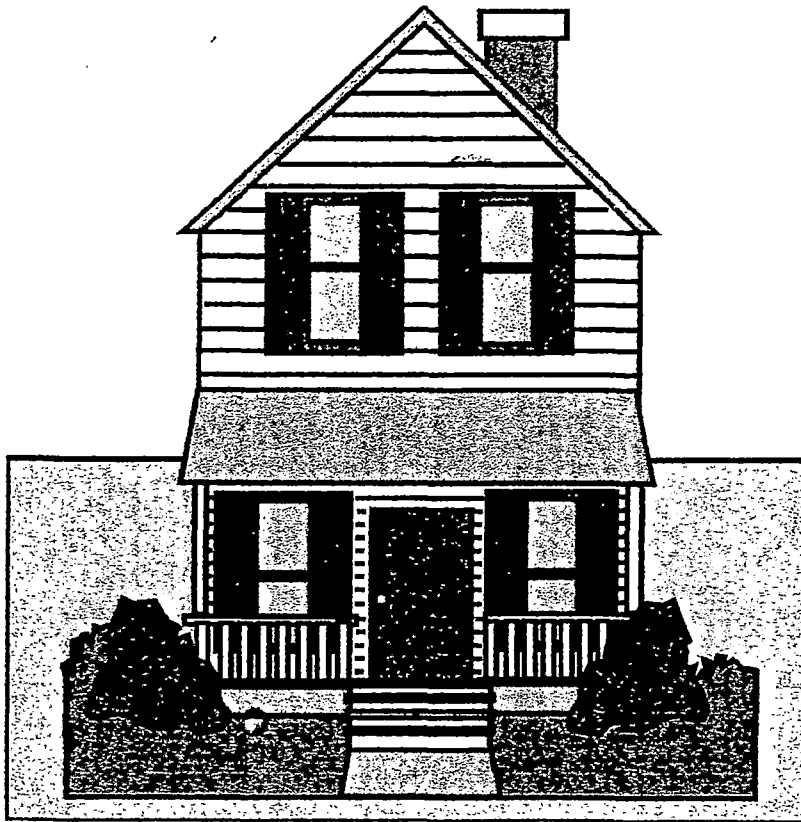


*Clay County Subdivision  
Ordinance*



*Effective July 1, 1996*

CLAY COUNTY

SUBDIVISION ORDINANCE

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

SECTION 1.1 STATUTORY AUTHORITY.

The legislature of the State of North Carolina has in Article 10 of Chapter 153A, Part 2 delegated the authority to counties to regulate the subdivision of land within their territorial jurisdiction.

SECTION 1.2 STATEMENT OF PURPOSE.

The purpose of this Subdivision Ordinance is to establish standards and procedures for the subdivision and resubdivision of land within the territorial jurisdiction of Clay County. It is further designed to provide to the orderly growth and development of the county.

SECTION 1.3 PREREQUISITE TO PLAT RECORDING.

Pursuant to General Statute 153A-331 and 332, no subdivision plat of land within the county's jurisdiction shall be filed or recorded by the Clay County Register of Deeds until it has been approved in accordance with the provisions of this ordinance.

SECTION 1.4 COMPLIANCE WITH OTHER PLATS.

Any person who is the owner or the agent of the owner of any land located within the territorial jurisdiction of this ordinance, who subdivides land in violation of this ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this ordinance and recorded in the Office of the Clay County Register of Deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The county may bring an action for injunction of any illegal subdivision, transfer, conveyance or sale of land and the shall upon appropriate finding, issue an injunction and order requiring the offending party to comply with this subdivision ordinance.

**ARTICLE II**

SECTION 2.1 VIOLATIONS AND PENALTIES.

In addition to the foregoing, the violation of any provision of this ordinance shall subject the offender to a civil penalty in the amount of fifty dollars (\$50) to be recovered by the county.

Violators shall be issued a written citation which must be paid within ten (10) days. Each days continuing violation of this ordinance shall be a separate and distinct offense. This ordinance may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.

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

#### SECTION 2.2 SEPARABILITY.

Should any section of 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 2.3 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 Administrator for review and recommendation. The Administrator shall have forty-five (45) days from the time the proposed amendment is submitted within which to submit his report. If the Administrator fails to submit a rejection of said report within the specified time, he shall be deemed to have recommended approval of the amendment.

