

CHAPTER 151: SUBDIVISION REGULATIONS

Section

General Provisions

- [151.01](#) Short title
- [151.02](#) Authority and enactment clause
- [151.03](#) Purpose
- [151.04](#) Definitions
- [151.05](#) Amendment procedures
- [151.06](#) Abrogation

Compliance

- [151.20](#) Approval of plats
- [151.21](#) Permits
- [151.22](#) Selling of lots

Procedure for Review and Approval of Subdivision Plats

- [151.35](#) Generally
- [151.36](#) Family subdivisions
- [151.37](#) Pre-application procedure
- [151.38](#) Sketch plan
- [151.39](#) Minor subdivisions and family subdivisions
- [151.40](#) Major subdivisions; preliminary plat
- [151.41](#) Begin construction
- [151.42](#) Final plat; major subdivision
- [151.43](#) Recording the final plat
- [151.44](#) Effect of plat approval on dedications

Subdivision Requirements

- [151.55](#) Conformity to existing maps or plans
- [151.56](#) Continuation of adjoining street system
- [151.57](#) Access to adjacent properties
- [151.58](#) Large tracts or parcels

- [151.59](#) Alleys
- [151.60](#) Street names
- [151.61](#) Surveying and placement of monuments
- [151.62](#) Natural assets
- [151.63](#) Surface water runoff

Improvements Required and Minimum Standards of Design

- [151.75](#) Suitability of land
- [151.76](#) Streets and roads
- [151.77](#) Water and sewer systems
- [151.78](#) Sedimentation control
- [151.79](#) Lots
- [151.80](#) Building setback lines

- [151.99](#) Penalty

GENERAL PROVISIONS

§ 151.01 SHORT TITLE.

This chapter shall be known and may be cited as the Subdivision Regulations of the Town of Maggie Valley, North Carolina.

(Ord. 407, passed 7-19-2005)

§ 151.02 AUTHORITY AND ENACTMENT CLAUSE.

The Board of Aldermen of the Town of Maggie Valley, pursuant to the authority conferred by an act of the General Assembly of the State of North Carolina (G.S. Chapter 160A, Article 19), does hereby ordain and enact into law this chapter.

(Ord. 407, passed 7-19-2005)

§ 151.03 PURPOSE.

The purpose of these regulations is to establish procedures and standards for the development and subdivision of real estate within the corporate limits and extraterritorial jurisdiction of the Town of Maggie Valley in an effort to, among other things, ensure proper legal description, identification, monumentation, and recordation of real estate boundaries; further the orderly layout and appropriate use of the land; provide safe, convenient, and economic circulation of vehicular traffic; provide suitable building sites which are readily accessible to emergency vehicles; promote the eventual elimination of unsafe or unsanitary conditions; and help conserve and protect the physical and economic resources and generally creating conditions essential to the public health, safety, and welfare of the Town of Maggie Valley.

(Ord. 407, passed 7-19-2005)

 **§ 151.04 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOARD OF ALDERMEN. The governing board of the Town of Maggie Valley.

BUFFER. An undisturbed area of natural vegetation used to protect natural features or provide space between land uses.

BUILDING SETBACK LINE. A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided by a variance issued by the Zoning Board of Adjustment. Whenever the front, side, or rear portion of a lot abuts a street right-of-way or other publicly-dedicated area, setback lines shall be measured from the right-of-way or publicly-dedicated area.

CORNER LOT. A lot abutting upon 2 or more streets at their intersection.

CUL-DE-SAC. A street permanently terminated by a turnaround.

DEDICATION. A gift, by the owner, or a right to use of land for a specified purpose or purposes.

DEVELOPER. Financially responsible person, owner of record, agent, firm, or corporation.

DOUBLE FRONTAGE LOT. A continuous lot of the same depth as the width of a block containing 2 tiers of lots and which is accessible from both of the streets upon which it fronts.

EASEMENT. A grant by the property owner for use, by the public, a corporation, or person(s) of a strip of land for specified reasons.

FAMILY SUBDIVISION. A subdivision of land into 2 or more parcels or lots for the purpose of conveying the resulting parcels or lots to a grantee or grantees who are in any degree of lineal kinship to the grantor, or to a grantee or grantees who are within 3 degrees of collateral kinship to the grantor. Degrees of kinship shall be computed in accordance with G.S. § 104A-1.

INDIVIDUAL SEWER SYSTEM. Any septic tank or other facility serving a single source or connection and approved by the County Sanitarian.

INDIVIDUAL WATER SYSTEM. Any well, spring, stream, or other source used to supply a single connection and approved by the County Health Department.

LOT. A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership or for development or both. The word **LOT** includes the words **PLOT** or **PARCEL**.

