# WATAUGA COUNTY

Ordinance to Govern Subdivisions
& Multi-Unit Structures

# WATAUGA COUNTY ORDINANCE TO

# GOVERN SUBDIVISIONS AND

# MULTI-UNIT STRUCTURES

As Amended

**May 15, 2012**

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**ORDINANCE TO GOVERN SUBDIVISIONS**
**AND MULTI-UNIT STRUCTURES**

**WATAUGA COUNTY, NORTH CAROLINA**

AN ORDINANCE ESTABLISHING COMPREHENSIVE SUBDIVISION REGULATIONS AND REGULATIONS FOR MULTI-UNIT STRUCTURES FOR WATAUGA COUNTY, NORTH CAROLINA, AND PROVISION FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF.

## ARTICLE I

TITLE

This ordinance shall be known and may be cited as the Ordinance to Govern Subdivisions and Multi-Unit Structures for Watauga County, North Carolina

## ARTICLE II

AUTHORITY AND ENACTMENT CLAUSE

The County Commissioners of the County of Watauga, pursuant to the authority conferred by Chapter 153A, Article 18, 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 and/or multi-unit structure within Watauga County (hereinafter referred to as the "County") and outside the jurisdiction of any incorporated municipality. However, this ordinance may also regulate territory within the subdivision regulation jurisdiction of any municipality whose governing body by resolution agrees to such regulation provided, however, that any such municipal governing body may, upon one year's written notice, withdraw its approval of these County Regulations, and those regulations shall not have further effect within the municipality's jurisdiction.

SECTION 31. Purpose

The purpose of these subdivision regulations is to guide and regulate the subdivision of land and/or multi-unit structures within the county in order to preserve the public health, safety, and welfare. The regulations included herein are designed to insure an adequately planned street system and to avoid hazardous conditions; to avoid overcrowding of the land and extreme concentration of population; to secure safety from fire, panic, and other dangers; to provide for adequate water and sewage systems, schools, parks and playgrounds; to insure against flood damage and soil erosion; to facilitate an orderly system for the design, layout, and use of the land; to insure the proper legal description and monumenting of subdivided land; and to provide for the re-subdivision of large land parcels.

## ARTICLE IV

INTERPRETATION AND DEFINITIONS

SECTION 40. Word Interpretations

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

40.01 The word "County" shall mean Watauga County, North Carolina.

40.02 The words "County Commissioners" shall mean the Board of Commissioners of Watauga County, North Carolina.

40.03 The words "Planning Board" shall mean the Planning Board of Watauga County, North Carolina.

40.04 The words "Planning Staff" shall mean the staff of Planning and Inspections Department of Watauga County, North Carolina.

40.05 The words "Register of Deeds" shall mean the Register of Deeds for Watauga County, North Carolina.

40.06 The words "ordinance", "regulations" and "subdivision regulations" shall mean the Ordinance to Govern Subdivisions and Multi-Unit Structures for Watauga County, North Carolina.

40.07 The word "may" is permissive.

40.08 The word "shall" is mandatory.

40.09 The word "lot" includes the words "plot", "parcel", "tract", or "site".

40.10 The word "building" includes the word "structure".

40.11 The word "street" includes the words "roads and "highway".

SECTION 41. Definitions

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

41.01 BUILDING LINES. Lines tangent to the exterior surface of a building and parallel to front, side and rear property lines.

41.02 BUILDING SETBACK LINE (MINIMUM). A line parallel with the property line designating an area bordering the property lines on which no building shall be placed.

41.03 CUL-DE-SAC. A short subdivision street having but one end open to traffic and the other end being permanently terminated and a vehicular turn-around provided.

41.04 DOUBLE FRONTAGE LOT. A continuous (through) lot which borders two or more streets.

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

41.06 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.

41.07 OFFICIAL MAPS OR PLANS. Any maps or plans officially adopted by the County Commissioners as a guide to the development of the County.

41.08 PLANNED UNIT DEVELOPMENT. (PUD)The planned unit development is a permitted use designed to provide for developments incorporating a single type or a variety of 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 affecting the long-term value of the entire development.

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

41.10 PRIVATE DRIVEWAY. A roadway serving three (3) or fewer lots, building sites or other divisions of land and not intended to be public ingress or egress.

41.11 ROAD, COUNTY STANDARD. A road constructed and dedicated in accordance with provisions as set forth in Article VII, Section 71, with provisions for private maintenance.

41.12 ROAD, STATE STANDARD. A dedicated and accepted public right-of-way for vehicular traffic on which is constructed a road which meets the specifications of North Carolina Department of Transportation, (See Article VII, Section 71).

41.13 RIGHT OF WAY. A strip of land designated by the owner or other authority or acquired by other over which other person may legally pass, and on which may be constructed a road or utilities.

41.14 SEWAGE TREATMENT SYSTEMS.

41.141 Individual Systems. Sewage treatment and disposal systems designed to serve a single connection utilizing the soil for the subsurface disposal of partially treated or treated sewage effluent. Individual systems with a design capacity of less than 3,000 gallons per day will be designed and approved by the Appalachian District Health Department. Individual systems with a design capacity of 3,000 gallons per day or more will be designed by a professional engineer and approved by the designated state agency or the Appalachian District Health Department, whichever is applicable. Individual systems may be shared upon approval of the appropriate agency.

41.142 Non-Discharge Systems. Sewage treatment and disposal systems designed to serve multiple connections utilizing the soil for the subsurface disposal of partially treated or treated sewage effluent. Non-Discharge systems will be approved by the designated state agency.

41.143 NPDES Systems. Sewage treatment and disposal systems designed to serve multiple connections discharging into surface waters of the state and subject to the National Pollutant Discharge Elimination System (NPDES) permit program. NPDES systems include those that are owned and operated by the County, a municipality, a sanitary district, a property owners association, utility company and any connections thereto. NPDES Systems will be approved by the designated state agency.

41.15 SUBDIVIDER. Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision.

41.16 SUBDIVISION. A "subdivision" shall include all divisions of a tract of land into two or more lots, building sites, (including buildings constructed for rental purposes) or other divisions when any one or more of those divisions are created for the purpose whether immediate or future, of sale or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition nor be subject to the regulations prescribed by this ordinance:

41.161 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

county as shown in this ordinance, and documented with a recorded plat or a map attached to recorded deed(s).

41.162 The division of land into parcels greater than (10) acres where no street right-of-way dedication is involved.

41.163 The public acquisition by purchase of strips of land for the widening or opening of streets.

41.164 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 county as shown in this ordinance.

41.165 The division of land solely among members of the same family, which shall include all lineal descendants or ancestors plus brothers, sisters, aunts, uncles, fathers-in-law, mothers-in-law, brothers-in-law, sisters-in-law, nieces, nephews and stepchildren by any method of transfer except where the parties contemplate development for resale, and where the resultant lots are equal to or exceed the standards of the county as shown in this ordinance.

41.166 The division of land by court ordered/approved division except where the parties contemplate development for resale.

41.17 UNIT. A structure or portion of a structure which is a single, habitable dwelling or single place of business.

41.18 WATER SUPPLY SYSTEMS.

41.181 Individual Systems. A well, spring, stream or other source used to supply a single connection.

41.182 Community Systems. A water system serving two (2) or more connections and not qualifying as a public water supply (PWS) under North Carolina regulations.

41.183 Public Systems. A water system owned and/or operated by the county, any municipality, water district, property owner's association, or utility company that qualifies as a public water supply (PWS) under North Carolina regulations.

41.19 WORKING DAYS. Days the Watauga County Administrative offices are open for business.

## ARTICLE V

PLANNING BOARD REVIEW AND LEGAL STATUS PROVISIONS

SECTION 50. PLANNING BOARD REVIEW AND APPROVAL.

Pursuant to N.C.G.S. 153A-332 unless otherwise noted, no real property within the jurisdiction of this ordinance shall be subdivided and offered for sale or a plat thereof recorded until a preliminary and final plat have been reviewed and approved by the Watauga County Planning Board as provided hereinafter. Plans of group developments for housing, commercial, industrial, or other uses, or for any combination of uses shall be submitted in the same manner as other plats for review by the Planning Board.

SECTION 51. BUILDING PERMITS.

Approval of the final plat by the Planning Board shall be required before issuance of any building permit for a structure to be erected in a subdivision, except in Planned Unit Developments, or up to two (2) may be issued in any subdivision to the owner/developer only, when the owner is also the developer.

SECTION 52. RECORDING OF PLATS.

No subdivision plat of land within the County's jurisdiction shall be filed or recorded until it has been submitted to and approved by the Watauga County Planning Board or Staff, and until this approval is entered in writing on the face of the plat by the designated representative of the County Planning Board.

SECTION 53. DUTY OF REGISTER OF DEEDS

The Register of Deeds shall not file or record a plat of a subdivision of land located within the territorial jurisdiction of the County that has not been approved in accordance with these provisions, nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with this section. No subdivision plat of land within a Public Water Supply Watershed shall be filed or recorded by the Register of Deeds until it has been approved in accordance with the provisions of Watauga County's Watershed Protection Ordinances. Likewise, the Clerk of Superior Court shall not order or direct the recording of a plat if the recording of such plat would be in conflict with the watershed protection ordinances.

SECTION 54. SEVERABILITY.

Should any section or provision of this ordinance be decided by the courts 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 55. EFFECTIVE DATE.

This ordinance shall take effect and be in force from and after its enactment the 17th day of April, 1985.

SECTION 56. RELATIONSHIP TO EFFECTIVE CHANGES IN THE ORDINANCE.

It is not intended that this ordinance will in any way repeal, annul, or interfere with any valid permits or approvals which were legally issued under previous ordinances for the use or development of land or structures. In addition, future changes in this ordinance shall not repeal, annul, or interfere with any valid permits or approvals issued pursuant to this ordinance prior to said changes. This provision shall include approved master plans for phased developments. If the density in the approved master plan is not increased, any plats and extensions thereof shall be subject to the ordinance under which the original master plan was approved.

## ARTICLE VI

PROCEDURES FOR REVIEW AND APPROVAL OF SUBDIVISIONS

SECTION 60. Plat Required on Any Subdivision of Land.

Pursuant to N.C.G.S. 153A-330, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this ordinance whenever any subdivision of land takes place. Prior to recording, such plat shall be approved pursuant to Article V. To secure such approval, the subdivider shall follow the procedures established in this Article as applicable.

SECTION 61. Submission of Preliminary Plat.

A preliminary plat meeting the requirements of this ordinance shall be submitted for review and shall be approved by the Planning Board before any improvements or land disturbing activities are made in a subdivision. One(1) copy of this plat shall be submitted to the Planning Staff at least two (2) weeks before the meeting of the Planning Board at which time it is to be reviewed. Prior to the meeting and subsequent to staff review, eight (8) copies along with the plat fee as specified in Section 61.01 shall be submitted.

A Developer Authorization Form (Appendix M) must accompany the Preliminary Plat application when the application is made by person(s) other than the land owner(s).

The Planning Staff shall provide that the following agencies be given an opportunity to make recommendations concerning an individual subdivision plat before the plat is approved: Appalachian District Health Department, Department of Transportation, County School District. The Planning Staff shall transmit copies of the plat to those agencies and others upon their request.

The Planning Board shall review the preliminary plat and negotiate with the subdivider for any changes required in order that the subdivision may comply with the provisions of this ordinance and for such other changes as may be found desirable. The Planning Board shall take formal action on the preliminary plat at the first regular meeting date (Normally the 3rd Monday evening of each month) after receipt of the plat. Within five (5) days after its action on the plat, the Staff shall notify the subdivider by letter indicating the action taken.

After receiving approval of the preliminary plat by the Planning Board and the erosion control plan by the staff (and not before that time), the subdivider may proceed to construct the proposed road and other improvements in accordance with the requirements of this ordinance and as shown on the approved preliminary plat.

61.01 Fees. The developer shall pay an inspection fee of an amount specified from time to time by the Watauga County Commissioners. Half of said fee shall be paid at the time of submission of the preliminary plat (the fee shall be paid before the plat will be placed on the Planning Board meeting agenda); the remainder shall be paid at submission of the final plat.

For a planned unit development the developer shall pay an inspection fee at the rate provided above for each structure in the development. No fees are required for master plan review.

SECTION 62. Specifications for Preliminary Plat.

The preliminary plat shall be at a scale of one-hundred (100)feet to one (1) inch or larger and shall be on a sheet, 18" x 24". However, if the size and shape of the property is such that a sheet 18" x 24" will not accommodate the entire tract, a sheet not larger than 24" x 36" may be used, and in unusual circumstances may be at a scale of no smaller than 1"=200'. In addition, the developer shall provide one (1) reproducible 11”x 17” or smaller copy of the plat.

The following information shall be required as applicable:

62.01 A sketch vicinity map showing the relationship of the proposed subdivision with the surrounding area.

62.02 The location of existing property lines, streets, buildings, water courses, transmission lines, sewers, bridges, and water mains, city and county lines (if adjoining) and any public utility easements.

62.03 Boundaries of the tract shown with distances and approximate acreage.

62.04 Evidence of access right-of-way from state road.

62.05 Names of adjoining property owners and/or subdivisions.

62.06 Zoning classification, if any, both on the land to be subdivided and on adjoining land.

62.07 Proposed streets, street names, rights-of-way, roadway widths, approximate grades, curve radiuses, and proposed drainage facilities.

62.08 Other proposed rights-of-way or easements showing locations, widths and purposes.

62.09 Proposed lot lines, lot numbers, and approximate area. Statement that all lots will comply with the Subdivision Regulations.

62.10 Proposed minimum building set back lines.

62.11 Proposed utility layouts (sewer, water, electricity) showing connections to existing systems or plans for central water system or package sewage system, or designation for individual water and sewage.

62.12 Proposed parks, open spaces, or any other public areas.

62.13 Name of owner, developer, engineer and registered surveyor.

62.14 Title, date, north point, and graphic scale.

62.15 Statement of intended use of the lots (single or multi-family).

62.16 Evidence of N.C.D.O.T. driveway connection permit, if applicable, shall be submitted prior to preliminary plat approval.