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

#### SECTION 2.4 ABROGATION.

This ordinance shall neither repeal, abrogate, annul, impair or interfere with any existing subdivisions where deeds creating the same; or partition proceedings or other Court order creates the subdivision or where existing plats of the subdivision have been prepared and dated prior to the effective date of this ordinance

(continued on next page)

and are filed with the Subdivision Administrator.

SECTION 2.5 EFFECT OF EXISTING LEGISLATION.

Where this ordinance conflicts with existing ordinances, statutes or regulations effective in Clay County and enacted by the county, state or federal government or their agencies, then the ordinance, statute or regulation having the higher standard shall apply.

SECTION 2.6 ADMINISTRATOR.

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

SECTION 2.7 EFFECTIVE DATE.

This ordinance shall take effect and be in force from and after the 1st day of July, 1996.

CLAY COUNTY BOARD OF COMMISSIONERS

BY: \_\_\_\_\_  
CHAIRMAN

ATTEST:

\_\_\_\_\_  
CLERK TO THE BOARD

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

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

Pursuant to General Statute 153A-331, a recordable plat shall be prepared, approved and recorded pursuant to the provisions of this ordinance whenever any subdivision of land takes place. All subdivisions shall be considered major subdivisions except those herein defined as minor, family or special subdivisions in Section 5.2.

SECTION 3.2 PROCEDURES FOR REVIEW AND APPROVAL OF FAMILY SUBDIVISIONS.

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

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

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*Revised*

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

(2) SUBMIT A FINAL PLAT WHICH CONFORMS TO THE REQUIREMENT OF THIS ORDINANCE (APPENDIX 2) NO PRELIMINARY PLAT IS REQUIRED. Upon receipt of a properly completed application and supporting documentation for a family subdivision, the Subdivision Administrator shall review the application and plat for compliance with the provisions of this section. The Subdivision Administrator shall approve the plat for recording when the application and plat conform to the provisions of this ordinance. The Subdivision Administrator shall approve or disapprove the plat within 7 working days. If he fails to act within 7 working days from the filing of the plat, the plan is deemed to be approved. The Subdivision Administrator or his secretary shall note the date of filing on each application.

SECTION 3.3 PROCEDURE FOR REVIEW OF A SPECIAL SUBDIVISION.

The subdivider shall submit a completed application for a special subdivision to the Subdivision Administrator for review and approval. The plat required for a special subdivision shall be determined by the Subdivision Administrator for review and approval. If the special subdivision is not approved or if variances are requested, the subdivision shall be referred to the Board of Commissioners for review and final decision. The Subdivision Administrator shall approve or disapprove the plat within 7 working days. If he fails to act within 7 working days from the filing of the plat, the plan is deemed to be approved. The Subdivision Administrator or his secretary shall note the date of filing on each application.

SECTION 3.4 PROCEDURES FOR REVIEW AND APPROVAL OF RESIDENTIAL SUBDIVISIONS.

(1) PRELIMINARY PLAT.

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

(a) Contents Required. The preliminary plat shall be

REVISED INTO 3.2  
OF REVISED EDITION

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

(2) REVIEW PROCEDURE.

The Administrator shall review and either approve, approve conditionally, or disapprove each preliminary plat within 7 business days from the date of submission. If he fails to act within 7 working days from the filing of the plat, the plan is deemed to be approved. The Subdivision Administrator or his secretary shall note the date of filing on each application. If the Administrator approves the preliminary plat, such approval shall be indicated on two (2) copies by the following certificate and signed by the Administrator:

CERTIFICATE OF APPROVAL BY SUBDIVISION ADMINISTRATOR

This certifies that the Clay County Subdivision Administrator approved the preliminary plat for the \_\_\_\_\_ subdivision on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

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

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

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

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

SECTION 3.5 FINAL PLAT REVIEW AND APPROVAL.

(1) PREPARATION OF FINAL PLAT AND INSTALLATION OF IMPROVEMENTS.

Upon approval of the preliminary plat by the Administrator, the subdivider may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this ordinance. Prior to the approval of a final plat, the subdivider shall have submitted proof of EPA approval, if required. The final plat shall constitute

REVISOR 3.2

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.

(2) NUMBERS OF COPIES AND SPECIFICATIONS.