MAJOR SUBDIVISION. A subdivision of land involving more than 4 lots or requiring new street construction or right-of-way dedication or requiring utility extension or utility easement dedication.

MINOR SUBDIVISION. A subdivision of land involving no new street construction, or no right-of-way dedication, or no utility extension or utility easement dedication, where 4 or fewer lots result after the subdivision is completed.

OFFICIAL MAPS OR PLANS. Any maps or plans officially adopted by the Board of Aldermen as a guide for the development of the town.

OWNER OF RECORD. Registered owner or agent.

PERENNIAL STREAM. Any stream indicated as a blue line on the most recent version of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps shall have a 20-foot buffer.

PLANNING BOARD. A board appointed by the Board of Aldermen with duties outlined by the North Carolina General Statutes, and for the purposes of carrying out the duties of this chapter, reviewing policy amendments and other tasks assigned to it by the Board of Aldermen (further defined per state statutes).

PRIVATE DRIVE. A private access serving no more than 3 lots and not intended to be a public ingress or egress. **PRIVATE DRIVES** are intended to provide direct access from a lot or building site to a publicly dedicated and maintained street. (See turnaround requirements for private drives in § [151.76](#).)

RIGHT-OF-WAY. Publicly-deeded space typically used for road construction or access to utilities.

SHALL. Always mandatory and not merely directory.

SHOULD. Used to express best practices.

SINGLE TIER LOT. A lot which backs upon a limited access highway, a railroad, a physical barrier, or a nonresidential use and to which access from the rear of the lot is usually prohibited.

STREET. In this chapter, a street shall be a right-of-way intended for vehicular traffic that affords the principal means of access to abutting properties.

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

SUBDIVISION. All divisions of a tract or parcel of land into 2 or more lots, building sites, or other divisions, for the purpose of sale or building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations of this chapter:

(1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the town as required by this chapter;

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

(3) The public acquisition by purchase of strips of land for the widening or opening of streets; and/or

(4) The division of a tract of land in single ownership whose entire area is no greater than 2 acres into not more than 3 lots, where no street right-of-way dedication is involved, and where the resultant lots are equal to or exceed the standards of the town as required by this chapter.

ZONING BOARD OF ADJUSTMENT. A board appointed by the Board of Aldermen with duties outlined by the North Carolina General Statutes and for the purposes of issuing variances, special exceptions, and hearing appeals to decisions made by the Planning and Development Director.

(Ord. 407, passed 7-19-2005)

§ 151.05 AMENDMENT PROCEDURES.

This chapter may be amended from time to time by the Board of Aldermen 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 35 days from the date of presentation within which to submit its report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have approved the amendment.

(Ord. 407, passed 7-19-2005)

§ 151.06 ABROGATION.

This chapter shall neither repeal, abrogate, annul, impair, nor interfere with any existing subdivision, the plats of which are properly recorded in the office of the Register of Deeds prior to the effective date of this chapter nor with the existing easements, covenants, deed restrictions, agreements, or permits previously adopted or issued pursuant to law prior to the effective date of this chapter.

(Ord. 407, passed 7-19-2005)

COMPLIANCE

§ 151.20 APPROVAL OF PLATS.

A final plat shall be prepared, approved, and recorded pursuant to this chapter whenever any subdivision of land occurs within the defined jurisdiction of this chapter. All plats for the subdivision of land shall conform to the requirements of these regulations, and shall be submitted in accordance with the procedures and specifications established herein. No plat of a subdivision of land within the Town of Maggie Valley shall be filed or recorded by the Haywood County Register of Deeds until it has been submitted and given final approval as provided herein, and until the approval is entered on the face of the final plat.

(Ord. 407, passed 7-19-2005) [Penalty, see § 151.99](#)

§ 151.21 PERMITS.

No building permits shall be issued for any construction in any subdivision for which a plat is required to be approved until the final plat has been approved and recorded with the Haywood County Register of Deeds as provided herein.

(Ord. 407, passed 7-19-2005)

§ 151.22 SELLING OF LOTS.

No lot referenced to or exhibited on any subdivision plat required herein shall be sold or transferred until the final plat for the subdivision has been recorded by the Haywood County Register of Deeds and have a septic evaluation or access to Maggie Valley Sanitary Sewer System.

(Ord. 407, passed 7-19-2005)

PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

§ 151.35 GENERALLY.

No final plat of a subdivision within the Town of Maggie Valley shall be recorded by the Register of Deeds of Haywood County until it has been approved as provided herein. To secure the approval, the subdivider shall follow the procedure established in this subchapter. Furthermore, no street shall be maintained by the town nor street dedication accepted for ownership and maintenance, nor shall water, sewer, septic approval, or other public facilities or services be extended to or connected with any subdivision for which a final plat is required to be approved unless and until the approval has occurred as provided herein.