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

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

62.172 Any proposed dock lines beyond which no dock structure may be constructed.

62.173 Methods of providing ingress and egress from uplands to water area.

62.174 Names of the owners of the water area.

62.18 A soil erosion control plan (3 copies) shall be submitted to the Planning Staff. Grading shall not commence until the erosion control plan is reviewed and approved by the Planning Staff and the Soil and Water Conservation District and a grading permit is issued. See appendix B - D for further detail.

62.19 If road (s) are to be "county standard", the developer shall maintain the road(s) until such time as a property owners association assumes maintenance. Prior to final plat approval, the developer shall comply with Section 71.011 concerning recording of property owners association road maintenance provisions.

SECTION 63. Minor Subdivisions

63.01 Procedures set forth here for handling applications for approval of minor subdivisions are intended to simplify processing of routine small subdivisions with due regard to protection of the public interest.

63.02 For the purpose of these regulations, a minor subdivision is defined as any subdivision requiring no variances and consisting of not more than ten (10) lots. One phase of a phased development cannot be considered a minor subdivision unless the entire development is not more than 10 lots.

63.03 After January 1, 2006, all new divisions of land shall comply with all of the requirements of this ordinance, with the exception of the following**:**. The division of one (1) lot or tract out of a larger tract will be allowed provided 1) the new lots meet the size, dimensional, and setback requirements of this or any applicable ordinance; 2) no public street or road dedication or change in existing public streets or road is involved; 3) the original lot or tract was created prior to January 1, 2006 and is over ten (10) acres in size; or 4) if the original tract is less than ten (10) acres, it shall have been created prior to June 15, 1973, or be otherwise exempt from this ordinance; 5) only one (1) such division shall be allowed from the original tract without total compliance with this ordinance.

63.04 The Watauga County Planning Staff shall review the preliminary plat of each minor subdivision and shall find that it either is or is not a minor subdivision and shall find that it either does or does not meet the requirements of this ordinance. Said findings shall be stated in writing and recorded in the records of the Planning Board. Based upon said findings the Staff shall either approve, not approve, or approve conditionally the proposed minor subdivision.

63.05 A decision by the Planning Staff shall be made within fifteen days of submission of the proposed minor subdivision to the Staff and the decision of the Staff is subject to appeal by the subdivider to the Planning Board which must act on appeals at its next regular meeting.

63.06 A final plat shall be submitted to the Watauga County Planning Staff for consideration and approval before the conveyance of any of the property or the recording of the plat.

SECTION 64. Phased Developments.

If a developer proposes that a subdivision (including PUD's) will be constructed in phases, the following procedure shall apply.

64.01 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 Planning Board for approval.

64.02 Each phase of development shall be preceded by submission and approval of a preliminary plat as outlined in Section 62 unless such plat submission is waived by the Planning Board. The master plan may be submitted prior to or simultaneously to submission of the preliminary plat for the first phase of development.

64.03 As each phase is completed, a final plat must be submitted and approved for that phase as outlined in Sections 65 and 66.

64.04 Approval of the master plan need not be renewed unless density increases are proposed.

SECTION 65. Submission of Final Plat.

Unless a final plat is submitted to the Planning Board within eighteen (18) months from the date on which the preliminary plat was approved, such action on the preliminary plat shall become void and of no effect, and will necessitate the resubmission of the preliminary to the Planning Board for consideration, except in the case of preliminary plats for Planned Unit Developments, which do not expire. One (1) copy of this plat shall be submitted to the Planning Staff at least two (2) weeks before the meeting of the Planning Board at which time it is to be reviewed. Prior to the meeting and subsequent to staff review, eight (8) copies along with the plat fee as specified in Section 61.01 shall be submitted. Roads and lots shall be clearly marked in the field upon submission of the final plat.

65.01 Final Plat. The final plat shall be drawn on reproducible mylar. The final plat shall constitute only that portion of the approved preliminary sketch plan which the subdivider proposes to record provided that such portion conforms to all requirements of this ordinance. All final plats shall be on sheets with overall measurements of 18" x 24" and shall be on a scale no smaller than 1" = 100'. In addition, the developer shall provide one (1)reproducible 11”x 17” or smaller copy of the plat.

The final plat shall show as applicable:

65.011 A sketch vicinity map showing the location of the subdivision in relation to the surrounding area.

65.012 The right-of-way lines and easements of all streets and roads, and access right-of-way to state road.

65.013 Lot lines and lot numbers showing bearings and distances, and lot sizes. All dimensions should be to the nearest one-hundredth (0.01) of a foot and angles to the nearest minute.

65.014 Minimum building setback lines. (Show typical lot setback; not required of all lots.)

65.015 Relationship with floodway and flood plain as delineated by the county floodway boundary and flood insurance maps.

65.016 Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, and block line whether curved or straight.

65.017 Accurate location and description of all monuments and markers and block tie lines.

65.018 The names and locations of adjoining subdivisions and streets, and the location and ownership of adjoining un-subdivided property, including water areas.

65.019 Title, date, name, and location of subdivision, graphic scale, and true north point.

65.020 Name of owner, developer, surveyor, engineer and land planner.

65.021 Reservations for easements, and areas to be dedicated to public use or sites for other than residential use shall be shown on the plat with notes stating their purposes.

65.022 One of the following statements:

Drinking water source to be individual or shared wells (not a community or public water supply). Wastewater disposal method to be septic tanks. Individual lots have/have not been approved by Appalachian District Health Department for septic system.

OR

Drinking water source to be a public water supply (name system if to be connected to existing system, or indicate proposed new supply). Wastewater disposal method to be septic tanks. Individual lots have/have not been approved by Appalachian District Health department for septic system.

OR

Drinking water source to be a community water system (name system if to be connected to existing system, or indicate proposed new supply). Wastewater disposal method to be septic tanks. Individual lots have/have not been approved by Appalachian District Health Department for septic system.

OR

Drinking water source to be individual or shared wells (not a community or public water system). Wastewater disposal method to be NPDES sewer (name system if to be connected to existing system, or indicate proposed new system).

OR

Drinking water source to be a public water supply (name system if to be connected to existing system, or indicate proposed new supply). Wastewater disposal method to be NPDES sewer (name system if to be connected to existing system, or indicate proposed new system).

OR

Drinking water source to be a community water supply (name system if to be connected to existing system, or indicate proposed new supply). Wastewater disposal method to be NPDES sewer (name system if to be connected to existing system, or indicate proposed new system).

65.023 Location and size of culverts/ drainage facilities.

65.024 Density in units per acre if PUD.

65.025 Variances granted, if any.

65.026 Reference shall be made on final plat to deed book and page number of recorded Restrictive Covenants and/or Road Maintenance Agreement.

65.03 The following certificates shall be shown on the final plat as applicable:

65.031 Certificate of Ownership and Dedication

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described here on, that the property is within the regulatory jurisdiction of Watauga County, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish all lots, and dedicate all streets, alleys, walks, parks, easements, right-of way, and other open spaces to public or private use as noted.

_____ _____

DATE OWNER

65.032 Certificate of Accuracy

"The undersigned surveyor, being duly sworn, deposes and says that the plat upon which this certificate appears was prepared in accordance with N.C.G.S.47-30 as amended, is in all

respects correct according to the best of his knowledge and belief, and was prepared from an actual survey made by him on the _____ day of _____ 20___, with maximum linear error of closure of _____ and a maximum field error of angular closure of _____.
65.0321 (may be combined with 65.032)

Pursuant to N.C.G.S. 47-30, the surveyor shall certify to one of the following.

a. That this survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;

b. That this survey is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;

c. Any one of the following:

   1. That the survey is of an existing parcel or parcels of land and does not create a new street or change an existing street;

   2. That the survey is of an existing building or other structure, or natural feature, such as a watercourse; or

   3. That the survey is a control survey.

d. That this survey is of another category, such as the recombination of existing parcels, a court ordered survey, or other exception to the definition of subdivision;

e. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in (a) through (d) above.

65.033 Certificate of the Approval of Water and Sewage System

I hereby certify that the water supply and sewage disposal utility system installed, or proposed for installation, in each lot of the subdivision entitled _____ fully meets the requirements of the undersigned agency(ies), and are hereby approved as shown.

_____ _____
DATE APPALACHIAN DISTRICT HEALTH DEPARTMENT

_____
NC PUBLIC WATER SUPPLY SECTION

_____
NC DEPT. OF ENVIRONMENT AND NATURAL RESOURCES

65.034 Certification of the Approval of Streets and Utilities

I hereby certify: (1) that streets, utilities and other improvements have been installed in an acceptable manner and according to County specifications in the subdivision entitled _____ or (2) that a security guarantee in the amount of $_____or cash in the amount of $_____ has been posted with the county to assure completion of all required improvements in case of default.

_____ _____
DATE WATAUGA COUNTY AUTHORIZED REPRESENTATIVE

65.035 Certificate of Approval of Recording.

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of Watauga County, North Carolina, with the exception of such variances, if any, as are noted in the Minutes of the Planning Board and are recorded on the plat and that it has been approved by the Watauga County Planning Board at their regular meeting of _____ for recording in the office of the County Register of Deeds.

_____ _____
DATE WATAUGA COUNTY AUTHORIZED REPRESENTATIVE

65.036 Certificate of Approval of Recording.
(watershed; can be combined with 65.035 or 65.040)

I certify that the plat shown here on complies with the Watershed Protection Ordinance and is approved by the Watauga County Planning Board or Staff (choose which is applicable) for recording in the Register of Deeds Office.

_____ _____
DATE WATAUGA COUNTY AUTHORIZED REPRESENTATIVE

NOTICE: This property is located within a Public Water Supply Watershed – development restrictions may apply.

65.037 Certificate of Approval and Acceptance of Dedications

I,_____, the Authorized Representative of Watauga County, North Carolina, do certify that Watauga County approved of this plat or map and has accepted the dedication of the streets, easements, right-of-way, and public parks shown thereon, but assume no responsibility to open or maintain the same until, in the opinion of the governing body of Watauga County it is in the public interest to do so.

_____ _____
DATE WATAUGA COUNTY AUTHORIZED REPRESENTATIVE

65.038 Certification of Approval of N.C.D.O.T Division of Highways

NCDOT DIVISION OF HIGHWAYS
PROPOSED SUBDIVISION ROAD
CONSTRUCTION STANDARDS CERTIFICATION

APPROVED _____
DISTRICT ENGINEER
DATE _____
(or as otherwise specified by D.O.T.)

65.039 Certificate of Exemption

I hereby certify that the plat shown here on is exempt from the Watauga County Ordinance to Govern Subdivisions and Multi Unit Structures pursuant to Section _____ of the ordinance. No approval is required.

_____ _____
DATE WATAUGA COUNTY AUTHORIZED REPRESENTATIVE

65.040 Certificate of Approval of Minor Subdivision

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of Watauga County, North Carolina. It has been approved as a minor subdivision as defined in Section 63 of the Subdivision Regulations for recording in the office of the County Register of Deeds.

_____ _____

DATE WATAUGA COUNTY AUTHORIZED REPRESENTATIVE

(NOTE: Authorized representatives shall be the Director of Planning and Inspections and the Property Development Coordinator II, and in their absence, the Chairman and Vice Chairman of the Planning Board.)

SECTION 66. APPROVAL OF FINAL PLAT.

Upon receipt of the final plat, the Planning Board and Staff shall review it for compliance with the provisions of the ordinance. The Planning Board may approve the plat in whole or in part, or subject to modifications. Failure of the Planning Board to take formal action on the final plat after receipt of the plat at least two (2) weeks prior to the regular meeting date(3rd Monday evening of each month) shall be deemed approval of submitted plat. (The regular meeting may be postponed, but for no more than one (1) week.)The approval of the final plat by the Planning Board shall be on the condition that such plat be recorded in the office of the Register of Deeds within one (1) year after such approval. The original tracing of the final shall be made available by the subdivider for authentication when the Planning Board takes final action approving the plat.

66.01 The developer shall pay an inspection fee of an amount specified from time to time by the Watauga County Commissioners. Half of said fee shall be paid at the time of submission of the preliminary plat; the remainder shall be paid at submission of the final plat. Fees shall be paid before the plat will be placed on the Planning Board meeting agenda.

66.02 For a planned unit development the developer shall pay an inspection fee at the rate provided above for each structure in the development. No fees are required for master plan review.

SECTION 67. Appeals

If either a preliminary or final plat is not approved by the Planning Board, the subdivider may appeal his case to the Watauga County Board of Commissioners within 30 days**,** by submitting written notice of appeal to the County Manager's Office. The notice of appeal shall state the grounds for the appeal. The County Manager shall schedule a hearing for the next regular Board of County Commissioners' meeting (provided the appeal is received prior to the meeting agenda deadline) and notify the appellant of this meeting. The Board of Commissioners shall render a decision affirming, reversing, or modifying the decision of the Planning Board.

A decision of the Board of Commissioners on an application for Appeal may be appealed to the Watauga County Superior Court by an aggrieved party. Such appeal shall be in the nature of certiorari and must be filed within thirty (30) days of the filing of the decision with the Clerk to the Board.

SECTION 68. Advisory Opinion.

A subdivider is encouraged to submit a sketch to the Planning Staff prior to submission of a preliminary plat if he wishes to ascertain the feasibility of development of his property.

## ARTICLE VII

GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN

SECTION 70. General Requirements.

The subdivider shall observe the following general requirements and principles of land subdivision.

70.01 Suitability of Land. Land which has been determined by the Watauga County Planning Board on the basis of engineering and/or other studies prepared by licensed professionals to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed shall not be platted for that purpose, unless and until the subdivider has taken the necessary measures to correct said conditions and to eliminate said dangers.

70.011 Land subject to flooding may be considered unsuitable for building development. The decision by the Planning Board shall be based on flooding history of the area and survey information furnished by Federal Emergency Management Agency (FEMA) as delineated on the Watauga County Floodway Boundary and Flood Rate Insurance Maps. Subdivision developments shall comply with the Watauga County Flood Damage Prevention Ordinance.