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

The final plat shall be eighteen (18) inches by twenty-four (24) inches for recording with the Clay County Register of Deeds, and shall be at a scale of not less than one (1) inch equals two hundred (200) feet. Maps may be placed on more than one sheet with appropriate match lines.

(3) ADMINISTRATOR REVIEW PROCEDURE.

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

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

If the Administrator disapproves of the final plat, he shall instruct the subdivider concerning resubmission of a revised plat. The subdivider may make such changes as will bring the plat into compliance with the provisions of this ordinance, and he may resubmit the same for reconsideration by the Administrator or appeal the Administrator's decision to the Board of Commissioners. The subdivider may appeal the decision of the Administrator by filing written notice of the appeal with Board of Commissioners within 45 days from notification of the disapproval. The notice shall be filed with the County Manager. The Board of Commissioners shall hear the appeal within 45 days. If the Board of Commissioners disapproves the plat it shall issue a written statement as to the reasons for the disapproval.

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

CERTIFICATE OF APPROVAL FOR RECORDING:

I certify that the final plat shown hereon complies with the Clay

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County Subdivision Regulations and is approved for recording in the Clay County Register of Deeds Office.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Subdivision Administrator

(4.) DISPOSITION OF COPIES.

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

One copy to the Tax Mapping Office.

Two copies to the subdivider

The mylar and one copy to the Register of Deeds for recording.

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

SECTION 3.6 PLATTING REQUIREMENTS FOR ROADS WITHOUT SUBDIVIDING LOTS.

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

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

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

(a) Name of the owner, developer and engineer (if any) and/or registered surveyor.

(b) Title, date, north point and graphic scale.

(c) A sketch vicinity map showing the relationship of the proposed subdivision with the surrounding area.

(d) Boundaries of the tract shown with distances and approximate acreage.

(e) Access right-of-way to state road.

(f) Names of adjoining property owners and/or subdivisions.

(g) Proposed streets, street names, right-of-way, roadway widths, approximate grades and proposed drainage



facilities.

(h) Other proposed right-of-way or easements showing locations, width and purposes.

(i) Statement of intended use of future lots (single or multi-family)

(j) When an area covered by the plan includes or abuts a water area (stream, river or lake) the following additional information is required:

(1) Relationship with floodway and flood plain as delineated by the county floodway boundary and flood insurance rate maps.

(2) Name of the owners of the water area.

### SECTION 3.7 PHASED DEVELOPMENTS.

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

(1) A master plan showing the entire proposed subdivision and the phases of development, proposed density, proposed type and location of utilities, and proposed development timetable shall be submitted to the Administrator for approval.

(2) Each phase of development shall be preceded by submission and approval of a preliminary plat as outlined in Section 3.4 unless such plat submission is waived by the Administrator. The master plan may be submitted prior to or along with the preliminary plat for the first phase of development.

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

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

### SECTION 4.1 GENERAL.

Each subdivision shall comply with minimum standards set forth below.

### SECTION 4.2 SUITABILITY OF LAND.

(1) Where land to be subdivided is found by the Administrator to be subject to the conditions of flooding, improper drainage, severe erosion, slides, or to have other characteristics which pose an ascertainable danger to health, safety or property, the subdivider shall take measures necessary to correct said conditions and to eliminate said dangers. In making such determinations, the Administrator may seek to take into consideration the following, if reasonably obtainable: Official Federal Emergency Management Agency

Flood Boundary and Floodway Maps; Flood Insurance Rate Maps for Clay County; the Clay County Soil Survey; and recommendations from the Tennessee Valley Authority, USDA Soil Conservation Service and the Clay County Health Department. Any finding made by the Administrator shall be in writing and retained for inspection.

(2) Areas that have been used for disposal of solid waste shall not be subdivided unless tested by the Clay County Health Department, a structural engineer, and a soils expert determine that the land is suitable for the purposes proposed.

(3) Subdivisions proposed for areas identified as being located in flood hazard areas on Federal Emergency Management Agency maps for Clay County shall conform to the following:

(a) All subdivision proposals shall be consistent with the need to minimize flood damage.

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

#### SECTION 4.3 NAME DUPLICATION.

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

#### SECTION 4.4 SUBDIVISION DESIGN.

##### 1. LOTS.

(a) All lots in new subdivision shall comply with the minimum requirements established in this section, except as provided in Section 4.4 (2)(b). Compliance with these requirements means that the smallest lot within a subdivision shall meet all area and dimensional requirements of this ordinance. It is not permitted to average the lot areas to meet the minimums established in this section.