(Ord. 407, passed 7-19-2005)

§ 151.36 FAMILY SUBDIVISIONS.

(A) The division of land into 2 or more parcels or lots for the purpose of conveying the resulting parcels or lots to the grantee or grantees who are in any degree of lineal kinship to the grantor, or to a grantee or grantees who are within 3 degrees of collateral kinship to the grantor, such to be referred to herein as a “family subdivision.” Degrees of kinship shall be computed in accordance with G.S. § 104A-1 (as written in the Haywood County Land Ordinance). The grantor must prove lineage within 3 degrees of the grantee by proof of birth certificate by both the grantor and the grantee and/or grantee will sign affidavit of proof that the subdivision is strictly a family subdivision and not for commercial sale or use.

(B) Review process for family subdivisions will be handled at the staff level. The Planning and Development Director is responsible for signing off on the final plat. If the Planning and Development Director determines that the proposed subdivision does not meet the standards of a family subdivision, the Planning and Development Director will send the disputed complaint to the Zoning Board of Adjustment who will make a final determination.

(Ord. 407, passed 7-19-2005)

§ 151.37 PRE-APPLICATION PROCEDURE.

Every subdivision applicant is required to meet the Planning and Development Director or his or her designee in a pre-application conference prior to the submittal of a subdivision plat. The purpose of this conference is to provide clarification and assistance in the preparation and submission of plats for approval.

(Ord. 407, passed 7-19-2005)

§ 151.38 SKETCH PLAN.

(A) *Generally.* A sketch plan is request but not required for staff review for all proposed subdivisions. The sketch plan may be presented to the Planning and Development Director at the pre-application conference required in § [151.37](#). The Planning and Development Director shall discuss with the applicant any problems found from review of the sketch plan that would need to be addressed prior to submittal of a subdivision plat. The Planning and Development Director shall also determine whether the proposed subdivision qualifies as a minor or major subdivision.

(B) *Contents required.* The sketch plan, if submitted, should contain the following information:

- (1) A sketch vicinity map showing the location of the proposed subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;
- (2) The boundaries of the tract and the portion of the tract to be subdivided;
- (3) The total acreage to be subdivided;
- (4) The existing and proposed uses of land within the proposed subdivision and adjoining it;
- (5) The proposed street layout;
- (6) The name, address, and telephone number of the owner;
- (7) Streets and lots of adjacent developed or platted properties;
- (8) The zoning classification(s) of the tract;
- (9) Proposed utilities; and
- (10) Approximate lot sizes.

(Ord. 407, passed 7-19-2005)

§ 151.39 MINOR SUBDIVISIONS AND FAMILY SUBDIVISIONS.

(A) *Generally.* For all minor subdivisions and family subdivisions, the subdivider shall submit 1 copy (or more if requested) of the plat containing all required information to the Planning and Development Director. At the time of submission, the subdivider shall pay the fee as established by the town.

(B) *Contents required.* The plat shall contain all information required for a final plat as found in § [151.42](#).

(C) *Town staff review procedure.* The Planning and Development Director or their designee shall review for compliance with this chapter and other ordinances and regulations of the town, to assure that adequate public utilities and services are available, and shall complete the review within 14 days. If all applicable provisions of this and other town ordinances and regulations are met, the Planning and Development Director shall approve the plat as a final plat. If all applicable provisions are not met, the plat shall be returned to the applicant with deficiencies noted.

(D) *Disposition of copies.*

(1) If the final plat is approved, the original tracing and 1 print shall be retained by the subdivider and 1 print shall be filed with the Town Clerk.

(2) After approval, the following certificate shall be lettered or rubber stamped on the final plat in such a manner as to ensure that the certificate will be legible on any prints made therefrom:

<u>Certificate of Approval</u>
I certify that the final plat shown hereon complies with the Maggie Valley subdivision regulations and is approved for recording in the Haywood County Register of Deeds office.

Planning and Development Director
Town of Maggie Valley

(Ord. 407, passed 7-19-2005)

§ 151.40 MAJOR SUBDIVISIONS; PRELIMINARY PLAT.

(A) *Generally.* For all major subdivisions, the subdivider shall submit 1 copy (or more if requested) of a preliminary plat containing all required information to the Planning and Development Director. At the time of submission of the preliminary plat, the subdivider shall pay the fees as established by the town.

(B) *Phased development.* If a developer proposes that a subdivision will be constructed in phases, the following procedure shall apply.

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

(2) Each phase of the development shall be preceded by submission and approval of a preliminary plat. The master plan may be submitted prior to or simultaneously with submission of the preliminary plat for the first phase of development.

