building permits and certificates of occupancy may be issued even though the size of individual lots resulting from the plan do not conform in all respects to this Subdivision Ordinance. (See Section 92.)

c. Final Plans. Final plan approval procedure shall be as prescribed in Section 93. of this Ordinance with the exception that the following open land utilization documents shall be approved and executed prior to final approval:

1. Warranty Deed Required. All open space whose acreage shall be utilized as common land as hereinabove provided, shall be conveyed in fee simple title by warranty deed from the subdivider to trustee, who shall be provided for trust indenture for each subdivision authorized under this Development Procedure, for the benefit, use and enjoyment of the lot owners, present and future, of said subdivisions for a term of years certain, which term shall be for at least a period of twenty-five (25) years, after which period of time fee simple title shall be vested in said owner as tenants in common. The warranty deeds and subsection shall have attached thereto a written legal opinion prepared and signed by an attorney licensed to practice law by the State of North Carolina; said opinion shall set forth the attorney's legal opinion as to the legal form and effect of said deeds and indentures. The said deeds and indentures shall be approved by the Planning Board and the Board of Town Commissioners and shall be filed with the Register of Deeds simultaneously with the recording of the final plat of subdivision. The final plat shall be submitted and approved for in this Ordinance.

2. Tenants in Common. The intent and purpose of the foregoing subsection is to provide, as a condition for final approval of a voluntary alternate subdivision development, that the common land shall be set aside for the benefit, use and enjoyment of the subdivision lot owners, present and future, for a period of at least twenty-five (25) years and to further provide that thereafter the said lands shall be held in common by said lot owners as tenants in common.

Section 94. Hillside Subdivision.

This section termed "Hillside Subdivisions" shall apply only to that development which occurs in the subdivision of land along private streets and furthermore the development must comply with the provisions herein referred to in Section 94, "Hillside Subdivisions."

94.01 Street Design.

94.01.01 Widths. The private street shall have a right-of-way of not less than sixty (60) feet except that a right-of-way of fifty (50) feet will be permitted if a reduced width is essentially unavoidable and is approved by the Planning Board.

94.01.02 Cul-De-Sacs. The required turnaround on a deadend private street in a hillside subdivision shall have a roadway diameter of not less than fifty (50) feet an a right-of-way diameter of not less than sixty (60) feet. If the street length does not exceed three hundred (300) feet and if construction difficulties will not permit a turnaround, the use of a "Y" or "T" or other turning space of a design such as will allow a vehicle with a

wheel base of at least twenty (20) feet to complete a turning movement with a maximum of one backing movement, may be permitted if approved by the Planning Board.

94.01.03 Grading. Grading will not be required for the full right-of-way in hillside subdivisions if the Planning Board determines that full grading will prevent convenient access to adjoining property or will destroy the natural beauty of the site by excessive cut and fill, however, where slope extends beyond right-of-way add slope easement where needed. Easement to extend ten (10) feet beyond top of cut where cut exceeds fifteen (15) feet.

94.01.04 Street Grades. In hillside land subdivisions, maximum private street grades permitted shall be twenty percent (20%) unless the Planning Board determines that a steeper grade is essentially unavoidable and would not create excessive danger.

94.02 Street Improvements for Hillside Subdivisions.

94.02.01 Pavement Widths Where Required. Pavement widths shall not be less than twenty (20) feet except for designated interior streets or where the average cross slope is sixteen percent (16%) or greater, pavement widths may be reduced with Planning Board approval as follows:

- a. Where the average cross slope is between sixteen percent (16%) and forty percent (40%), minimum pavement width may be reduced to eighteen (18) feet.
- b. Where the average cross slope is greater than forty percent (40%), approval of the district engineer of the State of Highway Commission shall be secured prior to any road construction. Evidence of such approval shall be shown on the preliminary plat.
- c. Where pavement width is reduced, on-street parking shall not be permitted.

94.03 Lots.

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

94.03.02 Sixteen-Twenty-Five Percent Cross Slope. When the average cross slope is between sixteen and twenty-five percent (16-25%), design requirements for lot are as follows:

- a. The average minimum lot area for the entire subdivided area will be twelve thousand (12,000) square feet. No less than eighty percent (80%) of the lots shall have a minimum area of twelve thousand, seven hundred (12,700) square feet, and no lot shall have an area of less than nine thousand (9,000) square feet.

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

94.03.03 Twenty-Six –Forty Percent Cross Slope. When the average cross slope is between twenty-six and forty percent (26-40), design requirements for lots are as follows:

- a. The average minimum lot area for the entire subdivided area will be twenty-five thousand (25,000) square feet. Not less than eighty percent (80%) of the lots shall have a minimum area of twenty-eight thousand (28,000) square feet and no lot shall have an area of less than fourteen thousand (14,000) square feet.
- b. Minimum lot frontage will be one hundred (100) feet, except a minimum frontage of fifty (50) feet may be permitted at the end of the cul-de-sac.

94.03.04 Cross Slope Greater than Forty Percent. When the average cross slope is greater than forty percent (40%), design requirements for lots are as follows:

- a. The average minimum lot area for the entire subdivided area will be one (1) acre. Not less than eighty percent (80%) of the lots shall have a minimum area of forty-eight thousand (48,000) square feet and no lot shall have an area less than twenty-five thousand (25,000) square feet.
- b. Minimum lot frontage of sixty (60) feet may be permitted at the end of a cul-de-sac.
- c. Minimum average lot width will be one hundred thirty (130) feet.

94.03.05 Panhandle Lots. The Planning Board may approve panhandle lots in the exceptional cases where it is impractical to serve an isolated lot by a public street. The frontage of the panhandle lot shall have a minimum width of twenty-five (25) feet providing an access strip between two (2) regular lots to the isolated building site. The area of such strip shall be excluded in computing the lot area and width, and the length of said strip shall not exceed three hundred (300) feet.

94.03.06 Residential Building Setback Lines. Within the Town of Hudson the residential building setback lines for hillside subdivisions shall conform to the requirements of the Zoning Ordinance, if applicable, or to the provisions of this ordinance as set out in Article VIII, Section 92.08.