(b) All lots in a new subdivision shall meet the following minimum requirements for area and setback, except for lots with a special subdivision where lots specifically are not proposed for permanent structures or where specific provisions are made for reduced or zero lot line development. Set back requirements shall not apply to retaining walls or fences.

(continued on next page)

Water Sewer	Public or Private Water & Public or Community Sewer	Public or Private Water - No Public or Community Sewer	Individual Water and Individual Sewer
Minimum Lot Area	1/3 acre	3/4 acre	1 acre
Front, side & rear setback	10 feet	10 feet	10 feet

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

(c) The Clay County Health Department may require larger lot sizes, if necessary, to protect the public health and ensure proper operation of septic tanks and wells. Any variance must meet the requirements set forth in Article II, Section 2.3 of this ordinance.

(d) All lots in all proposed subdivisions shall meet any applicable requirements of the Clay County Health Department.

(e) Multi-Family Residential Lots: Each lot intended for the development of more than one dwelling unit shall be accompanied by written approval from the Clay County Health Department. If municipal water and sewer services are not available, such approval shall state that the lot(s) proposed for multi-family residential units is (are) to accommodate the proposed water and sewage systems. All lots proposed for multi-family residential use shall conform with the standards in Section 4.4 (2)(b).

## 2. EASEMENTS.

(a) Utility easements. Easements for utilities shall be provided and shall meet the minimum standards of the utility company.

(b) All subdivisions shall have right of way of at least 30 feet width with a minimum width of 16 feet of surfaced road bed. Except where fewer than 5 lots are being served by a spur roadway, the roadway width may be set in the discretion of the developer.

## 3. OTHER REQUIREMENTS.

(a) Street Names. Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided, and in no case shall the proposed name be phonetically similar to existing names in the county, irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be subject to the approval of the Board of Commissioners.

(b) Street Name Signs. The subdivider shall be required to provide and erect street name signs in accordance with the requirements of the Subdivision Roads, Minimum Construction Standards, May 1, 1983, or as amended, at all intersections within the subdivision.

(c) Permits for Connection to State Roads. An approved permit is required for connection to any existing state road system. This permit is required prior to any construction on the street or road. The application is available at the office of the nearest district engineer of the Division of Highways.

#### SECTION 4.5 UTILITIES.

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

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

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

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

(a) Water Systems are defined as follow:

(1) Individual Water System: Any well, spring, stream or other source used to supply a single connection.

(2) Private Water System: Any system serving from two (2) to fourteen (14) connections, and less than 25 persons.

(3) Public Water System: Any municipal or County water system in Clay County, and any water system serving fifteen (15) or more residential connections or serving more than twenty-five (25) year round residents. Plans and specifications for any public water system shall be submitted to the N.C. Department of Environment, Health and Natural Resources, and proof of submission shall accompany the preliminary plat.

(b) Sewer Systems are defined as follows:

(1) Individual Sewer System: Any septic tank, privy or other ground absorption serving a single source or connection.

(2) Community Sewer System: Any sewer system owned and operated by a local government of Clay County, or other sewer system serving two or more connections. A proposed subdivision which uses or is to connect with a community sewer system having a discharge into any surface waters shall submit plans to the N.C. Department of Environmental, Health and Natural Resources, Division of Environmental Management. Proof of submission shall be submitted with the preliminary plat. A proposed subdivision which uses or is to connect with a system which utilizes ground absorption for sewage discharge shall have a written approval from the Clay County Health Department submitted with the preliminary plat.

## **ARTICLE V. DEFINITIONS**

### **SECTION 5.1 SUBDIVISION DEFINED.**

As used in this ordinance, the definition of the word "subdivision" is defined in Chapter 153A-335 of the North Carolina General Statutes, as now or hereafter amended. The definition is as follows:

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

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

(2) The public acquisition by purchase of strips of land for widening or opening streets.

### **SECTION 5.2 TYPES OF SUBDIVISION.**

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

#### **(1) RESIDENTIAL SUBDIVISION.**

A subdivision of land by a property owner into lots or parcels for the purpose of sale or development for residential purposes.

(2) FAMILY SUBDIVISION.