70.012 Generally, property which has a natural cross slope of fifty (50) percent or more is considered unfeasible for subdivision development. Any variance beyond a fifty (50) percent slope shall require the approval of the Planning Board. See Appendix H for method of defining average cross slope

70.02 Conformity to Existing Plans. All proposed subdivisions shall conform to any adopted plans for the county and to any applicable regulations of any existing County Zoning Ordinance. Whenever a tract to be subdivided embraces any part of a state maintained road, as designated on any officially adopted plan, such part of such public right-of-way shall be platted by the subdivider in the location and at the width indicated by said plan and provisions of this ordinance.

70.03 Coordination and Continuation of Streets. The proposed street layout within a subdivision shall be coordinated with the existing street system of the surrounding area and where possible, existing principle streets shall be extended.

70.04 Access to Adjacent Properties. Where, in the opinion of the Planning Board it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turnaround shall be provided. This provision shall apply only to roads which will be state maintained (dedicated to the public).

70.05 Access Right-of-Way. Where a right-of-way, less than forty-five (45) feet, which provides access to property proposed for subdivision had been granted prior to June 15,1973, and the developer presents proof in writing that he cannot feasibly obtain a forty-five (45) foot right-of-way to the property then he may be permitted to develop the property provided he secure at least a thirty (30) foot right-of-way into the property proposed for subdivision. If the right-of-way is less than thirty (30) feet, the Planning Board may grant a variance for development provided that the road width will meet county standards. Less-than-county-standard-width may be permitted under extreme circumstances in the judgment of the Planning Board, provided the access right-of-way is no greater than 300 feet in length and there are no view obstructions from either end of the access. Roads providing access to subdivisions shall meet the same standard as the roads within the subdivision unless a variance specifying otherwise is granted by the Planning Board. In all cases where less than a forty-five (45) foot right of-way is used for access to a subdivision, this fact shall be contained in the disclosure statement and shown on the final plat as specified in Subsection 65.012. For purposes of this section, access road shall not include any state-maintained road. When an access road passes by an existing structure, the subdivision developer shall make efforts to protect the structure(s) from visual, noise, stormwater and other impacts potentially caused by the access road.

70.06 Large Tracts or Parcels. Where land is subdivided into larger parcels than ordinary building lots, such parcels should be arranged so as to allow for the opening of future streets and logical further re-subdivisions.

70.07 Marginal Access Streets. Where a tract of land to be subdivided adjoins a principal arterial street or a major arterial street, the subdivider may be required to provide a marginal access street parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial. Where reverse frontage is established, private driveways shall be prevented from having direct access to the expressway.

70.08 Lots. All lots shall front, except as provided in Section 72.016**,** with a minimum of forty (40) feet on a dedicated through street; thirty (30) feet on cul-de-sacs. Double frontage lots shall be encouraged where terrain necessitates double frontage for reasonable access to property.

70.09 Street Names. Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, the provisions of the Ordinance Establishing Names For Public And Private Roads In Watauga County shall apply. Street names shall be subject to the approval of the Planning Staff.

70.10 Name of Subdivision. The name of a subdivision shall not duplicate nor closely approximate the name of an existing subdivision within the county.

70.11 Natural Assets. In any subdivision due consideration will be given to preserving natural features such as trees, ponds, streams, rivers, lakes and for any historical sites which are of value not only to the subdivision but to the county as a whole.

70.12 Erosion Control. In order to prevent soil erosion and sedimentation of streams, springs, flat water bodies, or other drainage networks, the subdivider shall retain the natural vegetation cover wherever possible. Further, land cleared of the natural vegetation shall be reseeded or replanted with an appropriate vegetative cover which shall be approved by the Planning Staff and Soil and Water Conservation District. In all cases of street construction, or land disturbing activity of one half (1/2)acre or more, the subdivider shall comply with the Watauga County Soil Erosion Control Ordinance. Also see appendix B-D for further detail.

70.13 Storm Water Drainage. The subdivider shall provide an adequate drainage system for the proper drainage of all surface water. The design of such a system shall be subject to the approval of the Planning Staff.

70.131 No surface water shall be channeled or directed into a sanitary sewer.

70.132 Where feasible, the subdivider shall connect to an existing storm drainage system.

70.133 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 and adjoining property from water damage.

70.14 Proposed Water and Sewage Systems. The preliminary subdivision plat must be accompanied by satisfactory evidence as to the proposed method and system of water supply and sanitary sewage collection and disposal.

70.141 Where the system is to be connected to the system owned and operated by the Towns of Boone, Blowing Rock, Beech Mountain, Seven Devils, or any associated sanitary district, or any sanitary facility of Watauga County, but not constructed by the municipalities or county, the preliminary subdivision plat shall be accompanied by a letter of approval from the proper official representing the owner of the existing system to which the proposed system is to be connected. After preliminary approval but prior to installation of a public water or sewer system, the developer shall present to the Planning Board plans for the proposed system, prepared by a

registered engineer and approved by the proper official representing the owner of the system to which the proposed system is to be connected, and by the designated state agency.

70.142 Where community water/sewer systems are proposed, the preliminary plat shall be accompanied by a letter of approval from the proper official of the designated state agency or the Appalachian District Health Department, whichever is applicable. The developer shall note the type of systems to be utilized on the preliminary and final plat and shall record with the Watauga County Register of Deeds an instrument setting forth provisions for the establishment of a property owner's association for the purpose of assessing dues for maintenance of the community systems by purchasers of property which will be served within the development. The developer shall maintain community systems at least until such time that the property owner's association assumes maintenance.

70.143 Where the proposed system does not contemplate the use of facilities owned and operated by any of the above, the developer shall note on the preliminary and final plat that each lot shall have an individual water supply and sewage disposal facility to be approved by the Appalachian District Health Department. The developer shall note further which lot(s) have or have not received prior approval for septic tank use by the Appalachian District Health Department.

70.15 Cemeteries: Where a subdivision plat encompasses an existing cemetery - whether active or abandoned - the subdivider shall provide permanent access to the cemetery.

SECTION 71. Design Standards for Streets

The design standards for subdivision streets shall meet either the minimum construction standards for secondary roads as required by the N.C. Department of Transportation or the minimum construction requirements for county standard roads. When state standards are to be met, the developer shall submit proposed road specifications for the approval of the local Department of Transportation office prior to submitting a preliminary plat. It is recommended that subdivision roads be constructed to meet D.O.T. requirements in all areas where terrain is suitable for D.O.T. approval.

71.01 County Standard Roads. County standards may be utilized under the following conditions:

71.011 Prior to the recording of the final plat, the developer shall record a Declaration of Restrictions and/or approved Road Maintenance Agreement having provisions for the establishment of a property owner's association for the purpose of assessing dues for road maintenance. The developer shall maintain the road at least until such time that the property owner's association assumes maintenance.

71.012 County standard roads shall be maintained to the original graveled or paved width.

71.013 The Planning Staff may perform periodic inspections to insure that the roads are being maintained to the required width.

71.02 Design Requirements for County Standard Roads.

71.021 Right-of-Way Width. Right of way width for County standard roads shall be not less than forty-five (45) feet.

71.022 Width of Road. Graded width of road bed including ditch and shoulder areas shall have a minimum width of twenty five (25) feet. This amount may be reduced pursuant to Section 71.024.

71.023 Stoned or Paved Area. Road travel area may be either stoned or paved, and shall have a minimum width of twenty (20) feet.

71.0231 Where stone is used, it shall be "crusher-run" or DOT approved "ABC" stone compacted to a minimum of four (4) inches. In locations where soil conditions require

additional stone to attain a stable road bed, the developer shall add the required amount of stone before attaining approval of the final plat.

71.0232 If the developer elects to pave county standard roads, he shall meet requirements of the State Department of Transportation pertaining to stone base and top surface.

71.024 Shoulder Areas and Ditches. Shoulder area on cut side shall be a minimum of four (4) feet in width and shall provide a drainage ditch of adequate size to accommodate storm water run-off based on terrain and location. Shoulder width on fill side shall be a minimum width of three (3) feet. In locations where cuts are required on both sides of the road, drainage ditches and shoulders shall occupy approximately three and one-half (3 1/2) feet wide on each side. The Planning Staff may recommend shoulder design which differs from the above during site inspection and depending upon terrain and cut and fill. In addition, the staff may approve a reduction in shoulder area on the ditch side of up to one and one-half (1 1/2) feet where the road is paved and "roll type" curb and gutter is used. The total reduction in shoulder area could be three (3) feet if there is a ditch on both sides. This reduction is dependent upon adequacy of this design to handle runoff as calculated by the erosion control plan.

71.025 Road Grades. Maximum grade shall be fifteen (15) percent. A variance up to eighteen (18) percent may be granted by the Planning Board in extreme cases where terrain prohibits a lesser grade to attain access to a nearby area, if in the opinion of the Planning Board such variance will not create a hazardous or destructive condition. In no case shall a variance be granted for road grades exceeding eighteen (18)percent.

In addition, for any road containing grade(s) exceeding fifteen (15) percent, the entire road network shall be paved unless deemed unnecessary by the Planning Board in considering the variance. The Planning Board may require the placement of safety barriers on curves of such roads. The Planning Board shall also require a slope stake road profile for roads (or portions of roads where practical) with grade(s) fourteen (14) to eighteen (18) percent subsequent to preliminary plat approval. Certification of road grade by a NC licensed surveyor shall be required when deemed necessary by the Planning Board or Staff.

71.026 Culverts and Drainage. Culverts shall be of adequate size to discharge storm water from any given area depending upon terrain and location. Minimum culvert size shall be eighteen (18) inches (may be reduced at the discretion of the Planning Staff) inside diameter and shall be located and installed as recommended by the project engineer or as recommended by the Planning Staff.

71.0261 Culverts may be made of any NCDOT approved material and design and shall be installed on a constant grade of a sufficient degree to insure proper drainage and a minimum danger of becoming clogged with debris or mud.

71.0262 All culverts shall have a minimum cover of twelve (12) inches of well compacted earth. The first six (6) inches of earth surrounding the culvert shall be free of stones larger than two (2) inches square.

71.027 Curve Radius. All curves in county standard roads shall have a radius of no less than thirty five (35) feet.

71.028 Bridges. Proposed bridges which will be part of a county standard road or bridges used by more than one house, townhouse or duplex shall be constructed and maintained in accordance with AASHTO HB-17 and designed to accommodate two (2) lanes of traffic unless a variance for a one (1) lane bridge is granted by the Planning Board. Factors to be considered by the Board in deciding upon such variances are: (1) environmental impact of a one (1) lane bridge as opposed to a two (2) lane bridge; (2) density (number of houses to be served by bridge); (3)

traffic flow (one lane bridges should not be placed so as to cause traffic to back up onto a major thoroughfare).

In any event, bridges serving more than one house, townhouse or duplex shall be permitted and constructed to meet NC Department of Transportation specifications, except that the width may be reduced to twenty (20) feet. Confirmation that bridges meet such specifications may be provided by either Department of Transportation engineer or a registered private engineer. In addition, one-lane bridges shall include gravel or paved turnouts on each side of the bridge(s) to provide access to the water body for fire-fighting equipment where feasible. Developers proposing bridges should request an advisory opinion from the Planning Staff to assist in designing appropriate and adequate bridges. Private bridges shall be maintained by the developer or property owners association. Suggested maintenance procedures are found in Appendix I. It is recommended that these or similar procedures be adopted as an annual procedure.

71.029 Cul-de-sacs. Turn-around right-of-way width shall be a minimum of one hundred (100)feet in diameter for round-design cul-de-sacs; the travel surface shall be a minimum of seventy **(**70) feet in diameter**.** Provided, however, that if terrain prevents construction of a round-design cul-de-sac, "tee" and "y" types of turn-arounds may be constructed; right-of-way shall be forty-five (45)feet in width; travel surface shall be eighteen (18)feet. See Appendix K for drawings.

71.030 Turnarounds. County standard roads shall be provided with turnarounds located as near as practical to the first 1000 foot point and each 1000 foot point thereafter, but not to vary by more than 100 feet longer. Road right-of-way shall be established so as to encompass turnarounds.

71.031 Property Lines - - Concerning County Standard Roads. Roads which are to have a forty-five (45) foot right-of-way may also have the property line located along and with the centerline of the road with a twenty-two and one-half (22 1/2) foot road right-of-way measured from the centerline to each side of the road. If this method is used it shall be clearly indicated on the plats and incorporated in all deed conveyances. If the developer elects, he may place property line(s) twenty-two and one-half (22 1/2) feet from the centerline of the road(s) thereby providing a forty-five (45) foot right-of way.

71.0311 Property line markers (iron rod, granite, or concrete monument) shall be placed on the side property lines at a point measured twenty-two and one-half (22 1/2) feet from the center of the road where a forty-five (45) foot right-of-way is provided.

71.0312 The minimum building set-back distance from the road abutting the front of the property shall be forty (40) feet from the center of a forty-five (45) foot right-of-way. This will place the structure 17 1/2 feet behind the right-of-way line.

71.032 Designation of Road Status. All roads shown on the preliminary and final plats shall be clearly noted as to which roads are county standard and which are constructed to meet N.C. Department of Transportation requirements.

71.0321 It is permissible to have both county standard and state approved roads within a subdivision. It is suggested that for a subdivision of substantial size with a main entrance road entering from an existing state road which will have a length of one thousand (1000) feet or more and may be extended in the foreseeable future, the entrance road should be constructed to meet N.C. Department of Transportation standards. This plan is suggested in order to insure mail delivery, state road maintenance and school bus service to a closer proximity of property owners located on county standard roads which may intersect the new public road.

71.0322 Construction of a county standard road intersecting an existing state road with the intention of connecting and serving a new state approved road is prohibited.

71.033 Disclosure. The developer shall comply with N.C.G.S.136-102.6 which provides for a Disclosure Statement from the developer to the purchaser setting forth the status (whether public or private) of the road on which the property is located. The disclosure statement shall also fully disclose the party or parties upon whom responsibility for maintenance of such roads shall rest.

SECTION 72. Design Standards for Lots

The lot size, width, depth, shape and orientation, shall be appropriate for the location and terrain of the subdivision and for the type of development and use contemplated.

72.01 Lot Area. (SEE ALSO TABLE 1)

72.011 Lots served by public/community water and NPDES sewer shall have an area of at least eight thousand (8000) square feet.

