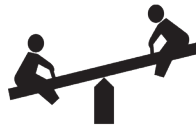


# CHANGES TO THE BUNCOMBE COUNTY SUBDIVISION ORDINANCE 2017

## DEFINITIONS (Sec. 70-5)

**Common Open Space definition added:** Land within or related to a development, not individually owned or dedicated for public use, that is designated and intended for the common use of the residents of the development and their guests and that may include complementary structures and improvements.



**Family Subdivision definition added:** A proposed subdivision of five or fewer lots which will result after the subdivision is complete, resulting lots are to be conveyed to a linear relative within the 2nd degree of kinship or closer. No more than one lot shall be conveyed to each individual relative.



Lots may not be further subdivided for three years after the date of the recordation of the final plat. Any further subdivision that occurs within those three years shall be considered a minor subdivision.

**Lot definition amended** to include that common open space, and lots for public safety towers, cemetery's, infrastructure, and utilities are not subject to minimum lot sizes, and are not counted towards the total number of lots in the subdivision.



**Parcel definition amended** to include that lots adjacent to each other and under common ownership are considered part of the site to be developed, and also that the parcel shall include parcels that are part of a larger common plan of development or sale, even though multiple, separate or distinct entities own the parcel or tract.

**Special subdivision definition amended** to include that lots may not be further subdivided within three years after the date of the recordation of the final plat creating said subdivision. Any further subdivisions within three years from recordation shall be considered a minor.



**Subdivision definition amended** to require that divisions of land of parcels greater than 10 acres follow subdivision regulations if they include street right-of-way dedications.

This document provides a summary of the most relevant changes to the Buncombe County Subdivision Ordinance that subdividers should be aware of. These changes were adopted in January 2017.

The complete text of the revised Ordinance can be viewed on the Buncombe County website under Planning & Development:

[www.buncombecounty.org](http://www.buncombecounty.org).

## GENERAL PROCEDURES for Plat Approval (Sec. 70-7)

**Expiration of Preliminary plat approval amended.**

**Substantial progress has been defined** as work towards the construction of communal infrastructure such as site grading, or the installation of stormwater or utilities.



## FAMILY & SPECIAL SUBDIVISIONS (Sec. 70-37)

**Special and Family subdivision amended** to require a Preliminary Plat review prior to Final Plat approval. Fire Marshal approval is required for any subdivision that creates or is served by a private road, or creates a private driveway that serves two or more lots.



**Certificate of Approval amended** for Final Plats to include that lots may not be further divided within 3 years or shall be considered a minor subdivision. See ordinance for required certification language.

## MAJOR & MINOR SUBDIVISIONS (Sec. 70-38 & 39)

**Preliminary Plat section revised** to include:



- Applications shall include a digital copy
- Changes to an approved Preliminary Plat requires submission of a revised plat and a digital copy

**Final plat and as-built drawing revised** to include:

- After preliminary approval, the subdivider may proceed with the installation of, or provide a guarantee for required improvements, and shall have installed the improvements or guaranteed their installation prior to submitting the draft final plat for review.
- Required certificates & statements on the plat have been added or revised (see ordinance for specific language)



## MINOR SUBDIVISIONS (Sec. 70-38)

**Final Plat and As-Built drawing revised** to include:

- Applicants shall submit 1 copy of the draft As-Built and a digital copy for staff review which is required within 10 working days of submittal.
- A Draft Final Plat is required prior to submission of the final plat for signatures.

## MAJOR SUBDIVISIONS (Sec. 70-39)

**Preliminary Plat section revised** to include:

- Some conditions of preliminary approval must be met within 90 days. Failure to meet the conditions within 90 days shall void the preliminary approval.
- Minor changes, as defined by the ordinance, shall be reviewed internally.
- Significant changes require the applicant to resubmit 13 copies of the revised plat and one digital copy to staff at least 15 days prior to the Planning Board meeting.



**Final Plat and As-Built revised** to include:

- One As-Built drawing and one digital copy is required prior to submission of a Draft Final Plat, which is required to be reviewed within 10 working days of submission.
- Two copies of a Draft Final Plat and one digital copy required prior to submission of a Final Plat for signatures, which is required to be reviewed within 10 working days from submission.



## PRELIMINARY PLAT, AS-BUILT, & FINAL PLAT for Minor & Major Subdivisions (Sec. 70-40)

**Preliminary plat specifications revised** to include that the location of retaining walls, including their height and width shall be shown on plat



**As-built drawing specifications revised** to include:

- Subdivisions that have no communal infrastructure improvements are no longer required to submit an As-Built drawing
- Specify on plat if roads are public or private



• Indicate on plat the provision of water and waste water treatment facilities, if not provided by MSD and a local water authority

- The location of retaining walls, including their height and width shall be included on As-Built drawings

**Final plat for recordation revised** to include:

- Indication of the type, date, amount, and holder of any financial guarantee related to outstanding subdivision infrastructure that has not been completed prior to recordation of the final plat shall be included on the plat
- Final plat approval shall be void unless the final plat is recorded in the office of the Buncombe County Register of Deeds within 180 days from the date of approval



## IMPROVEMENTS (Sec. 70-92)

**Private road maintenance agreement has been added:** Prior to recordation of a final plat or release of guarantee of improvements, the applicant shall provide a copy of the mechanism of road maintenance within the subdivision.