A subdivision of land by a property owner among his immediate family as a gift, as settlement of the property owner's estate, or for nominal consideration; the conveyance of a tract or tracts to a grantee who would have been an heir of the grantor if the grantor had died intestate immediately prior to the conveyance; or the conveyance of a tract or tracts for the purpose of dividing lands among the tenants in common, all of who inherited, by intestacy or by will, the land from a common ancestor.

(3) SPECIAL SUBDIVISION.

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

SECTION 5.3 OTHER DEFINITIONS.

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

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

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

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

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

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

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

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

**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. The word "lot" includes the words "plot" or "parcel."

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

Lot Types:

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

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

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

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

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

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

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

**Private Water System:** Any water system serving from two (2) to fourteen (14) connections, and less than twenty-five (25) persons.

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

**Public Water System:** Any municipal water system in Clay County, and any water system serving fifteen (15) or more residential

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connections or serving more than twenty-five (25) year-round residents.

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

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

#### SECTION 5.4 WORD INTERPRETATION.

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

Words in the present tense include the future tense.

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

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

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

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

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

#### APPENDIX 1

##### PRELIMINARY PLAT CHECKLIST

The preliminary plat shall be clearly and legibly drawn at a scale of not less than one inch to one hundred feet (1"=100') (1"=200' in



extreme cases). The preliminary plat shall be prepared by a registered surveyor and shall include the following information prior to consideration by the Administrator.

Name of Subdivision: \_\_\_\_\_

Submitted: \_\_\_\_\_

Location: \_\_\_\_\_

Name of at least one of the owners: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Surveyor: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Engineer: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Checklist:

\_\_\_\_\_ (a) Title Block: Subdivision name, subdivider's name, North Arrow, scale (denoted graphically and numerically), date of plat preparation, location of subdivision (township, county and state), name and license number of registered surveyor preparing plat, deed book reference.

\_\_\_\_\_ (b) Vicinity Map: A sketch vicinity map showing the location of the subdivision in relation to the surrounding area. If the subdivision is a portion of a larger tract, the map is to show the relation of the subdivision to the larger tract.

\_\_\_\_\_ (c) Tract Boundaries: The boundaries of the tract or portion thereof to be subdivided, with all bearings and distances shown.

\_\_\_\_\_ (d) Property lines: Property lines and owners' names of abutting properties and/or abutting subdivisions of record.

\_\_\_\_\_ (e) Natural Features: Approximate location of existing features including buildings, streets, railroads, power lines, drainageways, public sewer and water lines and utility easements.

\_\_\_\_\_ (f) Lot and Street lines: All proposed lot and street right-of-way lines with approximate area and dimensions, lot numbers, all easements, designations of any dedication or reservations to be made, and designation of public or private streets.

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

\_\_\_\_\_ (h) Water and Sewer layout: Proposed water and sewer systems (excluding individual water and sewer systems), including line sizes, approximate location of manholes, pumps, hydrants, force mains, or treatment facilities; and the connection of the proposed systems(s) with existing systems.

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

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

\_\_\_\_\_ (k) Site Data: Total acreage in tract to be subdivided, smallest lot size, total number of lots, linear feet in streets.

(l) The following documentation is to accompany the preliminary plat and application:

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

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

## APPENDIX 2

### FINAL PLAT CHECKLIST

The final plat shall meet the following requirements prior to any

review of the plat by the Administrator.

Date Submitted: \_\_\_\_\_  
Date Preliminary Plat Approved/if required: \_\_\_\_\_  
Name of Subdivision: \_\_\_\_\_  
Location: \_\_\_\_\_  
The name of at least one of the owners: \_\_\_\_\_  
Surveyor's Name: \_\_\_\_\_  
Address: \_\_\_\_\_ Telephone : \_\_\_\_\_

**ADMINISTRATIVE REQUIREMENTS:**

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

Final plat is 18" by 24" and at a scale of at least 1 inch equals 200 feet.

Six copies of the plat submitted, one (1) reproducible and five (5) prints. (The reproducible and one print will be given to the Register of Deeds; one print shall be returned to the subdivider; two prints shall be retained by the Subdivision Administrator and one print shall be given to the county mapping department.)

**REQUIRED DATA:**

(A) TITLE BLOCK:

Must show information required by N.C.G.S. Section 47-7.30 as amended.