72.012 Lots served by NPDES sewer but individual water shall have an area of at least ten thousand (10,000) square feet.

72.013 Lots served by individual sewer shall have an area of at least twenty-one thousand, seven hundred eighty (21,780) square feet (one-half acre). These requirements shall be increased on the recommendation of the Appalachian District Health Department based on site investigations or percolation rates and subsoil conditions.

72.014 Lots located within drinking water supply watersheds shall comply with the size requirements specified for WS-I, WS-II, WS-III, or WS-IV found in the Watauga County Watershed Protection Ordinances.

72.015 Individual lots within townhouse developments or townhome conversions must include an individual dwelling, together with front and rear yards or rights to yards in common areas, but are otherwise exempt from minimum lot area and setback requirements.

TABLE 1 - LOT AREA REQUIREMENTS

| | PUBLIC/COMMUNITY WATER, NPDES & NON-DISCHARGE SEWER SYTEMS | PUBLIC/COMMUNITY WATER, INDIVIDUAL SEWER SYSTEMS | INDIVIDUAL WATER INDIVIDUAL SEWER SYSTEMS | INDIVIDUAL WATER NPDES SEWER SYSTEMS |
|---|---|---|---|---|
| Minimum Lot area in square feet | 8,000 | 21,780 | 21,780 | 10,000 |
| Minimum Lot width in feet | 75-average<br>40-street line** | 75-average<br>40-street line | 75-average<br>40-street line | 75-average<br>40-street line |
| Minimum lot depth in feet | 125-average | 125-average | 125-average | 125-average |
| Density in units per acres | 5.4<br>(conventional)<br>6.155 (PUD***) | 2<br>(conventional)<br>2.261 (PUD***) | 2<br>(conventional)<br>2.261 (PUD***) | 4.3<br>(conventional)<br>4.924 (PUD***) |

** Street line width for cul-de-sacs may be 30 feet.

*** Multiply gross area by figures shown here. These figures have 15% deduction for roadways built in. These figures do not apply where the average cross slope is 30% or greater.

NOTES: (1) PUDs served by shared individual sewer systems (see definitions) shall be permitted density of 4.522 units per acre (this figure has 15% roadway deduction built it); density permitted where average cross slope exceeds 30% shall be 4 units per acre.

(2) Minimum lot size requirements may exceed those shown above if subdivision is located in areas of the County affected by the following state and local regulations:

Valle Crucis Historic District Ordinance (9-1-90)
Foscoe-Grandfather Zoning Ordinance (11-6-90)
Watershed Protection Zoning Ordinance (Winklers Creek, Howards Creek, Norris Branch, Flat Top Branch, South, East and Middle Forks New River) (1-1-94)
High Quality Waters (HQW) regulations (Watauga River, Boone Fork Creek, Howards Creek) (8-1-90)
Outstanding Resource Waters (ORW) regulations (Elk Creek) (3-1-89)

(3) Setback: 15 feet from side and rear property lines; 40 feet from center of 45 foot right-of-way.

(4) Appalachian District Health Department regulations require that 1 unit = 2 bedrooms for individual sewer systems.

(5) Minimum lot areas are exclusive of road right-of-way.

(6) Formula for units per acre: #units divided by total acres. Example: 10 units on 2 acres = 10/2= 5 units per acre.

(7) Except as set forth in Section 72.06, A residential lot, meeting the minimum standards of this ordinance, or being a lot which was established prior to June 15, 1973, may accommodate a single residence, a duplex, or a single residence and a detached secondary residence such as a garage apartment, provided there are no more than two (2) units.

72.02 Lot Width. All lots shall have an average width of seventy-five (75) feet and a minimum width at the street line of forty (40) feet, thirty (30) feet on a cul-de-sac.

72.03 Lot Depth. All lots shall have an average depth of at least one hundred twenty-five (125) feet.

72.04 Orientation of Lot Lines. Side lot lines are encouraged to be designed substantially at right angles or radial to street lines depending upon terrain.

72.05 Panhandle Lots. The Planning Board or Staff may approve panhandle lots where it is impractical to serve an isolated lot by a state or county standard road. The frontage of the panhandle lot shall have a minimum width of thirty-five (35) feet which will provide an access strip between two standard lots to the isolated building site. The area of such strip shall be excluded in computing the lot area and the length of said strip shall not exceed three-hundred (300) feet. If the panhandle widens to seventy (70) feet or more, it shall be included in the acreage calculation.

72.06 Access to Lots. All lots within a subdivision shall have direct vehicular access to state or county standard roads, provided however that access to a maximum of three (3) lots (each lot containing no more than one residential unit) may be provided through use of a shared private driveway. A shared private driveway shall not exceed eighteen (18) percent grade, shall be contained within a 20 foot or greater right-of-way, and shall have a 35 foot minimum curve radii. Driveway travel area may be either stoned or paved and shall have a minimum width of ten (10) feet with a vertical clearance of not less than 13 feet 6 inches. The travel area must be designed to support the loads imposed by fire apparatus and provide all weather driving capabilities. Driveways that exceed 1,000 feet in length shall have an approved pullout area with a minimum width of 10 feet and minimum length of 40 feet to allow for two-way traffic. Shared driveways shall be constructed at the time of final plat submission. There shall be no obstructions within the right-of-way of shared

driveways. The developer shall record with the Watauga County Register of Deeds an instrument setting forth provisions for maintenance of the shared driveway and shall maintain the driveway at least until such time that the maintenance is assumed by others. The provisions of this subsection are applicable to shared driveways serving more than one subdivision, or a subdivision and property outside of the subdivision. Decisions of the staff may be reviewed by the Planning Board upon written appeal submitted to the Director of Planning and Inspections within thirty (30) days of the staff decision.

72.07 Building Setback Lines. The minimum building setback distance shall be as stipulated in Table 2. Structures subject to setback requirements may be completed without regard to older, more stringent setback requirements found in older subdivisions. Building setbacks shall be measured from the property line to any part of the structure above ground, including eaves and overhangs, but not including walkways or driveway/parking areas**.** The owner or contractor shall certify compliance with setbacks prior to inspection of the building footings.

TABLE 2

BUILDING SETBACK REQUIREMENTS

| Type of Setback | Amount of Setback |
|---|---|
| 1. Distance from center of right-of-way on Highways 321, 421, 221, 105, 194. (includes all frontages of multiple frontage lots) | 80 feet, but shall in all cases be at least 15 feet from the street right-of-way line. |
| 2. Distance from center of right-of-way on all other streets. (includes all frontages of multiple frontage lots) | 45 feet, or 40 feet per Section 71.0312. |
| 3. Distance from cul-de-sac right-of-way. | 15 feet |
| 4. Distance from side property line. | 15 feet |
| 5. Distance from rear property line. (if rear property line does not front on a road) | 15 feet |
| 6. Distance (horizontal) from a stream, river, or lake. | To be determined by Watauga County Flood Damage Prevention Ordinance or other applicable regulations including but not limited to High Quality Waters, Outstanding Resource Waters, and Watershed Protection |

SECTION 73. Design Standards for Easements.

Easements shall be provided as follows:

73.01 Utility Easements. Easements for underground or above ground utilities shall be provided where necessary across lots or preferably centered on rear or side lot lines and shall be at least ten (10) feet in width.

73.02 Drainage Easements. Where a subdivision is traversed by a stream or drainage way, a minimum easement of fifteen (15) feet shall be provided conforming to the lines of such stream.

## ARTICLE VIII

## PLANNED UNIT DEVELOPMENT

SECTION 80. Definition.

A "planned unit development" (PUD) is a tract of land under single, corporate, firm, partnership, or association ownership which is planned and developed as an integral unit. It is established in a single development operation or a definitely programmed series of development operations according to an approved master development plan and a preliminary site plan.

SECTION 81. Purpose.

It is the objective of this Article to encourage PUD proposals that exhibit such special qualities or concepts that they may deviate from standard ordinance requirements. These regulations are established in order that each PUD proposal will be evaluated on its own merits. It is recognized that some proposals or concepts will be more successful than others and the approval of a specific proposal in one situation does not mean that a similar proposal would be acceptable in other circumstances. It is also recognized that only through ingenuity, imagination, and high quality design can residential or commercial developments be produced which are in keeping with the intent of this article but which are not constrained by the strict application of conventional use and dimensional requirements of the subdivision regulations.

A Voluntary Alternate Procedure

Use of the PUD procedure is not mandatory for the development of any site or area. Rather, this process will provide a voluntary alternate development procedure which has one or more of the advantages listed below.

a) Permit creative approaches to the development of residential or commercial land, reflecting changes in the technology of land development.

b) Accomplish a more desirable environment than would otherwise be possible, by providing for a variety of housing types, designs and arrangements.

c) Provide for an efficient use of land which can result in smaller networks of utilities and streets and reduce development costs.

d) Enhance the appearance of neighborhoods through the preservation of natural features, and the provision of recreational and open space areas.

e) Provide an opportunity for new approaches to home ownership.

f) Provide an environment of stable character compatible with surrounding residential and natural areas.

81.01 Minimum Requirements.

a) The normal lot size, setbacks and frontage requirements are hereby waived for lots or building sites within the planned unit development, provided that the spirit and intent of this article are complied with in the total development plan, as determined by the Planning Board. Compliance with standard subdivision setback requirements along the perimeter of a PUD is required. The Planning Board shall exercise ultimate discretion as to whether the total development plan does comply with the spirit and intent of this section.

b) Height limitations: All buildings shall comply with the Watauga County Ordinance to Govern the Height of Structures or the NC Ridge Law, whichever is applicable.

c) All streets providing access to a PUD and streets within a PUD shall be constructed to at least County standards regarding right-of-way and width, and must be paved.

d) Every dwelling unit shall have access to a public or private street, walkway or other area dedicated to common use, and there shall be provision for adequate vehicular circulation to all development properties, in order to ensure acceptable levels of access for emergency vehicles.

e) Every planned unit development shall provide at least two (2) off-street parking spaces per dwelling unit and commercial/office parking and loading space according to the following schedule.

1. Parking space for commercial/office shall consist of one (1) off-street parking space for each two hundred (200) square feet of gross floor area for operations designed to attract and serve customers and clients on the premises; one (1) space for each four hundred (400) square feet of gross floor area for operations designed to attract little or no customer or client traffic other than employees of the operation; one and one half (1.5) spaces per bedroom for hotels, motels, and inns; one and one half (1.5) spaces per three (3) employees for industrial and warehouse uses.

2. Parking spaces shall be a minimum of nine feet by eighteen feet (9' x 18') in size.

3. Loading/unloading space for commercial/ office uses shall consist of one (1) space at least three hundred (300) square feet in size for each five thousand (5000) square feet of gross floor area.

4. Parking and loading areas for all multi-unit buildings shall be accessible to fire department apparatus through the use of fire lanes or other means of access approved by the County Fire Marshal /Emergency Management Office.

81.02 Land Development Standards. Subject to the provisions set forth herein, residential, office, commercial, or mixed use PUD's are permitted uses. Common land must be an essential element of the PUD, provided in lieu of standard individual lots. Road and parking areas are not included in common land for purposes of this subsection.

81.021 Residential Uses. Residential units within a PUD may include single family detached or attached units, townhouse developments, garden apartments, patio homes, and other type residential units. Condominium, cooperative, individual, municipal, or any other type of ownership development may be recorded, and the plan shall be approved as a preliminary and final plat according to the requirements of the subdivision regulations.

81.022 Non-Residential Uses. Non-residential uses (commercial and office) within residential PUD's shall not constitute the primary use in the PUD, and non-residential uses shall be carefully designed to complement the residential uses within the PUD. Commercial/office PUD's are permitted, and are subject to the same requirements as residential PUD's including Subsection 81.021 above.

81.023 Privacy. Each development shall provide reasonable visual and acoustical privacy for all dwelling units. Fences, insulation, walkways, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants.

81.024 Perimeter Requirements. If topographical or other barriers within two hundred (200) feet of the development do not provide reasonable privacy for existing uses adjacent to the development, the Planning Board may require that structures located on the perimeter of the development be well screened in a manner which is approved by the Planning Board. If screening is required, the standards of Appendix J shall apply.

81.03 Density. The density which may be constructed within the Planned Unit Development shall be determined by dividing the gross project area minus fifteen percent (15%) of the total (to account for roadways) by the required lot area per unit which is required on Table 1 for conventional subdivisions, and modified by the increases in density permitted under this Section. Density (units per acre) may be increased (see Table 1) if the character of the development and/or amenities incorporated in the development warrant such increases provided that in no case shall the density increase cause the density of the Planned Unit Development to be more than thirty-three percent (33%) in excess of the density which would be achieved under standard subdivision regulations.

81.031 Limits Upon Density Increases. If the Planning Board finds that any of the following conditions would be created by an increase in density, it may either deny an application for increase in density, or limit the increase in density by an amount sufficient to avoid the creation of any of the following conditions:

a) Inconvenient or unsafe access to the development.

b) Traffic congestion in streets adjoining the development.

c) An excessive burden imposed on parks, recreational areas, schools, and other public facilities which serve or are proposed to serve the development.

81.032 Denial of Density Increases. The increases in density shall not apply where the average cross slope is thirty (30) percent or greater. See appendix H for method of determining average cross slope.

81.04 Conveyance and Maintenance of Common Land. Conveyance and maintenance of common land, common elements, open space, recreational areas and other facilities owned in common shall be in accordance with the Unit Ownership Act (Chapter 47-A of the North Carolina General Statutes), the Condominium Act (Chapter 47-C), the Planned Community Act (Chapter 47-F) and/or any other applicable state or federal law.

81.05 Improvements

81.051 Circulation Facilities. The arrangement of public and common ways for pedestrian and vehicular circulation in relation to other existing or planned streets in the area, together with provisions for street improvements, shall be in compliance with standards set forth in Subsections 71.023 and 71.024 above (unless a variance for one lane traffic has been granted). Upon application by the developer and good cause shown, the Planning Board may permit changes or alterations of such standards which are consistent with the spirit and intent of this section.

81.052 Utilities. Whenever reasonably possible, all Planned Unit Developments shall provide for underground installation of utilities (including electricity and telephone) in both public ways and private extensions thereof. Provisions shall be made for acceptable design and construction of storm water facilities including grading, gutters, piping, treatment of turf to handle storm waters and erosion prevention. Utilities and maintenance of facilities shall be in accordance with the requirements and regulations of the appropriate governmental authority having jurisdiction thereof.