## GUARANTEE OF IMPROVEMENTS (Sec. 70-94)

**Roadbed, utility improvement, and erosion control has been amended:** The developer must have completed 25% (based on a professional engineer's estimate) of infrastructure improvements for the phase of the subdivision for which the guarantee applies.

## GENERAL REQUIREMENTS (Sec. 70-66)

- **Public or private roads revised** to include: Prior to approval of a final plat with proposed public or private roads, or prior to release of a guarantee of improvements, developer shall submit a notarized statement of financial responsibility for road maintenance to remain valid until the roads are dedicated to the NCDOT or a responsible party such as a Homeowners Association.
- **Common Open Space revised** to require that it be shown on the preliminary, as-built, and final plat, and shall indicate: common open space shall not be further developed; how it will be maintained; ownership.
- **A traffic impact study has been added** as a requirement for subdivisions with 300 lots or more and shall meet NCDOT guidelines. No major subdivision of 300 lots or more shall be approved that would generate a decrease in service to a level "D" or lower.



# ROAD & DESIGN STANDARDS - Cul-de-sac & Turnarounds (Sec. 70-67)

The following sections have been updated: Private Road Horizontal Centerline and Stone or Pavement Width standards; Temporary Terminus; Cul-de-sac radius; Turnaround Cord Minimum Length; and Shared Private Driveways. See diagrams:

## Other Road & Design Standards

**Private subdivision roads revised** to include that access road turnouts shall be a minimum of 20 feet wide for 36 feet of length.

**Public subdivision roads revised** to include:

- No major subdivision shall be reviewed, and no minor shall be granted preliminary approval until application has been made to the NCDOT for review of the public roads.
- Public subdivision roads shall at a minimum meet the standards for private subdivision roads provided in section 70-67.



**Bridge and dam requirements amended** to include that, prior to re-cordation of a final plat or release of guarantee of improvements, a signed and sealed engineer's letter certifying that bridges or dams were constructed to the NCDOT "Subdivision Roads Minimum Construction Standards," shall be provided.

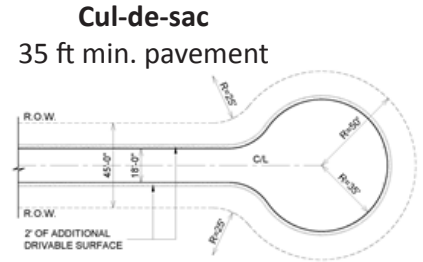
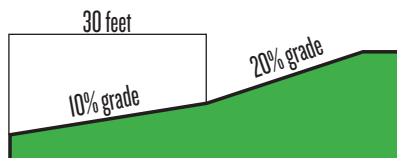


**Retaining walls amended** to include that retaining walls supporting roadbeds or slopes shall, prior to final subdivision approval or release of a guarantee, be certified by a professional engineer.

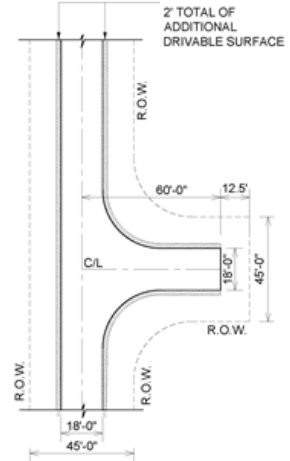


**Public and private use revised** to include:

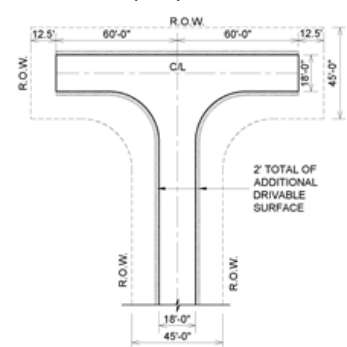
- If the subdivision is to be gated, it shall be indicated as such on the preliminary plat. If a gate is utilized, the developer shall coordinate with the local Fire Department that serves the subdivision in order to provide emergency service access to the subdivision.
- Turnarounds to be provided if required by the Fire Marshal at the terminus of the shared driveway, and must be less than 10% grade.
- Shared private driveways shall be no greater than 10% grade for the first 30 feet and not exceed 20% grade after that.



**L-Turnaround**  
60 ft per cord min.



**T-Turnaround**  
120 ft min. perpendicular cord



**Y-Turnaround**  
60 ft per cord min.