(B) TRACT BOUNDARIES:

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

(C) ADJOINING PROPERTY OWNERS:

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

(D) LOCATION OF IMPROVEMENTS:

All visible and apparent rights-of-ways, watercourses, utilities, roadways, and other such improvements shall be accurately located where crossing or forming any boundary of the property shown.

(E) SURVEYING DATA:

Sufficient surveying data to determine readily and reproduce on the ground every straight or curved boundary line, street line, lot line, right-of-way line, and easement line,

including dimensions, bearings, or deflection angles, radii, central angles, and tangent survey property lines that are not the boundary or curved streets. Building setback lined are to be noted.

(F) MONUMENTS:

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

(G) LOT AND TRACT NUMBERS:

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

(H) STREETS:

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

(I) RIGHT-OF-WAY:

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

(J) FLOOD HAZARD AREAS:

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

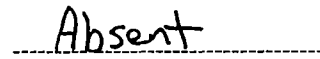
CLAY COUNTY BOARD OF COMMISSIONERS  
PUBLIC HEARING - SUBDIVISION ORDINANCE  
JUNE 19, 1996

The special meeting of the Clay County Board of Commissioners was June 19, 1996 at 5:11 PM. Chairman Paul Jordan and Commissioner Harold Worley were present, Commissioner Kenneth Burrell was absent. Also present were County Manager Terry Daily and Clerk to the Board, Jim Carter.

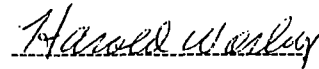
Chairman Jordan called the meeting to order at 5:11 PM. Several members of the public asked questions of the commissioners so as to clarify the rules of the ordinance. Questions on grandfathering, set back rules, and lot sizes were discussed. Chairman Jordan stated that all subdivisions with a plat signed and dated prior to July 1, 1996 would be grandfathered. Discussions were ended at 5:50 PM and Commissioner Worley made a motion to adjourn. Chairman Jordan seconded and the meeting adjourned a 5:51 PM.



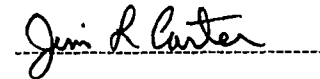
Chairman Paul Jordan



Commissioner Kenneth Burrell



Commissioner Harold Worley



Clerk to the Board Jim Carter

CLAY COUNTY BOARD OF COMMISSIONERS  
MINUTES

JULY 1, 1996

The regular meeting of the Clay County Board of Commissioners was held July 1, 1996 at 5:30 PM. Chairman Paul Jordan, Commissioner Kenneth Burrell, and Commissioner Harold Worley were present, along with County Manager Terry Daily and Clerk to the Board, Jim Carter.

Chairman Jordan called the meeting to order at 5:30 PM. The first order of business was a proposed tax release asked for by Mr. Jerry Carnahan. Board reviewed the appeal and discussion followed. A motion was made by Commissioner Worley to let the county valuation stand, and a second was given by Chairman Jordan. Vote was unanimous.

The next item of business was the appointment of Mr. Bobby Hollifield to the Division of Social Services board. Commissioner Burrell made a motion that Mr. Hollifield be approved. Commissioner Worley seconded and the motion carried unanimously.

The next item of business was the Elderly and Disabled program. A brief discussion of the program followed and Commissioner Burrell made a motion to approve the \$20,255 transportation program. Commissioner Worley gave a second, and the motion carried unanimously.

The next item of business was a recreation department resolution. The resolution was read by Chairman Jordan and discussion followed. A motion to accept the resolution

was made by Chairman Jordan and Commissioner Worley gave a second. The motion carried with yes votes from Jordan and Worley, and Commissioner Burrell abstained.

The next item of business was various proposed policy changes. First, the 911 coordinator will report to the sheriff; Second, the Athletic will report to the County Manager; Third, Appoint Mr. Tim Burch as Sub-division Administrator and Watershed Administrator and he will report to the County Manager; Lastly, appoint Mr. James Lunsford as Safety Officer and he will report to the County Manager. A motion to approve the policy changes was made by Commissioner Worley and a second was given by Chairman Jordan. The motion carried unanimously.