A planned unit development application shall not be approved unless adequate assurance is given that public or community water and sanitary sewer service will be available, except that upon application by the developer and good cause shown, the Planning Board may modify or waive this requirement provided such action is consistent with the spirit and intent of this section.

81.053 Pedestrian Circulation. Any pedestrian circulation system and its related walkways shall be insulated as completely and as reasonably as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement. This shall include where

deemed to be necessary by the Planning Board pedestrian underpass or overpass in the vicinity of schools, playgrounds, local shopping areas, and other neighborhood uses which generate a considerable amount of pedestrian traffic.

81.06 PUD Reviewed As Subdivision

It is the intent of this regulation that subdivision review under these regulations be carried out as an integral part of the review of a Planned Unit Development under the Section. The plans required under this Section must be submitted in a form which substantially will satisfy requirements of these regulations for the preliminary and final plat approvals. The plans may also be subject to review by the County Board of Adjustment if the PUD is proposed in a zoned area. Approval of a Conditional Use Permit for a PUD by the Board of Adjustment shall constitute preliminary plat approval; Planning Board approval of preliminary plat(s) is not required. The Planning Board shall approve all final plats. The Planning Staff has the authority to approve final plats consisting of up to ten (10)lots or buildings. The Planning Board shall approve all other final plats.

81.061 Phased Developments. If the proposed PUD is to be developed in phases, the developer shall submit a master plan as specified in Section 64 of this Ordinance.

81.062 Advisory Opinion. Prior to formal master plan or a preliminary plat submission, the developer is encouraged to submit a sketch plan of the PUD to the Planning Staff in order to obtain an advisory opinion of the project's feasibility.

SECTION 82. Affordable Housing PUD.

It is the objective of this section to encourage the provision of housing that is affordable to low and moderate income households. These regulations are established in support of Watauga County's adopted Affordable Workforce Housing policy (See Appendix "L") and provide a voluntary alternative procedure to encourage development of housing affordable to all income levels, particularly first time home buyers.

The following are definitions of the words or terms utilized in this Section:

Affordable Dwelling Unit. A dwelling unit that is offered for sale or rent at a total monthly mortgage or rental price (including utilities) which is no greater than 1/12 of 30% of the Area Median Income as established annually by the United Stated Department of Housing and Urban Development, adjusted for assumed household size based on unit size. The assumed household size shall be (2) persons in a one bedroom unit, (3) persons in a two bedroom unit, and (4) persons in units containing three or more bedrooms.

Affordable Housing PUD. A Planned Unit Development, as defined by Section 80., in which 51% or more of the included dwelling units meet the definition of an Affordable Dwelling Unit.

82.01 Minimum Requirements.

The minimum requirements for development of an Affordable Housing PUD shall be as established in Section 81.01, with the exception of the following:

a.) Streets within an Affordable Housing PUD shall be constructed in accordance with Section 71.023. The right-of- way shall not be less than thirty (30) feet.

b.) Affordable Dwelling Units within an Affordable Housing PUD shall provide one (1) off-street parking space per unit.

c.) When an Affordable Housing PUD contains both Affordable Dwelling Units and market rate housing, the Affordable Dwelling Units shall be intermixed with the market rate units.

d.) When an Affordable Housing PUD contains both Affordable Dwelling Units and market rate housing, the general exterior design and appearance of the Affordable Dwelling Units shall be compatible with the market rate units.

82.02 Land Development Standards.

The land development standards for an Affordable Housing PUD shall be as established in Section 81.02.

82.03 Density.

The density which may be constructed within an Affordable Housing PUD shall be determined by the capacity of the proposed water and sewer systems, provided that the proposed density does not result in the any of the following conditions:

a.) Inconvenient or unsafe access to the development.

b.) Traffic congestion in the streets adjoining the development.

c.) An excessive burden imposed on parks, recreation areas, schools and other public facilities which serve or are proposed to serve the development.

82.04 Conveyance and Maintenance of Common Land.

Conveyance and maintenance of common land within an Affordable Housing PUD shall be as established in Section 81.04.

82.05 Improvements.

Required improvements within an Affordable Housing PUD shall be as established in Section 81.05.

82.06 Procedure.

Applications for an Affordable Housing PUD shall be reviewed by Planning Board or Board of Adjustment in accordance with Section 81.06. In addition:

a.) Applications containing Affordable Dwelling Units shall be processed with priority over others.

b.) Highest priority for processing shall be given to applications involving partnerships with a community land trust or other non-profit organization responsible for ensuring long-term retention of affordable housing.

c.) The County shall waive review fees associated with Affordable Housing PUDs meeting the criteria established herein.

d.) If market rate housing units are included within an Affordable Housing PUD constructed in phases or over a time period exceeding 12 months, a proportional amount of Affordable Dwelling Units must be completed concurrently with the market rate housing units.

e.) An agreement in a form approved by the County must be recorded with the Register of Deeds requiring Affordable Dwelling Units which are provided under this section to remain as affordable housing for the life of the project. This agreement shall be a covenant running with the land, binding on the assigns, heirs and successors of the applicant.

## ARTICLE IX

INSTALLATION OF PERMANENT REFERENCE
POINTS AND IMPROVEMENTS

SECTION 90. PERMANENT REFERENCE POINTS.

Prior to the approval of the final plat, permanent reference points shall have been placed in accordance with N.C.G.S. 89C and N.C.G.S. 47-30, which provide regulations for surveyors for the mapping of subdivisions. Additionally, the following requirements shall be met:

90.01 Block Tie Lines. Each block shall have adequate tie line(s) showing bearing and distance between one established point on each side of the road.

90.02 Certificate. A certificate signed by the surveyor meeting the requirements of N.C.G.S. 47-30 et. seq**.** for proof upon oath that the plat is in all respects correct, written as shown in Subsection 65.032.

SECTION 91. Installation of Improvements.

Prior to the approval of the final plat, the subdivider shall have complied with the following requirements.

91.01 Streets and Storm Drainage Facilities. All streets and storm drainage facilities in the subdivision shall be constructed in accordance with specifications and standards of the State Department of Transportation, Division of Highways, or the Watauga County Road Standards.

91.02 Water Lines. Where public water is reasonably accessible, the subdivider shall connect with the public supply and shall provide water mains and a suitable water connection to each lot. Where a public water supply is not reasonably accessible, the subdivider may provide for connection to a community system, establishment of a new public or community system, or for shared or individual wells. Water source shall be noted on the final plat.

91.03 Sanitary Sewers. Where a public sanitary sewer system is reasonably accessible, the subdivider shall connect with the public system and shall provide a connection for each lot. Where a public sanitary sewer system is not accessible, the subdivider may provide for connection to an existing private system, establishment of a new private system, or for shared or individual septic systems. Sewage disposal method shall be noted on the final plat.

91.04 Installation at time of Final Plat. In the event that any public or community utilities are not installed at the time of final plat approval, bond or other security guarantee may be required by the Planning Board as specified in Section 92.

SECTION 92. Deferment of Improvements.

Where it is in the best interest of all parties concerned to defer the installation or completion of some required improvement, the Planning Board may approve the final plat if the subdivider posts a bond with surety or other guarantees satisfactory to the County Commissioners in an amount equal to the estimated cost of the deferred improvements plus twenty (20) percent. Such guarantees shall assure either the performance of the specified work or payment of the specified sum to the County if such improvements have not been installed within the time specified on the final plat. At least fifty percent (50%) of the required improvements shall be completed prior to submission of a request for approval of a performance guarantee by a subdivider.

## ARTICLE X

REGULATION OF MULTI-UNIT STRUCTURES

SECTION 100. Definition.

A "multi-unit" structure is a building containing three (3) or more separate and independent dwellings, offices, or commercial establishments (excluding hotels/motels). This definition shall apply whether the building and/or individual units contained within are for sale, lease, or rent.

An “Affordable Housing Multi-Unit Structure” is a multi-unit structure containing at least (3) dwelling units, 51% or more of which are offered for sale or rent at a total monthly mortgage or rental price (including utilities) which is no greater than 1/12 of 30% of the Area Median Income as established annually by the United Stated Department of Housing and Urban Development, adjusted for assumed household size based on unit size. The assumed household size shall be (2) persons in a one bedroom unit, (3) persons in a two bedroom unit, and (4) persons in units containing three or more bedrooms.

SECTION 101. Purpose.

The purpose of this article is to provide for a site plan review of multi-unit structures in order to regulate density, parking/loading, building setbacks, and other public health, safety, and general welfare concerns.

SECTION 102. Application of Article.

This Article shall apply to any multi-unit construction which consists of one (1) building only. Any multi-unit development consisting of two (2) or more building sites or any townhouse development regardless of the number of buildings, shall comply with Article VIII (Planned Unit Development) of this Ordinance, including phased developments where each phase consists of one (1) building only.

SECTION 103. Standards of Design.

The developer shall observe the following standards of design.

103.01 Density.

The number of units per acre allowed shall depend upon the availability of public/community water and sewer facilities, and shall be determined as described in Subsection 81.03 and depicted on Table 1. If no roadway is to be constructed, the same method of calculating density shall be used, except that the gross area will not be required to be reduced by fifteen (15) percent.

For Affordable Housing Multi-Unit Structures, the number of units per acre allowed shall depend upon the capacity of proposed water and sewer system(s), provided that the proposed density does not result in the any of the following conditions:

a.) Inconvenient or unsafe access to the development.

b.) Traffic congestion in the streets adjoining the development.

c.) An excessive burden imposed on parks, recreation areas, schools and other public facilities which serve or are proposed to serve the development.

103.02 Off-Street Parking/Loading.

The provisions of Subsection 81.01 (e) shall apply. At a minimum, parking areas shall be graveled.

For Affordable Multi-Unit Structures, one (1) required off-street parking space may be eliminated for each Affordable Dwelling Unit provided. Additional parking reductions may be allowed when development:

a.) Is an adaptive re-use of previously developed property, or

b.) Is located within 1 mile of Appalachian State University or other major employment center, or

c.) Is located on an established AppalCart Route, or

d.) Has transit service or other acceptable alternative transportation provided by the developer.

103.03 Streets and Private Drives.

All multi-unit structures shall front on a state maintained road or a county standard road as defined in this Ordinance. A private drive may be used to provide access to one three (3) unit structure.

103.04 Height Requirements.

All multi-unit structures shall comply with the Ordinance Governing the Height of Structures in Watauga County or the North Carolina Ridge Law, whichever is applicable. Building Height will be determined by the Watauga County Building Inspector.

103.05 Building Setback Requirements.

Building setbacks shall conform with Table 2 (Subsection 72.017).

103.06 Utilities.

Developers of multi-unit structures are encouraged to provide public/community water and sewer facilities whenever feasible. Developers are also encouraged to provide underground electric and telephone lines where feasible.

103.07 Buffers.

It is the intent of this ordinance to promote high quality multi-unit developments which do not create a nuisance, aesthetic or otherwise, for existing adjacent residential areas. Therefore, the Planning Board or Staff may require planted buffer(s) in order to prevent such nuisance. If a buffer is required, the provisions of Appendix J shall apply. A Staff decision to require a buffer is subject to review by the Planning Board upon written appeal submitted to the Director of Planning and Inspections within thirty (30) days of the staff decision.

SECTION 104. Submission of Site Plans.

Developers of proposed multi-unit structures which will be regulated by this Article shall submit a site plan to the Planning Staff. If the proposed structure contains ten (10) or less units, the Staff shall approve or disapprove said plan. If the proposed structure contains eleven (11) or more units, or the developer is requesting a variance, the Planning Board shall approve or disapprove said plan. Construction may begin upon such approval. Site plans shall show how the requirements of Section 103 will be met. Specifically, site plans shall include as applicable:

104.01 A sketch vicinity map showing the relationship of the proposed development with the surrounding area.

104.02 The location of existing and platted property lines, streets, buildings, water courses, transmission lines, sewers, bridges, culverts, and drain pipes, water mains, city and county line (if adjoining) and any public utility easements.

104.03 Boundaries of the tract shown with distances and approximate acreage.

104.04 Names of adjoining property owners or subdivisions.

104.05 Zoning classification, if any, both on the land to be developed and on adjoining land.

104.06 Proposed streets, street names, rights-of-way, roadway widths, approximate grades and proposed drainage facilities.

104.07 Other proposed rights-of-way or easements showing locations, widths and purposes.

104.08 Proposed building set back lines.

104.09 Proposed utility layouts (sewer, water, electricity showing connections to existing systems or plans for central water system or package sewage system, or designation for individual water and sewage.

104.10 Proposed parks, open spaces, or any other public areas.

104.11 Name of owner, developer, engineer and registered surveyor.

104.12 Title, date, north point and graphic scale.

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

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

104.132 Any proposed dock lines beyond which no dock structure may be constructed.

104.133 Methods of providing ingress and egress from uplands to water area.

104.134 Names of the owners of the water area.

104.14 A soil erosion control plan shall be submitted along with the site plan if required by ordinance or statute**.**

SECTION 105. Inspections.

Prior to issuance of an Inspection Certificate for a final building inspection, the Planning Staff shall conduct a site inspection to assure that the multi-unit structure meets the requirements of this Article. The developer of a multi-unit structure shall pay an inspection fee (in addition to purchase of a building permit) in the same amount per structure as is assessed for Planned Unit Developments.

## ARTICLE XI

VARIANCES

Where, because of topographical or other conditions peculiar to the site, or as otherwise specified in this ordinance (Sections 70.05, 70.012, 71.025, 71.028), strict adherence to the provisions of this ordinance would cause an unnecessary hardship, the Planning Board may authorize a variance, if such variance can be made without destroying the intent of this ordinance. The Planning Board shall make written findings which either supports the granting of the variance or which specify why the variance should not be granted. All requests for variances must be made in writing by the developer or by the affected property owner. All requests for variance from setbacks shall be accompanied by a surveyed drawing showing property lines, right-of-way lines, existing structures, and proposed structures.

A variance may also be proper when environmental concerns are viewed in light of the spirit and intent of the planning ordinances. Such request may be made by the applicant or any member of the planning board. Variances will not ordinarily be granted if the special circumstances on which the applicant relies are a result of the actions of the applicant or owner or previous owners.