(3) As each phase is completed, a final plat must be submitted and approved for that phase.

(4) Approval of the master plan need not be renewed unless significant design changes or density increases are proposed.

(C) *Contents required.* The preliminary plat shall be clearly and legibly drawn at a scale of 100 feet to 1 inch and/or at another scale acceptable to the Planning and Development Director. A registered land surveyor currently licensed and registered in the State of North

Carolina by the North Carolina Board of Registration for Professional Engineers and Land Surveyors, shall prepare the preliminary plat, and shall contain the following information:

- (1) Boundaries of tract shown with bearings, distances, and closures;
- (2) Proposed streets, street names, and rights-of-way widths;
- (3) Location of storm drain channels and size of drain pipes;
- (4) Easements of 20 feet shall be provided for all utilities;
- (5) Access to open or piped storm drainage channels shall be guaranteed to the town by granting an easement no less than 20 feet wide and shown on plat;
- (6) Proposed lot lines, lot and block numbers, dimensions, and square footage;
- (7) Proposed minimum building setback lines per zoning requirements;
- (8) Title, date, name, and location of subdivision, north point, and graphic scale;
- (9) Name of subdivider, registered surveyor, seal, signed and dated, and indicating last revision date;
- (10) No person shall initiate any land disturbing activity which uncovers more than 1 contiguous acre within the proposed subdivision without having an erosion control plan approved by the Land Quality Section of the North Carolina Department of Environment and Natural Resources. Written documentation of the approval shall accompany the preliminary plat;
- (11) Site data:
 - (a) Acreage in total tract;
 - (b) Total number of lots;
 - (c) Lineal feet in streets;
 - (d) Smallest lot size; and
 - (e) Distance to Fire Department and nearest hydrant(s).
- (12) Location of subdivision signage with easement for access to maintain;
- (13) All points of access to a subdivision shall have signage indicating the name of the subdivision;
- (14) Plans for public water and sewer utilities shall be submitted with the preliminary plat to the Planning Director and Director of Public Works. For water and sewer utilities, approval by the appropriate utility shall be indicated on the plans. If below-ground utilities are approved, it shall be indicated on the plan;
- (15) Plans for streets shall be submitted with the preliminary plat and shall indicate conformity to the Town of Maggie Valley street standards indicating road grade by a certified surveyor or registered engineer;

(16) Designation of any identified flood hazard area and land slide area for potential break points;

(17) There shall be a 25-foot buffer zone adjacent to Jonathan Creek and Campbell Creek or any other identified trout stream. Any watercourse with year around flow shall maintain a 20-foot buffer zone. The buffer zone shall be composed of natural grasses and similar natural vegetative materials and shall be measured from the top of the creek bank. The Planning and Development Director can make determinations for top of bank; and

(18) A description and/or diagram of proposed means for reseeding and soil stabilization of any disturbed area.

(D) *Town staff review procedure.* The Planning and Development Director shall review for compliance with this chapter and other ordinances of the town to assure that adequate public utilities and services are available. The Planning and Development Director shall meet with any agency or officials deemed necessary to adequately review the plat and shall complete the review within 14 days after submittal. If all applicable provisions of this and other town ordinances and regulations are met, the Planning and Development Director shall submit the plat to the Planning Board. If all applicable provisions are not met, the plat shall be returned to the applicant with deficiencies noted.

(E) *Planning Board review procedure.*

(1) First consideration of the preliminary plat shall be at the next regularly scheduled meeting of the Planning Board that follows at least 7 days after the Chairperson or their designee has received notification of submittal from the Planning Director. The Planning Board shall take action within 35 days of receiving the preliminary plat.

(2) Before taking final action on the preliminary plat, the Planning Board may refer copies of the plat and any accompanying material to those public agencies concerned with new development, provided that the Planning Board may extend the 35-day review period if within the time period it has not received information it deems necessary for a thorough review of the plat.

(3) Approval of the preliminary plat shall be valid for 1 year unless a written extension is granted by the Planning Board on or before the 1-year anniversary of the approval. If the final plat is not submitted for approval within the 1-year period or any period of extension, then the approval of the preliminary plat shall be void.

(Ord. 407, passed 7-19-2005) [Penalty, see § 151.99](#)

§ 151.41 BEGIN CONSTRUCTION.

(A) *Generally.* Upon approval of the preliminary plat by the Planning Board, the subdivider may proceed with preparation of the final plat and the installation of or arrangements for roads, utilities, and other improvements as specified in the approved preliminary plat.