The next item of business was the adoption of the Subdivision Ordinance. A discussion of the issues raised at the public hearing followed. Additionally, the 1 acre lot size and the variances very discussed in depth. Commissioned Worley made a motion to approve the ordinance and Commissioner Burrell seconded. The motion carried unanimously. Additionally, the board proposes to remove the lot size variance. A public hearing on this amendment was scheduled for July 17th, at 12PM. The following subdivision fees were set. An application Fee \$20 plus \$10 per parcel. Copies of the subdivision ordinance can be obtained from Mr. Tim Burch for \$5 per copy.

The next item of business was to place up for bid a 1987 Toyota Tercel, a 1985 oldsmobile, and the old Crawford & Mingus property. Chairman Jordan made a motion to place the aforementioned items for bid , Commissioner Worley seconded the motion and it carried unanimously.

The next item of business was a resolution to not accept the property given to the county by the Friends of Moss Memorial Library. Chairman Jordan made a motion to not accept the property, Commissioner Worley seconded the motion. Motion carried unanimously.

The next item of business was a discussion of the EMS equipment currently in the possession of Mr. Larry Ledford. Discussion of this issue ensued and Chairman Jordan requested county attorney Patterson write a letter to Mr. Ledford to request that the equipment be returned.

Chairman Jordan made a motion to go into closed session to discuss personnel issues. Commissioner Worley seconded the motion and it carried unanimously.

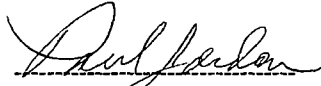
Upon completion of the closed session Chairman Jordan made a motion to provide a travel allowance of \$100 per month for Commissioners Worley and Burrell, \$75 per month for county manager Dailey, and \$200 per month for Chairman Jordan. Commissioner Worley seconded and the motion was approved with a vote of Jordan and Worley for and Commissioner Burrell abstained.

The next item of business was a resolution to loan the Clay County Water & Sewer District \$70,000 for improvements and operating needs. Chairman Jordan made a motion to approve the resolution and Commissioner Worley seconded. The motion carried unanously.

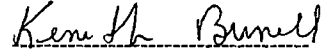


The next item of business was a motion by Chairman Jordan to closed the county offices on July 5th. Commissioner Worley seconded, and the motion carried unanimously.

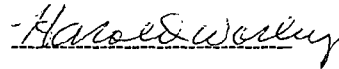
A motion to adjourn the meeting was made by Chairman Jordan, seconded by Commissioner Worley and the meeting was adjourned at 7:21 PM.



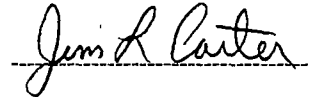
Chairman Paul Jordan



Commissioner Kenneth Burrell



Commissioner Harold Worley



Clerk to the Board Jim Carter

CLAY COUNTY BOARD OF COMMISSIONERS  
MINUTES

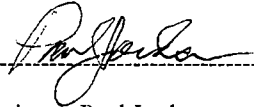
JULY 17, 1996

The special meeting of the Clay County Board of Commissioners was held July 17, 1996 at 12:00 PM. Chairman Paul Jordan and Commissioner Harold Worley were present, along with County Manager Terry Daily and Clerk to the Board, Jim Carter. Commissioner Kenneth Burrell was absent.

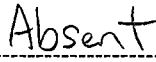
Chairman Jordan called the meeting to order at 12:00 PM. The first order of business was an amendment to the subdivision ordinance. The proposed amendment was to remove a sentence that gave direct discretionary responsibility to the Clay County Sanitarium to allow minimum lot sizes less than one acre based on his evaluation. The discussion determined this responsibility placed an undo burden on the sanitarium. It was further discussed that anyone who wishes approval of a lot less than one acre can appeal to the Clay County Board of Commissioners on a case by case basis. Commissioner Worley made a motion to remove the sentence in question, approve the amended subdivision ordinance, and set the required copies of the subdivision plat at 4 instead of 5. A second was given by Chairman Jordan. Vote was unanimous.

The next item of business was the approval of budget amendments. Commissioner Worley made a motion to approve the amendments and Chairman Jordan seconded. The motion carried unanimously.

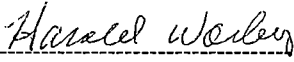
A motion to adjourn the meeting was made by Commissioner Worley, a second by Chairman Jordan, and the meeting was adjourned at 12:21 PM.

  
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Chairman Paul Jordan

  
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Commissioner Kenneth Burrell

  
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Commissioner Harold Worley

  
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Clerk to the Board Jim Carter