Reasonable conditions may be imposed in connection with a variance as deemed necessary to protect the best interests of the surrounding property or neighborhood, and otherwise secure the purpose and requirement of this chapter.

Variances may be granted in the sole discretion of the planning board for any subdivision plan only if all three expressly written findings below are made:

(1) That a strict or literal interpretation and enforcement of the specified standard or requirement would result in practical difficulty, unnecessary hardship or adverse environmental impact; and

(2) That the granting of the variance will not be detrimental to the public health, safety or welfare; and

(3) That the granting of the variance would support general objectives contained within this ordinance.

## ARTICLE XII

PENALTIES

SECTION 120. Building Permits

No permits for any building or structures will be issued upon any land requiring approval as a subdivision under the conditions set forth herein, unless a final plat is recorded, except as set forth elsewhere in this ordinance.

SECTION 121. Misdemeanor.

It shall be a violation of N.C.G.S.153A-334, if a person who is the owner or the agent of the owner of land located within the territorial jurisdiction of this subdivision ordinance, 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 such subdivision before the plat has been properly approved under this ordinance and recorded in the Office of the Register of Deeds. Such violation shall be a Class 1 misdemeanor.

121.01 The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from this penalty.

121.02 The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved under this ordinance or recorded with the Register of Deeds, provided the contract complies with the provisions of NCGS 153A-334(b) or (c).

SECTION 122. Injunctive Relief and Other Equitable Remedies.

The County may bring an action for injunction and order abatement for any illegal subdivision, or transfer, conveyance or sale of land therein and the Court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this subdivision ordinance, under N.C.G.S.153A-123(e). This ordinance may also be enforced by other appropriate equitable remedies issued from a court of competent jurisdiction under N.C.G.S.153A-123(d).

SECTION 123. Civil Penalties.

In lieu of or in addition to the criminal penalties set forth above, a subdivider or other person violating this ordinance may be subject to a civil penalty pursuant to N.C.G.S.153A-123 of not more than $500.00. Each day the individual is in violation of this ordinance shall be considered a separate offense. Prior to assessing a civil penalty, the County shall give notice to the offending party and a period of not less than ten (10) days to cure the violation. Once notice of the initial violation is given to the offending party, it shall not be necessary for subsequent notice to be given for subsequent days in which the offending party is in violation of this ordinance. If the offending party does not pay such penalty within thirty (30) days of notification of the assessment, it may be recovered by the County in a civil action in the nature of a debt. The offending party may contest said penalty in the court of appropriate jurisdiction.

SECTION 124. Appellate Procedure.

Any action taken by the Watauga County Planning Board or staff pursuant to this ordinance adverse to any party with standing to contest said decision, may appeal to the Watauga County Board of Commissioners within thirty (30) days of the date of the decision by submitting written notice of appeal to the Watauga County Manager's Office. The notice of appeal shall state the grounds for the appeal with specificity. The County Manager shall schedule a hearing for the next regular Board of County Commissioners meeting (provided the appeal is received prior to the meeting agenda deadline) and notify the appellant of this meeting. The Board of County Commissioners shall render a decision affirming, reversing, or modifying the decision of the Planning Board.

A decision of the Watauga County Board of Commissioners on the appellants appeal may be appealed to the Watauga County Superior Court by the appellant. Such appeal shall be in the nature of a petition for certiorari and must be filed within thirty (30) days of the date of the decision of the Board of County Commissioners.

Nothing in this section shall be deemed to amend or replace any appeals procedure set forth more specifically under any specific provision of this ordinance.

## ARTICLE XIII

## AMENDMENTS

SECTION 130. Amendment Procedure.

This ordinance may be amended from time to time by the Board of County Commissioners as herein specified, 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 recommended approval of the amendment.

## APPENDIX A

## GUIDE FOR SUB-DIVISION DEVELOPMENT IN WATAUGA COUNTY

1. Evaluate your property for either sub-dividing or planned unit development (resorts, clusters, time-shares, condominiums, townhouses, apartments, etc.) suitability.

2. Evaluate your capital outlay for road(s) and other improvement and environmental protection measures.

3. Consult the Department of Planning and Inspections at (828)265-8043 to ascertain the legal aspects and requirements for any such projects.

4. Consult a licensed surveyor and/or professional engineer for project drawings and layout.

5. Maintain close contact with those persons contracted for the planning phase of the project so as to have a working knowledge of the project.

6. Solicit bids and/or contract a grading contractor to complete all planned construction.

7. The developer will be responsible for environmental protection measures during development and also will be financially responsible for all work on the project.

8. Present a finished development that complies with all local and state ordinances concerning land use and also one that is appealing to the consumer.

9. In working with the Watauga County Ordinance to Govern Subdivisions and Multi-Unit Structures, the Watauga County Soil Erosion and Sedimentation Control Ordinance and the Watauga County Building Inspectors and Fire Marshal, those persons responsible for each area will assist you in the construction stages of development.

10. Obtain copies of the following additional Ordinances from the Department of Planning and Inspections as needed:

    Flood Damage Prevention Ordinance.
    N.C. Ridge Law.
    Ordinance to Govern the Height of Structures.
    Mobile Home Parks Ordinance.
    Subdivision Regulations for Recreational Vehicle Parks.
    Valle Crucis Historic District Ordinance.
    Foscoe Grandfather Zoning Ordinance.
    Watershed Protection Zoning Ordinance.
    Watershed Protection Ordinance for Pond Creek.

APPENDIX B

# GUIDELINES FOR DEVELOPING EROSION AND SEDIMENT CONTROL PLANS FOR WATAUGA COUNTY, NORTH CAROLINA

## I. INTRODUCTION

Extensive amounts of sediment are produced from grading streets and roads in the mountain sections of North Carolina when erosion control measures are not properly designed and installed. Irreversible damage to land, streams and lakes is occurring from acceleration of development in this area. This is offered as a minimal guideline, but the developer must keep in mind that the Sediment and Pollution Control Act and the Watauga County Soil Erosion and Sedimentation Control Ordinance are performance oriented and he must do whatever is necessary to prevent off-site damage.

This guide is developed to assist planners and developers to protect land and streams from sedimentation as required by the Watauga County Soil Erosion and Sedimentation Control Ordinance.

The Ordinance requires that an erosion control plan be prepared and its measures installed where one-half acre or more is disturbed by grading. This also applies to all subdivision roads and any land disturbing activity which causes off-site erosion damage regardless of acreage.

The practices in this guide, when properly installed and maintained, are methods used in the past that have minimized erosion and sedimentation and meet the mandatory standards required by the Sedimentation Pollution Control Act of 1973 and the Watauga County Soil Erosion and Sedimentation Control Ordinance. The mandatory standards are listed on the following page.

## II. MANDATORY STANDARDS FOR LAND DISTURBING ACTIVITY

No land disturbing activity subject to this article shall be undertaken except in accordance with the following mandatory requirements:

a. Buffer Zone

(1) No land-disturbing activity during periods of construction or improvement to land shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the twenty-five percent (25%) of the buffer zone nearest the land-disturbing activity. Waters that have been classified as trout waters by the Environmental Management Commission shall have an undisturbed buffer zone 25 feet wide or of sufficient width to confine visible siltation within the twenty-five (25%) of the buffer zone nearest the land-disturbing activity, whichever is greater. Provided, however, that the county may approve plans which include land-disturbing activity along trout waters when the duration of said disturbance would be temporary and the extent of said disturbance would be minimal. This subdivision shall not apply to a land-disturbing activity in connection with the construction of facilities to be located on, over, or under a lake or natural watercourse.

(2) Unless otherwise provided, the width of a buffer zone is measured from the edge of the water to the nearest edge of the disturbed area, with the 25 percent of the strip nearer the land-disturbing activity containing natural or artificial means of confining visible siltation.

(3) The 25 foot minimum width for an undisturbed buffer zone adjacent to designated trout waters shall be measured horizontally from the top of the bank.

(4) Where a temporary and minimal disturbance is permitted as an exception by Section 7(a)(1) of this ordinance, land-disturbing activities in the buffer zone adjacent to designated trout waters shall be

limited to a maximum of 10% of the total length of the buffer zone within the tract to be distributed such that there is not more than 100 linear feet of disturbance in each 1000 linear feet of buffer zone. Larger areas may be disturbed with the written approval of the Director.

(5) No land-disturbing activity shall be undertaken with a buffer zone adjacent to designated trout waters that will cause adverse temperature fluctuations, as set forth in 15A NCAC 2B.0211 "Fresh Surface Water Classification and Standards", in these waters.

b. Graded Slopes and Fills - The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed will, within 15 working days or 30 calendar days of completion of any phase of grading, whichever period is shorter, be planted or otherwise provided with ground cover, devices, or structures sufficient to restrain erosion.

c. Ground Cover - Whenever land-disturbing activity is undertaken on a tract comprising more than one-half acre, if more than one-half acre is uncovered, the person conducting the land-disturbing activity shall install such sedimentation and erosion control devices and practices as are sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of said tract, and shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion after completion of construction or development. Except as provided in Section III (b)(5) of this ordinance, provisions for a ground cover sufficient to restrain erosion must be accomplished within 15 working days or 90 calendar days following completion of construction or development whichever period is shorter.

d. Prior Plan Approval - No person shall initiate any land-disturbing activity on a tract if more than one-half acre is to be uncovered unless, thirty or more days prior to initiating the activity, an erosion and sedimentation control plan for such activity is filed with and approved by Watauga County, or unless for land-disturbing activity or more than a half acre but less than an acre the requirement for such plan had been waived as specified in Section 17. The County will attempt to review plans as quickly as possible. The initiation of land-disturbing activities shall not be restricted when the plan is approved and permit issued in less than 30 days.

III. DESIGN AND PERFORMANCE STANDARD

a. Except as provided in Section 8(b)(2) of this ordinance erosion and sedimentation control measures, structures, and devices shall be so planned, designed, and constructed as to provide protection from the calculated maximum peak rate of runoff from the 10-year storm. Runoff rates shall be calculated using the procedures in the USDA, Soil Conservation Service's "National Engineering Field Manual for Conservation Practices", or other acceptable calculation procedures.

b. In High Quality Water (HQW) zones the following design standards shall apply:

(1) Uncovered areas in HQW zones shall be limited at any time to a maximum total area within the boundaries of the tract of 20 acres. Only the portion of the land-disturbing activity within a HQW zone shall be governed by this section. Larger areas may be uncovered within the boundaries of the tract with the written approval of the Director.

(2) Erosion and sedimentation control measures, structures, and devices within HQW zones shall be so planned, designed and constructed to provide protection from the run off of the 25-year storm which produces the maximum peak rate of run off as calculated according to procedures in the United States Department of Agriculture Soil Conservation Service's "National Engineering Field Manual for Conservation Practices" or according to procedures adopted by any other agency of this state or the United States or any generally recognized organization or association.

(3) Sediment basins within HQW zones shall be designed and constructed such that the basin will have a settling efficiency of at least 70% for the 40 micron (0.04 mm) size soil particle transported into the

basin by the runoff of that 2-year storm which produces the maximum peak rate of runoff as calculated according to procedures in the United States Department of Agriculture Soil Conservation Service's "National Engineering Field Manual for Conservation Practices" or according to procedures adopted by any other agency of this state or the United States or any generally recognized organization or association.

(4) Newly constructed open channels in HQW zones shall be designed and constructed with side slopes no steeper than 2 horizontal to 1 vertical if a vegetative cover is used for stabilization unless soil conditions permit a steeper slope or where the slopes are stabilized by using mechanical devices, structural devices or other acceptable ditch liners. In any event, the angle for side slopes shall be sufficient to restrain accelerated erosion.

(5) Ground cover sufficient to restrain erosion must be provided for any portion of a land-disturbing activity in a HQW zone within 15 working days or 60 calendar days following completion of construction or development, whichever period is shorter.

## IV. PLANNING AND DESIGN CONSIDERATIONS TO CONTROL EROSION AND SEDIMENTATION

The following list of considerations, activities, and techniques of development within Watauga County should all be taken into account during the planning phase of a development:

1. Reducing the Potential for Off-site Sediment Damage
2. Location of Roads
3. Soil Types and Properties
4. Buffer Zones
5. Construction Techniques
6. Sequence of Construction and Time of Soil Exposure
7. Seasonal Construction Scheduling
8. Clearing and Grubbing
9. Stream Crossings and Stream Protection
10. Road Grades and Side Ditches
11. Road Cut & Fill Slopes
12. Underground Seepage or Wetlands
13. Culvert Placement and Sizing
14. Borrow and Waste Areas
15. Utility Placement
16. Roadbed Stabilization
17. Floodplain/Floodway
18. Specifications Guide for Application of Temporary Seeding
19. Permanent Vegetation
20. Specifications Guide for Permanent Planting of Vegetation on Road and Right-of-Way

When planning for the considerations listed above, minimum acceptable standards must be adhered to. These standards have been established to control erosion and sedimentation during construction, and also to control erosion during the life-time operation of roads built in Watauga County.