(B) *Improvements guarantees.*

(1) *Agreement and security required.* In lieu of requiring the completion, installation, and dedication of all improvements prior to final plat approval, the town may enter into an agreement

with the subdivider whereby the subdivider shall agree to complete all required improvements as specified on the approved preliminary plat, or that portion of the subdivision to be shown on the final plat, within a reasonable time to be determined in the agreement. Once the agreement is signed by both parties and security required herein is provided, the Board of Aldermen shall notify the Planning Board by letter within 5 working days and the Planning Board may approve the final plat as provided herein. To secure this agreement, the subdivider shall provide, subject to the approval of the Board of Aldermen, either one or a combination of the following guarantees not exceeding 1.25 times the entire cost as provided herein.

(a) *Surety performance bond(s)*. The subdivider shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina. The bond(s) shall be payable to the Town of Maggie Valley and shall be in an amount equal to 1.25 times the entire cost, as estimated by the Planning and Development Director, of installing all required improvements as specified on the approved preliminary plat for that portion of the subdivision to be shown on the final plat. The duration of the bond(s) shall be until the time as the Board of Aldermen approves the improvements. The Board of Aldermen shall not give the approval until it has been satisfied that all required improvements have been installed.

(b) *Cash or equivalent security*. The subdivider shall deposit cash or other instrument readily convertible into cash at face value, either with the town or in escrow with a financial institution designated as an official depository of the town. The use of any instrument other than cash shall be subject to the Board of Aldermen. The amount of deposit shall be equal to 1.25 times the cost, as estimated by the Planning and Development Director, of installing all required improvements as specified on the approved preliminary plat for that portion of the subdivision to be shown on the final plat. If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with the Board of Aldermen an agreement between the financial institution and himself guaranteeing the following:

1. That the escrow account shall be held in trust until released by the Board of Aldermen and may not be used or pledged by the subdivider in any other matter during the term of the escrow; and

2. That in case of a failure on the part of the subdivider to complete the improvements, the financial institution shall, upon notification by the Board of Aldermen and submission by the Board of Aldermen to the financial institution of the Planning and Development Director's estimate of the amount needed to complete the improvements, immediately either pay to the town the funds estimated as needed to complete the improvements, up to the full balance of the escrow account, or deliver to the town any other instruments fully endorsed or otherwise made payable in full to the town.

(c) *Letter of credit*. A satisfactory, irrevocable letter of credit as approved by the Town Attorney and Board of Aldermen and deposited with the Town Clerk shall be submitted. When a letter of credit is submitted, the following information shall be contained in the letter:

1. Shall be entitled "Irrevocable Letter of Credit";
2. Shall indicate that the Town of Maggie Valley is the sole beneficiary;
3. The amount as approved by the town;

4. Account number and/or credit number that drafts may be drawn on;
5. List of improvements that shall be built that the letter is guaranteeing;
6. Terms in which the Town of Maggie Valley may make drafts on the account; and
7. Expiration date of the letter.

(2) *Default.* Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as spelled out in the agreement in division (B)(1) above, then the surety, or the financial institution holding the escrow account shall, if requested by the Board of Aldermen, pay all or any portion of the bond or escrow fund to the Town of Maggie Valley up to the amount needed to complete the improvements based on the Planning and Development Director's estimate. Upon payment, the Board of Aldermen, in its discretion, may expend the portion of the funds as it deems necessary to complete all or any portion of the required improvements. The town shall return to the surety or escrow account any funds not spent in completing the improvements.

(3) *Release of guarantee security.* The Board of Aldermen may release a portion of any security posted as the improvements are completed and recommended for approval by the Planning and Development Director. At the time the Board of Aldermen approves all improvements placed in the subdivision as recommended by the Planning and Development Director, all security posted shall be immediately released.

(Ord. 407, passed 7-19-2005)

§ 151.42 FINAL PLAT; MAJOR SUBDIVISION.

(A) *Generally.* No final plat for a major subdivision shall be considered unless it has been preceded by a preliminary plat approved by the Planning Board. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at the time of submission. No final plat shall be considered unless and until the subdivider shall have installed in that area represented on the final plat, all improvements required by this chapter as specified in the approved preliminary plat, or financial guarantees of the improvements have been arranged in accordance with § [151.41](#). The subdivider shall submit 1 copy (or more if requested) of the final plat to the Planning and Development Director.

(B) *Contents required.* The original of the final plat shall be at a scale of 100 feet to 1 inch, or at another scale acceptable to the Planning and Development Director, on a sheet of a size and material that will be acceptable to the Register of Deeds of Haywood County. The plat shall conform substantially to the preliminary plat as approved and display all of the contents required in § [151.40](#)(C). The plat shall conform to the provisions of the G.S. § 47-30, as amended. The final plat shall be prepared by a registered land surveyor currently licensed and registered with the State of North Carolina by the North Carolina Board of Registration for Professional Engineers and Land Surveyors and shall show the following information:

(1) Subdivision name, north arrow, scale denoted graphically and numerically, date of plat preparation and revision dates (if any) since preliminary plan, and township, county and state in which the subdivision is located; and the name(s) of the owner(s) and the surveyor including the seal(s) and registration number(s);

(2) The exact boundary lines of the tract to be subdivided fully dimensioned by length and bearings, and the location of intersecting boundary lines of adjoining lands;

(3) The names and deed references (when possible) of owners of adjoining properties and adjoining subdivisions of record including those proposed or under review;

(4) All visible and apparent rights-of-way, watercourses, applicable buffers, minimum building setback lines, utilities, roadways, and other such improvements shall be accurately located (including dimensions) within the property, where crossing, or forming any boundary line of the property shown;

(5) Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and minimum building setback line, including dimensions, bearings or deflection angles, radii, central angles, and tangent distances for the centerline of curved streets and curved property lines that are not the boundary of curved streets;

(6) The accurate installation, location, and description of permanent monument markers at the control points on the boundary of the property;

(7) Survey pins placed in all corners;

(8) The blocks numbered sequentially throughout the entire subdivision and the lots numbered consecutively throughout each block;

(9) Street names and right-of-way lines of all streets, and the location and width of all adjacent streets and easements; and

(10) Forms for final certifications. Where applicable, the following certificates shall be lettered or rubber-stamped on the final plat in such a manner as to ensure that the certificates would be legible on any prints made therefrom. Prior to final plat approval, the appropriate person shall sign the following certificates.

(a) *Certificate of ownership.*

<u>Certificate of Ownership</u>	
I (we) hereby certify that I am (we are) the owner(s) of that property shown and described hereon, and that I (we) hereby adopt this plan of subdivision with my(our) free consent, establish minimum building lines and minimum standards for all streets, sewers, water lines, alleys, walks, parks, and other sites. Further, I (we) certify the land as shown hereon is within the platting jurisdiction of the Town of Maggie Valley, North Carolina.	
_____	_____
Date	Owner
_____	_____
Owner	

_____	_____
Date	Notary

(b) *Certificate of accuracy.*

<u>Certificate of Accuracy</u>	
(As required under G.S. § 47-30, as amended.)	
_____	_____
Date	Registered Surveyor

(c) *Certification of approval of the installation and construction of streets, utilities, and other required improvements.*

<u>Certification of Approval of the Installation and Construction of Streets, Utilities, and Other Required Improvements</u>	
I hereby certify that streets, utilities, and other required improvements have been installed, or that a guarantee of such installation has been arranged as authorized in the Code of Maggie Valley, North Carolina, § 151.41 , in accordance with the preliminary plat approved by the Planning Board, and according to town specifications and standards in the subdivision entitled.	
_____	_____
Date	Planning and Development Director

(d) *Statement.* The following statement shall appear on the plat where applicable: “THIS SUBDIVISION IS LOCATED IN A WATER SUPPLY WATERSHED; DEVELOPMENT RESTRICTIONS MAY APPLY.”

(C) *Staff review and approval.* Upon receipt of the final plat in accordance with division (A) above, the Planning and Development Director shall review for compliance with this chapter and other ordinances and regulations of the town. The plat shall be accompanied by written approval from the appropriate agencies that all streets and water and sewer utilities have been installed in accordance with all required specifications, unless a guarantee of the installations has been arranged in accordance with § [151.41](#). Upon receipt of the written approvals, the Planning and Development Director shall sign the “Certificate of Approval of the Installation and Construction of Streets, Utilities, and Other Required Improvements” as required in division (B) above. The Planning and Development Director shall meet with any person or agency deemed necessary for adequate review of the plat and shall complete the review within 14 days after submittal. If all

applicable requirements of this chapter are met, the Planning and Development Director shall approve the plat and submit it to the Planning Board. If all applicable requirements of this chapter are not met, the Planning and Development Director shall disapprove the plat and return it to the applicant with deficiencies noted.

(D) *Planning Board review.* Upon approval by the Planning and Development Director, the final plat shall be submitted to the Planning Board. First consideration shall be at the next regularly scheduled meeting that follows at least 7 days after submission. The Planning Board shall make a determination of approval or disapproval of the final plat at its first consideration or at any regular or special meeting within 35 days of the plat’s first consideration. The Board may extend the review period if it deems necessary in order to obtain additional information necessary for a thorough review of the plat. The Board shall submit its findings to the Board of Aldermen.

(E) *Disposition of copies.*

(1) If the final plat is approved by the Planning Board, the original tracing and 1 print shall be retained by the subdivider, and 1 print shall be filed with the town.

(2) After approval, the following certificate shall be lettered or rubber-stamped on the final plat in such a manner as to ensure that the certificate will be legible on any prints made therefrom:

Certificate of Approval	
I certify that the final plat shown hereon complies with the Maggie Valley subdivision regulations and is approved by the Planning Board for recording in the Haywood County Register of Deeds office.	

Date	Chairperson, Town of Maggie
Valley Planning Board	

(Ord. 407, passed 7-19-2005)

§ 151.43 RECORDING THE FINAL PLAT.

Within 60 days after the final plat has been approved, it shall have been recorded with the Register of Deeds of Haywood County. Should the 60-day time limit expire before the plat is recorded, it must be resubmitted in accordance with the provisions of this chapter. Upon adoption of this chapter, the Register of Deeds of Haywood County shall not thereafter file or record a plat of a subdivision located within the Town of Maggie Valley until the plat has been approved as provided herein. Without the approval, the filing or recording of a subdivision plat shall be void.

(Ord. 407, passed 7-19-2005)

§ 151.44 EFFECT OF PLAT APPROVAL ON DEDICATIONS.

The approval of a final plat shall not be deemed to constitute or effect the acceptance by the town of the dedication of any street, public utility line, or other public facility as shown on the plat. The Board of Aldermen shall pass a resolution in order to accept any dedications made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes.

(Ord. 407, passed 7-19-2005)

SUBDIVISION REQUIREMENTS

§ 151.55 CONFORMITY TO EXISTING MAPS OR PLANS.

The location and width of all proposed streets shall be in conformity with official plans and maps of the Town of Maggie Valley. Where any portion of a subdivision lies within the proposed right-of-way of any major street or road shown on an officially adopted thoroughfare plan of any part of the town, the street shall be dedicated in the location and width shown on the official plan, provided that no dedication shall be required where right of access from abutting property is denied.

(Ord. 407, passed 7-19-2005) [Penalty, see § 151.99](#)

§ 151.56 CONTINUATION OF ADJOINING STREET SYSTEM.

The proposed street layout shall be coordinated with the street system of the surrounding area. Where possible, existing principle streets shall be extended.

(Ord. 407, passed 7-19-2005) [Penalty, see § 151.99](#)

§ 151.57 ACCESS TO ADJACENT PROPERTIES.

Where, in the opinion of the Planning Board, it is desirable to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of the property and a temporary turn around shall be provided. Streets shall be designed or walkways dedicated to assure convenient access to adjacent parks, playgrounds, schools and other public places. Dedicated walkways shall not be less than 10 feet wide.

(Ord. 407, passed 7-19-2005) [Penalty, see § 151.99](#)

§ 151.58 LARGE TRACTS OR PARCELS.

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

(Ord. 407, passed 7-19-2005) [Penalty, see § 151.99](#)

§ 151.59 ALLEYS.

Twenty-foot alleys shall be provided to the rear of all lots used for other than residential purposes. All dead-end alleys shall be provided with a turn around.

(Ord. 407, passed 7-19-2005) [Penalty, see § 151.99](#)

§ 151.60 STREET NAMES.

Proposed street names, which are obviously in alignment with existing streets, shall bear the assigned name of the existing streets. In no case shall the name of the proposed streets duplicate or be phonetically similar to existing street names, irrespective of the use of the suffix; street, avenue, boulevard, drive, place, court, and the like. Haywood County 911 Addressing must approve all street names prior to final plat approval.

(Ord. 407, passed 7-19-2005) [Penalty, see § 151.99](#)

§ 151.61 SURVEYING AND PLACEMENT OF MONUMENTS.

The *Manual of Practice for Land Surveying*, as adopted by the North Carolina Board of Registration for Professional Engineers and Land Surveyors, under provisions of G.S. Chapter 89, shall apply when conducting surveys.

(Ord. 407, passed 7-19-2005)

§ 151.62 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 town as a whole.

(Ord. 407, passed 7-19-2005) [Penalty, see § 151.99](#)

§ 151.63 SURFACE WATER RUNOFF.

(A) Any property owner, individual, business, or corporation grading lands or making improvements within the town limits of Maggie Valley, North Carolina, will be required to submit information prepared by a registered engineer or a registered land surveyor sufficient for the town to adequately review the existing and proposed drainage for the project.

(B) This information must include a plat of the property showing a metes and bounds survey, existing and proposed sub-surface drainage facilities, estimated increased surface drainage following project completion and plans for transfer and disposal of the additional drainage resulting from the development. No building permit will be issue until this information has been submitted, analyzed, and the town is confident that the drainage will not result in damage to adjacent properties or violate North Carolina General Statutes that prohibit illegal transfer of water from 1 drainage area onto another.

(C) The purpose of this chapter is to protect the property owners within the town limits from unplanned construction, inexperienced developers, and others that are not aware of the shallow water table throughout the town and the increasing difficulties in protecting property rights and our existing drainage facilities.

(D) This chapter does not relieve the applicant of their responsibility to obtain additional permits as required under the Sedimentation Pollution Control Act of 1973, G.S. Chapter 113A, Article 4.

(Ord. 407, passed 7-19-2005) [Penalty, see § 151.99](#)

IMPROVEMENTS REQUIRED AND MINIMUM STANDARDS OF DESIGN

§ 151.75 SUITABILITY OF LAND.

Where land to be subdivided is found by the Planning Board and professional analysis/documentation to be subject to the conditions of flooding, improper drainage, severe erosion, slides, or to have other characteristics which pose an ascertainable danger to health, safety or property, the subdivider shall take measures necessary to correct the conditions and to eliminate the dangers.

(Ord. 407, passed 7-19-2005) [Penalty, see § 151.99](#)

§ 151.76 STREETS AND ROADS.

(A) All lots to be platted shall have access to a street, and all proposed streets shall be installed or financially guaranteed as provided in § [151.41](#)(B), and in accordance with the requirements below, prior to final plat approval.

(B) Within any subdivision, no private drive, as defined in this chapter, shall be allowed to provide access to more than 3 lots provided a cul-de-sac or a modified “Y” or “T” exists at the terminus of the public road. If using a “Y” or “T,” 1 extension extending at least 25 feet and the other extending a minimum of 50 feet and a maximum of 100 feet which will allow a vehicle with a wheel base of at least 25 feet to complete a turning movement with a maximum of 1 backing movement, shall be permitted. The Planning and Development Director and Planning Board must approve the use of private drives.

(C) All streets both public and private shall meet the minimum design and construction standards of the Town of Maggie Valley subdivision road standards. The town may by resolution, in accordance with § [151.44](#), accept streets for ownership and maintenance. All streets must be paved prior to dedication. All roads not yet accepted by the town shall be maintained in such a manner as to be safe and passable at all times. If requested by the developer and at the option of the Board of Aldermen, streets may be accepted by the town for ownership and maintenance in stages as planned by the developer in order to save undue expense to the developer as well as the town. Private streets are allowed but a disclosure statement must be included on the plat so that the buyer is aware that the property owners are responsible for the road maintenance and not a public entity.

(Ord. 407, passed 7-19-2005) [Penalty, see § 151.99](#)

§ 151.77 WATER AND SEWER 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. Where feasible, connections shall be made to the water system owned by the Maggie Valley Sanitary District and the sewer system operated by the Town of Maggie Valley. The installation of all the systems except wells or septic tanks serving only 1 connection shall be required prior to final plat approval unless financially guaranteed according to § [151.41](#)(B). The systems may be owned and operated by a public or private entity. Any well or septic tank serving only 1 connection shall be approved by the Haywood County Health Department. For all new systems or expansion of existing systems serving 2 or more connections, approval shall be according to state statutes. The preliminary plat shall be accompanied by written assurance from the developer that plans for the new or expansion of existing systems have been approved by the appropriate state and/or local agencies. If the developer wishes to install the new or expand systems prior to final plat approval, then submission of the final plat shall be accompanied by

written approval of the installation of the systems by the appropriate state and/or local agencies. Prior to final plat approval, if the developer wishes to financially guarantee the installation of the systems, then submission of the final plat shall be accompanied by written approval of plans for the systems from appropriate state and/or local agencies.

(Ord. 407, passed 7-19-2005) [Penalty, see § 151.99](#)

§ 151.78 SEDIMENTATION CONTROL.

In order to prevent soil erosion and sedimentation pollution of streams, springs, flat water bodies, or other drainage networks, and when there are plans for a land disturbing activity of 1 acre or more, the subdivider shall show proof with the preliminary plat of an erosion and sedimentation control plan which has been approved by the state agency having jurisdiction in accordance with the North Carolina Administrative Code, Title 15, as adopted by the North Carolina Sedimentation Commission, 1-11-1978, as amended.

(Ord. 407, passed 7-19-2005)

§ 151.79 LOTS.

Minimum lot size shall comply with [Chapter 154](#). When calculating lot size, street right-of-way and other publicly dedicated areas shall not be included. Whenever the Haywood County Watershed Protection Ordinance requires larger lot sizes, the watershed requirements shall prevail.

(Ord. 407, passed 7-19-2005) [Penalty, see § 151.99](#)

§ 151.80 BUILDING SETBACK LINES.

Building setback lines shall be in accordance with [Chapter 154](#).

(Ord. 407, passed 7-19-2005) [Penalty, see § 151.99](#)

§ 151.99 PENALTY.

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

(Ord. 407, passed 7-19-2005)

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