# APPENDIX C

## EROSION AND SEDIMENTATION CONTROL PLAN CHECKLIST

The following items shall be incorporated with respect to specific site conditions, in an erosion and sedimentation control plan

### LOCATION INFORMATION

_____ Project location
_____ Roads, street
_____ North arrow
_____ Scale
_____ Adjoining lakes, streams or other major drainage ways

### GENERAL SITE FEATURES

_____ North arrow
_____ Scale-
_____ Property line
_____ Legend
_____ Existing contours
_____ Proposed contours
_____ Limit and acreage of disturbed area
_____ Planned and existing building locations and elevations
_____ Planned and existing road locations and elevations
_____ Lot and/or building numbers
_____ Land use of surrounding areas
_____ Rock outcrops
_____ Seeps or springs
_____ Wetland limits
_____ Easements
_____ Streams, lakes, ponds, drainage ways, dams
_____ Boundaries of the total tract
_____ If the same person conducts the land-disturbing activity and any related borrow or waste activity, the related borrow or waste activity shall constitute part of the land-disturbing activity unless the borrow or waste activity is regulated under the Mining Act of 1971, or is a landfill regulated by the Division of Solid Waste Management. If the land-disturbing activity and any related borrow or waste activity are not conducted by the same person, they shall be considered separate land-disturbing activities
_____ Stockpiled topsoil or subsoil location
_____ Street profiles

### SITE DRAINAGE FEATURES

_____ Existing and planned drainage patterns (include off-site areas that drain through project)
_____ Size of Areas to be disturbed (Acreage)
_____ Size and location of culverts and sewers
_____ Soils information (type, special characteristics)
_____ Design calculations for peak discharges of runoff (including the construction phase and final runoff coefficients of the site)
_____ Design calculations and construction details for culverts and storm sewers
_____ Design calculations cross sections and method of stabilization of existing and planned channels (include temporary linings)
_____ Design calculations and construction details of energy dissipators below culvert and storm sewer outlets (for rip-rap aprons, include stone sizes (diameters and apron dimensions)
_____ Soil information below culvert storm outlets
_____ Design calculations and construction details to control ground-water, i.e., seeps, high water table, etc.
_____ Names of receiving watercourse or name of municipal operator (only where stormwater discharges are to occur)

### EROSION CONTROL MEASURES

_____ Legend
_____ Location of temporary and permanent measures
_____ Construction drawings and details for temporary and permanent measures
_____ Design calculations for sediment basin and other measures
_____ Maintenance requirements during construction
_____ Person responsible for maintenance during construction
_____ Maintenance requirements and responsible person(s) of permanent measures

### VEGETATIVE STABILIZATION

_____ Areas and acreage to be vegetatively stabilized
_____ Planned vegetation with details of plants, seed, mulch and fertilizer
_____ Specifications for permanent and temporary vegetation
_____ Method of soil preparation

NOTE: Should include provision for ground cover on exposed slopes within 15 working days following completion of any phase of grading, permanent ground cover for all disturbed areas within 30 working days or 90 calendar days (which- ever is shorter) following completion of construction or development.

### OTHER REQUIREMENTS

_____ Narrative describing construction sequence (as needed)
_____ Narrative describing the nature and purpose of the construction activity
_____ Completed Financial Responsibility/Ownership Form (to be signed by person financially responsible for project
_____ Bid specifications regarding erosion control
_____ Construction sequence related to sedimentation and erosion control (include installation of critical measures prior to initiation of the land-disturbing activity and removal of measures after areas they serve have been permanently stabilized)

APPENDIX D
FINANCIAL RESPONSIBILITY /OWNERSHIP FORM
SEDIMENTATION POLLUTION CONTROL ACT

No person may initiate a land-disturbing activity on one or more acres as covered by the Act before this form and an acceptable erosion and sedimentation control plan have been completed and approved by the Land Quality Section, NC Department of Environment, and Natural Resources. (Please type or print and, if question is not applicable, place N/ A in the blank).

**Part A.**

1. Project Name _____

2. Location of land-disturbing activity: County _____

   City or Township _____, and Highway/Street _____

3. Approximate date land-disturbing activity will be commenced: _____

4. Purpose of development (residential, commercial, industrial, etc.): _____

5. Total acreage disturbed or uncovered (including off-site borrow and waste areas):

   _____

   Amount of fee enclosed $ _____

   Has an erosion and sedimentation control plan been filed? Yes _____ No _____

   Enclosed _____

8. Person to contact should sediment control issues arise during land-disturbing activity.

   Name _____ Telephone _____

9. Landowner(s) of Record (Use blank page to list additional owners):

   _____ _____
   Name(s)

   _____
   Current Street Address

   _____

10. Page No. _____

**Part B.**

Person(s) or firm(s) who are financially responsible for this land-disturbing activity (Use a blank page to list additional persons or firms):

_____ _____
Name of Person(s) or Firm(s)

_____ _____
Current Mailing Address Current Street Address

_____ _____
City State Zip City State Zip

Telephone _____ Telephone _____

2. (a) If the Financially Responsible Party is not a resident of North Carolina give name and street address of a North Carolina Agent.

| | |
|---|---|
| _____ Name | _____ |
| _____ Mailing Address | _____ Street Address |
| _____ City State Zip | _____ City State Zip |
| Telephone _____ | Telephone _____ |

(b) If the Financially Responsible Party is a Partnership or other person engaging in business under an assumed name, attach a copy of the certificate of assumed name. If the Financially Responsible Party is a Corporation give name and street address of the Registered Agent.

| | |
|---|---|
| _____ Name of Registered Agent | _____ |
| _____ Mailing Address | _____ Street Address |
| _____ City State Zip | _____ City State Zip |
| Telephone _____ | Telephone _____ |

The above information is true and correct to the best of my knowledge and belief and was provided by me under oath. (This form must be signed by the financially responsible person if an individual or his attorney-in-fact or if not an individual by an officer, director, partner, or registered agent with authority to execute instruments for the financially responsible person). I agree to provide corrected information should there be any change in the information provided herein.

| | |
|---|---|
| _____ Type or print name | _____ Title or Authority |
| _____ Signature | _____ Date |

I, _____, a Notary Public of the County of _____

State of North Carolina, hereby certify that _____ appeared personally before me this day and being duly sworn acknowledged that the above form was executed by him.

Witness my hand and notarial seal, this _____ day of _____, 20____

Seal

_____
Notary

My commission expires _____

APPENDIX E

PRELIMINARY PLAT CHECKLIST

FOR SUBDIVISION RECORD _____ DATE SUBMITTED _____

NAME OF SUBDIVISION _____

LOCATION _____

OWNER _____

LAND PLANNER _____ ADDRESS _____

SURVEYOR _____ ADDRESS _____

CHECKLIST

_____ 1. Surveyor shall submit CHECKLIST with signed certification stating that plat complies with Subdivision Regulations.

_____ 2. Vicinity map embracing subdivision and surrounding area.

_____ 3. SCALE: 1" = 100' or larger. In EXTREME cases may be 1" = 200'. One (1) reproducible 11”x 17” or smaller copy of plat.

_____ 4. Name of subdivision and owner.

_____ 5. North point, graphic scale, date.

_____ 6. Boundaries of the tract shown with distances and approximate acreage.

_____ 7. Names of adjoining property owners or subdivisions.

_____ 8. The locations of existing sewers and water facilities and other utilities if any.

_____ 9. The locations of existing streets, easements, bridges, culverts, watercourses, etc.

_____ 10. Name, location and approximate dimensions of proposed streets, easements, parks and reservations, lot lines, etc.

_____ 11. Proposed lot lines, building lines and approximate area.

_____ 12. Lot numbers, if any.

_____ 13. Types of proposed utilities shown or described.

_____ 14. Proposed minimum building setbacks (typical section).

_____ 15. Location of existing water areas/floodway if applicable as delineated by the county floodway boundary and flood insurance rate maps.

_____ 16. Upon submission of Preliminary Plat, 3 copies of a sufficient soil erosion plan shall be submitted to the soil erosion coordinator.

_____ 17. This plat conforms to general requirements and minimum design standards.

_____ 18. Evidence of NCDOT driveway connection permit.

_____ 19. Evidence of access right-of-way.

_____ 20. Statement of average cross slope if applicable.

COMMENTS:

APPENDIX F

FINAL PLAT CHECKLIST

FOR SUBDIVISION RECORD _____ DATE SUBMITTED_____

PRELIMINARY APPROVAL DATE _____

NAME OF SUBDIVISION _____

LOCATION _____

OWNER _____ ADDRESS _____ TEL. _____

ENGINEER _____ ADDRESS _____ TEL. _____

SURVEYOR _____ ADDRESS _____ TEL. _____

CHECKLIST

_____ 1. Submitted to the Planning Staff within 18 months of preliminary approval and two(2)weeks prior to the scheduled meeting of the Planning Board.

_____ 2. Eight (8) copies of final plat. One reproducible (Sepia) and seven paper copies. One (1) reproducible 11”x 17” or smaller copy of plat**.**

_____ 3. A sketch vicinity map showing location in relation to the surrounding area.

_____ 4. SCALE: 1" = 100' or larger.

_____ 5. Names, right-of-way, lines and easements of streets and roads.

_____ 6. Minimum building setback lines when applicable.

_____ 7. Lot lines, numbers, and/or tract numbers.

_____ 8. Reservations, easements, public areas, of sites for other than residential use with explanation of purpose.

_____ 9. North point, graphic scale, date.

_____ 10. Location and description of monuments.

_____ 11. Names and location of adjoining subdivisions and streets and the location and ownership of adjoining unsubdivided property.

_____ 12. Conforms to general requirements and minimum design standards.

_____ 13. Required improvements have been made or $_____bond posted.

_____ 14. Required certificate for Recordation.

_____ 15. Location of existing water Areas/Floodway if Boundary and Flood Insurance Rate Maps.

_____ 16. Types of proposed utilities shown or statement that individual lots have or have not been approved for septic tank use by Appalachian District Health Department.

_____ 17. Density in units per acre.

_____ 18. Culvert/drainage facility location and size.

_____ 19. Variances granted, if any.

ON-SITE FIELD INSPECTION (DATE) _____

PERSONS MAKING INSPECTION _____

COMMENTS:

APPENDIX G

SUBDIVISION SPECIFICATIONS CHECKLIST

_____ 1. Plat fee paid.

_____ 2. Variance requested in writing.

_____ 3. Bond to be submitted.

_____ 4. Meets floodplain regulations.

_____ 5. Acceptable average cross slope.

_____ 6. Roads:

_____ a) State

_____ b) County. If County then:

_____Meets criteria permitting county standards.
_____Meets right-of-way requirements.
_____Meets road bed requirements.
_____Sufficient drainage provided.
_____Meets grade requirements.
_____Meets curve radius requirements.
_____Sufficient turnarounds provided.
_____Meets bridge requirements.

_____ c) Access road meets right-of-way requirements.

_____ 7. Lots:

_____Meet frontage requirements.
_____Meet area requirements.
_____Panhandles used.
_____Meet access requirements.
_____Private drives used.

_____ 8. Meets building setback requirements.

_____ 9. Sufficient erosion control plan submitted.

_____ 10. Property owners association rules established.

_____ 11. Compliance with other applicable local ordinances (zoning, etc.).

## APPENDIX H

## METHOD OF DEFINING SLOPE

The chief source of information for determination of slope is a contour map. The contour map supplies the necessary data for using the following formula to determine the average slope of a parcel:

$$S = \frac{.0023 \times I \times L}{A}$$

Where .0023 is a conversion factor, of square feet to acres, "I" is the contour interval (or the distance between adjacent contour lines on the map) in feet, "L" is the total length of the contour lines within the subject parcel, and "A" is the area in acres of the subject parcel.

Step 1. Determine "I", the contour interval, by examining the interval, using the key on the map. For purposes of this example, an interval of five feet is used. (To achieve accuracy within one percent, the contour interval must be 10 feet or less).

Step 2. Determine "L", the total length of the contour lines within the subject area, by tracing each line with a planimeter or similar device and converting to feet. In this example, "L" is 1,000 feet.

Step 3. Determine "A", area (in acres) from the development plans or permit application. In this example, "A" is 5 acres.

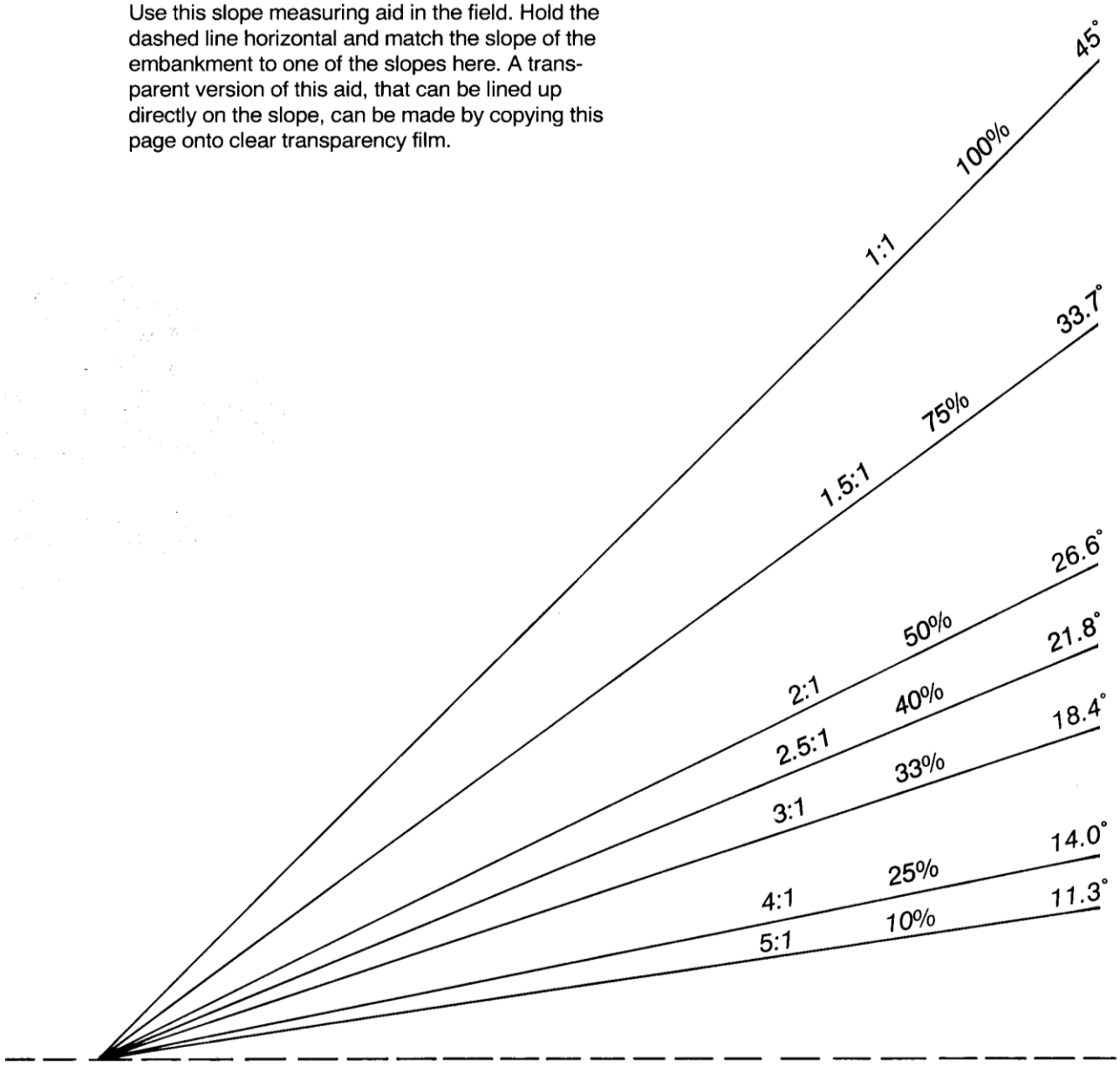
Step 4. Determine "S" by using the equation:

$$S = \frac{.0023 \times 5 \times 1{,}000}{5} = 2.3 \text{ percent average slope}$$

NOTE: Other methods of calculating average cross slope - using computer mapping/GIS technology - may be acceptable.

## Slope Measurement

Use this slope measuring aid in the field. Hold the dashed line horizontal and match the slope of the embankment to one of the slopes here. A transparent version of this aid, that can be lined up directly on the slope, can be made by copying this page onto clear transparency film.



APPENDIX I

MINOR MAINTENANCE CHECKLIST

A. Bridge Approach

1. Check Signs on both ends of bridge.
   Warning and Information Signs (straighten, clean, and cut weeds).
   Bridge End Markers (clean and visible).
   Check Guard Rails along approach (repair and straighten).

2. Clear Weed, Brush, and Overhanging Limbs.
   Require clear visibility of bridge.
   Police and clean area around bridge.
   Remove all debris from site.

B. Side Ditches and Stream Channel

1. Clear side ditches of all brush, weeds and debris.
2. Clear debris and obstructions from stream channel through full width of R.O.W.
3. Eliminate all brush growing under the bridge.

C. Erosion of Bridge Approach

1. At gutter line on shoulder - fill any eroded areas.
2. At gutter line, build (if needed) paved channel to carry water to side ditch at non-erosive velocity.
3. Check shoulders for erosion signs - fill and tamp erosion channels.

D. Condition of Approach Road Traffic Lanes

1. Fill all ruts.
2. Check transition from road to bridge - must be smooth.
3. Build short bituminous ramp to provide transition in difficult cases.

E. Bridge Structure

1. Cleaning Deck
   Clean all dirt, gravel, trash and debris from deck. Clear all gutters and all drainage outlets. Remove any obstructions causing ponding of water. Direct deck drains away from all structural components.

2. Deck Maintenance (Wood Decks)
   Check transverse planking for breaks, rotting, or any weakness. Replace individual planks if needed. Check longitudinal "tread" planks for damage, excessive wear, breaks, shattering, looseness or rot. Replace damaged planks - re-nail old planks if required. Pull any protruding nails and replace.

3. Deck Maintenance (Concrete Decks)
   Clean, check depth, and flush all open cracks. Dry such cracks and fill totally with liquid asphalt or other such sealing compound. Make notes on any system of patterned crack and report them to road supervisor. For small shrinkage cracks (those not fully opened) check with road supervisor about a spray coat sealant. Pop-outs, surface deterioration, or chuck holes in deck must be cleaned thoroughly and packed smooth with bituminous road surface mixture. Provide a mechanical "lock" to hold patch in place. Eliminate "low" spots to prevent water ponding.

F. Expansion Joints

Deck expansion joints should be identified and cleaned. Remove dirt, gravel, debris and other obstructions from expansion joint opening. Do this when bridge is cool so joint is as wide open as possible. For open expansion joint slot, fill the opening with an elastic joint sealer compound or a special compressible composite joint filler. For plate covered joint slot, clean the sliding surface of any obstructions and treat sliding surface if necessary to make it free operating.

G. Bridge Structural Components

1. Truss Bridges
   Clear debris from truss joints, flanges of truss members, or any pockets that have collected debris, gravel or dirt.

2. Girders and Beams
   Clear any debris found on flanges or on any bracing occurring on the structure.

3. Handrails and Curbs
   Repair any bent, broken, or missing parts of the bridge handrail or curbs.

4. Bearing Devices
   Bearing devices are points where bridge structure is attached to the substructure (piers, abutments, or other supports). Identify the "fixed" and movable bearings. Clear all dirt, disintegrated concrete, debris of any kind which collects around the bearings - fixed or movable. Especially clear any obstruction that would prevent movable support from being able to function. Once cleared, spray with oil to prevent rusting and to assist movement.

H. Substructure

1. Abutments
   Note cracking of main wall or wing wall. Assess serious movement of any part of the abutment. Report out-of-plumb components and any serious deterioration of the abutment. Note any erosion of stream that may undermine the abutment, and eliminate cause. Fill and tamp any rodent holes along base of the abutment and its wing walls.

2. Piers
   Note and correct any water drainage on pier or the pier cap. Note any cracks or deterioration of pier. Repair where possible. Check for undermining of pier foundation and correct cause if possible. Check pier for "plumb-ness" or any signs of movement.

*Source: Minor Maintenance Manual For County Bridges, Highway Extension and Research Project for Indiana Counties and Cities, Purdue University,1984.*

## APPENDIX J

## BUFFERING AND SCREENING

(A) Where a commercial or multi-family use is proposed adjacent to a single family residential use, side and rear yard setback of 30 feet shall be observed for buildings, parking, or storage. This area is to be used as a buffer and shall be landscaped as follows. Buffers shall consist of plantings of evergreen and/or deciduous trees spaced no more than thirty (30) feet apart. Such trees shall be at least six to seven (6-7) feet tall for evergreens and six to eight (6-8) feet tall with a one and one half (1-1/2) inch caliper (trunk diameter 6 inches above grade) for deciduous trees at time of planting and shall reach a height of no less than twenty (20) at maturity. Where utility easements conflict with this height requirement, the requirement may be lessened at the discretion of the Watershed Administrator. In addition, plantings of low growing shrubs, and/or trees shall be placed at ten (10) foot intervals. Plantings within buffer zones shall be staggered unless topography is prohibitive. No planting shall be placed in the road right-of-way. Lists of recommended plantings are available from the Planning and Inspections Department.

(B) Where a commercial or multi-family use is proposed adjacent to a commercial or multi-family use side and rear yard setback of 15 feet shall be observed for buildings, parking, or storage. This area is to be used as a buffer and shall be landscaped as follows. Buffers shall consist of plantings of evergreen and/or deciduous trees spaced no more than thirty (30) feet apart. Such trees shall be at least six to seven (6-7) feet tall for evergreens and six to eight (6-8) feet tall with a one and none half (1-1/2) inch caliper for deciduous trees at time of planting and shall reach a height of no less than twenty (20) feet at maturity, except as described in section 602(A). In addition, permanent ground cover such as grasses shall be established.

(C) Walls, fences, earthen berms, or other natural features may be used in combination with or in lieu of planted buffers if approved as part of a permit. Considerations include but are not limited to:

(1) Any existing significant vegetation within the buffer(s) may be preserved and credited towards meeting the standard for the required buffer. Existing fences, berms and or walls within the buffer(s) may be used to fulfill the standards set forth for the buffer providing these elements are healthy and in a condition of good repair. Chain link fencing is not acceptable in meeting the performance criteria of this ordinance.

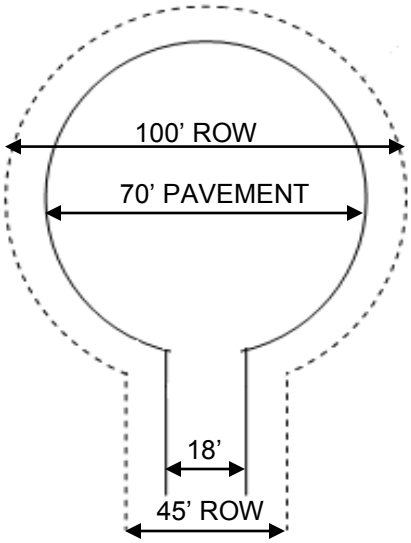
(2) Installation of supplemental vegetation and/or site features may be required at the time of site plan review, if existing vegetation and/or site features within the buffer do not meet or exceed the requirements of this ordinance.

(D) Open storage areas, exposed machinery and outdoor areas used for the storage and collection of rubbish must be visually screened from roads and surrounding land uses. Suitable types of screening include opaque wood fences and dense evergreen hedges of six (6) feet or more in height.

NOTE: These are excerpts from Watershed Zoning Ordinance, use that which is applicable.

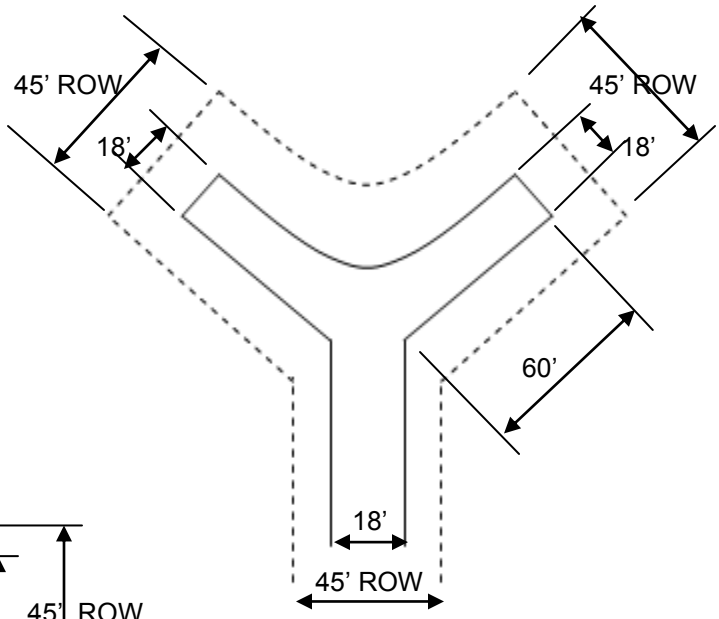
APPENDIX K

FIRE APPARATUS ACCESS ROADS

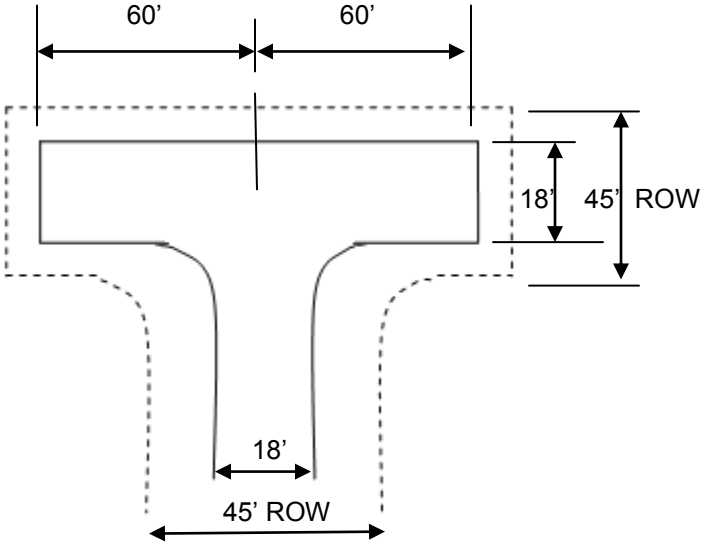



**CUL-DE-SAC**

- - - - - Right of Way
_____ Travel Surface




**60’ Y**




**120’ HAMMER HEAD**

(Drawings not to scale)

# APPENDIX L

## POLICY STATEMENT
## AFFORDABLE WORKFORCE HOUSING

### Background

The generally accepted definition of affordability is for a household to pay no more than 30 percent of its annual income on housing. An estimated 12 million renter and homeowner households now pay more than 50 percent of their annual income on housing. The lack of affordable housing is a significant hardship for low-income and working households and prevents them from meeting other basic needs, such as food, clothing, transportation and medical care.

Availability of housing for all income levels is critical for balanced and healthy growth of the County. Employers seeking to locate in Watauga County need to first attract and then maintain a workforce. A key component to workforce recruitment and retention is affordable and centrally located housing. Job satisfaction becomes more of a challenge when workers can only find affordable housing by living far from their jobs and enduring long commutes.

### Policy

The county will seek to work with the developers and nonprofit housing organizations to provide for affordable units in developments and ensure that such units are compatible with other homes in the development. Affordable units should include both units for sale and units for rent. Developers should promote a design criterion that disperses affordable homes throughout a development and encourages a variety of housing types.

### Streamlined Permitting Process

Improved coordination of the permitting process at the state and local levels could result in lower housing costs. The permitting process often involves dealing with city, county and state approval boards, all of which require a variety of permits and approvals (i.e. – fire protection, sewer hookup, plumbing, environmental, road construction, electrical, building, etc.). Often the various levels of governmental authorities do not have effective communication and co-approval systems, which cause can unnecessary delays, increase construction costs and ultimately hinder affordable housing.

### Density

Real estate of all types flourishes best in livable communities that offer a high quality of life at a reasonable cost. Livable communities offer a variety of affordable housing choices, good schools, quality public services, open space, and a strong employment base. One of the most challenging aspects to promoting these essential livable community elements is density. Building at higher densities in the appropriate locations is vital to provide greater choice and affordability in housing.

### Employer-Assisted Housing

Employer-assisted housing (EAH) refers to benefits that enable employees to purchase homes or secure affordable rental housing, often within designated neighborhoods located near the workplace. Benefits can take a number of forms, including grants or forgivable loans for down payments and closing costs, reduced-cost financing, and matched savings plans. Providing an EAH benefit can help employers reduce turnover, leading to lower training and hiring costs. In addition, EAH can increase loyalty and morale, support bottom-line business goals, and strengthen links with the local community.

APPENDIX M

DEVELOPER AUTHORIZATION FORM

For projects being developed by person(s) other than land owner(s)

Name of Project: _____

Land Owner(s) _____
_____
_____
_____

Developer(s) _____
_____
_____
_____

The above-named Developer(s) is/are authorized to submit the subject project to Watauga County for development approval on behalf of the above-named Land Owner(s).

| Land Owner(s) Signature | Date |
| --- | --- |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |